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CR11-0248TUC DCB/CRP

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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Cristhian Gallegos-Arizmendi,
Alejandro Ruiz Escalante,
Jesus Francisco Lopez,

Defendants.

) INDICTMENT

) Violations:

18 USC §554(a)
18 USC §922(g)(5)(B)
18 USC §924(a)
18 USC §924(d)
28 USC §2461(c)

(Attempted Unlawful Export;
Possession of Ammunition by Non-
Immigrant Alien, Forfeiture)

THE GRAND JURY CHARGES:

COUNT 1

On or about December 28, 2010, at or near Tucson, in the District of Arizona, CRISTHIAN GALLEGOS-ARIZMENDI, ALEJANDRO RUIZ ESCALANTE, and JESUS FRANCISCO LOPEZ, did knowingly attempt to export and send from the United States any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States: to wit; CRISTHIAN GALLEGOS-ARIZMENDI and ALEJANDRO RUIZ ESCALANTE transported 4,000 rounds of .223 caliber ammunition, 2,000 rounds of

1 7.62x39 mm ammunition, 1,000 rounds of 9 mm ammunition, 1,000 rounds of .38 Super
2 ammunition, 500 rounds of .45 auto ammunition, and 500 rounds of .40 caliber S&W
3 ammunition; and JESUS FRANCISCO LOPEZ bought, received, and facilitated the
4 transportation and concealment of said ammunition, knowing said ammunition to be
5 intended for exportation; in violation of Title 18, United States Code, Section 554(a).

6 **COUNT 2**

7 On or about December 28, 2010, at or near Tucson, in the District of Arizona,
8 CRISTHIAN GALLEGOS-ARIZMENDI, an alien who present in the United States
9 pursuant to a non-immigrant visa, did knowingly possess ammunition, that is; 4,000 rounds
10 of .223 caliber ammunition, 2,000 rounds of 7.62x39 mm ammunition, 1,000 rounds of 9
11 mm ammunition, 1,000 rounds of .38 Super ammunition, 500 rounds of .45 auto
12 ammunition, and 500 rounds of .40 caliber S&W ammunition; said ammunition being in
13 and affecting commerce in that it was previously transported into the state of Arizona from
14 another state or foreign country; in violation of Title 18, United States Code, Sections
15 922(g)(5)(B) and 924(a)(2).

16 **COUNT 3**

17 On or about December 28, 2010, at or near Tucson, in the District of Arizona,
18 ALEJANDRO RUIZ ESCALANTE, an alien who present in the United States pursuant to
19 a non-immigrant visa, did knowingly possess ammunition, that is; 4,000 rounds of .223
20 caliber ammunition, 2,000 rounds of 7.62x39 mm ammunition, 1,000 rounds of 9 mm
21 ammunition, 1,000 rounds of .38 Super ammunition, 500 rounds of .45 auto ammunition,
22 and 500 rounds of .40 caliber S&W ammunition; said ammunition being in and affecting
23 commerce in that it was previously transported into the state of Arizona from another state
24 or foreign country; in violation of Title 18, United States Code, Sections 922(g)(5)(B) and
25 924(a)(2).

26
United States v. **Cristhian Gallegos-Arizmendi**, et al, Indictment page 2

FORFEITURE ALLEGATION

Upon conviction of the offense alleged in this Indictment, the defendants, CRISTHIAN GALLEGOS-ARIZMENDI, ALEJANDRO RUIZ ESCALANTE, and JESUS FRANCISCO LOPEZ, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offenses, including, but not limited to: 4,000 rounds of .223 caliber ammunition, 2,000 rounds of 7.62x39 mm ammunition, 1,000 rounds of 9 mm ammunition, 1,000 rounds of .38 Super ammunition, 500 rounds of .45 auto ammunition, and 500 rounds of .40 caliber S&W ammunition;

If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property, including, but not limited to, all property, both real and personal, owned by the defendants.

United States v. Cristhian Gallegos-Arizmendi, et al, Indictment page 3

1 All pursuant to 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c) and Rule 32.2.(a), Federal
2 Rules of Criminal Procedure.

3 A TRUE BILL
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JAN 19 2011

Angelita W. Davis
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United States v. Cristhian Gallegos-Arizmendi, et al, Indictment page 4