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FILED
U.S. DISTRICT COURT
2007 OCT -4 P 4:16
DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	
	:	<u>FELONY INFORMATION</u>
Plaintiff,	:	
	:	22 U.S.C. § 2278(b)(2) & (c); 22
v.	:	C.F.R. §§ 127.1(a)(1) and 127.3
	:	[Attempt to Export Defense Articles]
ABRAHAM TRUJILLO & DAVID	:	
WAYE,	:	Case: 2:07cr00714
	:	Assigned To : Benson, Dee
Defendants.	:	Assign. Date : 10/4/2007
	:	Description: USA v. Trujillo et al

BACKGROUND

The Arms Export Control Act authorizes the President of the United States to control the import and export of defense articles and services in furtherance of world peace, security and foreign policy of the United States. It authorizes the Secretary of State to make decisions as to whether license applications or other written requests for the import or export of defense articles and services should be approved. See 61 FR 48831, dated September 17, 1996.

The Arms Export Control Act, Title 22, United States Code, Section 2778, and the International Traffic in Arms Regulations (the ITAR), Title 22, Code of

Federal Regulations, Part 120, authorize the United States Department of State's Directorate of Defense Trade Controls ("the DDTC") to establish the United States Munitions List ("the Munitions List") to regulate the import and export of defense articles and services.

The Munitions List, Part 121, is a catalog of designated "defense articles" which are subject to certain export and import restrictions. Persons who intend to export, or import temporarily, defense articles on the Munitions List from or into the United States is first required to obtain a license from the DDTC.

Category VIII of the Munitions List governs Aircraft and Associated Equipment. Category VIII identifies items such as aircraft used for military purposes, military aircraft engines, launching and recovery equipment specifically designed or modified for military use, and component parts and associated equipment specifically designed or modified for the military articles named elsewhere in Category VIII, and other items with military application.

COUNT 1

22 U.S.C. §§ 2778(b)(2) and (c) & 22 C.F.R. §§ 127.1(a)(1) and 127.3
(Attempt to Export a Defense Article without a License)

On or about November 8, 2006, in the Northern Division of the District of Utah,

ABRAHAM TRUJILLO & DAVID WAYE

defendants herein, did knowingly and willfully attempt to export from the United States of America to Canada defense articles, to wit:

Four (4) cable assemblies (P/N A51A127509-26) for use on an F-14 aircraft;

Three (3) panels (P/N 510R571H01) for use on an F-4 aircraft; and
Three (3) cable assemblies (P/N 507R209G01) for use on an F-4 aircraft;
which are designated as defense articles, without having first obtained from the
Department of State a license for such export or written authorization for such
export, and committed overt acts that were substantial steps toward committing the
offense, including:

- a. On or about August 23, 2006, receiving a "Request for Quote" (RFQ) for three cable assemblies (P/N A51A12750-26) utilized on the F-14 fighter aircraft, five tubes (P/N 404T77G01) for use on the General Electric T34 engine, three cable assemblies (P/N 507R209G01) for use on the F-4 aircraft, three panels (P/N 510R571H01) for use on the F-4 aircraft, and two cable assemblies (P/N 1684428) and (P/N 6181354) whose end use were not specifically identified.
- b. On or about September 6, 2006, sending an offer sheet quoting the total price for such parts as \$17,735.00.
- c. On or about September 19, 2006, receiving four purchase orders for three cable assemblies (P/N A51A12750-26) for use on the F-14, three cable assemblies (P/N 507R209G01) for use on the F-4, three panels (P/N 510R571H01) for use on the F-4, and five tubes (P/N 404T77G01) for use on the T34 military engine. Each purchase order was for approximately \$4,000.00 and the total cost of all four purchase orders was \$16,060.00.
- d. On or about September 22, 2006, receiving \$16,410.00 for the above-described aircraft parts for use on the F-14 and F-4 fighter aircrafts.
- e. On or about November 8, 2006, shipping four cables (P/N A51A12750-26), three panels (P/N 510R571H01), and three cables (P/N 507R209G01).

All in violation of Title 22, United States Code, Section 2778(b)(2) and 2778(c), and
Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1.

COUNT 2

22 U.S.C. §§ 2778(b)(2) and (c) & 22 C.F.R. §§ 127.1(a)(1) and 127.3
(Attempt to Export a Defense Article without a License)

On or about January 31, 2007, in the Northern Division of the District of Utah,

ABRAHAM TRUJILLO & DAVID WAYE

defendants herein, did knowingly and willfully attempt to export from the United States of America to Canada defense articles, to wit:

Three (3) wiring harnesses (P/N A51A12731) for use on an F-14 aircraft; which are designated as a defense articles, without having first obtained from the Department of State a license for such export or written authorization for such export, and committed overt acts that were substantial steps toward committing the offense, including:

- a. On or about November 16, 2006, sending a two-page offer quoting prices for 43 parts listed on an attached list, including wiring harnesses, and describing the availability of 24 of the 43 parts listed.
- b. On or about December 5, 2006, receiving a purchase order for three F-14 fighter branched wiring harnesses (P/N A51A12731) at \$5,125.00 each and three F-14 fighter impeller assemblies (P/N 571617-1) at \$8,100.00 each. The total price listed on the purchase order was \$39,675.00.
- c. On or about December 19, 2006, receiving \$39,675 in cash in Las Vegas, Nevada, as payment for the six F-14 aircraft parts described above.
- d. On or about January 31, 2007, repackaging the parts described above because they looked "very military," placing them in a clear plastic bag, assigning them commercial part numbers, and preparing an invoice dramatically undervaluing the parts by declaring a total value of \$600 in an effort to avoid any detection.
- e. On or about January 31, 2007, shipping the original packaging for the three wiring harnesses.

All in violation of Title 22, United States Code, Section 2778(b)(2) and 2778(c), and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1.

COUNT 3

22 U.S.C. §§2778(b)(2) and (c) & 22 C.F.R. §§ 127.1(a)(1) and 127.3
(Attempt to Export a Defense Article without a License)

On or about February 26, 2007, in the Northern Division of the District of Utah,

ABRAHAM TRUJILLO & DAVID WAYE

defendants herein, did knowingly and willfully attempt to export from the United States of America to Canada defense articles, to wit:

Ten (10) impeller compressors (P/N 202754) for use on an F-4 aircraft; which are designated as defense articles, without having first obtained from the Department of State a license for such export or written authorization for such export, and committed overt acts that were substantial steps toward committing the offense, including:

- a. On or about February 26, 2007, after having received a request for purchase of 10 impeller compressors, explaining to the receiving company that "it's very obvious military packaging... so I'm going to have to convert it into commercial... and so I'm going to have to take them out of the boxes and all that kind of stuff."
- b. On or about February 26, 2007, removing the impellers from their original packaging and for shipment to the receiving company in an effort to avoid detection.
- c. On or about February 26, 2007, preparing a false invoice describing the parts as "gear sprockets" and undervaluing the parts.

d. On or about February 26, 2007, shipping the 10 impeller compressors to the receiving company.

e. On or about February 27, 2007, shipping the original packaging for the ten impellers to the receiving company.

All in violation of Title 22, United States Code, Section 2778(b)(2) and 2778(c), and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1.

NOTICE OF INTENT TO SEEK FORFEITURE

Upon conviction of one or more of the offenses alleged in Counts 1 through 3 of this Information, which are punishable by imprisonment by more than one year, the above-named defendants shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) any and all property, real and personal, constituting proceeds deriving from violations of 22 U.S.C. § 2278(b)(2) & (c) and 22 C.F.R. §§ 127.1(a)(1) and 127.3.

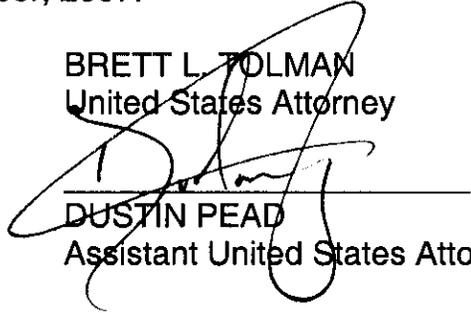
If any of the above-described forfeitable property, as a result of any act or omission of the defendants,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 28 U.S.C. § 2461(c) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above-forfeitable property.

DATED this 4th day of October, 2007.

BRETT L. TOLMAN
United States Attorney



DUSTIN PEAD
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