

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
v. : Criminal No. 11-
RUBENS DA SILVA, : 8 U.S.C. § 1324(a)(1)(A)(v)(I)
a/k/a "Diogo Oliveira" :
:

I N F O R M A T I O N

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

BACKGROUND

A. The Defendant

1. At all times relevant to this Information, defendant Rubens Da Silva, a/k/a "Diogo Oliveira," resided in Haverhill, Massachusetts.

B. The Co-conspirators

2. At various times relevant to this Information:

a. N.P., a co-conspirator who is not named as a defendant herein, resided in Newark, New Jersey; Houston, Texas; Haverhill, Massachusetts; and Hillside, New Jersey.

b. S.D., a co-conspirator who is not named as a defendant herein, resided in Houston, Texas.

c. F.D., a co-conspirator who is not named as a defendant herein, resided in Hillside, New Jersey.

d. P. LNU, a co-conspirator who is not named as a defendant herein, resided in Long Branch, New Jersey.

e. C.M., a co-conspirator who is not named as a defendant herein, resided in Newark, New Jersey.

C. The Confidential Source

3. At various times relevant to this Information, confidential Source 1 ("CS1"), a former customer of the alien smuggling conspiracy charged in this Information, paid N.P. and his co-conspirators to smuggle CS1 into the United States from Brazil and subsequently resided in Newark, New Jersey.

The Conspiracy

4. From at least as early as in or about January 2008, through on or about June 10, 2011, in Essex County, in the District of New Jersey and elsewhere, defendant

**RUBENS DA SILVA,
a/k/a "Diogo Oliveira,"**

did knowingly and intentionally conspire and agree with N.P., S.D., P. LNU, C.M., F.D., and others to bring an alien into the United States at a place other than a designated port of entry or other authorized place, knowing that such person was an alien, contrary to Title 8, United States Code, Section 1324(a)(1)(A)(i).

Object of the Conspiracy

5. The object of the conspiracy was to profit by illegally smuggling aliens into the United States at places other than a designated port of entry or other authorized place.

Manner and Means of the Conspiracy

6. As part of the conspiracy, defendant Rubens Da Silva, N.P., S.D., P. LNU, C.M., F.D., and others brought aliens into the United States from Brazil and elsewhere as part of an elaborate for-profit alien smuggling scheme in which defendant Rubens Da Silva and his co-conspirators arranged, facilitated, and monitored the travel of their customers from, among other places, Sao Paulo, Brazil, into the United States, and, eventually, to various destinations in New Jersey, Massachusetts, and elsewhere (the "Alien Smuggling Scheme").

7. It was further part of the conspiracy that defendant Rubens Da Silva, N.P., S.D., P. LNU, C.M., F.D., and others operated the Alien Smuggling Scheme along two primary routes. The first route was through Mexico and included travel by commercial flight from Sao Paulo to Mexico City, followed by transportation, typically by bus, to one of several safe houses in Mexico, near the international border between Mexico and the United States (the "Mexico Route"). From those safe houses, co-conspirators in Mexico guided customers across the international border between Mexico and the United States by various

means, including on foot through the desert, through hidden, underground tunnels, or secreted in trucks.

8. It was further part of the conspiracy that defendant Rubens Da Silva, N.P., S.D., P. LNU, C.M., F.D., and others used a second route through the Caribbean (the "Caribbean Route"), which generally included travel by commercial flight from Sao Paulo to St. Maarten, followed by another commercial flight to the Virgin Islands or St. Thomas, followed by a boat trip to Puerto Rico. From Puerto Rico, customers of the Alien Smuggling Scheme took commercial flights to destinations in the United States.

9. It was further part of the conspiracy that defendant Rubens Da Silva, N.P., S.D., P. LNU, C.M., F.D., and others charged customers of the Alien Smuggling Scheme between approximately \$13,000 and \$25,000, depending on the route traveled by the customer and whether the customer paid in advance before departing for the United States, or paid in installments after arriving in the United States.

10. It was further part of the conspiracy that, in general, defendant Rubens Da Silva, N.P., S.D., P. LNU, C.M., F.D., and others charged customers who could pay in advance approximately \$13,000 to use the Mexico Route and approximately \$16,000 to use the Caribbean Route. For customers who could not pay in advance, defendant Rubens Da Silva, N.P., S.D., P. LNU, C.M., F.D., and

others agreed to accept payment after the alien arrived in the United States but imposed a finance charge on the price. The cost of financing travel using the Mexico Route was approximately \$22,000, and the cost of financing travel using the Caribbean Route was approximately \$25,000. When customers of the Alien Smuggling Scheme elected to finance their smuggling cost, defendant Rubens Da Silva and his co-conspirators required repayment in weekly installments between approximately \$300 and \$1,000.

11. It was further part of the conspiracy that many of the customers of the Alien Smuggling Scheme were young women from Brazil, most of whom made the largest advance payment they could afford toward their smuggling cost and agreed to pay off the balance of their debt after they arrived in the United States by working as dancers in strip clubs in Newark, New Jersey, and elsewhere (the "Smuggled Women").

12. It was further part of the conspiracy that defendant Rubens Da Silva, N.P., S.D., P. LNU, C.M., F.D., and others induced the Smuggled Women and other customers of the Alien Smuggling Scheme to pay their smuggling debts by threatening to harm family members in the customers' home countries and by obtaining title to property owned by customers in their home countries or elsewhere as security for the debt.

13. It was further part of the conspiracy that, after successfully crossing the international border between the United

States and Mexico, customers of the Alien Smuggling Scheme resided temporarily in various safe houses before traveling to their final destinations. For example, three safe houses, in Texas, near the border between the United States and Mexico, were used by defendant Rubens Da Silva, N.P., C.M., and others to harbor customers of the Alien Smuggling Scheme (the "Texas Safe Houses"). The Texas Safe Houses were managed primarily by S.D., with oversight by defendant Rubens Da Silva.

14. It was further part of the conspiracy that defendant Rubens Da Silva, N.P., S.D., C.M., F.D., and others instructed customers of the Alien Smuggling Scheme who were intercepted by law enforcement agents as they attempted to enter the United States illegally to concoct false asylum claims and tell border enforcement agents that the customer would be placed in danger if the customer was immediately deported. Defendant Rubens Da Silva, N.P., and other co-conspirators also paid attorneys to assert customers' false asylum claims in legal proceedings.

15. It was further part of the conspiracy that the Alien Smuggling Scheme generated revenues and profits that defendant Rubens Da Silva and his co-conspirators deposited into various bank accounts in the United States and Brazil. Among those accounts was a Bank of America account that ended in the digits 3417, which was registered in the name of "Diogo Nunes Oliveira," an alias used by defendant Rubens Da Silva.

16. It was further part of the conspiracy that defendant Rubens Da Silva and his co-conspirators operated the Alien Smuggling Scheme in secret and undertook efforts to hide their activities and identities from certain customers of the Alien Smuggling Scheme, certain co-conspirators, and from law enforcement agents. For example, N.P. frequently changed residences among and within the various cities in which he conducted activities in furtherance of the conspiracy. Other co-conspirators, including defendant Rubens Da Silva and N.P., employed aliases and used those aliases in different settings and with different groups of customers and co-conspirators to avoid being easily identified.

17. It was further part of the conspiracy that defendant Rubens Da Silva and his co-conspirators attempted to elude detection by law enforcement agents by communicating through the use of cellular telephones typically registered in the names of aliases.

OVERT ACTS

In furtherance of the conspiracy and to achieve the purpose thereof, defendant Rubens Da Silva and his conspirators committed and caused to be committed, in the District of New Jersey and elsewhere the following overt acts:

18. In or about February 2008, N.P. participated in several telephone calls with CS1. During those calls, N.P. and CS1 discussed, among other things, N.P.'s offer to smuggle a relative of CS1 into the United States from Brazil. N.P. invited CS1 to join the Alien Smuggling Scheme and work for N.P. managing debt collection from certain Smuggled Women and providing local transportation of certain Smuggled Women.

19. In or about February 2008, N.P. met with CS1 in Newark. During the meeting, N.P. and CS1 discussed N.P.'s offer to smuggle CS1's relative from Brazil to the United States. N.P. stated, among other things, that N.P. did not like to smuggle men into the United States because they did not repay their smuggling debt as reliably as women.

20. On or about February 18, 2011, N.P. participated in a telephone call with CS1. During the call, N.P. and CS1 discussed whether N.P. would smuggle a friend of CS1's from Brazil to the United States. N.P. stated, among other things:

a. N.P. smuggled aliens into the United States through several routes, including through Mexico. While operating in

Mexico, N.P. paid the Mexican mafia to avoid delays and obstruction.

b. N.P. smuggled groups of ten people at a time into the United States.

c. N.P. would pay CS1 a commission of \$5,000 for referring CS1's friend.

21. On or about February 23, 2011, N.P. participated in a series of telephone calls with CS1. During the calls, N.P. and CS1 continued their earlier discussion about N.P.'s plan to smuggle CS1's friend from Brazil into the United States. N.P. stated, among other things:

a. N.P. would smuggle CS1's friend into the United States for \$16,000. CS1's friend should pay N.P. \$10,000 in advance and \$6,000 after arriving in the United States. N.P. will pay CS1 \$3,000 for the referral.

b. N.P. used a radio to consult with his co-conspirators along the smuggling route as N.P.'s customers traveled.

c. CS1's friend would never be alone and would always travel with a group of six or seven people. In Dallas, CS1's friend would stay at a house controlled by N.P.

22. On or about March 2, 2011, N.P. participated in a telephone call with CS1. During the call, N.P. and CS1 continued to discuss arrangements to smuggle CS1's friend into the United States. N.P. stated, among other things:

a. CS1 should open an account at a bank. After that, N.P. would give CS1 an account number into which CS1 could deposit funds associated with the Alien Smuggling Scheme.

b. N.P. only smuggled women to Newark to dance or to work at hotels.

c. N.P. often required a guarantee from smuggling clients, such as the deed to a house or land.

d. In 2010, N.P. and his co-conspirators lost a lot of money smuggling customers through Mexico because border security was very diligent. N.P. lost \$300,000 and one of N.P.'s co-conspirators lost \$1 million. N.P.'s smuggling routes have improved. In Mexico, N.P. and his co-conspirators operated in three or four different locations along the border.

e. The Caribbean Route was safe but was slow and sometimes took up to three months. N.P. preferred to smuggle customers quickly, especially if the customer was a pretty girl, so that she could start working.

23. On or about April 6, 2011, N.P. received a telephone call from an unknown co-conspirator in Mexico. During their conversation, N.P. instructed the co-conspirator to keep his eye out for a woman who would be passing through. N.P. stated that the woman was one of N.P.'s previous customer's sisters and told the co-conspirator to hold onto the woman. N.P. explained that after the woman's sister arrived in the United States, the woman

stopped paying N.P. for her trip. N.P. stated that N.P. wanted his co-conspirator to hold the new customer until N.P. was paid for the sister's earlier travel.

24. On or about April 13, 2011, N.P. placed a telephone call to P. LNU. During the call, N.P. told P. LNU that N.P. was negotiating with a woman from Goiás, Brazil, who wanted to talk with a customer who had traveled through Mexico. N.P. stated that N.P. was going to give the woman P. LNU's telephone number and instructed P. LNU to tell the woman how N.P. smuggled P. LNU into the United States with P. LNU's fifteen year old son, how P. LNU did not have to walk for very long while traveling, and how a tunnel is available for certain customers of the Alien Smuggling Scheme. P. LNU agreed.

25. On or about April 13, 2011, F.D. and N.P. participated in several telephone calls. During the calls, F.D. and N.P. discussed F.D.'s efforts to smuggle a customer of the Alien Smuggling Scheme into the United States. Specifically, F.D. and N.P. discussed the cost of travel for the customer and F.D. provided N.P. the customers's contact information. F.D. told N.P. to give the customer a call because she had cash and was ready to travel.

26. On or about April 21, 2011, F.D. called N.P. During the call, N.P. told F.D. that Smuggled Women were arriving in New Jersey and defendant Rubens Da Silva wanted N.P. and F.D. to

receive them and arrange to collect approximately \$30,000 from them. N.P. stated that the money was probably coming from Brazil and that N.P. and F.D. would have to collect addresses and telephone numbers from the Smuggled Women. F.D. complained that he did not want to work that day. N.P. stated that the work would only include calling defendant Rubens Da Silva, collecting money from Smuggled Women who were holding cash, and collecting contact information from Smuggled Women who had traveled on credit.

27. On or about April 22, 2011, F.D. and N.P. drove to a residence in Long Branch, New Jersey, to retrieve a smuggling debt payment from a customer of the Alien Smuggling Scheme. Thereafter, F.D. and N.P. traveled to a bank in Newark where F.D. deposited the smuggling debt payment in an account controlled by N.P. and defendant Rubens Da Silva. The same day, defendant Rubens Da Silva and N.P. participated in a telephone conversation in which defendant Rubens Da Silva asked N.P. whether F.D. had successfully deposited approximately \$10,000 into a bank account, which N.P. confirmed.

28. On or about April 24, 2011, N.P. placed a telephone call to defendant Rubens Da Silva. During the call, defendant Rubens Da Silva and N.P. discussed their dissatisfaction with the efforts of certain of their co-conspirators. N.P. said that the only problem with the Alien Smuggling Scheme was the border

crossing, and that N.P. and defendant Rubens Da Silva needed to fix the problem. N.P. said that he felt confident that things would improve for N.P. and defendant Rubens Da Silva with the help of a new co-conspirator. Defendant Rubens Da Silva said that N.P. and defendant Rubens Da Silva needed to tell the new co-conspirator that defendant Rubens Da Silva and N.P. would be smuggling three people at a time and maybe six people per day.

29. On or about May 15, 2011, N.P. received a telephone call from S.D. During the call, N.P. told S.D. about a group of four customers of the Alien Smuggling Scheme that were arrested trying to enter the United States from Mexico. S.D. told N.P. that the arrested customers were traveling under the guidance of several co-conspirators. S.D. told N.P. that S.D.'s smuggling efforts were going well otherwise, and that S.D. had recently sent three customers through the border and all three had made it. S.D. said that S.D. has a group of customers for every hour of every day.

30. On or about May 17, 2011, C.M. called defendant Rubens Da Silva. During the call, C.M. asked defendant Rubens Da Silva how much it would cost for defendant Rubens Da Silva to transport two Smuggled Women from Laredo, Texas, to Florida and Boston. C.M. told defendant Rubens Da Silva that C.M. needed defendant Rubens Da Silva to transport the Smuggled Women through border checkpoints to their homes. C.M. advised defendant Rubens Da

Silva to offer him a good price because C.M. needed help transporting a total of twelve girls in the next two months. C.M. said the additional Smuggled Women were to be delivered in New Jersey. Defendant Rubens Da Silva told C.M. that it would not be a problem for defendant Rubens Da Silva to transport all the Smuggled Women. Defendant Rubens Da Silva asked C.M. if C.M. would pay in Houston and C.M. replied yes. C.M. told defendant Rubens Da Silva that C.M. preferred to smuggle customers across the border in Laredo because if the customers were arrested they had a better chance of securing bail in Laredo before being deported. C.M. told defendant Rubens Da Silva that C.M. lost money by having people arrested in El Paso and deported with no bail. Defendant Rubens Da Silva told C.M. that defendant Rubens Da Silva stopped sending people through El Paso for the same reason.

31. On or about May 29, 2011, N.P. engaged in a series of calls with J.V., a customer of the Alien Smuggling Scheme who had successfully crossed the international border between the United States and Mexico and who was waiting to travel around a United States Border Patrol check point. During the calls, J.V. told N.P. that J.V. was in a safe house in Texas. N.P. instructed J.V. to call N.P. if J.V. was arrested but not say N.P.'s name, and not to sign any deportation paperwork. Instead, N.P. told J.V. to say that J.V. could not return to Brazil because J.V. had family issues and that J.V.'s husband was abusive. N.P. told

J.V. that most people are arrested when crossing the river, which
J.V. had already done.

In violation of Title 8, United States Code, Section
1324(a)(1)(A)(v)(I).


PAUL J. FISHMAN
UNITED STATES ATTORNEY

CASE NUMBER: _____

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

**RUBENS DA SILVA,
a/k/a "Diogo Oliveira"**

INFORMATION FOR

8 U.S.C. § 1324(a)(1)(A)(v)(I)

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