

United States District Court

SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

KIRBY LOGAN ARCHER
and
GUILLERMO ALFONSO ZARABOZO

CASE NUMBER: *07-3248-Bandstra*

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about September 22, 2007, in international waters, at a location within the special maritime and territorial jurisdiction of the United States, and elsewhere, with Miami-Dade County, in the Southern District of Florida, being the district in which the offenders were first brought, Kirby Logan ARCHER and Guillermo Alfonso ZARABOZO did knowingly and unlawfully with malice aforethought and from a willful, deliberate, malicious, and premeditated design to effect the death of a human being and did unlawfully with malice aforethought, in the perpetration of, or attempt to perpetrate, any kidnapping and robbery, kill J.B., K.B., S.G., and S.K., in violation of Title 18, United States Code, Sections 1111 and 2.

I further state that I am a Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Richard G. Blais
RICHARD BLAIS, SPECIAL AGENT
UNITED STATES COAST GUARD INVESTIGATIVE SERVICE

Sworn to before me, and subscribed in my presence,

OCTOBER 10, 2007

at MIAMI, FLORIDA

Date

City and State

TED E. BANDSTRA
CHIEF UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

T. E. Bandstra
Signature of Judicial Officer

Certified to be a true and correct copy of the original.
Clarence Maddox, Clerk,
U. S. District Court
Southern District of Florida
By *Rose G. Maddox*
Deputy Clerk
Date *10/10/07*

AFFIDAVIT

I, RICHARD BLAIS, being duly sworn, depose and state:

I am a Special Agent of the Coast Guard Investigative Service assigned to a joint task force with the Federal Bureau of Investigation ("FBI"). I have been employed with the Coast Guard since 1984 and tasked to the FBI since November 2004. Prior to my current service, I served as a Federal Air Marshal and as a special agent with the Drug Enforcement Administration. I am currently assigned to the Miami Division of the FBI. My responsibilities as a special agent include, among other things, conducting investigations that involve, but are not limited to, terrorism, counter-terrorism, high seas crimes, and locating missing persons. I have received training in the investigation of homicides, hijackings, kidnappings, assaults, and batteries, among other things.

The statements contained in this affidavit are based upon my own personal knowledge, as well as information provided to me by other law enforcement officials and employees of the United States Coast Guard and the FBI. 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 that on or about September 22, 2007, Kirby Logan ARCHER and Guillermo Alfonso ZARABOZO did knowingly and unlawfully with malice aforethought and from a willful, deliberate, malicious, and premeditated design to effect the death of a human being and did unlawfully with malice aforethought, in the perpetration of, or attempt to perpetrate, any kidnapping and robbery, kill J.B., K.B., S.G., and S.K., in violation of Title 18, United States Code, Sections 1111 and 2.

BACKGROUND

1. On or about September 21, 2007, at the Miami Beach Marina, Kirby Logan ARCHER and Guillermo Alfonso ZARABOZO approached a representative of Sissy Baby, a charter vessel business. ARCHER and ZARABOZO sought to charter Sissy Baby's vessel, the *F/V Joe Cool*, for a trip to Bimini on September 22nd. The representative directed ARCHER and ZARABOZO to Sissy Baby's corporate telephone number.

2. On or about September 22nd, in the afternoon, ARCHER and ZARABOZO arrived at the Miami Beach Marina. The two men spoke with Sissy Baby's owner. ARCHER stated that he and ZARABOZO worked for a survey company and that they had finished early. According to ARCHER, the pair were planning to meet with their girlfriends on a yacht at the Big Game Resort and Yacht Club in Bimini. ARCHER stated that he was unable to fly to Bimini because his girlfriend had packed away his passport. ARCHER said that he planned to meet his girlfriend on a yacht in Bimini Bay in order to retrieve the passport.

3. ARCHER's and ZARABOZO's luggage was taken on-board the *F/V Joe Cool*. ARCHER then paid the owner \$4,000 in \$100 denominations. The owner gave \$1,000 to the *F/V Joe Cool*'s captain, Jake Branam.

4. Shortly thereafter, the vessel's first mate bought bait and tackle from a Miami Beach Marina shop. The first mate stated to a shop clerk that the company was going to take two passengers on a last-minute booking to Bimini and drop off the passengers at a yacht. The mate also indicated that the company was to be paid \$4,000. On the return trip, according to the first mate, the crew was planning to fish for yellow fin tuna in the waters off Bimini.

5. The vessel departed on September 22nd, with the following people on-board: (a) J.B.; (b) K.B.; (c) S.G.; (d) S. K.; (e) ARCHER; and (f) ZARABOZO.

6. The *F/V Joe Cool* headed East for Bimini. Investigation revealed that the vessel turned South prior to reaching Bimini. The *F/V Joe Cool* later turned Southeast and traveled to a point near Dog Rocks in the Bahamas. After heading Southeast, the vessel appeared to drift.

7. On the afternoon of September 23rd, Sissy Baby's owner contacted the Coast Guard to report the *F/V Joe Cool* overdue. According to the owner, the last contact he had with the vessel's crew was on September 22nd just after the boat left Miami Beach Marina.

8. The Coast Guard initiated a search and discovered the *F/V Joe Cool* adrift approximately 30 nautical miles from Cuba near Anguilla Cay, Bahamas, on September 23rd at approximately 5:00 p.m. The Coast Guard initiated a search-and-rescue of the the vessel and found its condition in disarray. The search revealed, among other things, ZARABOZO's Florida identification card, six marijuana cigarettes, multiple half-opened packs of cigarettes, a laptop computer, computer accessories, luggage, a daily planner, clothing, cameras, and a cellular telephone. A handcuff key was also found on the vessel's bow, as well as a substance on the vessel's stern that subsequently tested positive for the presence of human blood.

9. The following morning, Monday September 24th, a Coast Guard helicopter located an orange life raft carrying ARCHER, ZARABOZO, and several pieces of luggage and other personal effects. ARCHER and ZARABOZO were lifted into the helicopter for transport to a Coast Guard cutter. While traveling in the helicopter, ARCHER and ZARABOZO were calm, stoic, emotionless and failed to make eye contact with their rescuers. In an effort to determine the location of the other four persons from the *F/V Joe Cool*, the helicopter crew asked ARCHER and ZARABOZO about the status of the missing crew. They told the helicopter crew that Cuban hijackers had boarded their boat, shot the crew, and directed ZARABOZO to throw the bodies overboard.

10. Despite an exhaustive search over a course of several days, the Coast Guard was unsuccessful in their efforts to locate any of the missing crew.

STATEMENTS

11. After learning of the hijacking and shootings, federal agents interviewed ZARABOZO and ARCHER aboard the cutter. While on the cutter, federal agents advised ARCHER and ZARABOZO of their *Miranda* warnings. ARCHER and ZARABOZO waived their rights and agreed to be interviewed. Each told investigators the events that occurred on their trip to Bimini and how they ended up on the life raft. They each described a second vessel that carried three hijackers who overtook the fishing vessel, killed the four crew members, and took the vessel South for hours. They further described a third boat that subsequently arrived, took the three hijackers off the *F/V Joe Cool*, and sped away. As will be detailed below, they gave numerous inconsistencies in their statements.

12. During ARCHER's interview, he stated that he knew a warrant had been issued previously for his arrest and that, as a result, he could not fly. The investigation has revealed that the Circuit Court of Independence County, Arkansas, issued a bench warrant for ARCHER's arrest on January 27, 2007, on a felony charge of theft of money from Wal-Mart.

13. Further, the investigation has revealed that ARCHER was the target of an Arkansas investigation into charges of sexual battery on a minor. Authorities investigating that case confronted ARCHER regarding these charges in early January 2007, just prior to his theft of the money from Wal-Mart.

14. Initially, agents asked ARCHER and ZARABOZO, individually, how and when they met each other, and when they decided to go on this trip. They gave inconsistent answers to these questions: ARCHER stated he arrived in South Florida about six months ago and met

ZARABOZO shortly after he arrived. ARCHER said they met through mutual Cuban friends. In contrast, ZARABOZO stated he met ARCHER a couple of months ago when they were hired for the same private investigator job. ZARABOZO could not provide any details for this job, specifically where the job was or who was to be protected. ARCHER stated that they decided to go on the boat trip to Bimini on Thursday (September 20th) or Friday (September 21st). ZARABOZO indicated that they decided to go on the trip "about a week ago." Neither could provide any details on the persons/girlfriends they were to meet. Moreover, they could not provide any names, specific location, or contact information of who they were meeting or how they were going to contact those persons.

15. ARCHER and ZARABOZO gave conflicting statements as to when they first contacted the charter boat company. ARCHER stated that they both visited the boat on Thursday afternoon, September 20th, and spoke with the deck hand. On the other hand, ZARABOZO stated that they had been at Monty's on Friday night, September 21st, and while there, they went to the boat where it was docked in the marina. Investigation has revealed the *F/V Joe Cool* was not located at that marina on Thursday, September 20th.

16. According to ARCHER, two hijackers wore shorts and t-shirts, while an older hijacker had on dark cargo pants and a t-shirt. ZARABOZO said the three hijackers were all in polo shirts and jeans. ZARABOZO further stated that one hijacker wore a blue polo shirt, the second one wore a black polo shirt and that he did not remember the color of the older hijacker's polo shirt.

17. ARCHER and ZARABOZO each detailed the sequence of the shootings on the vessel. Each also stated that ARCHER was escorted by a hijacker from the cabin up to the fly bridge and forced to drive the vessel. However, ZARABOZO stated that the female was shot

prior to ARCHER being on the fly bridge and ARCHER said he was next to the female on the fly bridge when she was shot. ARCHER said the hijackers had two firearms, both Glocks. ZARABOZO stated one firearm was possibly a Glock model 17 and one was definitely not a Glock.

18. ZARABOZO stated that the bodies were thrown over the starboard and port sides. ARCHER did not initially mention the bodies being thrown over. However, when he was questioned about it, said they were thrown over the back of the boat.

19. ZARABOZO stated that after he was forced to clean up, he went up to the fly bridge and slept for eight hours. He was sure of the length of time he had slept because he had set his stopwatch. He was sleeping on the bench immediately next to where ARCHER was driving the vessel. However, ARCHER stated that ZARABOZO was awake, and that he and ZARABOZO spoke constantly during this time period making sure they were each "O.K."

INCONSISTENCIES BETWEEN STATEMENTS AND PHYSICAL EVIDENCE

20. ZARABOZO advised federal authorities that he did not own a firearm. However, the investigation revealed that he had bought a lock box for a firearm he kept at his house. Moreover, the investigation revealed that ZARABOZO was seen with a Glock firearm as recently as mid-August 2007. On September 27, 2007, agents searched ZARABOZO's residence. The lock box located in his home did not contain a firearm. Investigators did not find a firearm anywhere in his residence. The lock box contained various documents, including a receipt for the February 2007 purchase of one Glock 9 mm magazine and four boxes of 9 millimeter bullets. Two boxes of ammunition were Federal Cartridge, Hydra-Shok® 9 mm bullets.

21. ZARABOZO further advised that he is familiar with firearms because the security firm employing him issued him a firearm to use at given assignment, but that he returned it after each assignment, never bringing it home. However, the investigation revealed that his current employer never issued him a firearm to use at any assignment.

22. In addition, video surveillance and other records establish that ZARABOZO, accompanied by ARCHER, purchased two Sig Sauer firearm magazines from a local gun store on September 12, 2007. The backpack belonging to ZARABOZO recovered from the raft contained the receipt from the gun shop and a gun trigger lock and key. Investigators did not find a firearm on the life raft or the *F/V Joe Cool*.

23. Investigators recovered 4 spent casings from the *F/V Joe Cool*, each bearing a "FC" and "9 MM LUGER" stamp. "FC" stands for Federal Cartridge and "9 mm" stands for 9 millimeter.

24. ZARABOZO and ARCHER each advised investigators that the hijackers shot some victims with one gun and other victims with a different firearm. However, forensic analysis of the strike mark characteristics on the spent casings reveals that the casings recovered from the *F/V Joe Cool* were each shot from the same firearm. The strike mark characteristics found on the casings are found in this combination only on casings fired from Glock 9 mm firearms.

25. ZARABOZO and ARCHER each stated that the hijackers shot the victims outside of the interior of the boat. However, investigators located 3 of the 4 casings inside the cabin area. In addition, investigation revealed human blood is on or near the steps leading from the interior salon down to the staterooms. The investigation revealed that the vessel was clean prior to departure from Miami Beach Marina and that no substance was on or near the steps leading from the interior salon to the staterooms.

26. ZARABOZO stated that he heard a disabled vessel issue a distress call over the radio while the *F/V Joe Cool* was en route to Bimini, and that the *F/V Joe Cool* continued straight ahead toward the disabled vessel. ZARABOZO stated that the *F/V Joe Cool* came side to side with the distressed vessel and that one of the hijackers came aboard and thereafter commandeered the vessel. Subsequently, the two remaining hijackers boarded the *F/V Joe Cool*. ZARABOZO stated that the next day the hijackers aboard the *F/V Joe Cool* used the radio to call a vessel to pick them up after the *F/V Joe Cool* ran out of fuel. The Coast Guard has no record of any distress calls for the period beginning on or about September 22, 2007 and ending on or about September 24, 2007, either directly from a distressed vessel or relayed through other vessels.

OTHER EVIDENCE RECOVERED

27. During the initial search and rescue boarding, investigators recovered a handcuff key from the bow of the vessel. Later, investigators recovered a second handcuff key in a piece of luggage belonging to ARCHER that was recovered from the raft. Pursuant to a search warrant, investigators located an empty handcuff case in ZARABOZO's bedroom.

28. Investigators recovered a T-Mobile receipt from ZARABOZO's backpack. The receipt reflects a purchase on September 20, 2007, from a T-Mobile store in Coral Gables, Florida of an "activation kit" for use in a cellular telephone and airtime minutes. As part of the kit, a "SIM" card was included which enables someone to place this card into a cellular telephone and the phone will work with the new telephone number and subscriber name related to the "SIM" card. This card was purchased in the name of "Michael Zoiou." Agents have been unable to locate any record indicating the existence of this person or name. However, a cellular telephone with this "SIM" card was found on the life raft in ZARABOZO's backpack.

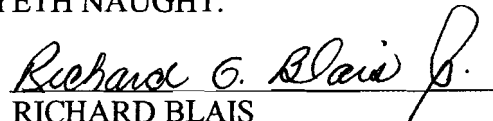
According to the stored information in the cellular telephone, a call was placed on September 22nd at approximately 3:06 pm to the coporate number for Sissy Baby Charter.

29. Investigators recovered from ZARABOZO's backpack various knives, a blow gun and darts.

30. ZARABOZO told investigators that he stayed in a hotel on Thursday, September 20, 2007, with some friends. However, video and other documents reflect that only ZARABOZO and ARCHER checked in and out of the hotel. Furthermore, he did not state that he was with ARCHER, and each friend that ZARABOZO mentioned denied being at the hotel.

WHEREFORE, based upon the foregoing, your affiant submits that there is probable cause to believe that, on or about September 22, 2007, Kirby Logan ARCHER and Guillermo ZARABOZO did knowingly and unlawfully with malice aforethought and from a willful, deliberate, malicious, and premeditated design to effect the death of a human being and did unlawfully with malice aforethought, in the perpetration of, or attempt to perpetrate, any kidnaping and robbery, kill J.B., K.B., S.G., and S.K., in violation of Title 18, United States Code, Sections 1111 and 2.

FURTHER AFFIANT SAYETH NAUGHT.


RICHARD BLAIS
SPECIAL AGENT
UNITED STATES COAST GUARD
INVESTIGATIVE SERVICE

Sworn and subscribed before me this
10th day of October, 2007.


TED E. BANDSTRA
UNITED STATES MAGISTRATE JUDGE

