

# 24 MAG 911

AUSA: Jeffrey W. Coyle

UNITED STATES OF AMERICA

v.

RICHARD CRUZ and  
JAIME PINILLA GOMEZ,

Defendants.

## SEALED COMPLAINT

Violations of 18 U.S.C. §§ 1115 and 2

COUNTY OF OFFENSE:  
NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

RICHARD LIPHAM, being duly sworn, deposes and says that he is a Special Agent with the United States Coast Guard Investigative Service (“USCGIS”), and charges as follows:

### COUNT ONE

#### **(Misconduct and Neglect of Ship Officer Resulting in Death)**

1. On or about July 12, 2022, on the Hudson River, a navigable water of the United States, within the Southern District of New York, and within the admiralty jurisdiction of the United States, RICHARD CRUZ, the defendant, being a captain, engineer, pilot, and person employed on a vessel, by misconduct, negligence, and inattention to his duties on such vessel, caused the life of a person to be destroyed, and being an owner, charterer, inspector, and other public officer of a vessel, through fraud, neglect, connivance, misconduct, and violation of law, caused the life of a person to be destroyed, to wit, CRUZ, the captain and owner of the vessel *Stimulus Money*, which CRUZ had not registered or obtained certification to operate on the Hudson River with paying customers, overloaded the vessel with paying customers on the Hudson River and caused the vessel to be operated in a dangerous manner, causing the deaths of two passengers.

(Title 18, United States Code, Sections 1115 and 2.)

### COUNT TWO

#### **(Misconduct and Neglect of Ship Officer Resulting in Death)**

2. On or about July 12, 2022, on the Hudson River, a navigable water of the United States, within the Southern District of New York, and within the admiralty jurisdiction of the United States, JAIME PINILLA GOMEZ, the defendant, being a captain, engineer, pilot and person employed on a vessel, by misconduct, negligence, and inattention to his duties on such vessel, caused the life of a person to be destroyed, to wit, GOMEZ piloted *Stimulus Money* without required certifications and experience, and caused the vessel, which was not registered or certified to operate on the Hudson River with paying customers, to be used to carry passengers on the

Hudson River, and to be overloaded and operated in a dangerous manner during a voyage on the Hudson River, causing the deaths of two passengers.

(Title 18, United States Code, Sections 1115 and 2.)

The bases for my knowledge and the foregoing charges are, in part, as follows:

3. I am a Special Agent with the USCGIS, currently assigned to Coast Guard Sector New York. This affidavit is based upon my conversations with law enforcement personnel, my examination of reports and records, my review of video footage, and my conversations with witnesses. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

### **OVERVIEW**

4. I am involved in an investigation being conducted jointly by the USCGIS and New York City Police Department (“NYPD”) Detectives assigned to the United States Attorney’s Office for the Southern District of New York into the capsizing of the motor vessel *Stimulus Money* in the Hudson River resulting in the death of two passengers—a seven-year-old boy (“Victim-1”) and a 48-year-old woman (“Victim-2”)—that occurred on or about July 12, 2022, at approximately 2:40 p.m. (the “Capsizing”). At the time of the Capsizing, RICHARD CRUZ, the defendant, was the owner and captain of the vessel and JAIME PINILLA GOMEZ, the defendant, was the pilot of the vessel. As described in greater detail below, CRUZ’s and GOMEZ’s negligent actions and omissions caused the Capsizing and the deaths of Victim-1 and Victim-2. At the time of the Capsizing, among other things: (i) CRUZ and GOMEZ operated *Stimulus Money* with 13 people onboard, exceeding the vessel’s maximum allowable capacity; (ii) CRUZ and GOMEZ operated *Stimulus Money* at a high rate of speed during a Small Craft Advisory in high winds and heavy seas; (iii) neither CRUZ nor GOMEZ had obtained a required United States Coast Guard (“USCG”) certification to operate the vessel with paying customers onboard; (iv) CRUZ and GOMEZ operated *Stimulus Money* without a valid USCG Certificate of Inspection (“COI”), which is required for a vessel to operate with paying customers onboard; (v) GOMEZ, an insufficiently experienced mariner, piloted *Stimulus Money* in a dangerous manner, including by rapidly accelerating one engine of the vessel immediately before the Capsizing, which contributed to the overturning of the vessel; and (vi) GOMEZ, at the time of the Capsizing, failed to properly wear a safety device that should be worn around the pilot’s wrist or life vest, which contributed to the vessel’s engine continuing to operate even after GOMEZ shifted from the helm console (at which the vessel was operated).

### **CRUZ AND GOMEZ USED *STIMULUS MONEY* TO ENGAGE IN UNLICENSED, FOR-HIRE OPERATIONS BEFORE AND ON JULY 12, 2022**

5. Based on voluntary interviews with RICHARD CRUZ and JAIME PINILLA GOMEZ, the defendants, conducted by a USCG marine casualty investigator on or about July 12, 2022, my review of documents and records relating to a USCG marine casualty

investigation into the Capsizing, and my review of records from Facebook Marketplace, I know that:

a. CRUZ bought *Stimulus Money* in approximately April 2022 from a particular individual located in or around Bayville, New Jersey (“Individual-1”). Individual-1 had posted a message in a Facebook Marketplace group on or about December 27, 2021, stating that he wanted to sell *Stimulus Money* for “60k or best offer,” and CRUZ contacted him regarding the purchase of the vessel in response to that post. CRUZ paid all in cash to purchase *Stimulus Money*, and did not pay sales tax, as was required by New Jersey state law.

b. CRUZ conducted paid “tours” for customers onboard *Stimulus Money* beginning in at least in or about May 2022, both in New York Harbor and Lake Hopatcong, New Jersey. CRUZ typically charged approximately \$200 per hour for these tours.

c. GOMEZ piloted *Stimulus Money* on multiple occasions for at least approximately two months before the Capsizing. Specifically, GOMEZ piloted *Stimulus Money* one or two times per week, providing boat tours for paying customers. CRUZ typically paid GOMEZ in cash for operating *Stimulus Money*. The amount CRUZ paid GOMEZ depended on the length of the trip during which GOMEZ operated the vessel.

6. Based on a USCG Marine Casualty Report (the “Report”) into the Capsizing and my discussions with USCG personnel, I know that *Stimulus Money* was a 24-foot 2020 Yamaha AR 240 motor vessel with Hull Number US-YAMC0409B020 and Registration Number NJ 8563HN. *Stimulus Money* had twin jet drive propulsion and did not offer the same level of stability in rough sea conditions as traditional propellor-powered vessels. The vessel had two throttles, a port (left-side) and starboard (right-side) throttle, that controlled the port and starboard engines, respectively. The following photographs are stock photos of a similar Yamaha AR 240 motor vessel.



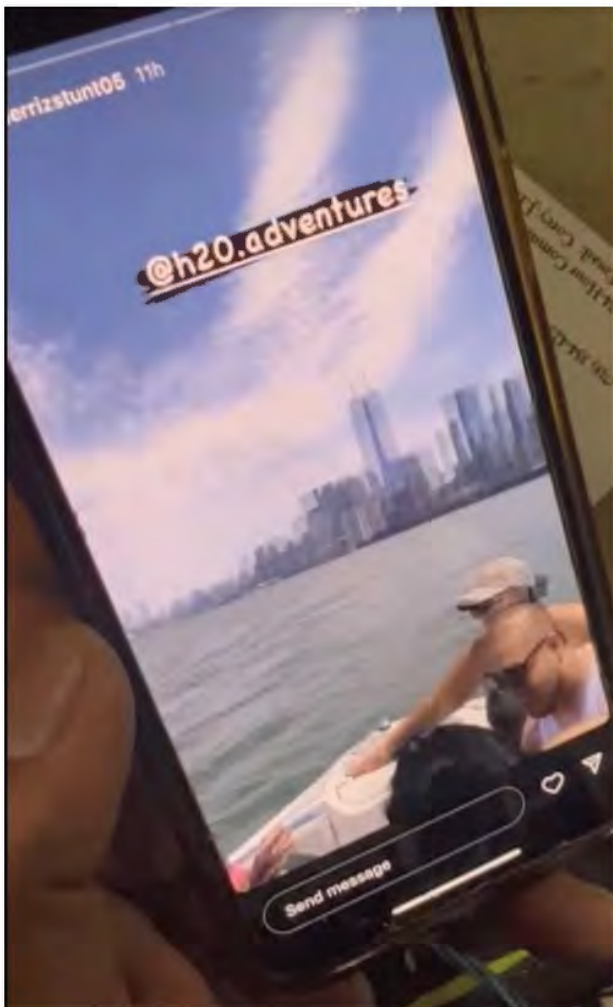
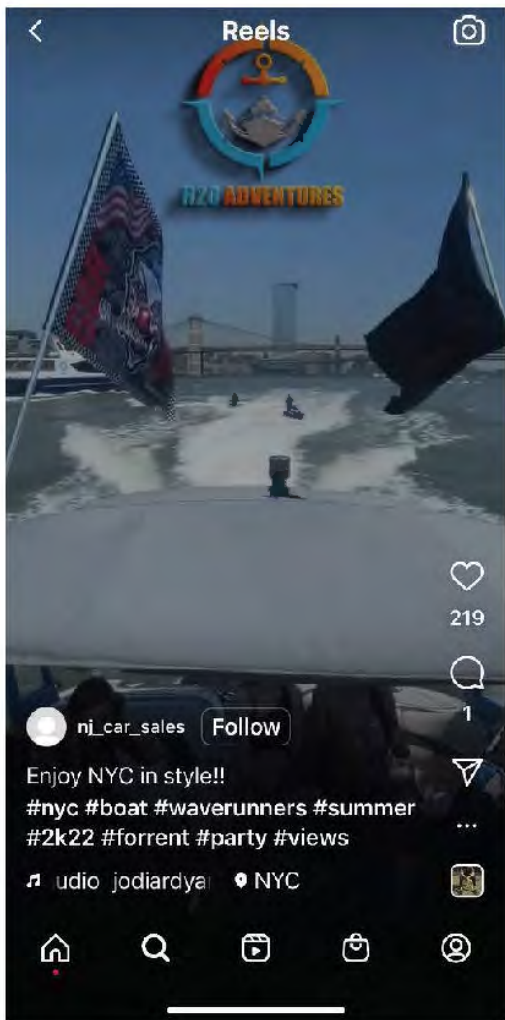


7. Based on my review of the Yamaha AR 240 operating manual, I know that the Yamaha AR 240 operating manual states: “Your boat is designed for one operator and up to 11 passengers only. Never have more than 12 people in the boat.” Moreover, a data plate clearly displayed at the helm console (where the vessel is operated from) of *Stimulus Money* stated that the maximum capacities onboard *Stimulus Money* was “12 persons or 2200 lbs.” The following photograph shows the vessel data plate onboard *Stimulus Money*.



8. Based on my review of publicly available social media photographs, my review of videos and photographs obtained pursuant to a USCG marine casualty investigation, my discussions with USCG marine casualty investigators, posts from Facebook Marketplace obtained from Individual-1, and records received from Meta, Inc., I know that RICHARD CRUZ, the defendant, used the Instagram account “@h20.adventures” to advertise boat tours on *Stimulus Money* for potential paying customers. CRUZ posted videos and photographs on that account regarding the unregistered “business” he ran involving chartering *Stimulus Money*. A reel posted to Instagram depicts *Stimulus Money* with a logo showing “H2O ADVENTURES” and the hashtags “nyc,” “boat,” “party” and “forrent.” Another video posted to Instagram shows passengers onboard *Stimulus Money*. Shortly after the Capsizing, the Instagram account “@h20.adventures”

was deactivated. The following images from Instagram depict the advertising of boat tours on *Stimulus Money*.

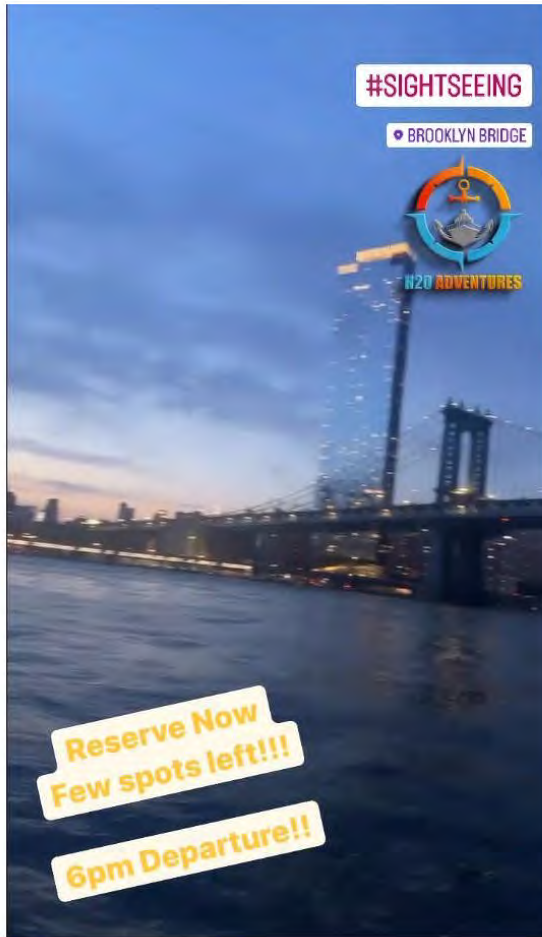


9. Based on my review of records from Meta, Inc., I know that:

a. On or about May 22, 2022, and June 25, 2022, potential customers inquired how many people could go out on *Stimulus Money*, and RICHARD CRUZ, the defendant, responded "10."

b. On or about June 9, 2022, July 5, 2022, and July 10, 2022, in response to inquiries from potential customers, CRUZ said that he provided tours on *Stimulus Money* for "200/hr", for four hours minimum, and with a maximum of ten people in a group.

c. CRUZ's Instagram story feed contained videos advertising boat tours on *Stimulus Money*, including the statements "Captain and assistant included," which I understand to refer to CRUZ and JAIME PINILLA GOMEZ, the defendant. The following images from Instagram depict the advertising of boat tours on *Stimulus Money*.



**CRUZ AND GOMEZ FAILED TO COMPLY WITH FEDERAL REGULATIONS GOVERNING VESSELS AND OPERATORS ENGAGED IN FOR-HIRE OPERATIONS**

10. Based on the Report, my discussions with USCG personnel, my review of federal regulations, and other documents and records, I know that:

a. Federal regulations mandate that any vessel carrying more than six passengers, including at least one for-hire passenger can only be operated if it has a valid USCG Certificate of Inspection (“COI”). The COI includes, among other things, the routes that the vessel is permitted to travel and the maximum number of passengers it is permitted to carry.

b. Despite engaging in for-hire operations onboard *Stimulus Money* on or about July 12, 2022, and on other previous occasions, RICHARD CRUZ, the defendant, never sought or received a USCG COI, as he was required by federal regulations to do.

c. One component of the credentialing process to receive a USCG COI involves the vessel undergoing a stability test or the applicant submitting a stability letter, in which stability standards for the vessel are reviewed by a qualified USCG marine inspector to determine the total number of passengers allowed onboard during for-hire operations for the particular route in question. Despite engaging in for-hire operations onboard *Stimulus Money*, CRUZ never had

the stability standards reviewed to determine the maximum number of passengers permitted onboard while operating in the Hudson River. In fact, on or about July 12, 2022, the number of passengers onboard *Stimulus Money* exceeded the absolute maximum capacity standards established by Yamaha—the manufacturer of the vessel—setting aside any lower capacity limits that might have been imposed as a result of the COI inspection process.

d. Had CRUZ sought to obtain a USCG COI for *Stimulus Money* to operate in the Hudson River in the condition it was in on or about July 12, 2022, as he was required by federal regulations to do, there would have been multiple deficiencies preventing *Stimulus Money* from receiving a COI in the condition in which it was operating on July 12, 2022, including, among other things: (1) its hull was constructed with improper material; (2) it was not fitted with any fixed gas fire extinguishing and detection systems; (3) it was not fitted with adequate drainage from water being trapped on deck; and (4) it was not fitted with adequate railing height in the forward compartment.

11. Based on the Report, my discussions with USCG personnel, and my review of federal regulations and documents and records, I know that:

a. Federal regulations mandate that every vessel engaged in for-hire operations have an individual holding a valid Merchant Mariner Credential (“MMC”) with endorsement as a master in command of the vessel. An MMC is granted by the USCG National Maritime Center. Even the minimum USCG certification to take up to six passengers onboard, including at least one for-hire passenger, requires that operators show a minimum of 360 days of documented boating experience, and that operators successfully pass a physical examination, drug test, background check, First Aid/CPR course, and a boating exam and/or USCG-approved boating course.

b. Because it carried more than six passengers onboard, including at least one for-hire passenger, on July 12, 2022, *Stimulus Money* was required to have someone holding an even higher level of certification onboard than the baseline MMC, which would require additional qualifying sea service and a separate exam focused on navigation, principles of the proper operation of vessels, and other safety topics.

c. Neither RICHARD CRUZ, the defendant, nor JAIME PANILLA GOMEZ, the defendant, sought or obtained any of the required USCG certifications to operate vessels with for-hire customers onboard. Accordingly, neither CRUZ nor GOMEZ underwent any of the procedures mandated by federal regulations to ensure that operators of for-hire boating operations have the requisite experience and knowledge to safely engage in for-hire boating operations.

12. Based on my review of records from Apple, Inc., I know that:

a. On or about March 5, 2020, RICHARD CRUZ, the defendant, asked another person if he ever got his boating license, and if the course was available online.

b. On or about July 4, 2022, JAIME PINILLA GOMEZ, the defendant, received a New York temporary boating safety certificate after completing the online portion of a

course required for all recreational boaters in New York State. This certificate did not permit GOMEZ to operate a vessel with paying passengers.

### **THE JULY 12, 2022 CAPSIZING AND DEATHS OF VICTIMS-1 AND -2**

13. Based on my interviews with individuals who were onboard *Stimulus Money* on or about July 12, 2022, my review of documents and records relating to a USCG marine casualty investigation into the Capsizing, and my discussions with a USCG marine casualty investigator, I know that:

a. On or about July 11, 2022, an individual (“Individual-2”) contacted RICHARD CRUZ, the defendant, in order to arrange for CRUZ to take Individual-2 and members of his family (the “Tour Group”) on a boat tour of New York Harbor and the Hudson River (the “Boat Tour”) onboard *Stimulus Money*.

b. CRUZ and Individual-2 understood that Individual-2 or others in the Tour Group intended to pay CRUZ for the Boat Tour at the conclusion of the trip, although the exact price of the Boat Tour was not agreed upon in advance.

14. Based on voluntary interviews with RICHARD CRUZ, the defendant, and JAIME PANILLA GOMEZ, the defendant, conducted by a USCG marine casualty investigator on or about July 12, 2022, my interviews of Individual-2 and other members of the Tour Group, and my review of documents and records relating to a USCG marine casualty investigation of the Capsizing, I know that the Tour Group met CRUZ and GOMEZ at a boat launch in Carteret, New Jersey, and departed on or about July 12, 2022, at approximately 11:00 a.m. When it departed the boat launch, there were 12 people onboard *Stimulus Money*, including Victim-1 and Victim-2: 10 members of the Tour Group, GOMEZ, and CRUZ, who was piloting the vessel at that time. Two members of the Tour Group operated a Jet Ski owned by CRUZ alongside *Stimulus Money* upon leaving the boat launch.

15. Based on an urgent marine weather message that was released from the National Oceanic and Atmospheric Administration (“NOAA”) Weather Service in New York at approximately 10:34 a.m. on July 12, 2022, I know that there was a Small Craft Advisory in effect for New York Harbor, which includes the lower portion of the Hudson River where the Capsizing occurred, during the time *Stimulus Money* departed from the boat launch and through the time of the Capsizing. The advisory stated that there were winds of 15-20 knots with gusts up to 25 knots<sup>1</sup> and three- to four-foot seas. The advisory further stated that “[c]onditions will be hazardous to small craft” and that “inexperienced mariners, especially those operating smaller vessels, should avoid navigating in hazardous conditions.” The following image shows the urgent marine weather message released by the NOAA Weather Service at 10:34 a.m. on July 12, 2022.

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<sup>1</sup> A knot is a unit of speed equal to one nautical mile per hour. A nautical mile is 1,852 meters, or approximately 6,076 feet.



...SMALL CRAFT ADVISORY REMAINS IN EFFECT UNTIL 9 PM EDT THIS EVENING...

\* WHAT...South winds 15 to 20 kt with gusts up to 25 kt.

\* WHERE...Long Island Sound, New York Harbor, Peconic and Gardiners Bays, and South Shore Bays from Jones Inlet through Shinnecock Bay.

\* WHEN...Until 9 PM EDT this evening.

\* IMPACTS...Conditions will be hazardous to small craft.

PRECAUTIONARY/PREPAREDNESS ACTIONS...

Inexperienced mariners, especially those operating smaller vessels, should avoid navigating in hazardous conditions.

16. Based on voluntary interviews with RICHARD CRUZ, the defendant, and JAIME PANILLA GOMEZ, the defendant, conducted by a USCG marine casualty investigator on or about July 12, 2022, I know that neither GOMEZ nor CRUZ provided a safety briefing to passengers onboard *Stimulus Money*, as they were required to do by USCG regulations. Nor were they aware, by their own admissions, that there was a Small Craft Advisory in New York Harbor at the time they departed with the Boat Tour or at the time of the Capsizing. Such advisories are publicly broadcast, including on the internet, for boaters to consult when planning voyages.

17. Based on my review of the Yamaha AR 240 operating manual, I know that captains of vessels like *Stimulus Money* are advised to “be alert to the possibility of adverse weather. Take note of weather forecasts and the prevailing weather conditions before setting out in your boat.” The Yamaha AR 240 operating manual is publicly available on Yamaha’s website, and electronic messages from RICHARD CRUZ, the defendant, indicate that he had a copy of it that he had consulted prior to the Capsizing.

18. Based on my discussions with USCG personnel, I know that the Hudson River is subject to tidal conditions, high winds, and strong currents.

19. Based on my review of video footage recovered from the cellphone of a passenger in the Tour Group, I know that early in the Boat Tour, waves crashed over the bow of *Stimulus Money*, causing several inches of water to accumulate on the deck of the vessel.

20. Based on my discussion with a passenger (the “Passenger”) who was onboard *Stimulus Money* during the Capsizing, I know that Victim-1 was not wearing a life preserver initially during the Boat Tour. However, as conditions on the water deteriorated and waves got bigger, another passenger requested of RICHARD CRUZ, the defendant, that Victim-1 be given a life preserver, which he was. According to the Passenger, neither CRUZ nor JAIME

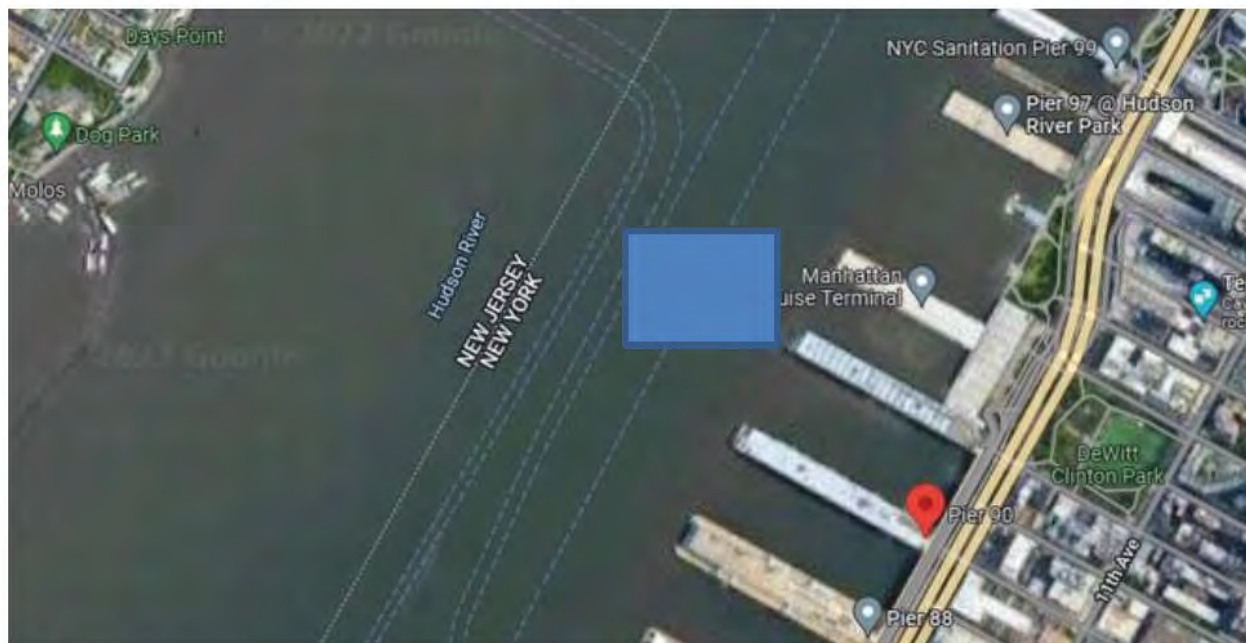
PANILLA GOMEZ, the defendants, suggested that Victim-1 or other passengers wear life preservers before the Capsizing.

21. Based on my interviews with individuals onboard *Stimulus Money* on or about July 12, 2022, including RICHARD CRUZ and JAIME PANILLA GOMEZ, the defendants, my review of documents and records relating to a USCG marine casualty investigation into the Capsizing, and my discussions with a USCG marine casualty investigator, I know that:

a. The Boat Tour consisted of a trip around the Statute of Liberty and then travelling North on the Hudson River in the direction of the George Washington Bridge.

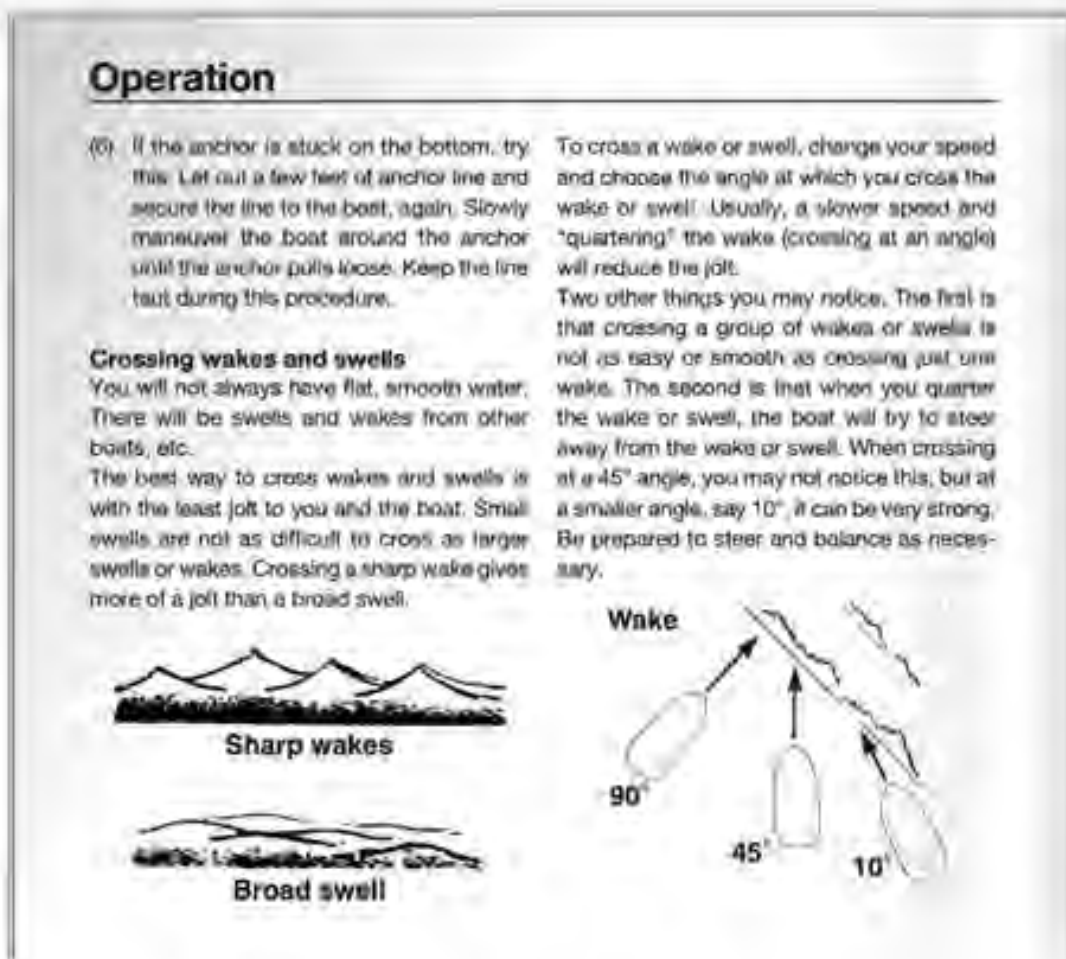
b. GOMEZ piloted *Stimulus Money* en route back to Carteret, New Jersey, and at the time of the Capsizing, during which time CRUZ operated the Jet Ski alongside *Stimulus Money*.

22. Based on my review of video footage, my review of documents and records relating to a USCG marine casualty investigation of the Capsizing, my discussions with a marine casualty investigator from the USCG, and a report and observation of the mechanical condition of *Stimulus Money* conducted by a Yamaha Certified Master Technician on or about July 19, 2022, along with subsequent communications with the Certified Master Technician, I know that at approximately 2:40 p.m., on or about July 12, 2022, *Stimulus Money* was operating at a speed of approximately 25 to 35 knots when it encountered swells near or around Pier 90 on the Hudson River.<sup>2</sup> The following image is from Google Maps and depicts Pier 90 with a red marker and the approximate location of the Capsizing with a blue rectangle.



<sup>2</sup> Several passengers onboard *Stimulus Money* reported after the Capsizing that they did not believe *Stimulus Money* was traveling at an excessive speed at the time of the Capsizing.

23. Based on my review of video footage showing the Capsizing, my review of documents and records relating to a USCG marine casualty investigation into the Capsizing, and my discussions with a USCG marine casualty investigator, I know that *Stimulus Money* encountered the aforementioned swells at a high rate of speed in a head-on direction (i.e., at a 90-degree angle). The speed at which *Stimulus Money* was traveling and the manner in which *Stimulus Money* encountered the swells was contrary to what is recommended in the Yamaha AR 240 operating manual, which states: “The best way to cross wakes and swells is with the least jolt to you and the boat . . . [t]o cross a wake or swell, change your speed and choose the angle at which you cross the wake or swell. Usually, a slower speed and ‘quartering’ the wake (crossing at an angle) will reduce the jolt.” The following image shows the page from the Yamaha AR 240 operating manual describing the proper way to cross wakes and swells.



24. Based on my review of video footage showing the Capsizing, my review of documents and records relating to a USCG marine casualty investigation into the Capsizing, my discussions with a USCG marine casualty investigator, a report and observation of the mechanical condition of *Stimulus Money* conducted by a Yamaha Certified Master Technician on or about July 19, 2022, and subsequent communications with the Certified Master Technician, I know that:

a. Upon encountering the swells, the vessel took on water to the bow (front) of the boat. JAIME PINILLA GOMEZ, the defendant, then brought both throttles to a neutral position. The change in propulsion coupled with another swell caused the bow of *Stimulus Money* to completely submerge up to the windshield. Shortly after, GOMEZ accelerated the starboard (right-side) throttle to approximately 7800 r.p.m., which exceeded the recommended Wide Open Throttle specification of 7600 r.p.m. for the vessel. A large plume of water shot into the air as a result of the rapid acceleration of the starboard throttle. The vessel then capsized to its port (left) side. In the following image of *Stimulus Money* taken just before the Capsizing, a large plume of water is seen shooting into the air as the starboard throttle increased rapidly. *Stimulus Money* then listed (leaned) heavily to port and capsized.



b. There were 13 people onboard *Stimulus Money* at the time of the Capsizing. All thirteen people were thrown overboard during the Capsizing.

c. Shortly after the Capsizing, boats from the NYPD Harbor Unit and the New York City Fire Department's ("FDNY") Dive Rescue Team, and ferries operating nearby, arrived at the scene of the Capsizing to render emergency assistance. Ten passengers and GOMEZ were recovered conscious and in varying medical conditions. They were subsequently transferred to hospitals in Manhattan and survived the Capsizing. The following images depict a ferry and an NYPD vessel rendering emergency assistance to passengers of the Tour Group.



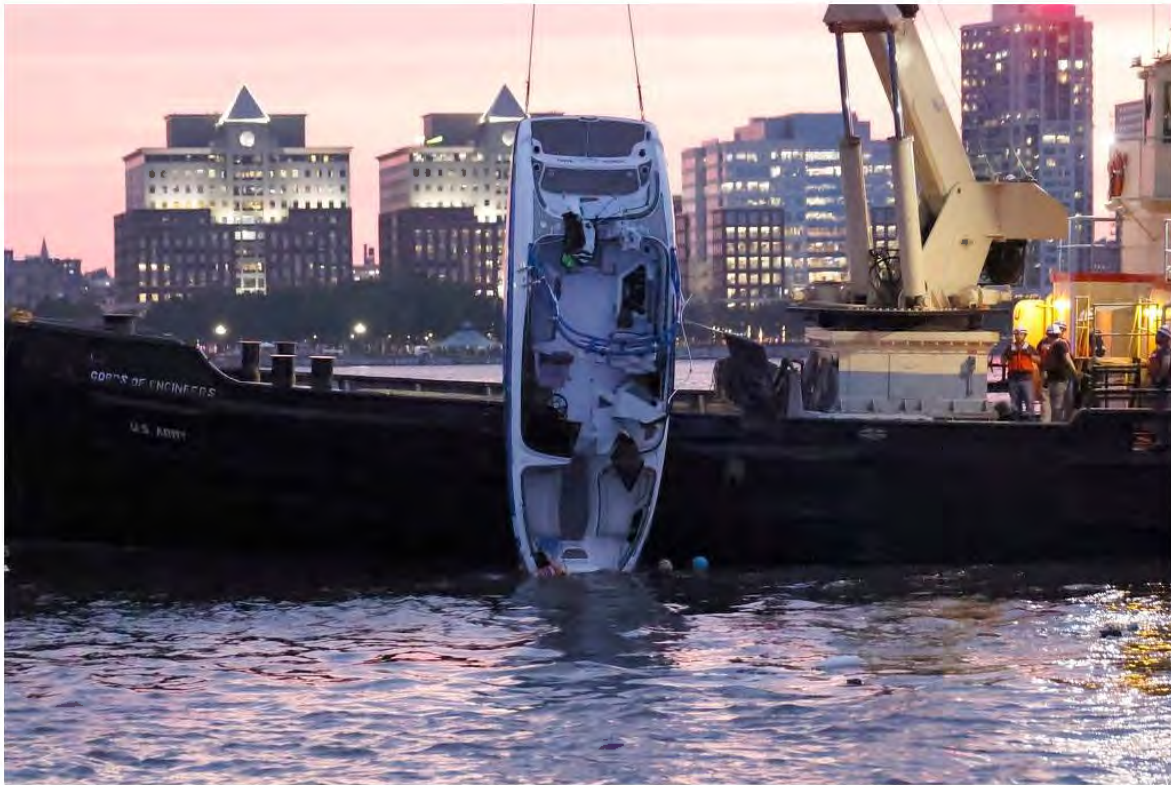
d. Approximately 25 minutes after the Capsizing, members of the FDNY Dive Rescue Team recovered Victim-1 and Victim-2 from the Hudson River. They were

trapped underneath the capsized vessel and found unconscious. Emergency medical personnel subsequently pronounced Victim-1 and Victim-2 deceased, with the cause of death due to drowning.

e. *Stimulus Money* was equipped with a safety device that, per the Yamaha AR 240 operator’s manual, should be worn around the operator’s wrist or life vest (the “Engine Kill Switch Lanyard”) in case the pilot is abruptly moved from the piloting position. The Engine Kill Switch Lanyard causes the immediate shut down of the engines in the event the operator accidentally leaves or is otherwise shifted away from the helm. The lanyard was still intact and attached to the helm console at the time of the Capsizing, indicating that the pilot was not wearing the Engine Kill Switch Lanyard or not wearing it properly. GOMEZ accelerated the starboard throttle to approximately 7800 r.p.m. immediately before the Capsizing. If the lanyard had been attached to GOMEZ properly, the engines may have been stopped as GOMEZ was shifted from the helm due to the vessel beginning to turn towards its port side. Therefore, if GOMEZ had been wearing the lanyard, the vessel may not have overturned.

f. *Stimulus Money* was later recovered from the Hudson River via crane by the U.S. Army Corps of Engineers Salvage Team and transferred to the NYPD Harbor Unit. The following images depict the retrieval and recovery of *Stimulus Money* from the Hudson River by the U.S. Army Corps of Engineers and the NYPD.





The following image is a photograph of Stimulus Money after it was recovered from the Hudson River following the Capsizing.



g. There was a total constructive loss to *Stimulus Money* as a result of the Capsizing, meaning that the cost of repairing *Stimulus Money* exceeds its value.

h. At the time of the Capsizing, *Stimulus Money* was still registered to Individual-1, although RICHARD CRUZ, the defendant, requested the Title for *Stimulus Money* from Individual-1 the day after the Capsizing.

25. Based on my review of records for an iCloud account associated with RICHARD CRUZ, the defendant, obtained from Apple, Inc., I know that on or about July 14, 2022, a reporter from the *New York Daily News* contacted CRUZ and inquired if the number of passengers onboard *Stimulus Money* at the time of the Capsizing had exceeded the vessel's capacity. CRUZ responded: "Vessel was well under capacity and investigation will reveal that once it's done." CRUZ then wrote: "Seating Capacity/Weight Capacity: 12 persons; 2,698 lb." The reporter stated: "Police are now saying there were 13 people on board. Is that accurate?" CRUZ did not respond.

### **PROVISIONAL USCG MARINE CASUALTY INVESTIGATION DETERMINATIONS**

26. Based on my review of the Report and my discussions with a USCG marine casualty investigator, I know that:

a. The USCG determined that the causal factors leading to the Capsizing of *Stimulus Money* and the subsequent deaths of Victim-1 and Victim-2, included: (1) an inexperienced operator at the helm; (2) an excessive passenger count onboard; (3) a failure to heed the NOAA Small Craft Advisory; (4) a failure of JAIME PINILLA GOMEZ, the defendant, to properly wear the Engine Kill Switch Lanyard while operating *Stimulus Money*; and (5) the illegal passenger vessel operation conducted onboard *Stimulus Money* given that neither the vessel itself nor the operator of the vessel was properly certified or credentialed.

b. The USCG determined that there were acts of negligence, unskillfulness, and violations of law by RICHARD CRUZ and JAIME PINILLA GOMEZ, the defendants, that contributed to the deaths of Victim-1 and Victim-2.

c. Since the Capsizing, USCG Sector New York Investigations Division partnered with Small Boat Station New York to conduct enforcement against illegal passenger operations, resulting in the termination of at least two separate illegal passenger for-hire voyages. USCG Sector New York Investigations Division continues to conduct outreach to and education for small passenger vessel owners and operators and to post informational signs at marinas throughout USCG Sector New York's Area of Operation, which spans New York and New Jersey, in the aftermath of the Capsizing.



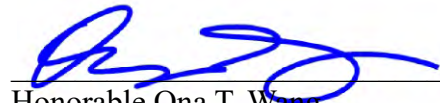
WHEREFORE, I respectfully request that warrants be issued for the arrest of RICHARD CRUZ and JAIME PINILLA GOMEZ, the defendants, and that they be arrested, and imprisoned or bailed, as the case may be.

s/ Richard Lipham /otw

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Richard Lipham  
Special Agent  
United States Coast Guard Investigative Service

Sworn to before me this  
4 th day of March, 2024 by telephone



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Honorable Ona T. Wang  
United States Magistrate Judge  
Southern District of New York