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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ernie Eugene GARZA,

Defendant.

Case No. 21MJ8072

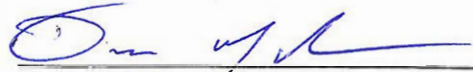
COMPLAINT FOR VIOLATION OF:

Title 18 U.S.C. § 922(g)(1)
Felon in Possession of Ammunition
(Felony)

The undersigned complainant being duly sworn states:

On or about October 26, 2020, within the Southern District of California, Ernie Eugene GARZA, knowing his status as a convicted felon, that is, a person having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess ammunition that traveled in and affected interstate commerce, to wit: 137 rounds of .308 caliber ammunition, 66 rounds of 12 gauge buckshot ammunition, 325 rounds of .22 caliber ammunition, 32 rounds of 7.62 x 39mm caliber ammunition, 7 rounds of .40 caliber ammunition, and 66 rounds of .223 caliber ammunition; in violation of Title 18, United States Code, Section 922(g)(1).

1 The complainant further states that this complaint is based on the attached Probable
2 Cause Statement incorporated herein by reference.

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4 
5 Special Agent David Madero
6 Homeland Security Investigations

7 Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
8 telephone on this 28 day of January, 2021.

9 
10 HON. RUTH BERMUDEZ MONTENEGRO
11 U. S. MAGISTRATE JUDGE
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1 UNITED STATES OF AMERICA

2 v.

3 Ernie Eugene GARZA

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5 **STATEMENT OF FACTS**

6 This Complaint and Statement of Facts is based on the reports, documents, and notes
7 furnished to Homeland Security Investigations Agent David Madero.

8 During the course of my duties, I have learned the following information from
9 having read the reports prepared by other law enforcement officers. The following does
10 not contain all of the information known to myself or other federal agents and state and
11 local officers regarding this investigation, but it does contain at least those facts believed
12 to be necessary to establish the requisite probable cause.

13 On October 26, 2020, at approximately 1:45 p.m., Customs and Border Protection
14 Officer (CBPO) Meza was assigned to pre-primary operations at vehicle lane 3 of the
15 Andrade, California Port of Entry. At approximately 1:55 p.m., CBPO Meza observed,
16 Eugenio Eugene GARZA riding northbound on a bicycle while in the southbound vehicle
17 lanes of the Andrade Port of Entry. CBPO Meza approached GARZA and instructed
18 GARZA to stop. Based on abovementioned circumstances, CBPO Meza believed GARZA
19 may have illegally entered into the United States and approached GARZA to investigate.
20 CBPO Richmond responded to assist CBPO Meza. CBPO Richmond advised CBPO Meza
21 he had observed GARZA travelling southbound shortly before CBPO Meza approached
22 GARZA riding northbound. CBPO Meza questioned GARZA regarding where he was
23 travelling to, and GARZA replied he was running late. CBPO Richmond noticed GARZA
24 was in possession of a backpack. CBPO Richmond searched the backpack and discovered
25 the backpack was filled with ammunition, various pistol magazines, and a rifle bump stock,
26 which allows a weapon to fire at nearly the rate of a fully automatic machine gun and has
27 been classified by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) as a
28 machinegun under federal law. GARZA was escorted to the secondary pedestrian office.

1 While performing inventory, CBPOs discovered GARZA was in possession of
 2 approximately 633 rounds of ammunition – specifically, 137 rounds of .308 caliber, 66
 3 rounds of 12 gauge buckshot, 325 rounds of .22 caliber, 32 rounds of 7.62 x 39mm caliber,
 4 7 rounds of .40 caliber, and 66 rounds of .223 caliber; 8 pistol magazines, and one rifle
 5 bump stock (machinegun). At approximately 4:30 p.m., HSI Special Agents arrived at the
 6 Andrade POE to continue to investigate the incident.

7 At approximately 6:00 p.m., HSI Special Agents advised GARZA of his Miranda
 8 rights. GARZA waived his rights and agreed to answer questions. GARZA admitted he
 9 was knowingly in possession of the ammunition and the other items discovered in his
 10 backpack. GARZA stated he was instructed to deliver the backpack to an unknown person
 11 in Algodones, Baja California, Mexico. GARZA stated that in-lieu of cash payment, he
 12 expected to receive illegal narcotics.

13 Preliminary records checks revealed the following relevant criminal history:

14 CONVICTION	15 COURT OF	16 CHARGE	17 TERM OF
18 DATE	19 CONVICTION	20	21 IMPRISONMENT
22 10/28/2011	23 Arizona 24 Superior Court - 25 Yuma	26 Transportation and/or 27 Sale of Dangerous Drugs 28 (Felony)	3.5 years prison

19 The ammunition was seized and inspected. Preliminary checks revealed that the
 20 ammunition was not manufactured in California. Therefore, the firearm traveled in, and/or
 21 affected interstate commerce to arrive in the state of California.

22 GARZA was placed under arrest, but due to resource constraints particularly in light
 23 of the COVID-19 pandemic, he was issued a Notice to Appear.