

FILED by **TB** D.C.  
  
Jan 6, 2017  
  
STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

**17-20013-CR-MARTINEZ/GOODMAN**  
CASE NO. \_\_\_\_\_

8 U.S.C. § 1324(a)(1)(A)(v)(I)

8 U.S.C. § 1324(a)(1)(A)(iv)

UNITED STATES OF AMERICA

vs.

**JORGE FERNANDO RIVERA WEIR,**  
a/k/a "Fernando,"  
**CARLOS EMILIO IBARGUEN PALACIOS,**  
**JHOAN STIVEN CARREAZO ASPRILLA,**  
a/k/a "Playboy," and  
**FREDIS VALENCIA PALACIOS,**

**Defendants.**

\_\_\_\_\_ /

**INDICTMENT**

The Grand Jury charges that:

**COUNT 1**

Beginning in or around November 2014, the exact date being unknown to the Grand Jury, and continuing through on or about September 7, 2016, in Miami-Dade County, in the Southern District of Florida, the country of Colombia, and elsewhere, the defendants,

**JORGE FERNANDO RIVERA WEIR,**  
a/k/a "Fernando,"  
**CARLOS EMILIO IBARGUEN PALACIOS,**  
**JHOAN STIVEN CARREAZO ASPRILLA,**  
a/k/a "Playboy," and  
**FREDIS VALENCIA PALACIOS,**

did knowingly and willfully conspire, confederate, and agree with each other and with other persons known and unknown to the Grand Jury, to commit an offense against the United States,

that is, encouraging and inducing an alien to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence is and will be in violation of law, with said conduct resulting in the death of E.M.A. and D.E.L.S., and during and in relation to which conduct the defendants placed in jeopardy the life of any person, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv), (B)(iv), and (B)(iii); all in violation of Title 8, United States Code, Section 1324(a)(1)(A)(v)(I).

**COUNTS 2-4**

Beginning in or around August 2016, the exact date being unknown to the Grand Jury, and continuing through on or about September 7, 2016, in Miami-Dade County in the Southern District of Florida, the country of Colombia, and elsewhere, the defendants,

**JORGE FERNANDO RIVERA WEIR,  
a/k/a "Fernando,"  
CARLOS EMILIO IBARGUEN PALACIOS,  
JHOAN STIVEN CARREAZO ASPRILLA,  
a/k/a "Playboy," and  
FREDIS VALENCIA PALACIOS,**

did knowingly encourage and induce an alien, as set forth in Counts 2 through 4 below, to come to, enter, and reside in the United States, knowing and in reckless disregard of the fact that such coming to, entry, and residence is and will be in violation of law, with said conduct resulting in the death of E.M.A. and D.E.L.S., and during and in relation to which conduct the defendants placed in jeopardy the life of any person:

COUNT	ALIEN
2	E.M.A

3	D.E.L.S.
4	L.S.C.

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

**CRIMINAL 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 defendants, **JORGE FERNANDO RIVERA WEIR, a/k/a “Fernando,” CARLOS EMILIO IBARGUEN PALACIOS, JHOAN STIVEN CARREAZO ASPRILLA, a/k/a “Playboy,” and FREDIS VALENCIA PALACIOS,** have an interest.

2. Upon conviction of a violation of Title 8, United States Code, 1324, as alleged in Counts 1 through 4 of this Indictment, the defendants, **JORGE FERNANDO RIVERA WEIR, a/k/a “Fernando,” CARLOS EMILIO IBARGUEN PALACIOS, JHOAN STIVEN CARREAZO ASPRILLA, a/k/a “Playboy,” and FREDIS VALENCIA PALACIOS,** shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(6), all right, title and interest in the following

i. any conveyance, including any vessel, vehicle, or aircraft, used in the commission of such offense;

ii. 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 offense;

and

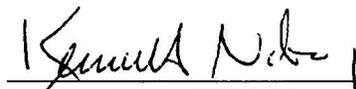
iii. any property, real or personal, that was used to facilitate, or intended to be used to facilitate, the commission of such offense.

All pursuant to 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).

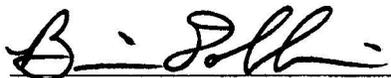
A TRUE BILL

! ~~FOREPERSON~~

iv

  
\_\_\_\_\_  
WIFREDO A. FERRER  
UNITED STATES ATTORNEY

LESLIE R. CALDWELL  
ASSISTANT ATTORNEY GENERAL

  
\_\_\_\_\_  
BRIAN DOBBINS  
Assistant United States Attorney

  
\_\_\_\_\_  
DANIELLE HICKMAN  
Trial Attorney  
U.S. Department of Justice  
Criminal Division, Human Rights and Special Prosecutions

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

v.

**CERTIFICATE OF TRIAL ATTORNEY\***

JORGE FERNANDO RIVERA WEIR,  
a/k/a "Fernando," et al.,

Defendants.

**Superseding Case Information:**

Court Division: (Select One)

X Miami      \_\_\_\_\_ Key West  
\_\_\_\_\_ FTL      \_\_\_\_\_ WPB      \_\_\_\_\_ FTP

New Defendant(s)      Yes \_\_\_\_\_ No \_\_\_\_\_  
Number of New Defendants      \_\_\_\_\_  
Total number of counts      \_\_\_\_\_

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.
- Interpreter: (Yes or No)      Yes \_\_\_\_\_  
List language and/or dialect      Spanish
- This case will take 10 days for the parties to try.
- Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

I	0 to 5 days	_____	Petty	_____
II	6 to 10 days	<u>X</u>	Minor	_____
III	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	_____	Felony	<u>X</u>
V	61 days and over	_____		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes: Judge: \_\_\_\_\_ Case No. \_\_\_\_\_  
(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) Yes

If yes: Magistrate Case No. 16-mj-03637-AOR(under seal)

Related Miscellaneous numbers: \_\_\_\_\_  
Defendant(s) in federal custody as of \_\_\_\_\_  
Defendant(s) in state custody as of \_\_\_\_\_  
Rule 20 from the District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes \_\_\_\_\_ No X

8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes \_\_\_\_\_ No X

BRIAN DOBBINS  
ASSISTANT UNITED STATES ATTORNEY  
Court I.D. No. A5501182

\*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: JORGE FERNANDO RIVERA WEIR, a/k/a "Fernando"

Case No: \_\_\_\_\_

Count 1:

Conspiracy to encourage and induce aliens to come to and reside in the United States

Title 8, United States Code, Section 1324(a)(1)(A)(v)(I)

\*Max. Penalty: Life imprisonment

Counts 2-4:

Encouraging and inducing aliens to come to and reside in the United States

Title 8, United States Code, Section 1324(a)(1)(A)(iv)

\*Max. Penalty: Life imprisonment

\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: CARLOS EMILIO IBARGUEN PALACIOS

Case No: \_\_\_\_\_

Count 1:

Conspiracy to encourage and induce aliens to come to and reside in the United States

Title 8, United States Code, Section 1324(a)(1)(A)(v)(I)

\*Max. Penalty: Life imprisonment

Counts 2-4:

Encouraging and inducing aliens to come to and reside in the United States

Title 8, United States Code, Section 1324(a)(1)(A)(iv)

\*Max. Penalty: Life imprisonment

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: JHOAN STIVEN CARREAZO ASPRILLA, a/k/a "Playboy"

Case No: \_\_\_\_\_

Count 1:

Conspiracy to encourage and induce aliens to come to and reside in the United States

Title 8, United States Code, Section 1324(a)(1)(A)(v)(I)

\*Max. Penalty: Life imprisonment

Counts 2-4:

Encouraging and inducing aliens to come to and reside in the United States

Title 8, United States Code, Section 1324(a)(1)(A)(iv)

\*Max. Penalty: Life imprisonment

\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: FREDIS VALENCIA PALACIOS

Case No: \_\_\_\_\_

Count 1:

Conspiracy to encourage and induce aliens to come to and reside in the United States

Title 8, United States Code, Section 1324(a)(1)(A)(v)(I)

\*Max. Penalty: Life imprisonment

Counts 2-4:

Encouraging and inducing aliens to come to and reside in the United States

Title 8, United States Code, Section 1324(a)(1)(A)(iv)

\*Max. Penalty: Life imprisonment

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable**