

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CARLOS E. GAMARRA-MURILLO

CASE NO. 8:04-CR-

22 U.S.C. §§ 2778(a), (b)(1)(A)(ii)(I)
through (III), and (c)

18 U.S.C. §§ 2, 924(c)(1)(A) & (n) and
2339B(a)(1)

21 U.S.C. §§ 846 and 841(b)(1)(A)(ii)(II)

22 C.F.R. §§ 121.1, 123.1, 127.1,
127.3, 129.1, 129.2, and 129.3

Forfeitures 18 U.S.C. §§ 924(d)(1) and
981(a)(1)(C)

28 U.S.C. § 2461(c)

INDICTMENT

The Grand Jury charges:

COUNT ONE

From on or about March 1, 2003, through on or about April 1, 2004, at Tampa, Hillsborough County, in the Middle District of Florida, and elsewhere,

CARLOS E. GAMARRA-MURILLO,

defendant herein, did knowingly attempt to provide material support and resources, to wit: weapons, including 60 M-60 machine guns, 60 multiple grenade launchers, 600 M-16A1 assault rifles, 600 Galil 7.62mm assault rifles, 100 Galil 5.56mm assault rifles, 500 AK-47 assault rifles, 150 Baretta 9mm handguns, 2000 40mm grenades, and 2000 60mm grenades, to a foreign terrorist organization, to wit: FARC (Fuerzas Armadas Revolucionarias de Colombia).

In violation of Title 18, United States Code, Sections 2339B(a)(1) and 2.

COUNT TWO

From on or about March 11, 2003, through on or about April 1, 2004, at Tampa, Hillsborough County, in the Middle District of Florida, and elsewhere,

CARLOS E. GAMARRA-MURILLO,

defendant herein, did knowingly and willfully attempt to export from the United States defense articles and foreign defense articles designated on the United States Munitions List, to wit: 60 M-60 machine guns, 60 multiple grenade launchers, 600 M-16A1 assault rifles, 600 Galil 7.62mm assault rifles, 100 Galil 5.56mm assault rifles, 500 AK-47 assault rifles, 150 Baretta 9mm handguns, 2000 40mm grenades, and 2000 60mm grenades, of a total value of \$3,996,000.00, for which a license and written approval from the United States Department of State Directorate of Defense Trade Controls is required without first obtaining the same.

In violation of Title 22, United States Code, Sections 2778(a), (b)(1)(A)(ii)(I) through (III), and (c), Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1(a)(1), 127.3, 129.1, 129.2, and 129.3, and Title 18, United States Code, Section 2.

COUNT THREE

From on or about March 11, 2003, through on or about April 1, 2004, at Tampa, Hillsborough County, in the Middle District of Florida, and elsewhere,

CARLOS E. GAMARRA-MURILLO,

defendant herein, did knowingly and willfully engage in the business of brokering activities with respect to the export of defense articles and foreign defense articles designated on the United States Munitions List, to wit: 60 M-60 machine guns, 60 multiple grenade launchers, 600 M-16A1 assault rifles, 600 Galil 7.62mm

assault rifles, 100 Galil 56mm assault rifles, 500 AK-47 assault rifles, 50 Baretta 9mm handguns, 2000 40mm grenades, and 2000 60mm grenades, of total value of \$3 996 000.00, without first having registered with and obtained license from the United States Department of State Directorate of Defense Trade Controls.

In violation of Title 22 United States Code, Sections 2778(a)(1)(A)(ii)(I) through (C) and (c) Title 22, Code of Federal Regulations, Sections 121.123, 127.127.3, 29.29.2, and 29.3 and Title 1 United States Code, Section

COUNT FOUR

From or about March 11 2003, through on or about April 2004 at Tampa Hillsborough County in the Middle District of Florida, and elsewhere,

CARLOS E. GAMARRA-MURILLO

defendant herein, did knowingly and willfully conspire and agree with other persons, both known and unknown to the Grand Jury to distribute kilograms or more of mixture or substance containing detectable amount of cocaine Schedule controlled substance, contrary to the provisions of Title 1 United States Code, Section 841(a)(1).

In violation of Title 1 United States Code, Sections 846 and 841(b)(1)(A)(ii)(II).

COUNT FIVE

From or about March 1 2003 through or about April 1 2004 at Tampa, Hillsborough County in the Middle District of Florida and elsewhere

CARLOS E. GAMARRA-MURILLO

defendant herein, did knowingly and willfully attempt to distribute kilograms or more of mixture or substance containing a detectable amount of cocaine. Schedule

controlled substance, contrary to the provisions of Title 21 United States Code, Section 841(a)().

In violation of Title 21 United States Code, Sections 846 and 841(b)(1)(A)(ii)(II), and Title 18, United States Code Section 2.

COUNT SIX

From on or about March 11 2003 through on about April 1 2004 at Tampa, Hillsborough County, in the Middle District of Florida, and elsewhere,

CARLOS GAMARRA-MURILLO

defendant herein did knowingly and willfully conspire and agree with other persons, both known and unknown to the Grand Jury to possess firearms to wit: machine guns and destructive devices in furtherance of crime of violence and drug trafficking crimes for which he may be prosecuted in court of the United States, namely the offenses of attempting to provide material support to foreign terrorist organization conspiracy to distribute cocaine, and attempted distribution of cocaine, as charged in Counts One, Four and Five of this Indictment

violation of Title 18, United States Code, Sections 924()(1)(A) and

FORFEITURES

The allegations contained in Counts One through Six of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 8 United States Code, Sections 924(d)(1) and 981(a)(1)(C), Title 28 United States Code, Section 2461(c), and Title 21, United States Code, Section 853.

From his engagement in any all of the violations alleged in Counts One through Three of this Indictment the defendant, CARLOS E. GAMARRA-MURILLO, shall forfeit to the United States, pursuant to Title 8, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all of the defendant's right, title and interest in any property real and personal constituting and derived from proceeds traceable to such offenses.

From his engagement in any or all of the violations alleged in Counts One through Three and Six of this indictment the defendant, CARLOS E. GAMARRA-MURILLO, shall forfeit to the United States, pursuant to Title 8, United States Code, Section 924(d) and Title 28 United States Code, Section 2461(c) all of his right, title and interest in any firearm or ammunition involved in or used in a knowing violation of Title 8, United States Code, Sections 924 and 2339B and Title 22, United States Code, Sections 778(b) and (c).

3. From his engagement in any or all of the violations alleged in Counts Four and Five of this indictment, punishable by imprisonment for more than one year the defendant, CARLOS E. GAMARRA-MURILLO shall forfeit to the United States of America, pursuant to Title 21 United States Code, Section 853(a)(1) and (2), all of his

interest in:

- a. Property constituting or derived from any proceeds the defendant obtained, directly or indirectly as a result of such violations
- b. Property used, or intended to be used in any manner or part, to commit, or to facilitate the commission of such violations

4. Such forfeiture shall include all property real or personal tangible or intangible, including any interest in said property of the defendant, specifically, \$91,900 which was seized at the time of defendant's arrest.

5. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred, sold to, deposited with, or 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 18 U. C. 853(p) as incorporated by 28 U. C. 46 (c) to seek forfeiture of any other property of said defendant to the value of the forfeitable property

SENTENCING ALLEGATIONS

With respect to Count One of the indictment, the offense is a felony that involved the federal crime of terrorism

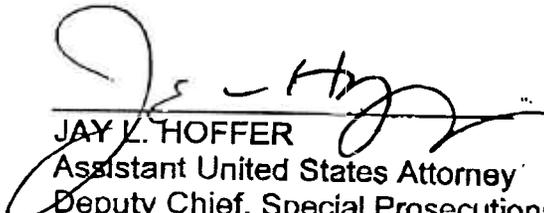
With respect to Counts Four and Five of the Indictment, the quantity of cocaine is approximately 2,000 kilograms.

A TRUE BILL,

FOREPERSON

PAUL I. PEREZ
United States Attorney

By: 
DONALD L. HANSEN
Assistant United States Attorney


JAY L. HOFFER
Assistant United States Attorney
Deputy Chief, Special Prosecutions Section