

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED
JUN 27 P 4:57
[Signature]

UNITED STATES OF AMERICA,

v.

CR 13-0093 JST

JONATHAN MOTA

DEFENDANT(S).

SUPERSEDING INDICTMENT

VIOLATIONS: 18 U.S.C. § 1951(a) – Hobbs Act Robbery; 18 U.S.C. § 924(c) – Use/Possession of Firearm in Crime of Violence; 18 U.S.C. § 924(j) – Murder Caused by Firearm in Relation to Crime of Violence; Title 18, United States Code, Section 922(g)(1) – Felon in Possession of a Firearm; Title 18, United States Code, Section 924(d) – Firearm and Ammunition Forfeiture

A true bill.

[Signature]

Foreman

Filed in open court this 27th day of

JUNE, 2013

[Signature]

Clerk

[Signature] Bail, \$ no process

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY COMPLAINT INFORMATION INDICTMENT

OFFENSE CHARGED

- 18 U.S.C. Section 1951(a) - Hobbs Act robbery
18 U.S.C. Section 924(c) - Use/Possession of Firearm During and in Relation to Crime of Violence
18 U.S.C. Section 924(j) - Use/Possession of Firearm in Murder
18 U.S.C. Section 922(g) - Felon in Possession of Firearm
Petty
Minor
Misdemeanor
Felony

PENALTY: See Attachment A

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEFENDANT - U.S.

US v. JONATHAN MOTA

DISTRICT COURT NUMBER
13-CR-93 JST

FILED
JUN 27 11 58 AM '13

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

ATF Special Agent Megan Long

- person is awaiting trial in another Federal or State Court, give name of court
this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of: U.S. ATTORNEY DEFENSE SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form MELINDA HAAG U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) AUSA KATHRYN R. HAUN

DEFENDANT

IS NOT IN CUSTODY

- Has not been arrested, pending outcome this proceeding.
1) If not detained give date any prior summons was served on above charges
2) Is a Fugitive
3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
5) On another conviction Federal State
6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution TBA

Has detainer been filed? Yes No If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

- SUMMONS NO PROCESS* WARRANT

If Summons, complete following:

- Arraignment Initial Appearance

Defendant Address:

Bail Amount: 0

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

ATTACHMENT A

The Offenses Charged:

- Count One: 18 U.S.C. § 1951(a) – Robbery Affecting Interstate Commerce
- Count Two: 18 U.S.C. § 924(c)(1)(A) – Use/Possession of Firearm During and in Relation to Crime of Violence
- Count Three: 18 U.S.C. § 924(j) – Use/Possession of Firearm in Murder
- Count Four: 18 U.S.C. § 922(g) – Felon in Possession of Firearm

The Maximum Penalties:

- Count One: 20 years imprisonment; 3 years of supervised release; maximum fine of \$250,000; and a \$100 special assessment
- Count Two: life imprisonment with the following minimum consecutive penalties: 5 years consecutive mandatory minimum term of imprisonment, 7 years if firearm is brandished, or 10 years if firearm is discharged); \$250,000 fine; 5 years supervised release; and a \$100 special assessment
- Count Three: Life imprisonment; \$250,000 criminal fine; 3 years supervised release; and a \$100 mandatory special assessment **but** if the Attorney General directs the U.S. Attorney to seek the death sentence, the maximum possible punishment would be death. At present, the maximum possible punishment is life imprisonment.
- Count Four: 10 years imprisonment; 3 years of supervised release; maximum fine of \$250,000; and a \$100 special assessment

MELINDA HAAG (CABN 132612)
United States Attorney

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[Signature]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA)
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 v.)
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 JONATHAN MOTA,)
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 Defendant.)
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No. 13-CR-93 JST
VIOLATIONS: 18 U.S.C. § 1951(a) –
Hobbs Act Robbery; 18 U.S.C. § 924(c) –
Use/Possession of Firearm in Crime of
Violence; 18 U.S.C. § 924(j) – Murder
Caused by Firearm in Relation to Crime of
Violence; Title 18, United States Code,
Section 922(g)(1) – Felon in Possession of a
Firearm; Title 18, United States Code,
Section 924(d) – Firearm and Ammunition
Forfeiture.
SAN FRANCISCO VENUE

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. §§ 1951(a) — Robbery Affecting Interstate Commerce)

1. On or about January 18, 2013, in the Northern District of California, the
defendant,

JONATHAN MOTA,

unlawfully and knowingly did obstruct, delay, and affect commerce and the movement of articles
and commodities in commerce by robbery, as that term is defined in Title 18, United States
Code, Section 1951(b)(1).

All in violation of Title 18, United States Code, Section 1951(a)

1 COUNT TWO: (18 U.S.C. §§ 924(c) — Use/Possession of a Firearm in Crime of
2 Violence)

3 2. On or about January 18, 2013, in the Northern District of California, the
4 defendant,

5 JONATHAN MOTA,

6 unlawfully and knowingly did use and carry and brandish and discharge a firearm during and in
7 relation to a crime of violence for which he may be prosecuted in a court of the United States,
8 namely, the robbery affecting commerce charged in Count One of this Superseding Indictment,
9 and did possess and brandish and discharge a firearm in furtherance of the offense charged in
10 Count One of this Superseding Indictment.

11 All in violation of Title 18, United States Code, Section 924(c)

12 COUNT THREE: (18 U.S.C. § 924(j) – Use of Firearm Causing Murder)

13 3. On or about January 18, 2013, in the Northern District of California, the
14 defendant,

15 JONATHAN MOTA,

16 unlawfully and knowingly, in the course of using and carrying a firearm during and in relation to,
17 and possessing a firearm in furtherance of, a crime of violence for which he may be prosecuted in
18 a court of the United States, that is the robbery charged in Count One of this Superseding
19 Indictment, did cause the death of a person through the use of a firearm, which killing was
20 murder as defined in Title 18, United States Code, Section 1111, to wit, JONATHAN MOTA
21 caused the death of Forrest Seagrave by discharging a firearm at Forrest Seagrave during the
22 robbery charged in Count One.

23 All in violation of Title 18, United States Code, Section 924(j)(1)

24 COUNT FOUR: (18 U.S.C. § 922(g) – Felon in Possession of Firearm and Ammunition)

25 4. Between on or about January 18, 2013, through on or about January 26, 2013, in
26 the Northern District of California, the defendant,

27 JONATHAN MOTA,

28 //

1 having been previously convicted of a crime punishable by a term of imprisonment exceeding one
2 year, to wit, a ~~2008~~²⁰⁰⁷ conviction for a violation of California Penal Code 211, unlawfully and
3 knowingly did possess a firearm, specifically a Zastava 7.62 firearm, loaded with a large capacity
4 magazine and ammunition, in and affecting interstate commerce.

5 All in violation of Title 18, United States Code, Section 922(g)(1)

6 FORFEITURE ALLEGATION: (18 U.S.C. § 924(d))

7 5. The allegations contained in Count Four in this Superseding Indictment are
8 realleged and incorporated herein.

9 6. Upon a conviction for the offense alleged in Count Four above, the defendant,

10 JONATHAN MOTA,

11 shall forfeit to the United States any firearm or ammunition involved in or used in any knowing
12 violations of Title 18, United States Code, Section 922(g). This includes, but is not limited to:
13 (1) a Zastava 7.62 firearm; (2) any magazine fitting the firearm; and (3) the rounds loaded inside
14 this firearm.

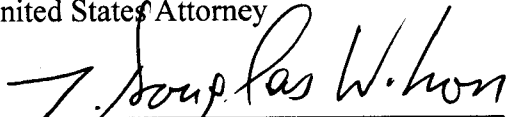
15 All pursuant to Title 18, United States Code, Section 924(d), and Rule 32.2 of the Federal
16 Rules of Criminal Procedure.

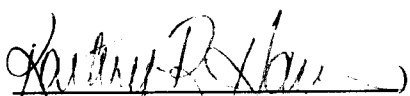
17
18 DATED: June 27, 2013

A TRUE BILL


FOREPERSON

19
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21 MELINDA HAAG
United States Attorney


22
23 J. DOUGLAS WILSON
Chief, Criminal Division

24
25 (Approved as to form: 
26 KATHRYN R. HAUN
Assistant United States Attorney
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