



Department of Justice

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Western District of Kentucky

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PRIOR CONVICTED FELON AND ILLEGAL ALIEN INDICTED IN BOWLING GREEN, KENTUCKY FOR POSSESSION OF LOADED .357 MAGNUM REVOLVER AND ILLEGAL RE-ENTRY INTO THE UNITED STATES

- Gun found in hidden compartment of car with \$42,000.00 cash*
- Prior 1998 drug conviction in California*

BOWLING GREEN, KY - A federal grand jury in Bowling Green, Kentucky, returned an indictment on December 5, 2007, against **Francisco Javier Vargas-Cuevas, a/k/a Esteban Vargas**, age 48, of Bowling Green, Kentucky 42101, in Warren County, on charges of illegal re-entry into the United States and possession of a firearm, David L. Huber, United States Attorney for the Western District of Kentucky, and Paul Vido, Special Agent in Charge of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Louisville Field Division, jointly announced today. Vargas-Cuevas was deported from the United States in 1998 after serving a three year prison term for Conspiracy to Manufacture Methamphetamine.

The Indictment alleges that on or about November 15, 2007, Vargas-Cuevas, an alien, was found in the United States after having previously been deported and removed from the United States in or about 1998. Additionally, the Indictment alleges that Vargas-Cuevas re-entered the country without having received the consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security to reapply for admission to the United States. The Indictment also alleged that on November 15, 2007, Vargas-Cuevas

knowingly possessed a loaded .357 magnum revolver.

Facts from Criminal Complaint

Vargas-Cuevas was previously arrested on a Criminal Complaint filed in the United States District Court for the Western District of Kentucky at Bowling Green. According to the affidavit of a Special Agent with ATF, On November 15, 2007, at approximately 9:55 a.m., a Kentucky State Police Trooper observed a white Pontiac Grand Am traveling South on KY 100 at the city limits of Franklin, Kentucky. The Trooper observed the vehicle driving side to side in the roadway and initiated a traffic stop in the 1000 block of KY 100. During the traffic stop, the driver of the vehicle was identified as Esteban Vargas. Vargas gave consent to search the vehicle. The Trooper advised Vargas of his Miranda Rights. Vargas indicated he understood his Miranda Rights and signed a written Waiver of Rights.

A K-9 unit assisted with the search and the K-9 dog indicated a positive scent on the inside rear driver's side panel. Further inspection of the panel revealed an electronic opening device had been installed to open the panel. Upon opening the compartment, officers located a plastic grocery bag containing \$42,000.00 in U.S. currency. Officers removed the grocery bag and also observed a loaded Smith and Wesson, .357 magnum revolver in the bottom of the compartment. Further inspection revealed an identical hidden compartment on the passenger side panel which was also opened and found to be empty.

During an interview, Vargas stated that the vehicle belonged to his brother who currently resides in Mexico. Vargas stated he was illegally in the United States and admitted that in 1998 he had been convicted for drug conspiracy in California. Vargas stated he served two years in prison and was then deported to Mexico. Vargas admitted that he immediately returned to the United States where he had remained for approximately eight years, including the past six

months in Kentucky. Vargas denied any knowledge of the U.S. currency or the firearm located inside the vehicle.

A Special Agent with the Immigration and Customs Enforcement Agency (“ICE”) checked the U.S. immigration databases for any legal entry into the U.S. using Vargas’ claimed name and date of birth. The checks were negative. Further, it appears from the immigration record that Vargas did not receive permission from the Attorney General or his successors to re-enter the United States. The ICE Agent identified Esteban Vargas as an alias name used by Francisco Javier Vargas-Cuevas. Immigration records confirmed that Vargas-Cuevas was deported from the United States in 1998 after serving a three year prison term for Conspiracy to Manufacture Methamphetamine. An Immigration Detainer has been filed against Francisco Javier Vargas-Cuevas a/k/a Esteban Vargas.

United States Attorney David L. Huber praised the efforts of ATF, ICE, Kentucky State Police, Bowling Green Police Department and Warren County / Bowling Green Drug Task Force in their effective response to these very serious offenses.

In the event of a conviction, the maximum potential penalties are 30 years’ imprisonment, a \$500,000.00 fine, and up to three years of supervised release. Vargas-Cuevas also faces deportation.

Assistant United States Attorney Jo E. Lawless is prosecuting the case. The Bowling Green Field Office of ATF conducted the investigation in partnership with ICE, the Kentucky State Police, Bowling Green Police Department and Warren County / Bowling Green Drug Task Force conducted the investigation , as part of ATF’s mandated mission to reduce violent crime and other threats to public safety.

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The indictment of a person by a Grand Jury is an accusation only and that person is presumed innocent until and unless proven guilty.

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