

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

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

**8 U.S.C. § 1324(a)(1)(A)(i)  
8 U.S.C. § 1324(a)(1)(A)(iv)  
8 U.S.C. § 1324(a)(1)(A)(v)(I)  
18 U.S.C. § 982(a)(6)(A)**

**UNITED STATES OF AMERICA**

**vs.**

**FRANK BARRIOS,  
DIMEYS SANCHEZ,  
ALEXEY VERGES GONZALEZ,  
JESUS RODRIGUEZ,  
RUBEN HERRERA,  
PEDRO ALVAREZ FERNANDEZ,  
OSMIN VIDAL,  
REINIER HERNANDEZ,  
YSBEL JORRO,  
EDDY GONZALEZ,  
LIVAN DE ARMAS,  
and  
JULIO GARCIA,**

**Defendants.**

\_\_\_\_\_ /

**INDICTMENT**

The Grand Jury charges that:

**COUNT 1**

Beginning at least as early as on or about February 1, 2006, the exact date being unknown to the Grand Jury, and continuing through on or about February 28, 2006, in Monroe and Miami-Dade Counties, in the Southern District of Florida, and elsewhere, the defendants,

**FRANK BARRIOS,  
DIMEYS SANCHEZ,  
and  
ALEXEY VERGES GONZALEZ,**

did knowingly and willfully combine, conspire, confederate, agree, with each other and other persons known and unknown to the Grand Jury, to commit offenses against the United States, that is:

- (A) to encourage and induce 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, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv); and
- (B) knowing that a person is an alien, to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry and place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter and reside in the United States and regardless of any future official action which may be taken with respect to such alien, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(i).

**OVERT ACTS**

In furtherance of the conspiracy and to achieve the purpose thereof, at least one of the conspirators committed or caused to be committed, in the Southern District of Florida, and elsewhere, at least one of the following overt acts, among others:

1. On or about February 15, 2006, **FRANK BARRIOS** contacted co-conspirator, Eloy Rivero (hereinafter, “Rivero”), and offered him fifty-thousand dollars

(\$50,000) to operate a go-fast boat in order to smuggle Cuban migrants from Cuba into the United States.

2. On or about February 18, 2006, **FRANK BARRIOS** drove Rivero to the house of **DIMEYS SANCHEZ** and **ALEXEY VERGES GONZALEZ**.

3. On or about February 18, 2006, **DIMEYS SANCHEZ** and **ALEXEY VERGES GONZALEZ** told Rivero how to respond to law enforcement officers if stopped during the smuggling venture.

4. On or about February 18, 2006, **FRANK BARRIOS** supplied a global positioning system (GPS), satellite phone and list of names of persons to be picked up in Cuba to Rivero.

5. On or about February 20, 2006, Rivero attempted to smuggle twenty-two (22) Cuban aliens into the United States.

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

**COUNTS 2-22**

Beginning at least as early as on or about February 1, 2006, the exact date being unknown to the Grand Jury, and continuing through on or about February 24, 2006, in Monroe and Miami-Dade Counties, in the Southern District of Florida, and elsewhere, the defendants,

**FRANK BARRIOS,  
DIMEYS SANCHEZ,  
and  
ALEXEY VERGES GONZALEZ,**

did knowingly encourage and induce an alien, as set forth in Counts 2-22, 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 would be in violation of law:

<u>Count</u>	<u>Alien</u>
2	Mayelin Menendez Delavera
3	Gavino Martinez Hernandez
4	Reyne Diaz
5	Noaldo Domingo Diaz
6	Jose Angel Ventura
7	Jillian Marques Fernandez
8	Lourdez Menendez Delavera
9	R.A.O. (Juvenile Male)
10	J.B. (Juvenile Male)
11	Alfredo Hernandez Agial
12	Maeylin Gonzalez Garcia
13	Yaumari Rodriguez Suarez
14	Umberto Ojeda Garcia
15	Jesus Hernandez Ayar
16	Ariel Jose Garcia
17	Juan Eliezel Perez Perrara
18	Leonardo Enrique Troncoso
19	Joel Dominguez Chavez
20	J.D.M. (Juvenile Male)

21

**K.D.M. (Juvenile Female)**

22

**Esnan Hernandez Perrero**

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

Pursuant to Title 8, United States Code, Section 1324(a)(1)(B)(i), it is further alleged that that this offense was done for the purpose of commercial advantage and private financial gain.

**COUNTS 23-43**

On or about February 20, 2006, in Monroe County, in the Southern District of Florida, and elsewhere, the defendants,

**FRANK BARRIOS,  
DIMEYS SANCHEZ,  
and  
ALEXEY VERGES GONZALEZ,**

knowing that a person is an alien, as set forth in Counts 23 – 43, did attempt to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry and place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter and reside in the United States and regardless of any future official action which may be taken with respect to such alien:

**Count**

**Alien**

23

**Mayelin Menendez Delavera**

24

**Gavino Martinez Hernandez**

25

**Reyne Diaz**

26

**Noaldo Domingo Diaz**

27	<b>Jose Angel Ventura</b>
28	<b>Jillian Marques Fernandez</b>
29	<b>Lourdez Menendez Delavera</b>
30	<b>R.A.O. (Juvenile Male)</b>
31	<b>J.B. (Juvenile Male)</b>
32	<b>Alfredo Hernandez Agial</b>
33	<b>Maeylin Gonzalez Garcia</b>
34	<b>Yaumari Rodriguez Suarez</b>
35	<b>Umberto Ojeda Garcia</b>
36	<b>Jesus Hernandez Ayar</b>
37	<b>Ariel Jose Garcia</b>
38	<b>Juan Eliezel Perez Perrara</b>
39	<b>Leonardo Enrique Troncoso</b>
40	<b>Joel Dominguez Chavez</b>
41	<b>J.D.M. (Juvenile Male)</b>
42	<b>K.D.M. (Juvenile Female)</b>
43	<b>Esnan Hernandez Perrero</b>

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

**COUNT 44**

Beginning at least as early as on or about September 15, 2006, the exact date being unknown to the Grand Jury, and continuing through on or about December 15,

2006, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**FRANK BARRIOS,  
JESUS RODRIGUEZ,  
RUBEN HERRERA,  
PEDRO ALVAREZ FERNANDEZ,  
OSMIN VIDAL,  
REINIER HERNANDEZ,  
YSBEL JORRO,  
EDDY GONZALEZ,  
LIVAN DE ARMAS,  
and  
JULIO GARCIA,**

did knowingly and willfully combine, conspire, confederate, agree, with each other and other persons known and unknown to the Grand Jury, to commit offenses against the United States, that is:

- (A) to encourage and induce 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, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iv); and
- (B) knowing that a person is an alien, to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry and place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter and reside in the United States and regardless of any future official action which may be taken with respect to such alien, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(i).

## OVERT ACTS

In furtherance of the conspiracy and to achieve the purpose thereof, at least one of the conspirators committed or caused to be committed, in the Southern District of Florida, and elsewhere, at least one of the following overt acts, among others:

1. On or about September 30, 2006, **FRANK BARRIOS**, **JESUS RODRIGUEZ** and **RUBEN HERRERA** met with a confidential informant (hereinafter, "C.I."), to discuss the organization of a smuggling trip of Cuban migrants from Cuba to the United States.

2. On or about October 1, 2006, **JESUS RODRIGUEZ** and **PEDRO ALVAREZ FERNANDEZ**, met with the C.I. again to discuss the organization of an upcoming smuggling trip of Cuban migrants from Cuba to the United States.

3. On or about October 1, 2006, **JESUS RODRIGUEZ** told **PEDRO ALVAREZ FERNANDEZ** that **PEDRO ALVAREZ FERNANDEZ** would be paid one-hundred thousand dollars (\$100,000) for driving a go-fast boat in the smuggling venture.

4. On or about October 6, 2006, **FRANK BARRIOS** provided a list of names to the C.I. that identified the Cuban migrants to be smuggled from Cuba to the United States.

5. On or about October 6, 2006, **FRANK BARRIOS** directed the C.I. to supply the list of names of Cuban migrants to be smuggled to **JESUS RODRIGUEZ**.



6. On or about October 20, 2006, **JESUS RODRIGUEZ** gave a revised list of names to the C.I. indicating additional Cuban migrants to be smuggled from Cuba to the United States.

7. On or about October 21, 2006, **JESUS RODRIGUEZ, OSMIN VIDAL** and **REINIER HERNANDEZ** met with the C.I. to discuss the migrant smuggling venture.

8. On or about October 21, 2006, **REINIER HERNANDEZ** instructed the C.I. on how to operate the global positioning system (GPS) that would be used to navigate to Cuba.

9. On or about October 21, 2006, **YSBEL JORRO** provided the C.I. with GPS coordinates to navigate to Cuba.

10. On or about October 21, 2006, **YSBEL JORRO** told the C.I. how to navigate through narrow channels and shallow waters near Cuba.

11. On or about November 30, 2006, **EDDY GONZALEZ** towed the go-fast boat to be used in the alien smuggling venture to a gas station with the C.I.

12. On or about November 30, 2006, **EDDY GONZALEZ** filled the go-fast boat with two-hundred and fifty dollars (\$250.00) worth of gasoline.

13. On or about December 1, 2006, **JESUS RODRIGUEZ** and **YSBEL JORRO** met with the C.I. to fill additional fuel drums for the voyage to Cuba.

14. On or about December 1, 2006, **JESUS RODRIGUEZ** gave three-hundred dollars (\$300.00) to the C.I. for the additional fuel.

15. On or about December 1, 2006, **OSMIN VIDAL** contacted the C.I. and indicated the aliens in Cuba were ready to be picked up.

16. On or about December 2, 2006, **LIVAN DE ARMAS** met with the C.I. and filled the go-fast boat with fuel.

17. On or about December 2, 2006, **YSBEL JORRO** programmed GPS coordinates to navigate to Cuba into the go-fast boat's GPS.

18. On or about December 2, 2006, **RUBEN HERRERA** contacted the C.I. and indicated that he had a new revised list of names of Cuban migrants to be taken from Cuba to the United States.

19. On or about December 2, 2006, **JULIO GARCIA** gave **JESUS RODRIGUEZ** and **EDDY GONZALEZ** permission to utilize his credit card to purchase fuel and food for the smuggling venture.

20. On or about December 2, 2006, **FRANK BARRIOS** contacted the C.I. and told him that the go-fast boat was to be launched at the Matheson Hammock boat launch.

21. On or about December 2, 2006, **JESUS RODRIGUEZ, EDDY GONZALEZ** and the C.I. towed the go-fast boat to Matheson Hammock boat launch.

22. On or about December 2, 2006, **JESUS RODRIGUEZ** backed the go-fast boat down the boat ramp and launched it into the water.

23. On or about December 2, 2006, **EDDY GONZALEZ** drove the go-fast boat out towards the open sea after it was launched in the water.

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

### **COUNTS 45-58**

On or about December 2, 2006, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

**FRANK BARRIOS,  
JESUS RODRIGUEZ,  
RUBEN HERRERA,  
PEDRO ALVAREZ FERNANDEZ,  
OSMIN VIDAL,  
REINIER HERNANDEZ,  
YSBEL JORRO,  
EDDY GONZALEZ,  
LIVAN DE ARMAS,  
and  
JULIO GARCIA,**

knowing that a person is an alien, as set forth in Counts 45 – 58, did attempt to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry and place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter and reside in the United States and regardless of any future official action which may be taken with respect to such alien:

<b><u>Count</u></b>	<b><u>Alien</u></b>
<b>45</b>	<b>Quirenia Cruz</b>
<b>46</b>	<b>Jorje Cuartero</b>
<b>47</b>	<b>Eduardo Jorje Ramon</b>
<b>48</b>	<b>Deivis Ruiz</b>
<b>49</b>	<b>Yoanis Moreno</b>
<b>50</b>	<b>Asley Andino</b>
<b>51</b>	<b>Eduardo Pupo</b>
<b>52</b>	<b>Oscar Naranjo</b>
<b>53</b>	<b>Diana Rosa Piayo</b>
<b>54</b>	<b>Arberto Hernandez</b>

55	<b>Xinei Armero</b>
56	<b>Kety Niebes</b>
57	<b>Jorgue Fernandez</b>
58	<b>Liban Farfan</b>

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

**CRIMINAL FORFEITURE**

a. The allegations of Counts 1 through 58 of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeitures to the United States of America of certain property in which the defendant has an interest, pursuant to the provisions of Title 18, United States Code, Section 982(a)(6)(A).

b. Upon conviction of any of the offenses alleged in Counts 1 through 58 of this Indictment, defendants **FRANK BARRIOS, DIMEYS SANCHEZ, ALEXEY VERGES GONZALEZ, JESUS RODRIGUEZ, RUBEN HERRERA, PEDRO ALVAREZ FERNANDEZ, OSMIN VIDAL, REINIER HERNANDEZ, YSBEL JORRO, EDDY GONZALEZ, LIVAN DE ARMAS** and **JULIO GARCIA** shall forfeit to the United States (1) any property, real or personal, constituting or derived from or traceable to proceeds the person obtained directly or indirectly as the result of the afore stated offenses; and (2) any property, real or personal (including conveyance), used in the commission of or used or intended to be used to facilitate the commission of, the afore said offenses.

c. If the property described above as being subject to forfeiture, as a result of any act or omission of the defendants,

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

All pursuant to Title 18, United States Code, Section 982 and Title 21, United States Code, Section 853.

A TRUE BILL

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FOREPERSON

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R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

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PAUL D. LEHMANN  
SPECIAL ASSISTANT UNITED STATES ATTORNEY