

FILED
Aug 25, 2022
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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6 United States of America

SEALED

7 IN THE UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,
11 Plaintiff,

12 v.

13 SHANA GAVIOLA &
14 JULIO SANDOVAL,

15 Defendant.

CASE NO. 1:22-CR-00233

18 U.S.C. §§ 2262(A)(2) & 2 – Interstate Violation
of Protection Order and Aiding and Abetting

16
17 INDICTMENT

18 COUNT ONE: [18 U.S.C. §§ 2262(a)(2) and 2 – Interstate Violation of Protection Order and Aiding
19 and Abetting]

20 The Grand Jury charges:

21 SHANA GAVIOLA and
JULIO SANDOVAL

22 defendants herein, as follows:

23 1. Defendant Gaviola was a resident of Fresno County in the state and Eastern District of
24 California. Defendant Sandoval was a resident of Missouri.

25 2. Defendant Gaviola was the mother of a minor child, (“Minor Victim” or “MV”).
26 Beginning in 2020, MV lived separate and apart from defendant Gaviola with another family in Fresno
27 County, within the state and Eastern District of California.

28 3. On or about July 13, 2021, MV applied to the Fresno County Superior Court for a

1 domestic violence restraining order against defendant Gaviola. The petition alleged that defendant
2 Gaviola had mistreated MV while in her care and that she was harassing MV and the family with whom
3 MV resided.

4 4. On or about the same date, MV also petitioned the Fresno County Superior Court to be
5 declared an emancipated minor. When a court declares a minor to be emancipated, that minor becomes
6 free from the custody of the minor's parents and assumes many legal rights of an adult.

7 5. On July 14, 2021, a Fresno County Superior Court judge signed and issued a temporary
8 restraining order pursuant to MV's request for a domestic violence restraining order. Among its other
9 provisions, the temporary restraining order mandated that defendant Gaviola could not harass, strike,
10 threaten, assault, hit, follow, stalk, molest, disturb the peace, keep under surveillance, or block the
11 movements of MV. The temporary restraining order also prohibited defendant Gaviola from contacting
12 MV directly or indirectly in any way. The restraining order also stated that only MV could use, control
13 and possess MV's iPhone8. The restraining order advised defendant Gaviola that she could be charged
14 with a federal crime if she made the protected person travel out of state with the intention of disobeying
15 the order. A court set a hearing on the temporary restraining order for Monday, August 23, 2021.

16 6. Officers of the Clovis Police Department served Gaviola with the restraining order by
17 email on July 15, 2021 and confirmed with Gaviola that she had received it. MV's attorney also served
18 Gaviola in person with the restraining order on August 18, 2021.

19 7. Defendant Gaviola thereafter contacted defendant Sandoval. Defendant Sandoval was at
20 the time the dean of students for a boarding school in Stockton, Missouri (the "Boarding School"). At
21 all relevant times, the Boarding School purported to provide boarding school education for "at-risk or
22 unmotivated boys." He was also the founder of an agency that transported minors to the Boarding
23 School (the "Transport Agency"). Defendants Gaviola and Sandoval agreed to send two individuals
24 affiliated with the Boarding School and Transport Agency to take physical custody of MV and transport
25 MV from California to Missouri. Defendant Sandoval thereafter engaged two individuals to perform the
26 transport.

27 8. The members of the Transport Agency acted at all times under the command, direction,
28 and control of defendants Gaviola and Sandoval. For example, defendants Gaviola and Sandoval caused

1 the two members of the Transport Agency to travel to Fresno, California. Defendant Gaviola learned
2 where MV would be located on the morning August 21, 2021 and relayed this information to the
3 members of the Transport Agency and others. Defendant Gaviola also supplied the members of the
4 Transport Agency with a falsified court document for the purpose of coercing MV to travel to Missouri
5 and to convince members of the Transport Agency that they were authorized to physically secure and
6 transport MV to the Boarding School in Missouri.

7 9. On August 21, 2022, acting with the aid, counsel, and at the command of defendants
8 Gaviola and Sandoval, the two individuals from the Transport Agency, and others acting at the direction
9 of defendant Gaviola, located MV at a business in Fresno, California that Gaviola identified as the place
10 where MV was employed. They provided the falsified court document to an adult with whom MV was
11 residing. They then took hold of MV, directed MV to get in a rented automobile and handcuffed MV's
12 hands behind MV's back. The members of the Transport Agency removed MV's iPhone 8 from MV's
13 possession. The two members of the Transport Agency drove MV for approximately twenty-seven
14 consecutive hours to the Boarding School in Missouri. MV remained restrained during the entire drive.

15 10. On August 21, 2021, law enforcement officers contacted defendant Sandoval by phone
16 while the members of the Transport Agency were driving MV from California to Missouri. Law
17 enforcement officers advised defendant Sandoval and the members of the Transport Agency that MV
18 had an active restraining order against defendant Gaviola. Nevertheless, defendants Sandoval and
19 Gaviola continued to cause and direct the members of the Transport Agency to drive MV from
20 California to Missouri.

21 11. Once the members of the Transport Agency arrived in Missouri, they delivered MV to
22 the Boarding School. Acting at the command, direction, and control of defendant Sandoval, members of
23 the Boarding School detained MV within the facility, despite requests by MV's father to release MV
24 into his custody. Eventually, on or about August 29, 2021, after approximately eight days of detention,
25 the Boarding School released MV to the custody of MV's father.

26 12. Between on or about August 18, 2021 and August 29, 2021, defendants Gaviola and
27 Sandoval, and individuals acting under their command and under their direction and control, knowingly
28 caused MV to travel in interstate commerce by force, coercion, duress, and fraud, and in the course of,

1 as a result of, and to facilitate such conduct and travel, defendants Gaviola and Sandoval, and
2 individuals acting under their command and under their direction and control, engaged in conduct that
3 violated a portion of a protection order against defendant Gaviola in Fresno County, which prohibited
4 and provided protection against violence, threats, and harassment against, contact and communication
5 with, and physical proximity to MV, and would violate such portion of a protection order in the
6 jurisdiction in which the order was issued. Specifically, defendants Gaviola and Sandoval violated and
7 caused the violation of, and aided and abetted the violation of, the temporary restraining order issued by
8 the Superior Court of Fresno County California on July 14, 2021, prohibiting defendant Gaviola from
9 harassing, striking, threatening, assaulting, hitting, following, stalking, molesting, disturbing the peace,
10 keeping under surveillance, and blocking the movements of MV, and contacting MV in any way,
11 including directly or indirectly, and from denying MV the use, control, and possession of MV's
12 iPhone 8.

13 All in violation of Title 18, United States Code, Section 2262(a)(2).

14
15
16 A TRUE BILL.

17 **/s/ Signature on file w/AUSA**

18 _____
19 FOREPERSON

20 PHILLIP A. TALBERT
21 United States Attorney

KIRK E. SHERRIFF

22 _____
23 KIRK E. SHERRIFF
24 Assistant United States Attorney
25 Chief, Fresno Office
26
27
28

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EASTERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

Eastern District of California

Criminal Division

THE UNITED STATES OF AMERICA

vs.

SHANA GAVIOLA, ET AL.

INDICTMENT

VIOLATION(S): 18 U.S.C. §§ 2262(A)(2) & 2 – Interstate Violation of Protection Order and Aiding and Abetting

A true bill,

/s/

Foreman.

Filed in open court this _____ day

of _____, A.D. 20 _____

Clerk.

Bail, \$ _____ PLEASE ISSUE NO BAIL WARRANT _____

Eric P. Shoup

United States v. Gaviola and Sandoval
Penalties for Indictment

Defendant

Shana Gaviola, Julio Sandoval

COUNT 1: ALL DEFENDANTS

VIOLATION: 18 U.S.C. §§ 2262(a)(2) & 2- Interstate Violation of a Protection Order
and Aiding and Abetting

PENALTIES: 5 years in prison; or
Fine of up to \$250,000; or both fine and imprisonment
Supervised release of 3 years

SPECIAL ASSESSMENT: \$100 (mandatory on each count)

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

BY COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING: Case No.

OFFENSE CHARGED

SEE INDICTMENT

- Petty
- Minor
- Misdemeanor
- Felony

Place of offense
Fresno County

U.S.C. Citation
See Indictment

Name of District Court, and/or Judge/Magistrate Judge Location (City)
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEFENDANT -- U.S. vs.
SHANA GAVIOLA

Address {

Birth Date

- Male Alien
- Female (if applicable)

(Optional unless a juvenile)

PROCEEDING

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

SA ALEXIA CROWE- FBI

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per FRCrP 20 21 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. Att'y Defense

this prosecution relates to a pending case involving this same defendant

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

SHOW DOCKET NO.

MAGISTRATE JUDGE CASE NO.

Name and Office of Person Furnishing Information on

THIS FORM

KERRY RIN

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

MICHAEL G. TIERNEY

DEFENDANT

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome of this proceeding
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
- 6) Awaiting trial on other charges } Fed'l State
If answer to (6) is "Yes," show name of institution

Has detainer been filed?

- Yes
- No

If "Yes," give date filed

Mo. Day Year

DATE OF ARREST

Or . . . if Arresting Agency & Warrant were not Federal

DATE TRANSFERRED TO U.S. CUSTODY

Mo. Day Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

ADD FORFEITURE UNIT (Check if Forfeiture Allegation)

PLEASE ISSUE NO BAIL WARRANT.

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

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JULIO SANDOVAL

Address {

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Name and Office of Person Furnishing Information on

THIS FORM

KERRY RIN

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

MICHAEL G. TIERNEY

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