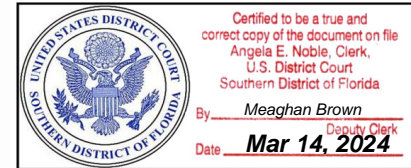
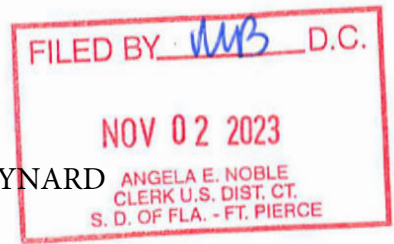


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 2:23-CR-14047 ROSENBERG/MAYNARD

8 U.S.C. § 1324(a)(1)(A)(i)
8 U.S.C. § 1324(a)(1)(A)(v)(I)
8 U.S.C. § 1324(a)(1)(B)(i)
8 U.S.C. § 1324(a)(1)(B)(iii)
8 U.S.C. § 1324(a)(1)(B)(iv)
8 U.S.C. § 1324(a)(2)(B)(ii)
18 U.S.C. § 2
18 U.S.C. § 982(a)(6)



UNITED STATES OF AMERICA,

v.

VANDRICK NELSON SMITH,
a/k/a "MUGGY,"
a/k/a "VANS,"

Defendant.

INDICTMENT

The Grand Jury charges that:

INTRODUCTION

1. Between in or about March 2021, through on or about August 8, 2022, the defendant, VANDRICK NELSON SMITH, also known as "MUGGY" or "VANS," together with others, participated in a human smuggling operation that attempted to bring individuals illegally from The Bahamas to the United States (hereinafter referred to as "aliens"). The aliens were nationals of countries including, but not limited to, Colombia, Jamaica, the Dominican Republic, and Haiti. The aliens were not United States citizens and did not have prior official authorization from the United States government to come to, enter, and reside in the United States. The aliens or their families and friends paid money to be smuggled to the United States.

2. The defendant, VANDRICK NELSON SMITH, also known as “MUGGY” or “VANS,” is a Bahamian national who conspired with other smugglers to facilitate the travel of aliens from The Bahamas into the United States.

3. The defendant, VANDRICK NELSON SMITH, also known as “MUGGY” or “VANS,” was involved in at least three human smuggling operations. One operation occurred on or about March 6, 2021, one operation occurred on or about January 22, 2022, and one operation occurred on or about August 8, 2022. All three operations attempted to smuggle aliens to Florida by vessel.

4. On or about the evening of January 22, 2022, numerous migrants boarded a vessel in The Bahamas destined for Florida. Shortly after the vessel’s departure, the engines stopped functioning, eventually leading to the capsizing of the vessel. On January 25, 2022, the U.S. Coast Guard rescued the sole surviving alien from the operation, who was found clinging to the top of the capsized vessel. The U.S. Coast Guard also recovered multiple bodies related to the event.

COUNT 1

**Conspiracy to Bring Aliens to the United States for Commercial Advantage and Private Financial Gain, Placing in Jeopardy the Life of Aliens, and Resulting in Death
8 U.S.C. § 1324(a)(1)(A)(v)(I)**

From at least as early as in or around March 2021, through on or about August 8, 2022, in the Southern District of Florida, and elsewhere, with the Southern District of Florida also being the district where the defendant will first be brought for the purpose of Title 18, United States Code, Section 3238, the defendant,

**VANDRICK NELSON SMITH,
a/k/a “MUGGY,”
a/k/a “VANS,”**

did knowingly and willfully combine, conspire, confederate, and agree with other persons known and unknown to the Grand Jury, to commit an offense against the United States, that is, to bring, and attempt to bring, aliens to the United States, in any manner whatsoever, at a place other than a designated port of entry and at a place other than as designated by the Commissioner, knowing that such persons are aliens, regardless of whether such aliens received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such aliens, for the purpose of commercial advantage and private financial gain, placing in jeopardy the lives of such aliens, and resulting in the deaths of A.B., R.J.L.C., W.R.M.P., M.C.M.C., and J.P.S.B., in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i), 1324(a)(1)(B)(i), 1324(a)(1)(B)(iii), and 1324(a)(1)(B)(iv), all in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I).

COUNT 2

**Attempt to Bring an Alien to the United States for Commercial Advantage and Private
Financial Gain**

8 U.S.C. § 1324(a)(2)(B)(ii)

On or about March 6, 2021, in the Southern District of Florida, and elsewhere, with the Southern District of Florida also being the district where the defendant will first be brought for the purpose of Title 18, United States Code, Section 3238, the defendant,

**VANDRICK NELSON SMITH,
a/k/a "MUGGY,"
a/k/a "VANS,"**

did knowingly attempt to bring, and did aid and abet the attempt to bring, in any manner whatsoever, an alien, S.S., to the United States for the purpose of commercial advantage and private financial gain, knowing and in reckless disregard of the fact that such alien had not received prior official authorization to come to, enter, and reside in the United States, regardless of any

official action which might later be taken with respect to such alien, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

COUNTS 3-7
Attempt to Bring an Alien to the United States for Commercial Advantage and Private Financial Gain, Resulting in Death
8 U.S.C. § 1324(a)(1)(A)(i)

On or about January 22, 2022, in the Southern District of Florida and elsewhere, with the Southern District of Florida also being the district where the defendant will first be brought for the purpose of Title 18, United States Code, Section 3238, the defendant,

VANDRICK NELSON SMITH,
a/k/a “MUGGY,”
a/k/a “VANS,”

did knowingly attempt to bring, and did aid and abet the attempt to bring, in any manner whatsoever, an alien, as set forth in Counts 3 through 7 below, to the United States at a place other than a designated port of entry and at a place other than as designated by the Commissioner, knowing that such persons are aliens, regardless of whether such aliens received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such aliens, for the purpose of commercial advantage and private financial gain, resulting in the death of such alien:

<u>Count</u>	<u>Alien</u>
3	A.B.
4	R.J.L.C.
5	W.R.M.P.
6	M.C.M.C.
7	J.P.S.B.

In violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i), 1324(a)(1)(B)(i), 1324(a)(1)(B)(iv), and Title 18, United States Code, Section 2.

COUNT 8

**Attempt to Bring an Alien to the United States for Commercial Advantage and Private
Financial Gain and Placing in Jeopardy the Life of the Alien
8 U.S.C. § 1324(a)(1)(A)(i)**

On or about January 22, 2022, in the Southern District of Florida, and elsewhere, with the Southern District of Florida also being the district where the defendant will first be brought for the purpose of Title 18, United States Code, Section 3238, the defendant,

**VANDRICK NELSON SMITH,
a/k/a "MUGGY,"
a/k/a "VANS,"**

did knowingly attempt to bring, and did aid and abet the attempt to bring, in any manner whatsoever, an alien, J.E.M.C., to the United States at a place other than a designated port of entry and at a place other than as designated by the Commissioner, knowing that such person is an alien, regardless of whether such alien received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien, for the purpose of commercial advantage and private financial gain, which placed in jeopardy the life of the alien, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i), 1324(a)(1)(B)(i), 1324(a)(1)(B)(iii), and Title 18, United States Code, Section 2.

COUNT 9
Aiding and Assisting Certain Aliens to Enter the United States
8 U.S.C. § 1327

On or about August 8, 2022, in the Southern District of Florida, and elsewhere, with the Southern District of Florida also being the district where the defendant will first be brought for the purpose of Title 18, United States Code, Section 3238, the defendant,

VANDRICK NELSON SMITH,
a/k/a “MUGGY,”
a/k/a “VANS,”

did knowingly aid and assist an alien, D.B., to enter the United States, said alien being inadmissible under Title 8, United States Code, Section 1182(a)(2), as an alien who had been convicted of an aggravated felony, in violation of Title 8, United States Code, Section 1327, and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATIONS

1. The allegations of this Indictment are re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **VANDRICK NELSON SMITH, a/k/a “MUGGY,” a/k/a/ “VANS,”** may have an interest.

2. Upon conviction of a violation of Title 8, United States Code, Section 1324, as alleged in this Indictment, the defendant shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(6), the following property:

(a) any conveyance, including any vessel, vehicle, or aircraft, used in the commission of such offenses, pursuant to Title 18, United States Code, Section 982(a)(6)(A)(i);

(b) any property, real or personal, that constitutes, or is derived from, or is traceable to any proceeds obtained, directly or indirectly, from the commission of such offenses; and any property, real or personal, that was used to facilitate, or intended to be used to facilitate, the commission of such offenses, pursuant to Title 18, United States Code, Section 982(a)(6)(A)(ii); and

(c) any conveyance, including any vessel, vehicle, or aircraft, that has been or is being used in the commission of the offenses, the gross proceeds of such violations, and any property traceable to such conveyances or proceeds, pursuant to Title 8, United States Code, Section 1324(b), and Title 28, United States Code, Section 2461(c).

The United States will also seek a forfeiture money judgment against the defendant in the amount equal to the value of any property, real or personal, that constitute, or is derived from or is traceable to the proceeds obtained directly or indirectly from these offenses, and the gross proceeds of these offenses, and any property traceable to such proceeds.

SUBSTITUTE ASSETS PROVISION

If any property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property that cannot be divided without difficulty;

the defendant shall forfeit to the United States any other property of the defendant, up to the value of the property described above, pursuant to Title 21, United States Code, Section 853(p).

All pursuant to Title 8, United States Code, Section 1324(b), and Title 18, United States Code, Section 982(a)(6), and the procedures set forth in Title 21, United States Code, Section 853, as made applicable by Title 18, United States Code, Section 982(b)(1).

A TRUE BILL

FOREPERSON


MARKENZY LAPOINTE
UNITED STATES ATTORNEY

NICOLE M. ARGENTIERI
ACTING ASSISTANT ATTORNEY GENERAL


JUSTIN L. HOOVER
ASSISTANT UNITED STATES ATTORNEY


MARIE S. ZISA
TRIAL ATTORNEY
U.S. DEPARTMENT OF JUSTICE
CRIMINAL DIVISION, HUMAN RIGHTS AND SPECIAL PROSECUTIONS