

AO 91 (Rev. 5/85) Criminal Complaint

AUSA CAROLYN BELL

FILED by MM D.C.

United States District Court JUN - 8 2009

SOUTHERN

DISTRICT OF

FLORIDA

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. - W.P.B.

UNITED STATES OF AMERICA

V.

JEAN MONIQUE NELSON

CRIMINAL COMPLAINT

CASE NUMBER: 09-8149-JMH

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 13, 2009 in Palm Beach County, in the Southern

District of Florida defendant(s) (Track Statutory Language of Offense)

encouraging or inducing an alien to come to, enter, or reside in the United States, knowing or in reckless disregard that such entry will be in violation of the law; and places in jeopardy the life of any person; and which resulted in the death of any person and conspiracy to commit the preceding acts.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iv) and B(iii) and B(iv), 1324(a)(1)(A)(v)(I).

I further state that I am a(n) Special Agent, ICE and that this complaint is based on the following facts:

Please see attached Affidavit.

Continued on the attached sheet and made a part hereof:

Yes No

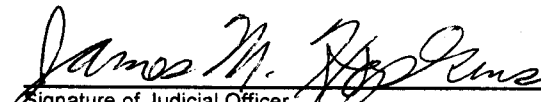

Signature of Complainant
Jon Longo, Special Agent
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

June 8, 2009
Date

at West Palm Beach, Florida
City and State

JAMES M. HOPKINS
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Jon A. Longo, a Special Agent (S/A) of the United States Department of Homeland Security, Immigration & Customs Enforcement (ICE), Office of the Resident Agent in Charge in West Palm Beach (RAC/WP), being duly sworn, depose and state as follows:

1. I have been employed as a sworn federal Special Agent with Immigration and Customs Enforcement (ICE) since July 2006. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. I have received 23 weeks of training at the Federal Law Enforcement Training Center, which included the application of federal statutes, federal court procedures, and the techniques required to insure the admissibility of evidence at trial.
2. Your Affiant is familiar with the facts and circumstances surrounding this investigation as set forth herein, both from his own investigative efforts and from information obtained from other law enforcement officers with personal knowledge of the evidence and activities described herein. This affidavit is being submitted for the limited purpose of establishing probable cause to charge Jean MONIQUE NELSON with the offense of Alien Smuggling that places in jeopardy the life of any person and that results in the death of another person, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv) and (B)(iii) and (B)(iv), and for conspiracy to commit the preceding acts, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I). As such, it does not purport to set forth every fact known to me regarding the investigation, but only those facts necessary to establish probable cause.

3. On or about May 13, 2009, at or about 1242 hours, a Good Samaritan reported to the United States Coast Guard (USCG) seeing people in the water approximately 16 miles east of Palm Beach County, Florida. As a result of the report, several marine and air assets from multiple Law Enforcement and Emergency Response agencies responded to the area in which the persons were reported. The Good Samaritan reported that the people he rescued stated that the vessel that they were traveling on had capsized and then sunk.
4. A massive search and rescue operation was conducted resulting in the discovery of 25 individuals. There are currently 16 survivors and nine deceased persons who have been identified as having been on the capsized boat. One of the deceased women was pregnant with an approximately eight-month old fetus. The Palm Beach County Medical Examiner issued a separate death certificate for the fetus because of its potential viability. None of the persons encountered by law enforcement had visas or other travel documentation which would have lawfully permitted them to enter the United States nor were any found in the nearby waters.
5. All of the survivors have now been determined by United States Customs and Border Protection (CBP) Officers to be aliens who are removable or excludable from the United States, as per the Immigration and Nationality Act (INA). Fifteen of the survivors are Haitian citizens and one is a Jamaican citizen.
6. On May 15, 2009, ICE Special Agents interviewed Survivor-1, a Haitian citizen rescued during the search and rescue effort. During the interview, Survivor-1 read, spoke, and understood English. Survivor-1 was read the Statement of Rights (MIRANDA) by Special Agents and indicated that he understood his rights.

Survivor-1 read the Statement of Rights and initialed beside each line indicating that he understood each right. Special Agents asked Survivor-1 if he wished to waive his rights and answer questions and Survivor-1 agreed to waive his rights and answer questions. Special Agents asked Survivor-1 to recount the events leading up to his rescue at sea.

7. Survivor-1 stated that his brother paid \$4,000.00 to a man with a gold tooth who was organizing an alien smuggling venture from Nassau, Bahamas, to the United States. Survivor-1's brother paid the \$4,000.00 in exchange for Survivor-1's transportation to the United States. Survivor-1 said that the plan was for the trip to be from Nassau, Bahamas, to Bimini, Bahamas, and then to the United States. Survivor-1 said that he had been living in the Bahamas for approximately five months prior to attempting to be smuggled in to the United States.
8. Survivor-1 was shown pictures of all of the people who were rescued along with him by the U.S. Coast Guard. From those pictures, Survivor-1 positively identified Jimmy METELLUS as being in command of the vessel as it transited from Nassau, Bahamas, to Bimini, Bahamas, with approximately 30 people on board. Survivor-1 stated that, after leaving Nassau, the vessel had run out of fuel and was drifting for two to three days. Survivor-1 said that a small plane flew overhead and shortly afterwards a small boat with three people on it brought fuel to the drifting vessel. Survivor-1 said he heard METELLUS talking to the three in English. Survivor-1 stated that the vessel then traveled to a house on the water in Bimini, Bahamas, where he and the other passengers were off loaded one by one. The passengers spent the night in the house. The next day, METELLUS provided fish and rice to the

migrants. Survivor-1 was shown a photograph of an individual who was known to local authorities as "SHINE". Survivor-1 immediately identified the picture; he stated "that is SHINE" and that SHINE's house was where they were fed and where they stayed overnight. Survivor-1 also stated that he saw METELLUS and SHINE talking together at the house.

9. Survivor-1 was shown photographs from the survivors of the smuggling event and identified Jean MONIQUE NELSON as an individual who was involved in the smuggling venture, but did not know his specific role on board the vessel.
10. METELLUS, who is currently pending indictment on the same charges, was interviewed in the presence of his Attorney. METELLUS stated that Jean MONIQUE NELSON called him in Port de Paix, Haiti, and told METELLUS that there were certain people that wanted METELLUS to go to The Bahamas. METELLUS explained to MONIQUE NELSON that he did not have any travel documents, that all his identification was lost during a hurricane. (METELLUS was a Legal Permanent Resident of the United States, but apparently abandoned that status.) MONIQUE NELSON arranged with others for METELLUS to obtain travel documents and airfare to The Bahamas. METELLUS arrived in Nassau, Bahamas on or about April 4, 2009.
11. While in Nassau, Bahamas, METELLUS was asked to captain a vessel with MONIQUE NELSON and two others with migrants wishing to enter the United States illegally. METELLUS described the vessel to be used in the venture as approximately 30' in length, two inboard engines and a cabin in the front of the vessel. The vessel was white in color.

12. METELLUS stated that, on or about Saturday, May 9, 2009, MONIQUE NELSON, with others, placed the Haitian migrants on the vessel in the cabin area. METELLUS got on board the vessel after MONIQUE NELSON, the other two captains, and the migrants were already onboard. METELLUS stated that the vessel began to have problems and ran out of fuel near Berry Islands, Bahamas. The vessel was adrift for three days. METELLUS stated that on Monday an airplane flew over the vessel. MONIQUE NELSON began to work on the engines attempting to switch fuel lines. MONIQUE NELSON was able to partially fix one of the engines and the vessel slowly continued on the voyage. Approximately three to four hours later a small marine vessel approached their vessel. There were three males on board and provided fuel for the smuggling vessel. METELLUS spoke to the three men in English. METELLUS stated that during that leg of the voyage he, MONIQUE NELSON, and the other two captains all participated in driving the vessel.

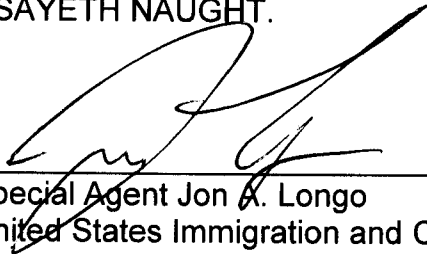
13. METELLUS stated that when the smuggling vessel was within two or three miles of Bimini, Bahamas, MONIQUE NELSON received a call via cellular telephone and made arrangements for SHINE and another individual to come out to the smuggling vessel and guide it to a house in Bimini, Bahamas. SHINE and the other individual arrived in the same small vessel that earlier had supplied fuel for the smuggling vessel. The other individual boarded the smuggling vessel and drove the boat to a dock behind a residence that METELLUS identified as belonging to SHINE. The Haitian migrants were taken off the vessel and led into the house. METELLUS stated that SHINE and the other individual then took the smuggling vessel to get repairs done.

14. At approximately 2:00 PM on Tuesday, May 12, 2009, SHINE, MONIQUE NELSON METELLUS, and another individual went and got food for the Haitian migrants. They returned to the residence belonging to SHINE and gave the migrants fish and rice. METELLUS stated that he observed MONIQUE NELSON, SHINE, another man who had helped arrange trip, and an individual identified as SHINE's son speaking to each other. METELLUS stated that after it became dark, he, along with MONIQUE NELSON and the other two captains began to load the migrants onto the vessel to prepare for departure to the United States. METELLUS stated that once everyone was on board, MONIQUE NELSON drove the boat away from the dock

behind the house that belongs to SHINE. METELLUS said that he was driving the boat for the rest of the trip.

Based on the foregoing, your Affiant believes that there exists sufficient probable cause to charge Jean MONIQUE NELSON with violating Title 8, United States Code, Section 1324 (a)(1)(A)(iv) and (B)(iii) and (B)(iv), encouraging or inducing an alien to come to, enter, or reside in the U.S. , knowing or in reckless disregard that such entry will be in violation of the law; and places in jeopardy the life of any person; and which resulted in the death of any person and for conspiracy to commit the preceding acts, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I).

FURTHER YOUR AFFIANT SAYETH NAUGHT.


Special Agent Jon A. Longo
United States Immigration and Customs Enforcement

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 8TH DAY OF
June, 2009, AT WEST PALM
BEACH, FLORIDA.


JAMES M. HOPKINS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

No. 09-8149-JMH

UNITED STATES OF AMERICA

vs.

JEAN MONIQUE NELSON,

Defendant.

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 14, 2003? _____ Yes x No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to September 1, 2007? _____ Yes x No

Respectfully submitted,

JEFFREY H. SLOMAN
ACTING UNITED STATES ATTORNEY

BY:

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