

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

CASE NO. 05-10009-CR-MOORE(s)

18 U.S.C. § 371

8 U.S.C. § 1324(a)(2)(B)(ii)

8 U.S.C. § 1324(a)(1)(A)(ii)

8 U.S.C. § 1324(a)(1)(A)(iii)

UNITED STATES OF AMERICA

vs.

**GEOFFREY RODRIGUES,
ROBERTO YOSVANY HERNANDEZ,
GUSTAVO “GUS” DOMINGUEZ,
RAMON BATISTA and
GUILLERMO VALDEZ,**

Defendants.

SUPERSEDING INDICTMENT

The Grand Jury charges that:

COUNT 1

From in or about July 2004, the exact date being unknown to the Grand Jury, and continuing through on or about November 19, 2004, in Miami-Dade and Monroe Counties, in the Southern District of Florida, and elsewhere, the defendants,

**GEOFFREY RODRIGUES,
ROBERTO YOSVANY HERNANDEZ,
GUSTAVO “GUS” DOMINGUEZ,
RAMON BATISTA and
GUILLERMO VALDEZ,**

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

(A) to bring aliens to the United States, knowing and in reckless disregard of the fact that

such aliens had not received prior official authorization to come to, enter, and reside in the United States, regardless of any official action which may later be taken with respect to such aliens for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii);

(B) knowingly and in reckless disregard of the fact that an alien has come to, entered, or

remains in the United States in violation of law, to transport, or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law, for the purpose of commercial advantage or private financial gain, in violation of Title 8, United States Code, Section 1324(a)(2)(A)(B)(ii) and to,

(C) knowingly and in reckless disregard of the fact that an alien has come to, entered, or

remains in the United States in violation of law, to conceal, harbor, or shield from detection such alien in any place, including any building or any means of transportation, for the purpose of commercial advantage or private financial gain, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(I).

PURPOSE AND OBJECT OF THE CONSPIRACY

It was the purpose and object of the conspiracy for the defendants to unlawfully enrich themselves by smuggling Cuban major league baseball prospects as well as other Cuban nationals.

MANNER AND MEANS USED TO ACCOMPLISH THE CONSPIRACY

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

1. **Co-conspirators solicited potential major league prospects in Cuba with the intent to bring them into the United States.**
2. **Co-conspirators attempted to smuggle and smuggled the recruited baseball players as well as other Cuban aliens into the United States via go-fast vessels.**
3. **Upon arrival into the United States, co-conspirators separated the baseball players from the other Cuban nationals and transported them to California by motor vehicle.**
4. **Once in California, co-conspirators arranged and paid for the housing, transportation, and subsistence for five baseball players.**
5. **Co-conspirators failed to disclose the whereabouts and identity of the illegal aliens to the Immigration and Customs Enforcement.**

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 July 13, 2004, **GUSTAVO "GUS" DOMINGUEZ** caused a wire transfer to be drawn on the account of a person known to the Grand Jury as (H.B.) at Commercial Capital Bank, Account No. 141-051-094 made payable to a person known to the Grand Jury as

(Y.M.S.) in the amount of fifty thousand dollars (\$50,000).

2. On or about July 20, 2004, **GUSTAVO “GUS” DOMINGUEZ**, caused a wire transfer to be drawn on the account of a person known to the Grand Jury as (H.B.) at Commercial Capital Bank, Account No.141-051-094 made payable to a person known to the Grand Jury as (Y.M.S..) in the amount of fifty thousand dollars(\$50,000).

3. On or about July 21, 2004, **GUSTAVO “GUS” DOMINGUEZ**, caused a wire transfer to be drawn on the account of a person known to the Grand Jury as (H.B.) at Commercial Capital Bank, Account No.141-051-094 made payable to **RAMON BATISTA**, in the amount of fifteen hundred dollars(\$1,500).

4. On or about July 28, 2004, **GEOFFREY RODRIGUES**, took approximately twenty-two (22) Cuban nationals onboard a 28' vessel.

5. On about July 28, 2004, **GEOFFREY RODRIGUES** traveled on the high seas aboard a 28' vessel bearing Florida Registration Number FL5005MK, and containing approximately twenty-two (22) Cuban nationals.

6. On or about July 28, 2004, **GEOFFREY RODRIGUES** repeatedly attempted to evade a Customs and Border Protection vessel while at sea aboard the 28' vessel.

7. On or about August 22, 2004, **ROBERTO YOSVANY HERNANDEZ** took

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8. On about August 22, 2004, **ROBERTO YOSVANY HERNANDEZ** traveled on the high seas aboard a vessel of unknown size containing approximately nineteen (19) Cuban nationals.

9. On or about August 22, 2004, **RAMON BATISTA** rented two (2) vans from AVIS at 2230 N.W. 27th Avenue, Miami, Florida.

10. On or about August 23, 2004, **RAMON BATISTA** and **GUILLERMO VALDEZ** began traveling from Miami, Florida to Los Angeles, California.

11. On or about September 3, 2004, **GUSTAVO “GUS” DOMINGUEZ**, caused a wire transfer to be drawn on the account of a person known to the Grand Jury as (H.B.) at Commercial Capital Bank, Account No.141-051-094 made payable to a person known to the Grand Jury as (L.M.) in the amount of twenty five thousand dollars (\$25,000).

All in violation of Title 18, United States Code, Section 371.

COUNTS 2-23

On or about July 28, 2004, upon the high seas and out of the jurisdiction of any particular State or district, with Monroe County, in the Southern District of Florida, being the first district where the offenders were brought, the defendants,

**GEOFFREY RODRIGUES and
GUSTAVO “GUS DOMINGUEZ,**

did knowingly attempt to bring aliens, named below, to the United States **for the purpose of commercial advantage and private financial gain**, as set forth below in Counts 2 through 23, knowing and in reckless disregard of the fact that such aliens had not received prior official authorization to come to, enter and reside in the United States, regardless of any official action which might later be taken with respect to such aliens:

<u>COUNT</u>	<u>ALIEN</u>
2.	Roberto Abreu-Alvarez
3.	Maria-Amalia Alvarez-Oliva
4.	Boris Rolo Barrachina
5.	Francisely Bueno-Trueba
6.	Osbeu Castillo-Perez
7.	Domirys Contreras-Ferreira
8.	Ignacio Figueredo-Gomez
9.	Yamaris Gill-Quesada
10.	Allen Guevara-Perez
11.	Edelberto Hernandez-Orijuela
12.	Manuel Marquez-Vasquez

13. Osmany Masso-Arredondo
14. Ivet Nurquez-Alvarez
15. Jose Nurquez-Alvarez
16. Jorge Luis Perez
17. Zulgidy RODRIGUES-Miranda
18. Daysi Trueba-Brown
19. Yoankis Turino-Montalno
20. M.R.N. (minor)
21. Y.H.B. (minor)
22. A.M.A. (minor)
23. R.P.A. (minor).

All in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii) and Title 18, United States Code, Section 2.

COUNTS 23-42

On or about August 22, 2004, in Monroe County, in the Southern District of Florida, the defendants,

**GUSTAVO “GUS” DOMINGUEZ and
ROBERTO YOSVANY HERNANDEZ,**

did knowingly bring aliens, named below, to the United States **for the purpose of commercial advantage and private financial gain**, as set forth below in Counts 23 through 42, knowing and in reckless disregard of the fact that such aliens had not received prior official authorization to come to, enter and reside in the United States, regardless of any official action which might later be taken with respect to such aliens:

COUNT

ALIEN

24	Roberto Abreu-Alvarez
25.	Edelberto Hernandez-Orihuela
26.	Boris Rolo Barrachina
27.	Francisely Bueno-Trueba
28	Osbek Castillo-Perez
29.	Domirys Contreras-Ferreira
30.	Ignacio Figueredo-Gomez
31.	Yamaris Gil-Quesada
32.	Allen Guevara-Perez
33.	Manuel Marquez-Vasquez
34.	Osmany Masso-Arredondo
35.	Ivet Nurquez-Alvarez
36.	Jose Nurquez-Alvarez
37.	Jorge Luis Perez
38.	Daysi Trueba-Bueno
39.	Yoankis Turino-Montalno
40.	Y.H.B. (minor)
41.	A.M.A. (minor)
42.	M.R.N.. (minor).

All in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii) and Title 18, United States Code, Section 2.

COUNT 43-47

From in or about August 22, 2006 and continuing through on
or about November 19,

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

**GUSTAVO ``GUS`` DOMINGUEZ,
RAMON BATISTA and
GUILLERMO VALDEZ,**

did knowingly and in reckless disregard of the fact that aliens,
named below, had come to and entered and remained in the United
States in violation of law, transported and moved such aliens within
the United States; in violation of Title 8, United States by means
of transportation and otherwise in furtherance of such violation of
law;

COUNT

ALIEN

43.

Osmany Masso-Arredondo

44.

Allen Guevara-Perez

45.

Francisely Bueno-Trueba

46.

Osbek Castillo-Perez

47.

Yoankis Turino-Montalno

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

COUNT 48-52

From in or about August 22, 2006 and continuing through on
or about November 19, 2006, in Miami-Dade County in the
Southern District of Florida, and elsewhere, the defendants,

GUSTAVO ``GUS`` DOMINGUEZ and

RAMON BATISTA,

did knowingly and in reckless disregard of the fact that aliens had remained in the United States, in violation of law, conceal, harbor, and shield from detection such aliens in any place, including any building and any means of transportation for the purpose of commercial advantage and private financial gain;

COUNT

ALIEN

48.

Osmany Masso-Arredondo

49.

Allen Guevara-Perez

50.

Francisely Bueno-Trueba

51.

Osbek Castillo-Perez

52.

Yoankis Turino-Montalno

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

A TRUE BILL

FOREPERSON

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

BENJAMIN DANIEL
ASSISTANT UNITED STATES ATTORNEY