

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Dennis M. Cavanaugh
v. : Criminal No. 06-32 (DMC)
ROEHL RIVERA : 18 U.S.C. § 371

SUPERSEDING INFORMATION

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

BACKGROUND

A. DEFENDANT

1. At all times relevant to this Superseding Information:
a. ROEHL RIVERA. Defendant **ROEHL RIVERA** was a citizen of the Philippines and lived in or around Cabanatuan City, Philippines.

B. COCONSPIRATOR

2. At all times relevant to this Superseding Information:
a. ENRICO CALDERON. Enrico Calderon (hereinafter "Calderon"), who is named as a coconspirator but not charged as a defendant herein, was a citizen of the Philippines and lived in or around Springfield, Virginia. Calderon was employed by Country M's Embassy in Washington, District of Columbia.

C. RELEVANT COUNTRIES

3. At all times relevant to this Superseding Information:
a. Country M. Country M was a nation of approximately 120,000 people located in the North Pacific Ocean. Pursuant to an agreement with the United States, citizens of Country M with a valid Country M passport could travel to, reside in, and work for

employers in the United States without first obtaining a visa from the United States government.

b. The Republic of the Philippines. The Republic of the Philippines was a nation of approximately 87 million people located in Southeast Asia. Citizens of the Philippines ("Filipinos") were not permitted to travel to, reside in, or work for employers in the United States without first obtaining a visa from the United States government.

THE CONSPIRACY

4. From at least as early as in or about May 2005 through on or about January 5, 2006, in Essex County, in the District of New Jersey, and elsewhere, defendant,

ROEHL RIVERA,

did knowingly and willfully conspire and agree with Enrico Calderon and other persons to commit offenses against the United States, that is, to bring aliens to the United States for the purpose of commercial advantage and private financial gain knowing and in reckless disregard of the fact that such aliens had not received prior official authorization to come to, enter, and reside in the United States, contrary to Title 8, United States Code, Section 1324(a)(2)(B)(ii).

OBJECT OF THE CONSPIRACY

5. It was the object of the conspiracy that defendant **ROEHL RIVERA**, Calderon, and others, acting for their own financial gain, fraudulently acquired and altered Country M passports, sold them to citizens of the Philippines who did not

otherwise have permission to enter the United States, and, thereafter, illegally guided those citizens from the Philippines into the United States through Newark Liberty International Airport.

MANNER AND MEANS OF THE CONSPIRACY

6. It was part of the conspiracy that Calderon illegally acquired Country M passports through his employment at the Embassy of Country M.

7. It was a further part of the conspiracy that Calderon caused the illegally-acquired passports from Country M to be transported to the Philippines to be sold to Filipinos who did not have permission to enter the United States (hereinafter, "the Smuggled Aliens").

8. It was a further part of the conspiracy that Calderon caused the illegally-acquired Country M passports to be altered, by, among other things, taking and inserting a photograph of each of the Smuggled Aliens into a corresponding passport.

9. It was a further part of the conspiracy that Calderon routinely traveled with the Smuggled Aliens from Manila, the capital of the Philippines, to Hong Kong, China.

10. It was a further part of the conspiracy that Calderon, once in Hong Kong, arranged for hotel rooms to be provided for the Smuggled Aliens.

11. It was a further part of the conspiracy that Calderon, once in Hong Kong, caused the altered Country M passports to be provided to the Smuggled Aliens.

12. It was a further part of the conspiracy that defendant **ROEHL RIVERA**, Calderon, and others arranged for the Smuggled Aliens to travel into the United States using altered Country M passports on Continental Airlines flight number 98, a non-stop flight between Hong Kong and Newark Liberty International Airport ("Continental Flight No. 98").

13. It was a further part of the conspiracy that defendant **ROEHL RIVERA**, Calderon, and others accompanied Smuggled Aliens on Continental Flight No. 98.

14. It was a further part of the conspiracy that defendant **ROEHL RIVERA**, Calderon, and others routinely provided the Smuggled Aliens with a multi-page information sheet that contained facts concerning Country M ("Country M Information Sheet"), as well as false information concerning the purported purpose of their travel to the United States, for the purpose of deceiving United States Customs and Border Protection Inspectors ("CBP Inspectors") in responding to questions concerning their purported home country and the purpose of their travels to the United States.

15. It was a further part of the conspiracy that defendant **ROEHL RIVERA**, Calderon, and others received payment, directly and indirectly, in amounts up to approximately \$15,000 from each of the Smuggled Aliens, either prior to or after his or her unlawful entry into the United States.

16. As a result of the above acts, more than approximately 40 Smuggled Aliens illegally entered the United States through

Newark Liberty International Airport from at least as early as on
or about May 20, 2005 through on or about January 5, 2006.

OVERT ACTS

17. In furtherance of the conspiracy and to effect its unlawful object, defendant **ROEHL RIVERA**, Calderon, and others committed and caused to be committed the following overt acts in the District of New Jersey and elsewhere:

Smuggled Aliens M.G., M.C., and A.A.

a. On or about May 20, 2005, defendant **ROEHL RIVERA** and Calderon traveled from Hong Kong to Newark Liberty International Airport on Continental Flight No. 98.

b. On or about May 20, 2005, defendant **ROEHL RIVERA**, who did not otherwise have permission to enter the United States, presented to CBP Inspectors at Newark Liberty International Airport as his lawful passport a fraudulent Country M passport that he received from Calderon and thereby entered the United States.

c. On or about June 18, 2005, Calderon acquired tickets for the June 19, 2005 Continental Flight No. 98 in the names of two Smuggled Aliens, identified herein as M.G. and M.C.

d. On or about June 19, 2005, Calderon traveled to the United States on Continental Flight No. 98 with M.G., M.C. and another Smuggled Alien, identified herein as A.A.

e. On or about June 19, 2005, Calderon presented to CBP Inspectors his Philippines passport and the Visa issued in connection with his employment at the Embassy of Country M.

f. On or about June 19, 2005, at the direction of Calderon, M.G., M.C., and A.A. all presented fraudulent Country M

passports to CBP Inspectors, enabling each of them to enter the United States.

Smuggled Aliens D.L.D., H.S., and G.S.

g. In or about December 2005, Calderon met with a Filipino who did not have permission to travel to or work in the United States, identified herein as D.L.D., and told D.L.D., in substance and in part, that he could help smuggle D.L.D. into the United States in exchange for payment.

h. In or about December 2005, in the Philippines, Calderon caused a photograph to be taken of D.L.D.

i. On or about January 4, 2006, Calderon flew with D.L.D. and two other Smuggled Aliens, identified herein as H.S. and G.S, from the Philippines to Hong Kong.

j. On or about January 4, 2006, in Hong Kong, Calderon gave H.S., G.S., and D.L.D. fraudulent Country M passports containing their respective photographs and personal identifying information.

k. On or about January 4, 2006, in Hong Kong, Calderon received a total of approximately \$10,000 in United States currency from H.S. and G.S. in exchange for their fraudulent Country M passports, as well as a promise from each of them to pay an additional \$5,000 in United States currency after arriving in the United States.

l. On or about January 4, 2006, Calderon provided hotel rooms for D.L.D., H.S., and G.S in Hong Kong.

m. On or about January 4, 2006, Calderon introduced

defendant **ROEHL RIVERA** to D.L.D., H.S., and G.S. as the individual who would accompany them to the United States.

n. In or about early January 2006, Calderon purchased tickets on the January 5, 2006 Continental Flight No. 98 for defendant **ROEHL RIVERA**, H.S., and G.S.

o. On or about January 5, 2006, defendant **ROEHL RIVERA** provided D.L.D. with the Country M Information Sheet and told D.L.D., in substance and in part: that D.L.D. should use the Country M Information Sheet to respond to questions about Country M that might come up during the Customs and Border Protection inspection process at Newark Liberty International Airport; and that D.L.D. should respond, if questioned by CBP Inspectors, that D.L.D. intended to stay in the United States for two weeks and planned to purchase a return ticket sometime during D.L.D.'s stay in the United States.

p. On or about January 5, 2006, defendant **ROEHL RIVERA** traveled on Continental Flight No. 98 with D.L.D., G.S., and H.S from Hong Kong to Newark Liberty International Airport.

q. On or about January 5, 2006, defendant **ROEHL RIVERA**, D.L.D., G.S., and H.S. all presented as their lawful passports to CBP Inspectors at Newark Liberty International Airport fraudulent Country M passports, enabling each of them to enter the United States.

All in violation of Title 18, United States Code, Section 371.

CHRISTOPHER J. CHRISTIE
United States Attorney