

UNITED STATES DISTRICT COURT

MAR 10 2008

DC

SOUTHERN

DISTRICT OF

TEXAS

Michael N. Milby, Clerk
Laredo Division

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Jesus Argandona
[REDACTED]

Case Number: 5:08-mj-462

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about January 12, 2008 in Laredo, Webb County, in the Southern District of Texas defendant(s) did,

(Track Statutory Language of Offense)

Fraudulently and knowingly attempted to smuggle from the United States to Mexico five containers comprised of blank compact disks manufactured in China by paying other people to circumvent United States customs laws and regulations.

in violation of Title 18 United States Code, Section(s) 554.

I further state that I am a(n) Special Agent, U.S. ICE and that this complaint is based on the following facts:

Official Title

following facts:

SEE ATTACHMENT A

Continued on the attached sheet and made a part of this complaint: Yes No

[Signature]
Signature of Complainant

Jesus T. Rodriguez, SA, ICE

Printed Name of Complainant

Sworn to before me and signed in my presence,

March 10, 2008

Date

At Laredo, Texas

City and State

Diana Saldana, United States Magistrate Judge

Name and Title of Judicial Officer

[Signature]

Signature of Judicial Officer

ATTACHMENT "A"

On January 12, 2008, special agents from the Office of the Deputy Special Agent in Charge, Laredo (DSAC/LD) detained two (2) in-bond shipments comprised of Chinese-made blank compact disks inside five (5) containers from a warehouse in Laredo, Texas. This occurred after two fraudulent Customs Form (CF) Immediate Exportation (I.E.) 7512 documents had been presented at a Foreign Trade Zone warehouse in Laredo. An interview of the warehouse manager, David ROSAS revealed that the owner of the warehouse was Jessie THOMAS-Doria. ROSAS admitted to the agents that said shipments were subsequently going to be illegally smuggled into Mexico by THOMAS. On the same date, DSAC/LD agents contacted THOMAS via cellular telephone and explained to him why said shipments were detained. THOMAS stated that he would cooperate with the investigation and acknowledged that the shipments were going to be moved into Mexico.

On January 22, 2008, THOMAS and his attorney Emilio Davila met with DSAC/LD agents and Assistant United States Attorney (AUSA) Sam Sheldon to discuss this case.

On or about February 27, 2008, THOMAS signed a plea agreement with the government, in which THOMAS agreed to plead guilty by way of a Criminal Information to one (1) count of smuggling in-bond merchandise from the United States by fraudulent means; a violation of 18 USC 554 (it is anticipated that the Criminal Information and plea agreement will be presented to the Court in April 2008).

On February 29, 2008, THOMAS was de-briefed by DSAC/LD agents at the AUSA'S office. Present during the de-briefing was THOMAS, attorney Emilio Davila, AUSA Sam Sheldon, and Special Agents (SA) Adrian Flores and SA Jesus Rodriguez.

THOMAS stated that the owner of the compact disks was an individual from Mexico City, Mexico named Jesus ARGANDONA aka Jesus PENILLA. THOMAS stated that ARGANDONA purchased said shipments in October or November 2007, from PRINCO, a company based in the Republic of Panama. THOMAS stated that ARGANDONA paid PRINCO six-hundred thousand dollars (\$600,000.00) for the five (5) containers comprised of blank compact disks that were located at Transmaritime, a container logistics company in Laredo. THOMAS stated that ARGANDONA told him to contact a customs broker to file the customs documents to obtain the release of the 5 containers.

At the request of ARGANDONA, THOMAS stated that he contacted Rafael MORALES, a licensed U.S. Customs House Broker in Laredo. On several prior occasions, MORALES illegally and fraudulently helped ARGANDONA smuggle goods into Mexico. THOMAS stated that MORALES told him that he would file

the in-bond documents to obtain the release of the 5 containers, and charge ARGANDONA four-thousand dollars (\$4,000.00) per container.

THOMAS stated that MORALES had a contact that worked for U.S. Customs that would illegally and fraudulently assist him (MORALES) in getting the in-bond documents cancelled. THOMAS stated that ARGANDONA and he had discussed the fact that MORALES was using fraudulent and illegal means to have the containers released. Additionally, THOMAS stated that ARGANDONA and he had discussed the fact that after the containers were released, he (THOMAS) would then smuggle the containers into Mexico.

THOMAS stated that during the past four years, he has smuggled between three-hundred fifty (350) and four-hundred (400) trailers containing blank compact disks and other electronics into Mexico from the United States for ARGANDONA. To substantiate this assertion, THOMAS provided copies of invoices and shipping documents in which the alias name of ARGANDONA (Jesus PENILLA) is written on said documents identifying him as the purchaser and/or owner of the merchandise. THOMAS stated that ARGANDONA paid him between thirty-five thousand dollars (\$35,000.00) and forty-two thousand dollars (\$42,000.00) per trailer for said trailer to be delivered to ARGANDONA in Mexico City, Mexico. THOMAS stated that from the money, he would pay-off Mexican law enforcement officials along the way to Mexico City, and that his profit would be approximately \$3,000.00 per trailer.

On January 22, 2008, MORALES was debriefed by DSAC/LD agents at the U.S. Courthouse. Present during the de-briefing was MORALES, defense attorney David Almaraz, AUSA Sam Sheldon, and Special Agents (SA) Adrian Flores and SA Jesus Rodriguez. MORALES stated that on January 12th he knew that he was coordinating the illegal and fraudulent shipment of compact disks into Mexico that were owned by ARGANDONA. His knowledge was based on his conversations with THOMAS. Additionally, MORALES stated that on several prior occasions ARGANDONA hired him directly to coordinate the illegal and fraudulent smuggling of goods into Mexico.