

20 MAG . 1064

Approved: Daniel Nessim
Daniel G. Nessim / Kyle A. Wirshba
Assistant United States Attorneys

Before: HONORABLE JAMES L. COTT
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
	:	
- v. -	:	Violations of
	:	18 U.S.C. §§ 924, 3238, 2
	:	21 U.S.C. §§ 848, 963
GERMAN GOMEZ-CASTRUITA and	:	
BENJAMIN CONTRERAS-RANGEL,	:	COUNTY OF OFFENSE:
	:	NEW YORK
Defendants.	:	
----- x	:	

SOUTHERN DISTRICT OF NEW YORK, ss.:

KEVIN BUTT, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration ("DEA") and charges as follows:

COUNT ONE
(Cocaine Importation Conspiracy)

1. In or about at least January 2020, in Venezuela, Mexico, and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular state or district of the United States, GERMAN GOMEZ-CASTRUITA and BENJAMIN CONTRERAS-RANGEL, the defendants, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that GERMAN GOMEZ-CASTRUITA and BENJAMIN CONTRERAS-RANGEL, the defendants, and others known and unknown, would and did import into the United States and into the customs territory of the United States from a place outside thereof a controlled substance, in

violation of Title 21, United States Code, Sections 952(a) and 960(a)(1).

3. It was further a part and an object of the conspiracy that GERMAN GOMEZ-CASTRUITA and BENJAMIN CONTRERAS-RANGEL, the defendants, and others known and unknown, would and did manufacture, distribute, and possess with intent to distribute a controlled substance, intending, knowing, and having reasonable cause to believe that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States, in violation of Title 21, United States Code, Sections 959(a) and 960(a)(3).

~~4. It was further a part and an object of the conspiracy that GERMAN GOMEZ-CASTRUITA and BENJAMIN CONTRERAS-RANGEL, the defendants, and others known and unknown, would and did, on board an aircraft registered in the United States, manufacture, distribute, and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 959(c) and 960(a)(3).~~

5. The controlled substance that GERMAN GOMEZ-CASTRUITA and BENJAMIN CONTRERAS-RANGEL, the defendants, conspired to (i) import into the United States and into the customs territory of the United States from a place outside thereof, (ii) manufacture and distribute, intending, knowing, and having reasonable cause to believe that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States from a place outside thereof, and (iii) manufacture, distribute, and possess on board an aircraft registered in the United States, was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 960(b)(1)(B).

(Title 21, United States Code, Section 963; and
Title 18, United States Code, Section 3238.)

COUNT TWO

(Murder While Engaged in Narcotics Importation Conspiracy)

6. On or about January 27, 2020, in Mexico and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular state or district of the United States and for which one of two or more joint offenders is expected to be first brought to and arrested in the Southern District of New York, GERMAN GOMEZ-CASTRUITA and BENJAMIN CONTRERAS-RANGEL, the defendants, while engaging in the narcotics importation

conspiracy charged in Count One of this Complaint, intentionally killed, and counseled, commanded, induced, procured, and caused the intentional killing of an individual, and aided and abetted the same, to wit, GOMEZ-CASTRUITA and CONTRERAS-RANGEL, the defendants, caused the death of Corporal Emiliano Medina-Ramirez in Mexico, and aided and abetted the same.

(Title 21, United States Code, Section 848(e)(1)(A); and Title 18, United States Code, Sections 3238, and 2.)

COUNT THREE

(Using and Carrying a Firearm During and in Relation to a Drug Trafficking Crime Causing Death)

7. On or about January 27, 2020, in Mexico and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular state or district of the United States and for which one of two or more joint offenders is expected to be first brought to and arrested in the Southern District of New York, GERMAN GOMEZ-CASTRUITA and BENJAMIN CONTRERAS-RANGEL, the defendants, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, to wit, the narcotics importation conspiracy charged in Count One of this Complaint, willfully and knowingly did use and carry firearms, and in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit GOMEZ-CASTRUITA and CONTRERAS-RANGEL, the defendants, used a firearm to cause the death of Corporal Emiliano Medina-Ramirez in Mexico, and aided and abetted the same.

(Title 18, United States Code, Sections 924(j)(i), 3238, and 2.)

COUNT FOUR

(Possession of Machineguns and Destructive Devices)

8. In or about January 2020, in Mexico, Venezuela, and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular state or district of the United States and for which one of two or more joint offenders is expected to be first brought to and arrested in the Southern District of New York, GERMAN GOMEZ-CASTRUITA and BENJAMIN CONTRERAS-RANGEL, the defendants, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, to wit, the narcotics importation conspiracy charged in Count One

of this Complaint, knowingly used and carried firearms, and, in furtherance of such crime, knowingly possessed firearms, and aided and abetted the use, carrying, and possession of firearms, to wit, machineguns that were capable of automatically shooting more than one shot, without manual reloading, by a single function of the trigger, as well as destructive devices.

(Title 18, United States Code, Sections 924(c)(1)(A),
924(c)(1)(B)(ii), 3238, and 2.)

COUNT FIVE

(Conspiracy to Possess Machineguns and Destructive Devices)

9. ~~In or about January 2020, in Mexico, Venezuela, and elsewhere, and in an offense begun and committed out of the jurisdiction of any particular state or district of the United States, GERMAN GOMEZ-CASTRUITA and BENJAMIN CONTRERAS-RANGEL, the defendants, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate Title 18, United States Code, Section 924(c).~~

10. It was a part and object of the conspiracy that GERMAN GOMEZ-CASTRUITA and BENJAMIN CONTRERAS-RANGEL, the defendants, and others known and unknown, would and did, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, to wit, the narcotics importation conspiracy charged in Count One of this Complaint, would and did use and carry firearms, and, in furtherance of such drug trafficking crime, knowingly possess firearms, including machineguns that were capable of automatically shooting more than one shot, without manual reloading, by a single function of the trigger, as well as destructive devices, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 924(c)(1)(B)(ii).

(Title 18, United States Code, Sections 924(o) and 3238.)

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

11. I am a Special Agent with the DEA and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, and my conversations with law enforcement officers and employees, as well as a review of documents. Because this affidavit is being submitted for the

limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

12. Based on my participation in this investigation, my review of documents, and my conversations with other law enforcement officers, I have learned that on or about January 27, 2020, the following occurred, among other things:

a. In the early morning hours, law enforcement was tracking a twin-turboprop aircraft (the "Airplane") traveling north from the Caribbean Coast of Venezuela. The Airplane tail had a registration number that was at one time registered as a United States aircraft with the Federal Aviation Administration. A photograph of the Airplane appears below:



b. At approximately 3:20 a.m. Central Standard Time, the Airplane landed on a highway in a rural region of the Bacalar Municipality in the state of Quintana Roo, Mexico.

c. Mexican military personnel serving in the Secretaría de la Defensa Nacional ("SEDENA") approached the location where the Airplane had landed. As the SEDENA officers neared the Airplane's location, they observed a large number of vehicles, including a white truck (the "Truck") and a white van (the "Van"). Several individuals, including two men subsequently identified as GOMEZ-CASTRUITA and CONTRERAS-RANGEL (collectively the "Traffickers"), engaged in a shootout with the SEDENA officers.

d. In the course of this shooting, SEDENA Corporal Emiliano Medina-Ramirez was killed and three other SEDENA officers were injured. The Traffickers, including GOMEZ-CASTRUITA and CONTRERAS-RANGEL, fled in vehicles or on foot into the jungle.

e. SEDENA officers pursued the Traffickers, located GOMEZ-CASTRUITA and CONTRERAS-RANGEL in the jungle, and placed them under arrest.

f. SEDENA officers searched the Van and located approximately 750 kilograms of cocaine (the "Van Narcotics"). The Van Narcotics were subsequently field tested and returned a positive test for the presence of cocaine. A photograph of a portion of the Van Narcotics, packed in nylon bales, appears below:



g. SEDENA officers searched the Truck and recovered, among other things, a fifty caliber rifle and two additional AK-47-style assault rifles, which SEDENA has reported to the DEA are capable of automatically shooting more than one shot by a single function of the trigger. The Truck also contained numerous rounds of ammunition. A photograph of the fifty caliber rifle and a portion of the ammunition recovered from the Truck appears below:



13. Based on my training and experience, I know that the vast majority of cocaine that is dispatched from Venezuela and reaches Mexico is imported into the United States.

WHEREFORE, deponent respectfully requests that warrants be issued for the arrests of GERMAN GOMEZ-CASTRUITA and BENJAMIN CONTRERAS-RANGEL, the defendants, and that they be imprisoned or bailed, as the case may be.

Kevin Butt

KEVIN BUTT
Special Agent
Drug Enforcement Administration

Sworn to before me this
29th day of January, 2020

James L. Cott

THE HONORABLE JAMES L. COTT
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK