

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO.: 4:08CV23
	§	
FIREARMS FROM VARIOUS	§	
MANUFACTURES; AND	§	
VARIOUS ROUNDS OF AMMUNITION	§	
<i>Defendants.</i>	§	

COMPLAINT FOR FORFEITURE IN REM

COMES NOW, the United States of America, Plaintiff in the above styled cause, by and through the United States Attorney for the Eastern District of Texas, and Assistant United States Attorney, Michael W. Lockhart, in a civil cause of forfeiture, who alleges upon information and belief:

1. That this is a civil action *in rem* brought to enforce the provisions of 21 U.S.C. § 881(a)(6), 21 U.S.C. § 881(a)(11), and 18 U.S.C. § 924(d)(1).
2. That this Court has jurisdiction in this matter pursuant to 28 U.S.C. §§ 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).
3. That this Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. 1355(b) and 28 U.S.C. 1355(d).
4. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1) and 28 U.S.C. § 1395.

5. That the Defendants are: firearms from various manufacturers and various rounds of ammunition more particularly described in "Exhibit A".

6. That the aforementioned Defendants will remain within the custody and control of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Eastern District of Texas during the pendency of this action.

7. In August 2007, Garland Police received information that a marijuana grow was located off Highway 205 near Rockwall, Texas. A fly-over confirmed the information, and a search warrant was obtained for the property and home of the suspected grower, Jason Mineo.

On August 22, 2007, officers went to a residence located at 214 Windy Lane, Rockwall, Texas. While outside the residence, the officers noticed some marijuana and drug paraphernalia in a truck in the driveway.

Jason Mineo stated that the marijuana grows were his. At the residence and grow sites, officers located 136 firearms and 221,000 rounds of ammunition. Officers also seized over \$5,946.00 in U.S. currency. Jason Mineo admitted that some of the money represented marijuana proceeds. Jason Mineo further stated that weapons left at the grow sites were left there to shoot wild pigs.

When asked about his personal marijuana use, Jason Mineo stated that he has used marijuana since High School, and that he uses marijuana every night before bedtime. Jason Mineo has no known source of income, other than marijuana sales and some part-time work he does for his grandfather. A warrant executed at Community Bank in Rockwall, Texas, provided banking records that indicated that Jason Mineo and his grandfather, Ron Weibelt, had purchased \$193,000 in cashiers checks between May and September 2007. Cash was used to

purchase the checks on each occasion. Many of the checks were payable to credit card companies or firearm dealers. The confiscated weapons were examined by ATF agents. All but five traveled in interstate or foreign commerce.

Jason Mineo has been indicted in the United States District Court, Sherman Division, on five counts, including: Count One, possession with intent to distribute marijuana; Count Two, possession of a firearm in furtherance of a drug trafficking crime; Count Three and Four, unlawful user of a controlled substance in possession of a firearm; Count Five, possession of a firearm not registered in the National Firearms Registration and Transfer Record.

The criminal prosecutor in case 4:07cr229 seeks forfeiture of these weapons under the applicable criminal statutes.

8. That the only known potential claimants to the Defendants are:

Jason Mineo; and
214 Windy Lane
Rockwall, Texas 75087; and

Trisha Mineo
214 Windy Lane
Rockwall, Texas 75087

9. A. That this is a civil action in rem brought to enforce the provisions of 21 U.S.C. § 881(a)(6) for the forfeiture of all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for controlled substances or represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of the Controlled Substances Act, 21 U.S.C. §§ 801 et seq.

B. That this is a civil action in rem brought to enforce the provisions of

21 U.S.C. § 881(a)(11) for the forfeiture of any firearm used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of drugs, drug equipment and drug proceeds.

C. That this is a civil action in rem brought to enforce the provisions of 18 U.S.C. § 924(d) which provides for the forfeiture of any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g) and 924.

WHEREFORE, Plaintiff prays that due process issue to enforce the forfeiture and to give notice to any interested parties to appear and show cause why the forfeiture should not be decreed; and that the Defendants be condemned and forfeited to the United States of America; and thereafter, that Defendants be disposed of according to law; and for such other and further relief as this Honorable Court may deem just and proper.

Respectfully submitted,

JOHN L. RATCLIFFE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF TEXAS

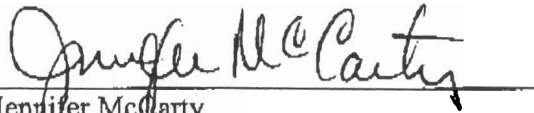
BY: /S/ Michael W. Lockhart
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THE STATE OF TEXAS

COUNTY OF Dallas

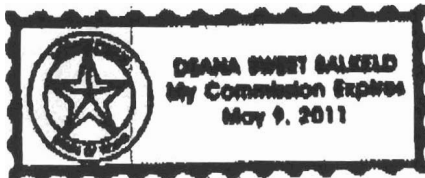
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PERSONALLY appeared before me Jennifer McCarty, who being duly sworn, deposed and says that she is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, that she has read the foregoing Complaint for Forfeiture in rem, and the contents thereof are true to the best of her knowledge and belief.



Jennifer McCarty
Senior Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to before me on this the 17th day of January, 2008.



Deana Sweet Salkeld
Notary Public in and for the State of Texas
My Commission Expires: May 9, 2011
DEANA SWEET SALKELD