

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America)

v.)

JANOY GARCIA-PRIETO and)
RENIER PEREZ-HERNANDEZ)

Case No. 10-2512-White

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of April 12, 2010 in the county of Miami-Dade in the Southern District of Florida, the defendant violated 8 U. S. C. § 1324, an offense described as follows:

did knowingly bring into the United States an alien and did not upon arrival immediately bring and present such alien to an appropriate immigration officer at a designated port of entry, 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, and regardless of any official action which may later be taken with respect to such alien; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii) and Title 18, United States Code Section 2.

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

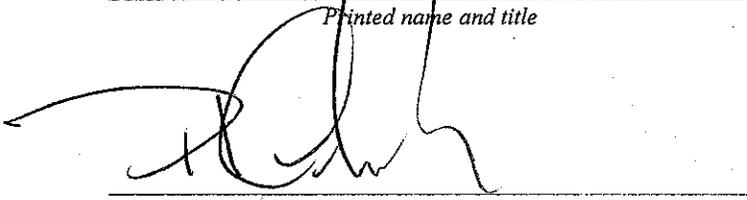

Complainant's signature

Matthew Stephen Parker, ICE Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: April 14, 2010


Judge's signature

City and state: Miami, Florida

Patrick A. White, U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

I, Matthew S. Parker, being duly sworn, hereby state the following:

1. I am a Special Agent with the Department of Homeland Security, United States Immigration and Customs Enforcement (hereinafter ICE). I have been employed with ICE since July of 2008. I am presently assigned to the Miami Field Office, Marine Investigations Group, where I am responsible for conducting narcotics and human trafficking investigations involving the use of marine vessels entering South Florida. Prior to service with ICE, I was a Senior Patrol Agent with the United States Border Patrol in El Centro, California, from August of 2003 to June of 2008. As a Border Patrol Agent, I patrolled the international boundary between California and Mexico. I routinely made arrests for illegal entry and alien smuggling and conducted alien smuggling investigations.

2. The statements contained in this affidavit are based on my own personal knowledge, as well as information provided to me by other law enforcement officials. I have not included in this Affidavit each and every fact and circumstance known to me, but only the facts and circumstances that I believe are sufficient to establish probable cause.

3. On April 12, 2010, at approximately 6:15 PM, a United States Coast Guard (hereinafter USCG) vessel attempted to stop a 50' Riviera pleasure boat, named SLAINTE (United States Documented Vessel # 1220717), near Haulover Inlet in Miami, FL. The SLAINTE rammed a USCG vessel before the SLAINTE ran aground at Haulover Beach.

4. Shortly after the SLAINTE ran aground, USCG observed persons jumping out of the vessel onto the beach. A total of 14 migrants were apprehended by ICE.

5. ICE subsequently received an anonymous tip from Crime Stoppers identifying Janoy GARCIA-Perez and Renier PEREZ-Hernandez as the alien smugglers involved in the

SLAINTE incident and providing their addresses. Upon receiving the anonymous tip, ICE agents traveled to the residences of GARCIA and PEREZ, where ICE agents apprehended them.

6. On April 13, 2010, ICE agents interviewed GARCIA and PEREZ regarding their involvement in the April 12, 2010 migrant smuggling venture.

7. PEREZ was read his *Miranda* warnings and stated that he understood his rights, subsequently waived his rights in writing, and agreed to speak with investigators. PEREZ stated the following:

- a. On April 11, 2010, he received a call from GARCIA. According to PEREZ, GARCIA said that he had a boat that he would use to go to the Bahamas and pick up 10 people. They were told by an individual, whom he did not identify, that they would get paid when they got back to the United States.
- b. He and GARCIA then traveled on the SLAINTE to the Bahamas on April 11, 2010. In the Bahamas, they brought the SLAINTE to a dock behind a house. There, they stayed overnight onboard the SLAINTE.
- c. On April 12, 2010, on or about 2:00 or 3:00 PM, he and GARCIA left the house with 16 or 18 people loaded onboard the SLAINTE. The people were loaded on the vessel from the dock behind the house.
- d. Both he and GARCIA took turns operating the vessel.
- e. After he saw that law enforcement was chasing him, he continued on his intended course to the United States until the SLAINTE ran aground at Haulover Beach.

f. After he and GARCIA ran from the vessel on Haulover Beach, they eventually hailed a taxi and were driven home. None of the illegal aliens from the SLAINTE got in the taxi with them.

8. GARCIA was also read his *Miranda* warnings and stated that he understood his rights, subsequently waived his rights in writing, and agreed to speak with investigators.

GARCIA stated the following:

- a. He left with PEREZ for the Bahamas on the morning of April 11, 2010.
- b. He had offered to an individual, whom he did not identify, to pick up an unknown amount of aliens, ~~from an individual that was not identified.~~ ^(MSP)
- c. He and PEREZ arrived in the Bahamas onboard the SLAINTE at a dock behind a house.
- d. He and PEREZ spent the night onboard the SLAINTE.
- e. When they awoke the next day, a load of migrants was there. A Bahamian smuggler, whom he did not identify, loaded the migrants on the vessel.
- f. On April 12, 2010, at or about 3:00 PM, they left the Bahamas.
- g. He was at the back of the vessel and PEREZ was at the helm once the SLAINTE left the Bahamas with the load of migrants.
- h. On April 12, 2010, on or about 3:00 PM, they left the Bahamas.
- i. He provided the migrants with food and water during the trip.
- j. He said that PEREZ did not want to stop for law enforcement and that PEREZ was determined to make it to shore.
- k. Once the SLAINTE ran aground, he and PEREZ then ran from the vessel and eventually got into a taxi.

9. There were approximately 14 total migrants onboard the SLAINTE who were subsequently apprehended by ICE agents: one Haitian minor, three Haitian adults, six Jamaican adults, and four Sri Lankan adults. The 13 adult migrants who were apprehended by ICE were all interviewed. All 13 identified GARCIA as a smuggler on the vessel. Seven of the 13 positively identified PEREZ as a smuggler on the vessel.

10. Based on the foregoing facts, I submit that probable cause exists that Janoy GARCIA-Prieto and Reiner PEREZ-Hernandez did knowingly bring into the United States an alien and did not upon arrival immediately bring and present such alien to an appropriate immigration officer at a designated port of entry, 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, and regardless of any official action which may later be taken with respect to such

