

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 15-20264-CR-LENARD

UNITED STATES OF AMERICA

vs.

MIGUEL MORAN DIAZ,

Defendant.

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**FACTUAL PROFFER**

Had the United States proceeded to trial in the instant case, the government would have proven beyond a reasonable doubt that on or about April 2, 2015, in Miami-Dade County, in the Southern District of Florida, the defendant, **MIGUEL MORAN DIAZ**, having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm and ammunition in and affecting interstate and foreign commerce, that is, a .40 caliber Springfield XDM handgun, bearing serial number MG224450, a .40 caliber Keltec 2000 rifle, bearing serial number E6848, and approximately three hundred twenty-seven (327) rounds of .40 caliber ammunition, in violation of Title 18, United States Code, Section 922(g)(1).

Specifically, in the instant case, pursuant to an ongoing terrorism investigation, on April 2, 2015, a search warrant was issued by a United States Magistrate authorizing the search of both DIAZ's residence located at 1629 N.W. 14<sup>th</sup> St., Apt. #510, Miami, FL 33125 as well as his 2014 white Chevrolet, bearing Vehicle Identification Number (VIN) 1G1PH5SB9E7242179 and displaying Florida tag number BGFS29. Later that same day, Special Agents of the FBI conducted surveillance in the area near 1629 N.W. 14<sup>th</sup> Street, Miami, Florida, and at approximately 4:50 PM, Special Agents observed DIAZ enter his 2014 white Chevrolet

displaying Florida tag number BGFS29, the target vehicle. The target vehicle then left the parking area and was stopped by FBI Agents pursuant to the previously mentioned search warrant. DIAZ was thereafter removed from the vehicle, wherein agents observed a Springfield XDM .40 caliber handgun, bearing serial number MG224450, in his waistband loaded with 15 rounds of .40 caliber ammunition. A further search of DIAZ revealed that he also had a .40 caliber handgun magazine in his pocket loaded with 15 additional rounds of .40 caliber ammunition. Shortly thereafter, FBI agents conducted a search of DIAZ's residence located at 1629 N.W. 14<sup>th</sup> Street, Apt. 510, Miami, Florida. During the search, Agents recovered a Keltec 2000, .40 caliber rifle bearing serial number E6848 and approximately 297 rounds of .40 caliber ammunition. The items were recovered from a bedroom that was utilized by DIAZ and contained his personal property and identity documents.

DIAZ was thereafter transported to the FBI Miami Field Office for booking. In a post-*Miranda* statement, DIAZ identified both the Springfield handgun recovered from his waistband and the Keltec rifle recovered from his house along with ammunition as all being owned and possessed by him. DIAZ stated that he was aware that he was not supposed to own or possess weapons due to his prior felony conviction and that he had purchased the weapons from private individuals to avoid scrutiny. DIAZ also noted he purchased the ammunition from local gun stores.

Court records have confirmed that DIAZ is a convicted felon, in that he was convicted on September 20, 2005 for Possession with Intent to Deliver Cocaine in violation of Title 21, United States Code, Section 841 under Southern District of Florida federal case number 05-20216-CR-Highsmith. Moreover, agents have confirmed that the recovered ammunition, as well as both the

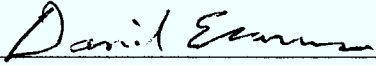
Springfield XDM .40 caliber handgun and the Keltec 2000 rifle, have all traveled in or affected interstate commerce.

WIFREDO A. FERRER  
UNITED STATES ATTORNEY

Date: 5/27/15

By:   
MARC S. ANTON  
ASSISTANT U. S. ATTORNEY

Date: 5/27/15

By:   
DANIEL ECARIUS, ESQ.  
ATTORNEY FOR DEFENDANT

Date: 5/27/15

By:   
MIGUEL MORAN DIAZ  
DEFENDANT