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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
June 2007 Grand Jury

UNITED STATES OF AMERICA,	)	ED CR 07-127(A) -SGL
)	
Plaintiff,	)	<u>F I R S T</u>
	)	<u>S U P E R S E D I N G</u>
v.	)	<u>I N D I C T M E N T</u>
)	
JOSE LUIS NAZARIO, JR.,	)	[18 U.S.C. §§ 1112, 3261(a)(2):
	)	Voluntary Manslaughter; 18
Defendant.	)	U.S.C. §§ 113(a)(3), 3261(a)(2):
	)	Assault With A Dangerous Weapon;
	)	18 U.S.C. §§ 924(c)(1)(A)(iii),
	)	3261(a)(2): Discharging Firearm
	)	During A Crime Of Violence; 18
	)	U.S.C. § 2(b): Causing An Act To
	)	Be Done]

The Grand Jury charges:

GENERAL ALLEGATIONS

1. On or about November 9, 2004, defendant JOSE LUIS NAZARIO, JR., was a member of the Armed Forces subject to Chapter 47 of Title 10 (the Uniform Code of Military Justice).

2. On or about October 11, 2005, defendant JOSE LUIS NAZARIO, JR., was discharged from the Armed Forces.

3. The acts described in Counts One, Two, and Three of this First Superseding Indictment occurred in Fallujah, Iraq,

1 outside the United States.

2 4. Venue for the trial of the offenses charged in this
3 First Superseding Indictment lies within the Central District of
4 California.

5 5. The conduct described in Counts One, Two, and Three of
6 this First Superseding Indictment would have constituted offenses
7 punishable by imprisonment for more than one year if the conduct
8 had been engaged in within the special maritime and territorial
9 jurisdiction of the United States.

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COUNT ONE

[18 U.S.C. §§ 1112, 3261(a)(2), 2(b)]

6. The General Allegations set forth in Paragraphs One through Five of this First Superseding Indictment are realleged and incorporated herein as if set out in full.

7. On or about November 9, 2004, in Fallujah, Iraq, defendant JOSE LUIS NAZARIO, JR., upon heat of passion, unlawfully and intentionally killed, and willfully caused others to kill, four human beings.

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COUNT TWO

[18 U.S.C. §§ 113(a)(3), 3261(a)(2), 2(b)]

8. The General Allegations set forth in Paragraphs One through Five of this First Superseding Indictment are realleged and incorporated herein as if set out in full.

9. On or about November 9, 2004, in Fallujah, Iraq, defendant JOSE LUIS NAZARIO, JR., intentionally assaulted, and willfully caused others to assault, four human beings with a dangerous weapon, namely, a firearm, with intent to do bodily harm.

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COUNT THREE

[18 U.S.C. §§ 924(c)(1)(A)(iii), 3261(a)(2)]

10. The General Allegations set forth in Paragraphs One through Five of this First Superseding Indictment are realleged and incorporated herein as if set out in full.

11. On or about November 9, 2004, in Fallujah, Iraq, defendant JOSE LUIS NAZARIO, JR., knowingly used and carried a firearm during and in relation to, and possessed that firearm in furtherance of, a crime of violence, namely, voluntary manslaughter, in violation of Title 18, United States Code, Sections 1112, 3261(a)(2), 2(b), as charged on Count One of this First Superseding Indictment; and assault with a dangerous weapon with intent to do bodily harm, in violation of Title 18, United

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1 States Code, Sections 113(a)(3), 3261(a)(2), 2(b), as charged in
2 Count Two of this First Superseding Indictment, and, in so doing,
3 discharged that firearm.

4 A TRUE BILL

5
6 _____
7 Foreperson

8 THOMAS P. O'BRIEN
9 United States Attorney

10 CHRISTINE C. EWELL
11 Assistant United States Attorney
12 Chief, Criminal Division



13 SHERI PYM
14 Assistant United States Attorney
15 Chief, Riverside Branch Office

16 JERRY A. BEHNKE
17 Assistant United States Attorney
18 Deputy Chief, Riverside Branch Office

19 CHARLES J. KOVATS
20 Assistant United States Attorney
21 Riverside Branch Office

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