

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION**

**UNITED STATES OF AMERICA**

v.

**MANUEL TIJERINA-HERRERA  
also known as "Meme"**

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**CRIMINAL NO. M-10-780-S2-01**

**GOVERNMENT'S NOTICE OF INTENTION TO INTRODUCE  
EVIDENCE PURSUANT TO FEDERAL RULE OF EVIDENCE 404(B)**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the United States of America, by and through José Angel Moreno, United States Attorney in and for the Southern District of Texas, and the undersigned Assistant United States Attorney and hereby gives NOTICE of its intention to introduce the hereinafter described evidence pursuant to Federal Rule of Evidence 404(b), in its case in chief or otherwise, in the trial of the above styled case for all purposes permitted by said rule and specifically as proof of motive, opportunity, intent, preparation, plan, knowledge, identity and absence of mistake or accident:

I.

The Government would seek to introduce the following:

1. That the Defendant, on or about January 20, 2011, the defendant Tijerina told Defendant Gonzalez that he would provide him benefits, potentially including money, if Defendant Gonzalez stated that he had not straw purchased the firearms for Defendant Tijerina
2. That the Defendant, on or about the month of August, 2011, on approximately two occasions in the United States Court House in McAllen, Texas, defendant Tijerina told co-Defendants

Aaron Aleman and Gustavo Aleman not to testify against him.

3. That the Defendant, on or about September 6, 2011, in the United States Court House in McAllen, Texas, defendant Tijerina inquired as to whether co-Defendants Aaron Aleman and Gustavo Aleman were going to enter pleas of “Guilty” or “Not Guilty” and when they stated that they would be pleading guilty, defendant Tijerina held up his hand in the shape of a gun, directing it towards co-Defendants Aaron Aleman and Gustavo Aleman. Co-Defendants Aaron Aleman and Gustavo Aleman believed this to be a threat.
4. That the Defendant, on or about November 28, 1990, was arrested for conspiracy to possess with the intent to distribute marijuana in McAllen, Texas. This matter was dismissed on March 11, 1991.
5. That the Defendant, on or about October 26, 1993, was charged with unauthorized use of a motor vehicle, a third degree felony, in Hidalgo County, Texas. This case was dismissed on July 6, 1999.
6. That the Defendant, on or about October 26, 1993, was charged with possession of a controlled substance, penalty group 1, less than 28 grams, a second degree felony, in Hidalgo County, Texas. Defendant Tijerina was given pre-trial diversion on February 23, 1994.
7. That the Defendant, on or about March 22, 1996, was charged with driving while intoxicated, a class “B” misdemeanor, in Hidalgo County, Texas. This case was dismissed on November 20, 2009.
8. That the Defendant, on or about June 16, 1999, was given deferred probation in County Court at Law No. 1, Hidalgo County, Texas, in case number CR163094A, for the offense of driving while intoxicated, a Class “B” misdemeanor.

WHEREFORE, PREMISES CONSIDERED, the Government hereby notices the Court and the Defendant of its intention to introduce evidence against the Defendant pursuant to Rule 404(b) of the Federal Rules of Evidence as described above.

Respectfully submitted,

JOSE ANGEL MORENO  
UNITED STATES ATTORNEY

/s/ Steven T. Schammel  
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#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing *Notice of Intention to Introduce Evidence Pursuant to Federal Rule of Evidence 404(b)* was on September 12, 2011, delivered to Mr. Oscar Vega and Mr. Al Alvarez, Attorneys for Defendant Manuel Tijerina ECF

/s/ Steven T. Schammel  
Steven T. Schammel  
Assistant United States Attorney