

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America

v.

Miguel Jimenez Borda and Alejandra Maria Mayo

Defendant(s)

Case No.

2:17-mj- 1052-CM

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 27-28, 2017 in the county of Collier in the Middle District of Florida, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Rows include 18 U.S.C. § 554 (Smuggling goods from the United States) and 18 U.S.C. § 922(e) (Shipping firearms without notice to common carrier).

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

RECEIVED 2017 JUL -3 AM 11:04 CLERK, US DISTRICT COURT MIDDLE DISTRICT OF FLORIDA FORT MYERS FLORIDA

Complainant's signature

J. Keith Cramsey, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/03/2017

Judge's signature

City and state: Fort Myers, Florida

Carol Miranda, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, J. Keith Cramsey, being first duly sworn, do hereby depose and state:

1. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, (hereinafter HSI) assigned to the Resident Agent In Charge, Fort Myers, Florida (RAC/FM). I have been employed by HSI since September of 2001. I am a graduate of the Federal Law Enforcement Training Center, Criminal Investigators Training Program and the United States Customs Academy, Customs Basic Enforcement School. I have also completed a two-year assignment at the HSI Headquarters, in Fairfax, Virginia where I conducted and trained/assisted other U.S. and international law enforcement officers to conduct criminal investigations within the purview of Homeland Security. Among my current duties as an HSI Special Agent, I am responsible for the investigation of violations of federal law, including investigating the illegal export from the United States of commodities, information, and services that are regulated by the U.S. government, such as goods that have military application and whose export is prohibited without a license from the Department of State. As a result of my training and experience, I have knowledge of the means and methods used by weapon traffickers and weapon-trafficking organizations to communicate with each other, to purchase, transport, store, and distribute weapons, and to conceal profits generated from those transactions.

2. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code; that is, an officer of the United States who is empowered by law to conduct investigations and make arrests for offenses enumerated in Titles 8, 18, 19, 21 and 22 of the United States Code.

3. I know, through training and experience, that; (a) it is common for weapon traffickers to utilize numerous concealment methods within various shipment commodities to transport weapons,

munitions, and proceeds for the export, sale, and distribution of weapons and munitions; (b) it is common for weapon traffickers to conceal weapons and munitions within freight and utilize shipment consolidators, freight forwards, and commercial carriers (land, sea and air); (c) it is common for weapons traffickers to conceal, comingle, weapons and munitions within other shipments to avoid customs and carrier shipment inspections in order to export weapons and munitions in violation of 18 U.S. Code § 554, smuggling goods from the United States; 22 U.S. Code § 2778, control of arms exports and imports; 18 U.S. Code § 922(e), willful delivery of firearms to a common carrier without written notice and 18 U.S. Code § 371, conspiracy to commit offense or to defraud United States.

4. My educational background includes a Bachelor of Science Degree in Administration of Justice, a Bachelor of Science Degree in Psychology, and a minor in Business Administration from the Pennsylvania State University in University Park, Pennsylvania.

5. This affidavit is based on my personal knowledge, experience and training as well as on information obtained by me through investigative observations and conversations with other HSI agents, Collier County Sheriff's Office (CCSO) Detectives and Deputies, and agents from other law enforcement agencies including from the United States Bureau of Alcohol, Tobacco and Firearms (ATF). This affidavit does not set forth every fact resulting from this investigation; rather, it contains a summary of the investigation to date for the limited purpose of establishing probable cause to obtain a criminal complaint and an arrest warrant.

6. This affidavit is made in support of an application for a warrant to arrest Miguel Jimenez Borda and Alejandra Maria Mayo currently residing at 5344 Coronado Parkway, Apartment B, Naples, Florida 34116, for violating Title 18, United States Code, Section 554: Smuggling Goods From the United States and Title 18, United States Code, Section 922(e): Willful delivery of firearms to a common carrier without written notice.

RELEVANT STATUTES

7. 18 USC § 554 provides in relevant part that “whoever fraudulently or knowingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, shall be . . . imprisoned not more than 10 years....”

8. 18 USC § 922(e) provides in relevant part that “It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped.”

INVESTIGATIVE DETAILS

9. On June 30, 2016, at approximately 11:30 AM, your Affiant was contacted by the Collier County Sheriff’s Office (CCSO) regarding suspicious Fed Ex international shipments reported to CCSO by the Fed Ex facility located at 2367 Vanderbilt Beach Road, Suite #801, Naples, Florida 34109. According to the information, CCSO deputies were at the facility on an unrelated matter when employees at the facility advised of a suspicious shipment destined for Bolivia that had occurred at their facility that week. Two individuals believed to be from Bolivia had dropped off five large and heavy boxes of what was declared as “documents” earlier in the week and paid almost \$6,000.00 cash in shipping costs to have the boxes shipped from Naples, Florida to Santa Cruz, Bolivia.



10. CCSO reported to your Affiant that CCSO Deputy Chris Meyer, a Title 19 cross-designated Homeland Security Task Force Agent, was responding to the facility and requested to use his border search authority to conduct an examination of the outbound shipments. Your Affiant spoke with Deputy Meyer and requested he contact me after opening the first box, Box 1. At approximately 11:40 AM, Deputy Meyer called your Affiant and advised that something is “weird.” Deputy Meyer went on to describe that when he opened Box 1, he discovered what appeared to be large amounts of foam insulation blown into the box and he observed what appeared to be the barrel of an AK-47 assault rifle sticking out of the foam. Deputy Meyer also advised that there were two more boxes (Box 2 and 3) at the facility from the same shipper and two others (Box 4 and 5) had already been shipped from the facility. Your Affiant advised to leave the remaining boxes unopened. Your Affiant then responded to the facility along with SA Diego Abril of ATF.

11. Upon arriving at the facility, your Affiant observed Deputy Meyer opening Box 1, which contained several firearms and firearms components inside the box surrounded by foam insulation. Your Affiant also observed Box 2 and 3 unopened. A review of the shipping labels of each box showed the following:

Box 1 Sender:

Claudia Gomez, 4550 29<sup>th</sup> Avenue, Naples, FL 34117

Box 1 Recipient:

Nancy Delgadillo Salazar, Res C/19 De Agosto #225, Santa Cruz De La Sie, BO

Box 2 Sender:

Claudia Gomez, 4550 29<sup>th</sup> Avenue NW, Naples, FL 34117

Box 2 Recipient:

Eyda Gabriela Moreno, B Villa San Luis c/San Javier Nro 79, Santa Cruz De La Sie, BO



Box 3 Sender:

Claudia Gomez, 4550 29<sup>th</sup> Avenue NW, Naples, FL 34117

Box 3 Recipient:

Eyda Gabriela Moreno, B Villa San Luis c/San Javier Nro 79, Santa Cruz De La Sie, BO

Public and law enforcement database research on the name and address for Claudia Gomez do not match any identifiable records suggesting both are fictitious.

12. At that point, your Affiant and SA Abril spoke with the Fed Ex store manager. The manager advised that the shippers came to the store Tuesday night, June 27, 2017, at approximately 8:30 PM dropping off 2 boxes (Box 4 and 5) of "documents" and again Wednesday night, June 28, 2017, at approximately 8:00 PM dropping off the three currently at the store (Box 1, 2 and 3). The manager stated that Box 4 and 5 were already shipped out and were currently located at a Fed Ex facility in Miami, Florida. Boxes 1-3 should have been shipped the day before but were inadvertently forgotten and therefore remained at the Naples store. The manager went on to advise that one of his employees is a Spanish speaker and typically deals with the shippers of these boxes.

13. Your Affiant and SA Abril then requested to speak with that employee. The employee stated that he has been employed at this Fed Ex facility since August of 2016. He has seen this female shipper, Claudia Gomez, and her unidentified husband come in to the store frequently to ship large and heavy boxes of documents to Bolivia just as it occurred this week. The employee estimated they may have shipped as many as fifty boxes since he started working there. Further, the employee recalled that they always pay cash, generally in one hundred dollar bills but this time in twenty dollar denominations. The employee stated that they both typically pay a portion of the total shipping cost and they generally come in together, although he recalled sometimes it is just the man. He described them as heavysset Bolivian Nationals based on their Spanish accent. He further described the male as having a tattoo of

Arabic writing on the inside of his right forearm. The employee inquired one time about their shipments and the man replied that he is simply shipping legal documents to Bolivia.

14. Based on the contents of Box 1 and the statements of the Fed Ex employees, your Affiant seized Boxes 1-3 for further examination with the assistance of the CCSO and ATF. Upon further examination, Box 1 appears to contain approximately 4 assembled firearms, possibly AK 47s, and 4 firearm components. The firearms and components were intentionally kept in the original packing materials to allow for forensic testing and therefore were not fully identified at this point. Further, CCSO Deputy Corporal Todd Sanner responded with an x-ray device and scanned Boxes 2 and 3. Both scans were observed by your Affiant and appear to contain multiple assault rifles, AK-47s and AR-15s. Box 2 and 3 were not opened to preserve evidence for forensic testing.

15. In addition, your Affiant and SA Abril, with assistance from CCSO and Fed Ex, were able to locate Box 4 and 5 via their tracking numbers at a Fed Ex facility in Miami, Florida. Miami Homeland Security Investigations (HSI) Special Agents and Customs and Border Protection Officers were able to retrieve and conduct border searches of both the boxes. Miami agents reported both boxes were “packed” with firearms and firearm components. Your Affiant observed some of the contents, appearing to be various firearms components, via photos taken by Miami agents. Those boxes were also declared to be “documents” going to Bolivia and sent by Claudia Gomez, only this time with an address of 4555 25<sup>th</sup> Avenue, Naples, FL 34109. This is also an address that does not appear to exist.

16. Continuing, on July 1, 2017, agents from HSI, ATF and CCSO began an investigation to attempt to identify “Claudia Gomez” and her “husband.” Investigation revealed that the male was likely Miguel Jimenez Borda. Borda is a Bolivian National and Conditional Resident of the United States, which he obtained through the marriage of a United States Citizen (USC). HSI records indicated that Borda may not be living with his USC spouse and that his case is being reviewed for a possible

fraudulent marriage. Rather, records indicate that Borda may be residing with Alejandra Maria Mayo, also a Bolivian National, born February 12, 1983. Mayo has a pending petition for U.S. residency based on a marriage to a USC with whom she also does not appear to be residing. Mayo's Florida Driver's license indicated she resides at 5344 Coronado Parkway, Apartment B, Naples, Florida 34116.

17. Agents utilized the driver's license image of both Borda and Mayo and placed them in separate photo line-ups with five other similar looking individuals. Your Affiant then presented those photo line-ups to the aforementioned Fed Ex employee on July 1, 2017 at approximately 1:30 PM. The employee immediately picked out Borda and Mayo as the two that dropped off the aforementioned Boxes 4 and 5 on Tuesday evening, June 27, 2017 and Boxes 1, 2 and 3 on Wednesday evening, June 28, 2017. The employee also advised they were the same two individuals that have been coming into the store to ship an estimated fifty boxes of "documents" to Bolivia since at least August of 2016.

18. Subsequent to the employee's identification of Borda and Mayo, agents and officers went to the address of 5344 Coronado Parkway, Apartment B, Naples, Florida 34116. The property is a duplex. Although no one answered the door of Apartment B, agents observed Florida vehicle registration 832 5UV on a vehicle in the driveway. That registration returns to Miguel Jimenez Borda. Your Affiant then conducted a brief interview of the occupants in Apartment A of the duplex who advised that a Hispanic male and female reside in Apartment B. He described them as a heavy-set couple.






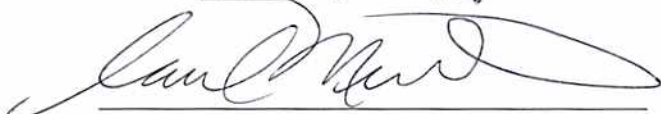
CONCLUSION

19. Based on the facts of the investigation contained above, your Affiant respectfully requests that this Court issue an arrest warrant for Miguel Jimenez Borda and Alejandra Maria Mayo currently residing at 5344 Coronado Parkway, Apartment B, Naples, Florida 34116 for violating Title 18, United States Code, Section 554: Smuggling Goods From the United States and Title 18, United States Code, Section 922(e): Willful delivery of firearms to a common carrier without written notice.

FURTHER, YOUR AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Signature of Affiant  
J. Keith Cramsey  
Special Agent  
United States Department of Homeland Security  
Homeland Security Investigations

Sworn to and subscribed before me  
On this 3<sup>rd</sup> day of July, 2017.

  
\_\_\_\_\_  
Carol Mirando  
United States Magistrate Judge

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United States Magistrate Judge