

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

CASE NO. 07-80036-CR-HURLEY/VTUNAC(s)

- 8 U.S.C. § 1324(a)(1)(A)(i)**
- 8 U.S.C. §§ 1324(a)(1)(A)(v)(I) and (v)(II)**
- 8 U.S.C. §§ 1324(a)(1)(B)(iii) and (B)(iv)**
- 8 U.S.C. §§ 1326(a) and (b)(2)**
- 18 U.S.C. § 2**
- 18 U.S.C. § 924(c)(1)(A)(i) and (ii)**
- 18 U.S.C. § 1111**
- 21 U.S.C. § 952(a)**
- 21 U.S.C. §§ 960(b)(1), (b)(2) and (b)(4)**
- 21 U.S.C. § 963**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**RICKEY THOMPSON,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,
a/k/a Leon,
a/k/a Brice,
a/k/a "B,"**

Defendants.

SUPERSEDING INDICTMENT

The Grand Jury charges that:

General Allegations

At all times relevant to this Indictment:

1. Defendant **RICKEY THOMPSON** was a Bahamian national and sea captain who owned and operated a vessel which he stored behind his residence in Freeport, Bahamas.

2. Defendant **LEON BRICE JOHNSON** was a United States citizen who resided in Freeport, Bahamas, and worked as the co-captain on defendant **RICKEY THOMPSON**'s vessel.

3. Co-conspirator A arranged transportation aboard defendant **RICKEY THOMPSON**'s boat for Jamaican nationals seeking to enter the United States. None of the Jamaican nationals had legal documents allowing them to enter or reside in the United States.

4. Co-conspirator B arranged transportation aboard defendant **RICKEY THOMPSON**'s boat for Haitian nationals seeking to enter the United States. None of the Haitian nationals had legal documents allowing them to enter or reside in the United States.

COUNT 1

(Conspiracy to Smuggle Aliens: 8 U.S.C. § 1324)

5. Paragraphs 1 through 4 of the General Allegations section are realleged and incorporated by reference herein.

6. From on or about July 1, 2006, and continuing through December 30, 2006, in Palm Beach and Martin Counties, in the Southern District of Florida, and elsewhere, the defendants,

**RICKEY THOMPSON ,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,
a/k/a Leon,**

**a/k/a Brice,
a/k/a "B,"**

knowingly and willfully combined, conspired, confederated and agreed with each other and with others known and unknown to the Grand Jury to bring and attempt to bring aliens to the United States, at a place other than a designated port of entry and at a place other than as designated by the Commissioner of the Immigration and Naturalization Service or the Secretary of Homeland Security, knowing that such persons were aliens, said conduct placing in jeopardy the lives of said aliens, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i) and 1324(a)(1)(B)(iii).

OBJECT OF THE CONSPIRACY

7. It was an object of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by smuggling aliens illegally into the United States.

MANNER AND MEANS OF THE CONSPIRACY

The manner and means by which the defendants and their co-conspirators sought to accomplish the purpose and object of the conspiracy included, but were not limited to, the following:

8. Defendant **RICKEY THOMPSON** offered aliens seeking to surreptitiously enter the United States transportation aboard his vessel from Freeport, Bahamas, to the Jupiter Island area of Florida, in return for smuggling fees ranging from \$1,500 to \$4,000.

9. In some instances, the aliens contacted defendant **RICKEY THOMPSON** directly to arrange their trips to the United States. In other instances, the aliens made arrangements through co-conspirators A and B for transportation to the United States aboard defendant **RICKEY THOMPSON's** vessel.

10. Defendant **RICKEY THOMPSON** directed the aliens, many of whom had traveled to

Freeport, Bahamas, from other countries, including Jamaica and Haiti, to stay in local hotels, apartments or aboard a fishing boat docked behind his house until defendant **RICKEY THOMPSON** was ready to depart for the United States. The aliens waited for days or weeks until defendant **RICKEY THOMPSON** was ready to leave.

11. Defendant **RICKEY THOMPSON** would assure the aliens that he would bring them to a sandy beach on Jupiter Island or else to water no higher than their ankles. Several of the aliens told the defendant **RICKEY THOMPSON** that they could not swim and must be dropped off on dry land.

12. Prior to departing for the United States, defendants **RICKEY THOMPSON** and **LEON BRICE JOHNSON** arranged to have the aliens transported to a secluded spot near the water where the aliens were directed to hide in the bushes until defendant **RICKEY THOMPSON**'s boat arrived.

13. After the aliens were boarded onto the vessel, defendant **LEON BRICE JOHNSON** searched the aliens, collected their cell phones and, in some instances, distributed life vests.

14. Defendant **RICKEY THOMPSON** would drive the boat without lights so that law enforcement would not detect the vessel. During each trip, defendants **RICKEY THOMPSON** and **LEON BRICE JOHNSON** snorted a white powder which appeared to be cocaine. Several times during each trip, defendant **RICKEY THOMPSON** would turn-off the engine and order the aliens to be silent indicating to them that he believed he saw or heard a Coast Guard vessel.

15. Defendants **RICKEY THOMPSON** and **LEON BRICE JOHNSON** always kept at least one handgun on the boat. In some instances, defendant **LEON BRICE JOHNSON** carried a handgun tucked inside his waistband; in other instances, both defendants **RICKEY THOMPSON** and **LEON BRICE JOHNSON** carried handguns tucked inside their waistbands.

16. When the vessel was in deep, rough waters near the shore of Jupiter Island, the defendant **RICKEY THOMPSON** ordered the aliens off the boat. When the aliens resisted jumping because they could not swim, defendants **RICKEY THOMPSON** and **LEON BRICE JOHNSON** would either force them off the boat at gun point or push them off.

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

COUNT 2-15

(Alien Smuggling Placing in Jeopardy the Lives of Aliens: 8 U.S.C. § 1324)

17. On or about the dates specified below for each count, in Palm Beach and Martin Counties, in the Southern District of Florida, and elsewhere, the defendants,

RICKEY THOMPSON ,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,
a/k/a Leon,
a/k/a Brice,
a/k/a "B,"

did knowingly bring and attempt to bring aliens to the United States, as set forth below in Counts 2 - 15, at a place other than a designated port of entry and at a place other than as designated by the Commissioner of the Immigration and Naturalization Service or the Secretary of Homeland Security, knowing that such persons were aliens, said conduct placing in jeopardy the lives of said aliens.

COUNT	DATE	ALIEN	NATIONALITY
2	08/16/06	W.D.	HAITIAN
3	08/16/06	EDVA CHARLES	HAITIAN
4	08/16/06	PAUL WISLEY	HAITIAN

COUNT	DATE	ALIEN	NATIONALITY
5	08/16/06	TORRY KNOWLES	BAHAMIAN
6	12/28/06	ERROL MICHAEL WEST	JAMAICAN
7	12/28/06	DELGARDO DOUGLAS	JAMAICAN
8	12/28/06	BRENTON SMITH	JAMAICAN
9	12/28/06	EARL ALEXANDER HARRIOTT	JAMAICAN
10	12/28/06	CLINTON JOSEPH SPENCE	JAMAICAN
11	12/28/06	MARVIN RICHARDS	JAMAICAN
12	12/28/06	ORAL BILLET	JAMAICAN
13	12/28/06	ANDREW ALLISON	JAMAICAN
14	12/28/06	CYRIAC KESNER	HAITIAN
15	12/28/06	MARIAN NICOLAU	ROMANIAN

All in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(iii).

COUNT 16

(Alien Smuggling Resulting in Death: 8 U.S.C. § 1324)

18. On or about August 16, 2006, in Palm Beach and Martin Counties, in the Southern District of Florida, and elsewhere, the defendants,

**RICKEY THOMPSON ,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,
a/k/a Leon,
a/k/a Brice,
a/k/a "B,"**

did knowingly bring and attempt to bring an alien, that is, Roselyne Lubin, a Haitian national, to the

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United States, at a place other than a designated port of entry and at a place other than as designated by the Commissioner of the Immigration and Naturalization Service or the Secretary of Homeland Security, knowing that such person was an alien, said conduct resulting in the death of Roselyne Lubin, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(iv).

COUNT 17

(Alien Smuggling Resulting in Death: 8 U.S.C. § 1324)

19. On or about August 16, 2006, in Palm Beach and Martin Counties, in the Southern District of Florida, and elsewhere, the defendants,

**RICKEY THOMPSON ,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,
a/k/a Leon,
a/k/a Brice,
a/k/a "B."**

did knowingly bring and attempt to bring an alien, that is, Alnert Charles, a Haitian national, to the United States, at a place other than a designated port of entry and at a place other than as designated by the Commissioner of the Immigration and Naturalization Service or the Secretary of Homeland Security, knowing that such person was an alien, said conduct resulting in the death of Alnert Charles, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(iv).

COUNT 18

(Alien Smuggling Resulting in Death: 8 U.S.C. § 1324)

20. On or about December 28, 2006, in Palm Beach and Martin Counties, in the Southern District of Florida, and elsewhere, the defendants,

**RICKEY THOMPSON ,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,
a/k/a Leon,
a/k/a Brice,
a/k/a "B,"**

did knowingly bring and attempt to bring an alien, that is, Nigel Warren, a Jamaican national, to the United States, at a place other than a designated port of entry and at a place other than as designated by the Commissioner of the Immigration and Naturalization Service or the Secretary of Homeland Security, knowing that such person was an alien, said conduct resulting in the death of Nigel Warren, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(iv).

COUNT 19
(Second Degree Murder: 18 U.S.C. § 1111)

21. On or about August 16, 2006, in the Atlantic Ocean off the coast of Palm Beach and Martin Counties, in the Southern District of Florida, a place within the special maritime and territorial jurisdiction of the United States, the defendants,

**RICKEY THOMPSON ,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,**

**a/k/a Leon,
a/k/a Brice,
a/k/a "B,"**

with malice aforethought, did unlawfully kill Roselyne Lubin, by ordering Roselyne Lubin, who could not swim, to jump from a boat into the waters of the Atlantic Ocean, in violation of Title 18, United States Code, Sections 1111 and 2.

COUNT 20

(Second Degree Murder: 18 U.S.C. § 1111)

22. On or about August 16, 2006, in the Atlantic Ocean off the coast of Palm Beach and Martin Counties, in the Southern District of Florida, a place within the special maritime and territorial jurisdiction of the United States, the defendants,

**RICKEY THOMPSON ,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,
a/k/a Leon,
a/k/a Brice,
a/k/a "B,"**

with malice aforethought, did unlawfully kill Alnert Charles, by ordering Alnert Charles, who could not swim, to jump from a boat into the waters of the Atlantic Ocean, in violation of Title 18, United States Code, Sections 1111 and 2.

COUNT 21

(Second Degree Murder: 18 U.S.C. § 1111)

23. On or about December 28, 2006, in the Atlantic Ocean off the coast of Palm Beach and Martin Counties, in the Southern District of Florida, a place within the special maritime and

territorial jurisdiction of the United States, the defendants,

RICKEY THOMPSON ,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,
a/k/a Leon,
a/k/a Brice,
a/k/a "B,"

with malice aforethought, did unlawfully kill Nigel Warren, by ordering Nigel Warren, who could not swim, to jump from a boat into the waters of the Atlantic Ocean, in violation of Title 18, United States Code, Sections 1111 and 2.

COUNT 22

(Conspiracy to Import Controlled Substance: 21 U.S.C. §§ 963 and 952)

24. From on or about July 15, 2006, to on or about August 16, 2006, the exact dates being unknown to the grand jury, in Palm Beach and Martin Counties, in the Southern District of Florida, and elsewhere, the defendants,

RICKEY THOMPSON,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,
a/k/a Leon,
a/k/a Brice,
a/k/a "B,"

did knowingly and intentionally combine, conspire, confederate and agree with persons known and unknown to the Grand Jury, to import into the United States from a place outside thereof controlled

substances, in violation of Title 21, United States Code, Section 952(a), all in violation of Title 21, United States Code, Section 963.

Pursuant to Title 21, United States Code, Sections 960(b)(1)(B)(ii), it is further alleged that the controlled substance consisted of five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine.

(Importation of Cocaine: 21 U.S.C. § 952)

25. On or about August 16, 2006, in Palm Beach and Martin Counties, in the Southern District of Florida, and elsewhere, the defendants,

**RICKEY THOMPSON,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,
a/k/a Leon,
a/k/a Brice,
a/k/a "B,"**

did knowingly and intentionally import into the United States from a place outside thereof a controlled substance, in violation of Title 21, United States Code, Section 952(a).

Pursuant to Title 21, United States Code, Section 960(b)(1)(B)(ii), it is further alleged that the controlled substance consisted of five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine.

COUNT 24

(Conspiracy to Import Controlled Substance: 21 U.S.C. §§ 963 and 952)

26. From on or about December 21, 2006, to on or about December 28, 2006, the exact dates

being unknown to the grand jury, in Palm Beach and Martin Counties, in the Southern District of Florida, and elsewhere, the defendants,

RICKEY THOMPSON,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,
a/k/a Leon,
a/k/a Brice,
a/k/a "B,"

did knowingly and intentionally combine, conspire, confederate and agree with persons known and unknown to the Grand Jury, to import into the United States from a place outside thereof controlled substances, in violation of Title 21, United States Code, Section 952(a), all in violation of Title 21, United States Code, Section 963.

Pursuant to Title 21, United States Code, Sections 960(b)(2)(B)(ii) and (b)(4), it is further alleged that the controlled substances were in fact marijuana and 500 grams or more of a mixture and substance containing a detectable amount of cocaine.

COUNT 25
(Importation of Marijuana, 21 U.S.C. § 952)

27. On or about December 28, 2006, in Palm Beach and Martin Counties, in the Southern District of Florida, and elsewhere, the defendants,

RICKEY THOMPSON,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,

**a/k/a Leon,
a/k/a Brice,
a/k/a "B,"**

did knowingly and intentionally import into the United States from a place outside thereof a controlled substance, in violation of Title 21, United States Code, Section 952(a).

Pursuant to Title 21, United States Code, Section 960(b)(4), it is further alleged that the controlled substance was in fact marijuana.

(Importation of Cocaine: 21 U.S.C. § 952)

28. On or about December 28, 2006, in Palm Beach and Martin Counties, in the Southern District of Florida, and elsewhere, the defendants,

**RICKEY THOMPSON,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,
a/k/a Leon,
a/k/a Brice,
a/k/a "B,"**

did knowingly and intentionally import into the United States from a place outside thereof a controlled substance, in violation of Title 21, United States Code, Section 952(a).

Pursuant to Title 21, United States Code, Section 960(b)(2)(B)(ii), it is further alleged that the controlled substance consisted of 500 grams or more of a mixture and substance containing a detectable amount of cocaine.

COUNT 27

(Uses or Carries a Firearm During a Crime of Violence: 18 U.S.C. § 924(c))

29. On or about August 16, 2006, in Palm Beach and Martin Counties, in the Southern District of Florida, and elsewhere, the defendants,

**RICKEY THOMPSON,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,
a/k/a Leon,
a/k/a Brice,
a/k/a "B,"**

did knowingly use, carry and brandish one or more firearms during and in relation to a crime of violence, that is, a violation of Title 18, United States Code, Section 1111, as set forth in Counts 19 and 20 of this Indictment.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT 28

(Uses or Carries a Firearm During a Crime of Violence: 18 U.S.C. § 924(c))

30. On or about December 28, 2006, in Palm Beach and Martin Counties, in the Southern District of Florida, and elsewhere, the defendants,

**RICKEY THOMPSON,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal, and
LEON BRICE JOHNSON,
a/k/a Leon,
a/k/a Brice,
a/k/a "B,"**

did knowingly use, carry and brandish one or more firearms during and in relation to a crime of violence, that is, a violation of Title 18, United States Code, Section 1111, as set forth in Count 21 of this Indictment.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT 29

(Illegal Re-entry: 8 U.S.C. § 1326(a))

31. On or about December 30, 2006, in Palm Beach and Martin Counties, in the Southern District of Florida, the defendant,

**RICKEY THOMPSON,
a/k/a Sea Dog,
a/k/a Trick Daddy,
a/k/a Tricks,
a/k/a Daddy,
a/k/a Renewal,**

an alien, having previously been deported from the United States on or about September 4, 2001, entered the United States, knowingly and unlawfully, without the Attorney General of the United States or his successor, the Secretary of Homeland Security, having expressly consented to such alien's reapplying for admission to the United States.

All in violation of Title 8, United States Code, Sections 1326(a) and (b)(2).

CRIMINAL FORFEITURE

32. Upon conviction of the violations alleged in Counts 1 - 18, of this indictment, the defendants **RICKEY THOMPSON** and **LEON BRICE JOHNSON**, shall forfeit to the United States any conveyance, including any vessel, vehicle, or aircraft, that has been or is being used in the commission of said violation, the gross proceeds of such violation, and any property traceable to

such conveyance or proceeds,

If the property described above as being subject to forfeiture, as a result of any act or omission of the defendants **RICKEY THOMPSON** and **LEON BRICE JOHNSON**,

- (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 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 and, in addition, to require said defendants to return such property to the jurisdiction of the court for seizure and forfeiture.

All pursuant to Title 28, United States Code, Section 2461, Title 8, United States Code, Section 1324(b)(1), and Title 21, United States Code, Section 853.

33. Upon conviction of the violations alleged in Counts 22 - 26, defendants **RICKEY THOMPSON** and **LEON BRICE JOHNSON** shall forfeit to the United States any and all property, real and personal, involved in the aforesaid offense and all property traceable to such property.

If the property described above as being subject to forfeiture, as a result of any act or omission of the defendants, **RICKEY THOMPSON** and **LEON BRICE JOHNSON**,

- (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 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 and, in addition, to require said defendants to return any such property to the jurisdiction of the court for seizure and forfeiture.

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

A TRUE BILL

FOREPERSON


 R. ALEXANDER ACOSTA
 UNITED STATES ATTORNEY


 ADRIENNE RABINOWITZ
 ASSISTANT UNITED STATES ATTORNEY


 ELLEN L. COHEN
 ASSISTANT UNITED STATES ATTORNEY