

AO (Rev. 5/85) Criminal Complaint

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

vs.

CASE NUMBER: 6:12-mj-1204

FIDEL IGNACIO CISNEROS

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about April 1, 2010, in Orange County, in the Middle District of Florida, defendant did,

Knowingly and Willfully Violate the Arms Export Control Act in violation of Title 22, United States Code, Section 2778(c). I further state that I am a Special Agent with Homeland Security Investigations, and that this Complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof:  Yes  No

  
\_\_\_\_\_  
Signature of Complainant  
Mickey R. Miller, Special Agent

Sworn to before me and subscribed in my presence,

April 27, 2012 \_\_\_\_\_

at

Orlando, Florida \_\_\_\_\_

The Honorable David A. Baker  
United States Magistrate Judge  
\_\_\_\_\_  
Name & Title of Judicial Officer

  
\_\_\_\_\_  
Signature of Judicial Officer

2012 APR 27 11:10:34  
FILED  
U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO, FLORIDA

State of Florida

Case No. 6:12-mj-1204

County of Orange

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Mickey R. Miller, being duly sworn, states as follows:

1. I am employed as a Special Agent with Homeland Security Investigations (HSI), which is an agency of the United States Department of Homeland Security, and am currently assigned to the Orlando office. I have been a Special Agent since July 2006. During this time, I have conducted and assisted with local and nationwide investigations related to the import and export of sensitive technology. I have received specialized training in the enforcement of laws relating to the import and export of sensitive technology from the Federal Law Enforcement Training Center in Brunswick, Georgia, as well as on the job training. Prior to becoming a HSI SA, I worked as a Customs and Border Protection Officer (CBPO) at Dulles International Airport in Dulles, Virginia. While working as a CBPO, I had the opportunity to inspect and regulate the importing and exporting of sensitive technology, so I am familiar with the applicable laws and regulations.

2. I submit this affidavit in support of a criminal complaint against **Fidel Ignacio Cisneros ("Cisneros")** for violating federal criminal laws, specifically, Title 22, United States Code, Section 2778(c), the Armed Export Control Act.

3. This affidavit is based on my personal observations and interviews with witnesses, as well as interviews conducted by other law enforcement officers. Because this affidavit is submitted for the limited purpose of establishing probable cause for a criminal complaint against **Cisneros**, it does not contain each and every fact known or learned during the course of the investigation.

**Applicable Law**

4. In furtherance of world peace and the security and foreign policy of the United States, the Arms Export Control Act ("AECA") (Title 22, United States Code, Section 2778) authorizes the President of the United States to control the export of "defense articles" by designating items on the United States Munitions List ("USML").

5. The AECA and its attendant regulations, the International Traffic in Arms Regulations ("ITAR") (Title 22, Code of Federal Regulations, Sections 120-130), requires a person to apply for and obtain an export license from the Department of State, Directorate of Defense Trade Controls ("DDTC"), before exporting arms, ammunition, or articles of war, which are all classified as defense articles, from the United States (Title 22, United States Code, Sections 2778(b)(2) and 2794(3), and 22 C.F.R. Section 120.1). The ITAR also prohibits the export or attempt to export from the United States of any defense article for which a license or written approval is required (22 C.F.R. Section 127.1).

6. In the application for an export license, the exporter is required to state, among other things, the nature of the armaments to be exported, the end recipient of the armaments, and the purpose for which the armaments are intended. These factors and others assist the DDTC in determining whether the export of the armaments would further the security and foreign policy interests of the United States or would otherwise affect world peace.

7. The defense articles which are subject to such licensing requirements are designated on the USML. Those designations are made by the Department of State with concurrence of the Department of Defense. Included on the USML are assorted classifications of conventional weapons, night vision equipment, and related devices. The

Acquired Tactical Illuminating Laser Aimer, Model No. ATILLA-200, also known as the AN PVS147B Atilla 200 Advanced Tactical Illuminating Laser Aimer, (Atilla 200 laser) was a covert infrared twin-laser aimer and illuminator that the United States military used on weapon systems to assist soldiers in combat missions. The Atilla 200 laser is a defense article within USML Category XII(b), and a license from the DDTC is required before it can be exported from the United States.

#### The Investigation

8. eBay, Inc. (eBay), is an American multi-national internet consumer-to-consumer corporation that manages eBay.com, an online auction and shopping website in which people and businesses buy and sell a broad variety of goods and services worldwide. PayPal is a global e-commerce business that allows payments and money transfers to be made through the Internet. Online money transfers serve as electronic alternatives to paying with traditional paper methods, such as checks and money orders. PayPal is a wholly-owned subsidiary of eBay.

9. In April 2010, HSI learned that an eBay user, "silentpro2010," tried to auction an Atilla 200 laser on eBay.com from March 28, 2010 through March 30, 2010. "silentpro2010" listed his location as Orlando, Florida. The listing noted, "Acquired Tactical Illuminating Laser Aimer," and "very rare!!! Impossible to find on the international market." Although the auction specifically stated that the item would only be shipped to someone in the United States, PayPal records showed that the item was shipped to Japan and the buyer transferred \$3,200 to "silentpro2010's" PayPal account from Japan.<sup>1</sup> eBay records

---

<sup>1</sup> Although the Atilla 200 laser was removed from eBay before the auction closed, PayPal records showed that the buyer paid the seller using "silentpro2010's" PayPal account.

also revealed that "silentpro2010" auctioned a PVS-14 PVS-7B PEQ AN/PEQ-14 night vision pointer illuminator, which was shipped to California; a Thuraya Hughes 7101 Satellite phone GSM+GPS, which was shipped to Kuwait; a Thuraya Satellite phone docker FDU 2500, which was shipped to California; and a PEQ/Atilla 200 rail mounted laser, which was shipped to Nevada; all in March 2010. Other items auctioned, but were not sold, included:

- A. Body armor, light weight bullet proof vest;
- B. Trijicon ACOG TA31RCO-M4CP 4x32 TA31 RCO [note, this is a military scope for a weapon];
- C. ACH Gentex Kevlar helmet;
- D. PVS-14 PVS-7B PEQ 14 night vision pointer illuminator; and
- E. Grip Pod systems rifle bipod GPS02 USGI

10. eBay and PayPal records confirmed that the account belonged to **Cisneros**, who provided eBay with email accounts FIDEL.CISNEROS0226@GMAIL.COM, BAGHDADDY17@YAHOO.COM, and FIDEL.CISNEROS@US.ARMY.MIL for contact. eBay made **Cisneros** remove the Atilla 200 laser auction and required **Cisneros** to complete forms stating that he would comply with all laws and eBay policies. In an affidavit that **Cisneros** provided to eBay, **Cisneros** stated:

I had an item on eBay that was removed from eBay for exceeding strength level for a laser. It is no [sic] longer listed. Same items have been sold and are currently still listed by other sellers so I didn't see it violating their policy; nevertheless; it's been removed and no longer for sale.

**Cisneros** told eBay that he was formerly in the military and used his eBay.com account to sell surplus equipment that he no longer needed.

11. Based on this information, I asked the Department of State Directorate of Defense Trade Controls (DDTC) to determine whether a license was needed to export the Atilla 200 laser. On November 8, 2010, the DDTC issued a pretrial certification that

determined the Atilla 200 laser, national stock number<sup>2</sup> 5855-01-488-6563, does require a license to be exported out of the United States, pursuant to the United States Munitions List (USML) and International Traffic in Arms Regulations (ITAR) Category XII(b).<sup>3</sup> According to the Defense Criminal Investigative Service, the Atilla 200 laser has a Demilitarization (DEMIL) D classification, which requires the “total destruction of item and components so as to preclude restoration or repair to a usable condition by melting, cutting, tearing, scratching, crushing, breaking, punching, neutralizing, etc. (As an alternate, burial or deep water dumping may be used when coordinated with the [Department of Defense (DOD)] Demilitarization Program Office).”<sup>4</sup> In sum, the item may not be released to the public.

12. On April 27, 2010, HSI and Federal Bureau of Investigation agents in Las Vegas and a Las Vegas Metro Police Department detective interviewed a person with the initials G.P., who confirmed that he bought an Atilla 200 laser aimer on eBay, for \$1,500. Because several similar items were for sale on eBay, G.P. believed that he could legally buy these items without a license. G.P. voluntarily provided the laser aimer to agents.

---

<sup>2</sup> A National Stock Number (NSN) is a unique series of numbers applied to an item used in the military supply chain that is repeatedly procured, stocked, stored, issued, and used throughout the federal supply system. NSN's are used to identify and manage nearly every imaginable item from aircraft parts to light bulbs.

<sup>3</sup> 22 C.F.R. 121.1, Category XII(b) lists, “[l]asers specifically designed, modified or configured for military application including those used in military communication devices, target designators and range finders, target detection systems, and directed energy weapons.”

<sup>4</sup> The PVS-14 PVS-7B PEQ AN/PEQ-14 Night Vision Pointer Illuminator that Cisneros sold to a person in California also has a DEMIL D classification.

13. On June 25, 2010, pursuant to an official request from HSI, HSI agents in Tokyo and Kanagawa Prefectural Police (KPP) agents interviewed a person with the initials Y.I., who confirmed that he purchased the Atilla 200 laser from Cisneros. Once Y.I. learned that the Atilla 200 laser was stolen from the United States Army (USA), Y.I. agreed to provide the Atilla 200 laser to agents without compensation, which he did. HSI agents assigned to Japan shipped the Atilla 200 laser to me, which I received on or about August 12, 2010.

14. On August 30, 2010, HSI agents interviewed a person with the initials C.R. in Folsom, California. C.R. confirmed that he bought an AN/PVS-14 (night vision scope) from Cisneros over eBay. Five days earlier, C.R. tried to sell the scope and was arrested by the Solano County Sheriff's Office (SCSO) in Fairfield, California. C.R. told agents that he and his wife earn their income buying and selling items from eBay. In addition to the AN/PVS-14 night vision scope, C.R. also previously bought and sold an AN/PVS-7 scope. C.R. admitted to buying "grey area" items, including night vision technology and weapons that were almost illegal. SCSO deputies seized the AN/PVS-14 night scope and turned it over to the Bureau of Alcohol, Tobacco, Firearms & Explosives. On January 19, 2011, using the information on the item, the DDTC concluded that the AN/PVS-14 night vision scope was controlled under the USML, ITAR Category XII(b), and had previously been exported with a Department of State license. Although no information was available about the previous export, based on my training, experience, and this investigation, I believe the export was when the USA took it overseas for use in combat.

15. On January 16, 2011, **Cisneros** entered the United States at the Miami International Airport (MIA), where agents met him. **Cisneros** agreed to speak with me and other law enforcement officers assigned to MIA. **Cisneros** told me that he owned and operated the eBay account "silentpro2010;" took the Atilla 200 laser from a conex container while stationed in Iraq; sold the Atilla 200 laser to Y.I.; and that all of the military-related items listed on the eBay account were items that he had stolen from the USA while stationed in Iraq. **Cisneros** still had some items related to the Atilla 200 laser and more Atilla 200 lasers at his home in Washington, which he agreed to give to me. When asked about the ITAR restrictions, **Cisneros** claimed that he did not know anything about them. **Cisneros** was allowed to board his connecting flight to Washington.

16. On January 26, 2011, I interviewed **Cisneros** at his home in Washington. **Cisneros** signed a waiver of rights form and consent to search premises. **Cisneros** told me that he served as a platoon sergeant guarding non-combat convoys in Iraq, which required **Cisneros** and his troops to be combat-ready at all times. One day, while searching for protective gear, **Cisneros** came upon a conex container that contained three Atilla 200 lasers and a ACOG rifle scope, in addition to several other items. **Cisneros** obtained the PVS-14 PVS-7B PEQ 14 night vision pointer illuminator while in the field. After he finished his deployment and in violation of DOD orders, **Cisneros** brought all of these items with him back to Orlando and tried to sell them on eBay. **Cisneros** needed the money because he was paying two mortgages and was in the middle of his second divorce. During the interview, **Cisneros** provided me a copy of the United States Postal Service Customs Declaration and Dispatch Note (DDN), which **Cisneros** completed when he



exported the Atilla 200 laser from Orlando to Y.I. in Japan. On the DDN, Cisneros falsely claimed that the Atilla 200 laser was a “used camera lens (optic).” Cisneros claimed he completed the DDN according to the buyer’s instructions and not in an attempt to circumvent ITAR restrictions. Although Cisneros admitted that he knew it was probably wrong to sell the items and that civilians probably were not allowed to possess the items, Cisneros denied specifically knowing about ITAR.

17. On February 20, 2011, I reviewed emails from Cisneros’ Google email account, which included several email communications between Cisneros and Y.I., who is the Japanese national that bought the Atilla 200 laser from Cisneros, and other eBay members. In the following emails I redacted personal information, which is noted by “[ ]”:

- A. Y.I. sent Cisneros the following email on March 30, 2010, at 11:15:02 a.m.:

Sir,  
Sorry late,I alrady payment.  
Please check your paypal account.  
This  
is ITAR itme,If you ship,Please do not write AN PVS-14/7B or  
ATILLA-200.  
If you write invoice ex.car engine parts or car electronic  
parts (\$100-\$120)

My address  
[REDACTED]

Thank you very  
much.  
[Y.I.]

-franksjapan

- B. On March 30, 2010, at 11:19:05 a.m., eBay member "cu2ass" sent the following email to Cisneros:

Dear silentpro2010,

. . . . . and no shipping to germany - Right?! - Regards

-cu2ass

- C. Cisneros responded later that day at 12:13:06 p.m. via email to "cu2ass" with the following:

why not..tell me how and its done...R u criminally insane and shouldn't buy it? If not then why not..is there a law against it?  
Sent from my Verizon Wireless Blackberry

- D. Cisneros sent the following email to Y.I. on March 31, 2010, at 11:48:02 a.m.:

Do you know anyone else that wants to buy one of these?  
Sent from my Verizon Wireless Blackberry

- E. Cisneros sent the following email to Y.I. on April 1, 2010, at 1:34:17 p.m., which considered shipping the Atilla 200 laser to Y.I.:

Awesome...the phone number helps so they can call for delivery. Ill put that it is a gift if that is better...or just used auto parts like u asked.  
Sent from my Verizon Wireless Blackberry

- F. Y.I. replied to Cisneros at 2:04:16 p.m., as follows:

Sir,

I'll think gift.

Do you possible?

[Y.I.]

G. **Cisneros** responded at 2:06:17 p.m. with:

Gift works then. Ill ship tomorrow and email u the tracking number  
[Y.I.] Arigato!  
Sent from my Verizon Wireless Blackberry

H. On April 6, 2010, **Cisneros** sent he following email to Y.I. at 2:13:06 p.m.:

[Y.I.],

I see you got the item. how do you like it? I hope you are happy, the item is new and never been used nor abused, enjoy and let me know if I can help you again someday. I have more of them so if you know anyone else that can use one let me know. thanks again for the purchase, take care and enjoy!

silentpro2010

I. After Y.I. received the Atilla 200 laser, **Cisneros** sent the following email to Y.I on April 8, 2010, at 3:01:45 p.m.:

I have PEQ 14 for handgun, it does the same thing as the atilla and it has a visable red laser and flashlight. also for sale is a PVS 7B 3rd Gen NVG. also, I have another atilla for sale. the only problem is that paypal closed my account and i'd have to accept payment via bank transfer, sorry but I don't know any other way to sell it...unless we C.O.D. can do cash on delivery via the postal system?? I don't know, do you have any other suggestions?

PEQ 14 = \$2500

Atilla = \$3100

PVS 7B = \$5500

18. On March 21, 2011, I interviewed **Cisneros** over the telephone, and specifically asked him about the emails recovered from his gmail account. I pointed out that in one email Y.I. told **Cisneros** that the Atilla 200 laser was an "ITAR item," and instructed **Cisneros** to falsify the DDN to avoid inspection. **Cisneros** continued to deny that he knew what ITAR meant and told me that he had been completely honest during his

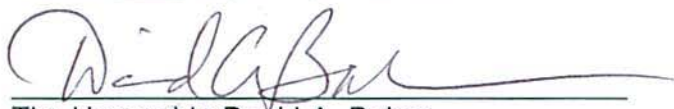
interviews.<sup>5</sup> **Cisneros** claimed that he simply complied with Y.I.'s instructions and falsified the DDN.

19. Based on the foregoing facts, there is probable cause to believe that **Cisneros** violated Title 22, United States Code, Section 2778(c), the Armed Export Control Act.

This concludes my affidavit.

  
Special Agent Mickey R. Miller  
Homeland Security Investigations

Subscribed to and sworn before  
me this 27<sup>th</sup> day of April, 2012.

  
The Honorable David A. Baker  
United States Magistrate Judge

---

<sup>5</sup> It should be noted that the instructions for the Atilla 200 laser, which were found in **Cisneros**' home with the other Atilla 200 lasers that **Cisneros** stole from the USA, noted that the Atilla 200 laser is an ITAR restricted item. The eBay.com listing for the Atilla 200 laser that **Cisneros** sold to Y.I. noted that it came with the instructions, but those instructions were not recovered from Y.I.