

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JUN 13 2011

CLAIRE C. CECCHI, U.S.M.J.

UNITED STATES OF AMERICA

v.

NACIP TEOTONIO PIRES,  
a/k/a "Ze Maria," a/k/a "Baraso,"  
RUBENS DA SILVA,  
a/k/a "Diogo Oliveira,"  
SANDERLEI ALVES DACRUZ,  
a/k/a "Kauan," a/k/a "Beicinho,"  
FRANCISMAR SILVA DA CONCEICAO,  
a/k/a "Alex,"  
PRISCILLA LNU,  
a/k/a "Clema Aparecida Lopes,"  
CLAUDINEI PEREIRA MOTA

CRIMINAL COMPLAINT

Mag. No. 11-4107

I, William Carr, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From at least as early as January 2008 through on or about June 10, 2011, in Essex County, in the District of New Jersey and elsewhere, defendants NACIP TEOTONIO PIRES, a/k/a "Ze Maria," a/k/a "Baraso," RUBENS DA SILVA, a/k/a "Diogo Oliveira," SANDERLEI ALVES DACRUZ, a/k/a "Kauan," a/k/a "Beicinho," FRANCISMAR SILVA DA CONCEICAO, a/k/a "Alex," PRISCILLA LNU, a/k/a "Clema Aparecida Lopes," and CLAUDINEI PEREIRA MOTA did:

SEE ATTACHMENT A

I further state that I am a Special Agent with Homeland Security Investigations, U.S. Immigration and Customs Enforcement, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached pages and made a part hereof.



William Carr, Special Agent  
Homeland Security Investigations

Sworn to before me and subscribed in my presence,  
June 13, 2011 in Essex County, New Jersey



Signature of Judicial Officer

HONORABLE CLAIRE C. CECCHI  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

**Count One  
(Conspiracy to Bring Aliens into the United States for Financial Gain)**

From at least as early as January 2008, through on or about June 10, 2011, in Essex County, in the District of New Jersey and elsewhere, defendants

NACIP TEOTONIO PIRES, a/k/a "Ze Maria," a/k/a "Baraso,"  
RUBENS DA SILVA, a/k/a "Diogo Oliveira,"  
SANDERLEI ALVES DACRUZ, a/k/a "Kauan," a/k/a "Beicinho,"  
FRANCISMAR SILVA DA CONCEICAO, a/k/a "Alex,"  
PRISCILLA LNU, a/k/a "Clema Aparecida Lopes,"  
CLAUDINEI PEREIRA MOTA,

did knowingly and willfully conspire and agree with each other and others to commit offenses against the United States, to wit, to bring aliens into the United States at a place other than a designated port of entry or other authorized place, contrary to Title 8, United States Code, Section 1324(a)(1)(A)(I).

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

## **ATTACHMENT B**

I, William Carr, am a Special Agent with the Homeland Security Investigations, U.S. Immigration and Customs Enforcement. I have knowledge about the facts set forth below from my involvement in the investigation, review of reports, documents, intercepted wire communications, and discussions with confidential sources of information and other law enforcement personnel. This Complaint is submitted for a limited purpose, and I have not set forth each and every fact that I know concerning this investigation.

### **BACKGROUND**

#### **A. Summary of investigation**

1. From at least as early as January 2008, through on or about June 10, 2011, the defendants charged in this Complaint, as set forth in Paragraph 2 below (the "Defendants"), conspired with each other and others to bring aliens into the United States from Brazil and elsewhere as part of an elaborate for-profit alien smuggling scheme in which the Defendants arranged, facilitated, and monitored the travel of customers of the scheme from, among other places, Sao Paulo, Brazil to Mexico, across the international border between Mexico and the United States, and, eventually, to various destinations in New Jersey, Massachusetts, and elsewhere (the "Alien Smuggling Scheme").

#### **B. Defendants**

2. At various times relevant to this Complaint:

- a. Nacip Teotonio Pires, a/k/a "Ze Maria," a/k/a "Baraso" ("PIRES"), resided in Newark, New Jersey; Houston, Texas; Haverhill, Massachusetts; and Hillside, New Jersey, was an organizer and leader of the conspiracy, and was responsible for, among other things, recruiting customers, arranging for their transportation to and within the United States, and collecting payments from customers, all of which PIRES undertook with the assistance of the other Defendants and a network of uncharged co-conspirators in Brazil, Mexico, various Caribbean islands, Texas, New Jersey, and elsewhere.
- b. Rubens Da Silva, a/k/a "Diogo Oliveira" ("RUBENS"), resided in Haverhill, Massachusetts, was an organizer and leader of the conspiracy, and was responsible for, among other things, recruiting customers, arranging for their transportation to and within the United States, and collecting payments from customers, all of which RUBENS undertook with the assistance of the other Defendants and a network of uncharged co-conspirators in Brazil, Mexico, various Caribbean islands, Texas, New Jersey, and elsewhere.
- c. Sanderlei Alves DaCruz, a/k/a "Kauan," a/k/a "Beicinho" ("KAUAN"), resided in Houston, Texas, was an organizer and leader of the conspiracy, and was responsible for, among other things, recruiting customers, arranging for their transportation to and within the United States, and collecting payments from customers, all of which KAUAN undertook with the

assistance of the other Defendants and a network of uncharged co-conspirators in Brazil, Mexico, various Caribbean islands, Texas, New Jersey, and elsewhere. KAUAN operated at and around the international border between the United States and Mexico, where he controlled at least three safe houses used to harbor customers of the Alien Smuggling Scheme.

- d. Francismar Da Conceicao, a/k/a Alex (“ALEX”), resided in Hillside New Jersey, and assisted in, among other things, recruiting customers, arranging for their transportation to and within the United States, and collecting payments from customers.
- e. Priscilla LNU, a/k/a “Clema Aparacida Lopes,” (“PRISCILLA”) resided in Long Branch, New Jersey, and assisted in, among other things, recruiting customers, arranging for their transportation to and within the United States, and collecting payments from customers.
- f. Claudinei Pereira Mota (“CLAUDINEI”) resided in Newark, New Jersey, and assisted in, among other things, recruiting customers, arranging for their transportation to and within the United States, and collecting payments from customers.

### **THE ALIEN SMUGGLING SCHEME**

2. The Defendants operated the Alien Smuggling Scheme along two primary routes. The first route was through Mexico and included travel by commercial flight from Sao Paolo to Mexico City, followed by transportation, typically by bus, to one of several safe houses in Mexico near the international border between Mexico and the United States (the “Mexico Route”). From those safe houses, co-conspirators in Mexico guided customers across the international border between Mexico and the United States by various means, including on foot through the desert, through hidden, underground tunnels, or secreted in trucks.

3. The second and less frequently used route was through the Caribbean (the “Caribbean Route”), which generally included travel by commercial flight from Sao Paolo to St. Maarten, followed by another commercial flight to the Virgin Islands or St. Thomas, followed by a boat trip to Puerto Rico. From Puerto Rico, customers of the Alien Smuggling Scheme took commercial flights to destinations in the United States.

4. Defendants charged customers of the Alien Smuggling Scheme between approximately \$13,000 and \$25,000, depending on the route traveled by the customer and whether the customer either paid in advance before departing for the United States, or paid in installment after arriving in the United States. In general, the Defendants charged customers who could pay in advance approximately \$13,000 to use the Mexico Route and approximately \$16,000 to use the Caribbean Route. For customers who could not pay in advance, the Defendants agreed to accept payment after the alien arrived in the United States but imposed a finance charge on the price. The cost of financing travel using the Mexico Route was approximately \$22,000, and the cost of financing travel using the Caribbean Route was approximately \$25,000. When customers of the Alien Smuggling Scheme elected to finance their smuggling cost, the Defendants required repayment in weekly installments between approximately \$300 and \$1,000.

5. Many of the customers of the Alien Smuggling Scheme were young women from Brazil, most of whom made the largest advanced payment they could afford toward their smuggling cost and agreed to pay off the balance of their debt after they arrived in the United States by working as dancers in strip clubs in Newark, New Jersey and elsewhere (the "Smuggled Women" or a "Smuggled Woman"). In certain instances, if a Smuggled Woman fell behind on her debt repayment, certain Defendants and others would urge her to consider engaging in prostitution to earn additional funds. The Defendants induced the Smuggled Women and other customers of the Alien Smuggling Scheme to pay their smuggling debts by threatening to harm family members in their home countries and by obtaining title to property owned by customers in Brazil or elsewhere as security for the debt.

6. The Defendants operated the Alien Smuggling Scheme in secret and undertook efforts to hide their activities and identities from certain customers of the Alien Smuggling Scheme, certain co-conspirators, and from law enforcement agents. For example, PIRES was known to frequently change residences among and within the various cities in which he conducted activities in furtherance of the Alien Smuggling Scheme, including Newark, New Jersey; Houston, Texas; Haverhill, Massachusetts; and Hillside, New Jersey, and elsewhere. Additionally, PIRES and other Defendants employed one or more aliases and used those aliases in different settings and with different groups of customers and co-conspirators to avoid being easily identified. The Defendants also attempted to elude detection by law enforcement agents by communicating through the use of cellular telephones typically registered in the names of aliases, which the Defendants abandoned periodically to avoid potential monitoring by law enforcement agents.

7. Many customers of the Alien Smuggling Scheme have been intercepted by law enforcement agents as they attempted to enter the United States illegally. As a result of those frequent interceptions, the Defendants, including PIRES and RUBENS, instructed customers of the Alien Smuggling Scheme to concoct false asylum claims and tell border enforcement agents that the customer would be abused or otherwise placed in danger if the customer were immediately deported. The Defendants also paid attorneys to assert customers' false asylum claims, which often resulted in the rapid release of those customers with a relatively low bail. Once the customer was released, the customer would resume his or her trip and eventually pay the Defendants for their smuggling efforts.

### **THE INVESTIGATION**

8. In or about February 2008, a confidential source of information ("CS1") informed law enforcement agents that since at least as early as January 29, 2008, PIRES had been conspiring with others to operate the Alien Smuggling Scheme. In or about February 2008, CS1 placed approximately six consensually recorded telephone calls to PIRES. During those calls, CS1 and PIRES discussed, among other things, PIRES's offer to smuggle a relative of CS1 into the United States from Brazil. PIRES invited CS1 to join the Alien Smuggling Scheme and work for PIRES managing debt collection from certain Smuggled Women and providing local transportation of certain Smuggled Women.

9. In or about February 2008, CS1 met with Pires in Newark. CS1 and PIRES discussed PIRES's offer to smuggle CS1's relative from Brazil to the United States. PIRES stated that he

would charge \$12,000 to smuggle CS1's relative into the United States. The first payment of \$3,000 would be due upon his arrival in Houston, Texas, and the final payment of \$9,000 would be due upon his arrival in New Jersey. If CS1's relative needed to finance travel, an initial payment of \$7,500 would be due immediately, along with a deed for property or other assets in Brazil to serve as collateral until the balance was paid. PIRES told CS1 that he would require \$500 per week from CS1's relative after CS1's relative arrived in the United States. PIRES stated that he did not like to smuggle men into the United States because they did not repay their smuggling debt as reliably as women.

10. On or about February 17, 2011, CS1 made a consensually recorded telephone call PIRES. During the call, PIRES stated, among other things, that: PIRES had “two good [smuggling] schemes going on ... through Mexico and the Caribbean,” and PIRES charged “\$16,000 ” to smuggle a person into the United States from Brazil “through the Caribbean” and “\$13,000 through Mexico,” assuming the customer paid in full, in advance, and did not require financing.

11. On or about February 18, 2011, CS1 made a consensually recorded telephone call to PIRES. During the call, CS1 suggested to PIRES that CS1 had a friend in Brazil interested in paying PIRES to smuggle her into the United States. In response, PIRES stated, among other things, that:

- a. “Through Mexico is a good route ... and there are several routes” but “Mexico is bad if you don’t work with the mafia” and “pay them right.” If a smuggler pays the Mexican mafia correctly, “they don’t mess with your people.” In Mexico City, the Mexican mafia makes smugglers “pay on top” and “then you go ahead to the checkpoints,” where “you have to pay to pass. There are a lot of groups that don’t pay [the Mexican mafia] and they are given the run around.”
- b. PIRES planned to manage the smuggling into the United States from Brazil of a “mother and [her fifteen year old] child,” who were “leaving Sao Paulo on Sunday.” The mother and son were “coming through a route [through Mexico] that they don’t have to walk.” They would enter the United States outside of Texas, and travel to Houston.
- c. “Through the Caribbean it depends on immigration [authorities and the] right day and time. You leave Sao Paulo to St. Maarten or another island, Dominican Republic. Then on a boat about three and a half to four hours until the American territory, St. Thomas or St. John. Then you enter Puerto Rico on another boat for an hour or forty minutes. In Puerto Rico you take a domestic flight to here.”
- d. PIRES sent a “Brazilian” associate to Puerto Rico “and he rented a house there because the hotel was a lot. I was wasting \$1,000 per week on average for hotel.”
- e. PIRES “usually” smuggled “groups of ten people” at a time into the United States.
- f. “Today, financing it’s \$22,000 through Mexico and \$25,000 through the Caribbean” but customers “need a guarantee of some kind in Brazil, a document like a proxy. You get here and work to pay every week.”
- g. CS1 would receive a “commission of \$5,000 for [referring CS1's friend].”

12. On or about February 23, 2011, CS1 participated in a series of consensually recorded telephone calls with PIRES. During the calls, CS1 and PIRES continued their earlier discussion about PIRES smuggling CS1's friend from Brazil into the United States. PIRES stated, among other

things, that:

- a. "We're going to bring [CS1's friend] through Mexico. Mexico is quick, because the Caribbean is taking too long. I just passed a woman and child through there and it took eight days. They left Brazil to Dallas. They just got there. They're passing through a place we just discovered...walking. Not through Laredo, it's bad."
- b. "You can get to the capital of Mexico and stay three days. Or you can get there one day and leave the same day. There it's Brazilians. Everything is by car, very little walking. In full, it's 13,000... but financed we charge more."
- c. "Tell [CS1's friend] sixteen and she's giving ten and paying off six. [CS1] can get three."
- d. "I consult on the radio all the time. I accompany everything. It's work."
- e. "I'll give [CS1] the guy's number in Sao Paulo. I need one day so she can go to the hotel there. The hotel there is on me. Or there's an apartment that I have people go to. That guy takes you to the airport and organizes everything and will explain to her about when she gets to Mexico. There is someone with a sign and code waiting. That person will take her to a hotel and then that day or the following she will travel to the border... by car."
- f. "[CS1's friend] will never [be] alone, it's always with a group of six or seven people. You cross the border and then go to Dallas or Houston, most likely Dallas. And then a Brazilian drives a small car up. In Dallas, she'll stay at my house."
- g. "On Saturday, I embarked a couple as well and there are at the border now. They got there today, early... at dawn to the Mexican border. I have to put them where they can arrive. If they get here, I make money. If they don't I lose."

13. On or about March 2, 2011, CS1 made a consensually recorded telephone call to PIRES. During the call, PIRES and CS1 continued to discuss arrangements for PIRES to smuggle CS1's friend into the United States. PIRES stated, among other things, that:

- a. "You have to open an account in the bank. I use bank accounts a lot. For example, there, in Florida, they need to give me money and I tell them to do it on this account. We're going to open an account ... I'll give you an account number."
- b. "I only bring girls to Newark to dance or to work at hotels."
- c. "I'll get a guarantee, house or land. I charge interest. I put in about \$200 – or \$300,000 to finance. I charge them 3% and then you'll get commission – 3% of \$300,000 is \$9,000 per month. That's good. And that's just one day of service, you'll make all that. One day a week, like on Sunday or Monday, you just go to the houses to collect the money."
- d. "Last year, we lost a lot of money in Mexico. They were just crossing in one place and they were arresting a lot of people. Me alone, I lost \$300,000. My friend lost \$1million. There's other routes there, that now we are recovering. It's good there. In Mexico, the border is huge and we work in three or four different places."
- e. "In the Caribbean, they're not arresting but it's taking long. Sometimes three months. You want to come quickly. Especially if the girl is pretty. So that she can work."
- f. CS1's friend should "only take a few clothes, no suitcase. Very few clothes. She should have \$300... in \$10 and \$20 bills. When at the hotels, she may want something different than what they give.... Sometimes, I send money from here to Mexico." When CS1's friend reached Mexico "she'll go to a Brazilian's house. But at the border, there's no Brazilians,

it's Mexicans. But she's always in a group of four, five, [or] six people – sometimes more. All Brazilians. I'll never put her alone with a group of just men. I always have two or three women together.”

14. In or about January 2011, another confidential source (“CS2”) provided law enforcement agents with information about the Alien Smuggling Scheme. CS2 stated, among other things, that CS2 did not have legal immigration status in the United States and that, in or about May 2010, CS2 agreed to pay KAUAN approximately \$13,000 to be smuggled from Brazil into the United States along the Mexico Route. CS2 stated that a Guatemalan national, and a co-conspirator not charged herein, who CS2 knew as “Manolo” (“Manolo”), was CS2's contact person to arrange the trip. CS2 stated that Manolo worked for and with RUBENS and that RUBENS paid Manolo for Manolo's service in cars that RUBENS sent from the United States to Guatemala. Manolo told CS2 that Manolo earned approximately \$3,500 dollars per alien he helped RUBENS smuggle aliens. In or about May 2010, United States Border Patrol agents intercepted CS2 attempting to cross the border between Mexico and the United States and deported CS2.

15. CS2 also told law enforcement agents that CS2 made a second attempt to illegally enter the United States with the help of certain of the Defendants. CS2 stated that after he was deported from the United States in or about November 2010, CS2 contacted a co-conspirator not charged herein who CS2 knew as “Neo” (“Neo”), and inquired about being smuggled into the United States. CS2 stated that Neo offered two different smuggling routes. The first route was through Mexico for \$12,000. The second route, which CS2 chose, was through the Caribbean, for \$16,000. In or about January 2011, CS2 flew from Brazil to St. Maarten and later took a private boat to Tortola, where CS2 took another boat to an unknown island. CS2 then rode a ferry to Puerto Rico. In Puerto Rico, CS2 was driven to a safe house where CS2 stayed before boarding a flight to Boston at the airport in San Juan. Five Brazilians were supposed to board the flight with CS2, but two were arrested in the airport and one became scared and abandoned the trip.

16. During CS2's second attempt to enter the United States illegally, a co-conspirator in the Alien Smuggling Scheme in Puerto Rico instructed CS2 and other Brazilian customers about which security line to use while at the airport, and then went around security and met the Brazilians on the other side. CS2 was told that RUBENS paid a Transportation Security Administration security screener \$100 for each person the screener allowed through security. CS2 was told that RUBENS would be in Boston waiting for CS2.

17. The Alien Smuggling Scheme generated revenues and profits that the Defendants deposited into various bank accounts in the United States and Brazil. Law enforcement agents have identified bank accounts registered in the names or know aliases of certain of the Defendants, into which the Defendants have instructed customers of the Alien Smuggling Scheme to deposit funds. Among those accounts was a Bank of America account that ended in the digits 3417, which was registered in RUBENS's alias: “Diogo Nunes Oliveira.”

18. On about April 22, 2011, that PIREs planned to retrieve a smuggling debt payment from a customer of the Alien Smuggling Scheme living in Long Branch, New Jersey. Agents conducted surveillance of PIREs and ALEX as the two men drove from ALEX's residence in Hillside, New



Jersey, to a residence in Long Branch. Law enforcement agents observed PIRES and ALEX enter the residence in Long Branch and, after several minutes, exit the residence and drive away. Approximately two hours later, law enforcement agents observed ALEX enter a Bank of America branch in Newark, while PIRES remained in the nearby parked car. Thereafter, ALEX exited the bank, returned to the car, and drove away with PIRES. The same day, agents intercepted a telephone conversation in which RUBENS asked PIRES whether ALEX had successfully deposited approximately \$10,000, which PIRES confirmed.

19. On or about April 27, 2011, PIRES engaged in discussions of the full names of certain customers of the Alien Smuggling Scheme and flight reservation information for those customers. Agents compared that flight information to flight manifest databases and learned the dates and times the customers at issue were scheduled to travel. Acting on that information, on or about April 28, 2011, agents working with law enforcement counterparts in Mexico undertook surveillance of passengers from a Copa Airlines flight from Brazil to Mexico as they disembarked from the plane. During the surveillance, agents photographed several co-conspirators in the Alien Smuggling Scheme as well as several suspected customers. On or about May 3, 2011, three customers of the Alien Smuggling Scheme were arrested by United States Border Patrol agents in Texas, near the international border between the United States and Mexico.

20. On or about May 17, 2011, PIRES invited a customer of the Alien Smuggling Scheme, who was living in New Jersey, to visit PIRES at ALEX's residence in Hillside, New Jersey, where PIRES was residing at the time, to discuss debt payments. That day, agents performed surveillance outside ALEX's residence in Hillside and observed an unknown female enter the residence.

21. As set forth above, after successfully crossing the international border between the United States and Mexico, Smuggled Women and other customers of the Alien Smuggling Scheme resided temporarily in various safe houses before traveling to their final destinations. For example, three safe houses, in Texas, near the border between the United States and Mexico, were used by the Defendants to harbor customers of the Alien Smuggling Scheme (the "Texas Safe Houses"). The Texas Safe Houses were managed primarily by KAUAN, with oversight by RUBENS.

22. On or about May 29, 2011, PIRES engaged in a series of calls with J.V., a customer of the Alien Smuggling Scheme who had successfully crossed the international border between the United States and Mexico and was waiting to travel around a United States Border Patrol check point. J.V. told PIRES that she was using a mobile telephone purchased for her by a co-conspirator and that J.V. was in a safe house in Texas.

23. On or about June 3, 2011, agents performed surveillance on the safe house and, later, entered it and encountered approximately twenty-four aliens being harbored within, including J.V.

24. On or about June 3, 2011, RUBENS called KAUAN and KAUAN told RUBENS that one of the safe houses KAUAN managed was raided by police. KAUAN blamed the raid on a fight that occurred in the house but stated that the police were already watching the house. KAUAN complained that "working with" the customers CLAUDINEI recruited to the Alien Smuggling Scheme "is a problem." RUBENS acknowledged that RUBENS had recruited three of the aliens

arrested in the safe house, and KAUAN had recruited two of the aliens arrested in the safe house.

25. On or about June 10, 2011, law enforcement agents administratively arrested ALEX in connection with immigration violations. After his arrest, ALEX admitted, in substance and in part, that he was a co-conspirator in the Alien Smuggling Scheme and that, among other things, PIRES paid ALEX to help PIRES arrange and complete transfers of funds associated with the Alien Smuggling Scheme using, among other means, a bank account ALEX opened and managed.

### **INTERCEPTED WIRE COMMUNICATIONS DEMONSTRATING THE CONSPIRACY**

26. During this investigation, law enforcement agents have intercepted and monitored telephone communications among and between the Defendants. Examples of some of these intercepted calls are set forth below. The descriptions of the conversations were prepared by monitors and are partial, non-verbatim summaries of the conversations, which occurred in Portuguese. In these descriptions, comments enclosed in parentheses are based upon my knowledge, training, and experience, the knowledge, training, and experience of other law enforcement agents with whom I have spoken, and the results of the investigation to date. All times ascribed to conversations and other events are approximate.

#### **A. Calls concerning the operation of the Alien Smuggling Scheme**

27. On or about March 29, 2011, at approximately 12:52 p.m., PIRES received an incoming telephone call from an individual using a telephone assigned to a number beginning with the digits: 55-373-213 ("55" is the international calling code for Brazil). The unknown male told PIRES that a woman the two are working to smuggle into the United States is "very pretty and [will] be very good for dancing." The unknown male stated that the woman is "twenty years old and the prettiest of all the girls [PIRES and the unknown male] have move[d]." The unknown male joked about "keeping" the woman for himself. (PIRES and the unknown co-conspirator in Brazil were discussing the physical appearance of a woman they hoped to smuggle into the United States from Brazil and who they believed would dance at a strip club in the United States.)

28. On or about April 6, 2011, at approximately 10:22 a.m., PIRES received an incoming telephone call on the PIRES Facility from an unknown male. PIRES instructs the unknown male to keep his eye out for a woman who would be "passing through there. She is one of my previous passenger's sisters and I want you to hold onto her because after [the previous customer] arrived here she stopped paying me for the trip." PIRES adds: "So, I want you to hold her there until I get paid. She knows me as Baraso now, and back when she crossed, she knew me as Ze Maria. She's a little suspicious though because of my voice, but she thinks that it's another guy bringing her sister." (PIRES is telling a co-conspirator that PIRES is now using the alias, "Baraso," with certain of his customers, and is asking the unknown male to hold a particular customer of the Alien Smuggling Scheme because her family did not complete making payments for PIRES's prior smuggling efforts.)

29. On or about April 13, 2011, at approximately 10:16 a.m., PIRES received an incoming telephone call from ALEX, who asked PIRES to "call Sao Paulo to find out how much money the girl will need to take to Luis to buy the ticket." (Luis LNU, was a co-conspirator in Brazil not

charged herein.) PIRES stated that he would call and “find the cheapest price” available. ALEX asked PIRES to call him back and ALEX “will give [PIRES] her number for [PIRES] to call her.” (PIRES and ALEX were discussing a prospective customer of the Alien Smuggling Scheme.)

30. On or about April 13, 2011, at 12:34 p.m., PIRES placed an outgoing telephone call to ALEX. PIRES said that “it is going to cost \$1,780.” ALEX said he would call PIRES back later. (PIRES and ALEX were discussing the price for an airline ticket for a prospective customer of the Alien Smuggling Scheme.)

31. On or about April 13, 2011, at approximately 1:38 p.m., PIRES placed an outgoing telephone call ALEX. During the call, ALEX told PIRES the name “Cleuza” and provided a telephone number. ALEX told PIRES to “give her a call, she has cash and is ready to travel.” (PIRES and ALEX were discussing Cleuza Goncalves Da Silva, who became a customer of the Alien Smuggling Scheme and who, on May 3, 2011, was apprehended by U.S. Border Patrol in Santa Teresa, New Mexico.)

32. On or about April 13, 2011, at approximately 6:51 p.m., PIRES placed an outgoing telephone call to PRISCILLA. PIRES told PRISCILLA that early the next day PIRES would “pass the money there on the account and that [PIRES is] in negotiation with a woman from Goiás, who wants to talk with someone that came through Mexico.” PIRES stated that PIRES was going to give the woman PRISCILLA’s telephone number. PIRES told PRISCILLA to tell the woman how PRISCILLA “came with her fifteen year old son, how you don’t have to walk, and that there is a place that one goes underneath [using] the tunnel, and that [PRISCILLA] didn’t pass under the tunnel but that they went with [PRISCILLA] outside the city and walked about twenty or fifteen minutes.” PRISCILLA agreed. PIRES told PRISCILLA that PIRES would be using the alias “Baraso” from now on. (PIRES was discussing the Alien Smuggling Scheme with PRISCILLA and urged PRISCILLA to help convince a prospective customer about the safety of PIRES’s service along the Mexico Route.)

33. On or about May 10, 2011, at approximately 4:03 p.m., PIRES received an incoming telephone call from ALEX. During the call ALEX and PIRES discussed several customers of the Alien Smuggling Scheme that KAUAN was accompanying after they were successfully smuggled into the United States. PIRES told ALEX about PIRES’s “business arrangement” with KAUAN and how they “work as partners.” PIRES said KAUAN “doesn’t know how to buy plane tickets, so [PIRES] arranges them and KAUAN is responsible for getting people to Houston.” (PIRES and ALEX were discussing the Alien Smuggling Scheme and KAUAN’s participation in the conspiracy.)

34. On or about May 17, 2011, at approximately 7:35 p.m., RUBENS received an incoming telephone call from a person later identified as CLAUDINEI, and who RUBENS identified in the call as “Clau.” CLAUDINEI asked RUBENS how much it would cost for RUBENS to “move two females from Laredo, Texas, to Florida and Boston.” CLAUDINEI told RUBENS he needed RUBENS to “transport the females through the checkpoint to their home.” CLAUDINEI told RUBENS to “make it a good price because” CLAUDINEI “just embarked the two girls and at the beginning of the month, he will embark four more girls and needs help transporting a total of twelve girls in the next two months.” CLAUDINEI said “the other girls are to be delivered all in New

Jersey.” RUBENS told CLAUDINEI that it would “not be a problem transporting all the females.” RUBENS asked CLAUDINEI if CLAUDINEI would “pay” in Houston and CLAUDINEI replied “yes.” CLAUDINEI said that he does not want RUBENS “to use” a certain co-conspirator not charged herein or KAUAN. CLAUDINEI said he did not want his “girls to go through those guys and he prefers to pay when they’re delivered at home.” RUBENS said that “once they are with [RUBENS] no one touches them.” CLAUDINEI told RUBENS he “will finance” until the women arrive in Laredo. CLAUDINEI told RUBENS he “will be in charge of transporting” the customers from Laredo “to a location up north.” RUBENS told CLAUDINEI that “the fee to cross the river increased from \$1300 to \$1350.” CLAUDINEI told RUBENS he preferred to cross through Laredo “because if people get arrested they get a chance to bail out before being deported.” CLAUDINEI told RUBENS he “lost money by having people arrested in El Paso” and “deported with no bail.” RUBENS told CLAUDINEI that he “stopped sending people through El Paso for that exact reason.” RUBENS offered to transport CLAUDINEI’s women “in a truck” for \$450 each. CLAUDINEI agreed and said he would pay “5,000 to bring them home.” (RUBENS and CLAUDINEI were discussing the Alien Smuggling Scheme and negotiating a deal concerning customers CLAUDINEI had recruited.)

**B. Calls concerning the leadership roles of PIRES, RUBENS, and KAUAN in the Alien Smuggling Scheme**

35. On or about March 30, 2011, at approximately 1:35 p.m., PIRES received an incoming telephone call from a co-conspirator not charged in herein, who PIRES identified in another intercepted call as “Juninho.” Juninho was using a telephone assigned to a number beginning with the digits: 52-531-565 (“52” is the international calling code for Mexico). Juninho referred to PIRES as “Boss,” and stated that the unknown male and others were “getting ready to depart.” Juninho asked PIRES if PIRES “wants to speak with any of the passengers.” PIRES stated that he “trusts all is okay.” PIRES stated that he “put a deal together for next Tuesday,” and that he expected “four people to arrive” with “cash in hand.” Juninho and PIRES also discussed airline travel and “crossing” from Mexico. (PIRES was discussing the Alien Smuggling Scheme with a co-conspirator in Mexico, who was responsible for helping customers across the border and into the United States.)

36. On or about March 31, 2011, at approximately 11:12 a.m, PIRES placed an outgoing telephone call to RUBENS. PIRES stated: “Everything is confirmed.” RUBENS replied: “Bring [them] all together.” PIRES stated that “they are going to be leaving from Goiás.” (Goiás is a state of Brazil, located in the central part of the country.) PIRES stated that “four or five will leave from Goiás, and maybe more, but that all will confirm later the same day.” PIRES told RUBENS “three cross at a time,” and “they can’t cross everybody at once.” (PIRES and RUBENS were discussing the Alien Smuggling Scheme and its operation along the Mexico Route.)

37. On or about April 8, 2011, at approximately 2:14 p.m., PIRES placed an outgoing telephone call to Juninho in Mexico. PIRES asked Juninho where Juninho “is going.” Juninho stated that he was “going to Juarez to take care of business.” PIRES stated: “That’s good,” and that PIRES was planning “to talk to Rubens about setting up more support on this side of the border.” The two discussed their fears about trusting people. PIRES stated that New Jersey is “more corrupt than Brazil.” Juninho stated that “everybody [in New Jersey] is so weak.” PIRES asked Juninho

about whether two customers of the Alien Smuggling Scheme had crossed the border yet. Juninho stated that he “expects them to cross tonight.” (PIRES and Juninho were discussing the Alien Smuggling Scheme and PIREs’s interest in discussing with RUBENS the need for more logistical support in Texas.)

38. On or about April 11, 2011, at approximately 9:28 a.m., PIREs placed an outgoing telephone call to RUBENS. RUBENS stated that Juninho had not yet called RUBENS. PIREs responded that PIREs spoke to Juninho at 2:00 a.m. and, at that time, “Juninho was having issues with his border crosser.” RUBENS stated that “Juninho’s border crossing is no good and [RUBENS is] not going to send anyone else through there.” PIREs said that PIREs “discovered” that it should only cost \$250 for the border crossing but “the guy is charging \$500.” RUBENS told PIREs to “go ahead and talk to him and tell him that [RUBENS] is done there and will be using another route.” (PIRES and RUBENS were discussing the Alien Smuggling Scheme and their frustration over the cost of a border crossing used along the Mexico Route.)

39. On or about April 12, 2011, at approximately 12:46 p.m., PIREs placed an outgoing telephone call to an individual PIREs identified in an earlier call as PRISCILLA. PIREs tells PRISCILLA to make sure that she “doesn’t send money before the people arrive in Dallas.” PIREs stated that PIREs thinks “the fee was \$10,000 per person,” but PRISCILLA stated that she thought the fee was “\$14,000” per person. PIREs stated that “of the \$14,000, \$7,000 will be [PRISCILLA’s].” PIREs tells PRISCILLA that PRISCILLA must “be smart about it now, when it’s time to collect payment.” PRISCILLA stated that she had been in communication with the women via email “about getting paid.” PIREs stated that he knew of a guy in “Belo Horizonte that would pay \$18,000 to bring people up.” PIREs stated that the route for which PRISCILLA was responsible “is a good one,” and that PIREs and PRISCILLA “just need to fine tune it and everyone needs to be able to trust each other.” (PIRES and PRISCILLA were discussing the Alien Smuggling Scheme and PRISCILLA’s role in it, which included overseeing customers’ travel on certain variations of the Mexico Route.)

40. During the April 12, 2011, 12:46 p.m., call with PRISCILLA, PIREs answered another incoming call from RUBENS. RUBENS and PIREs agreed that Juninho’s services will be cut back and Juninho will no longer be responsible for people “north of the border.” RUBENS stated that Juninho will “make his \$500 per person for the border crossing and that’s it.” PIREs stated that “people shouldn’t wait more than two to three hours at the hotel before they get picked up. For people to sit there a couple of days is insane. Having people wait at a hotel too long is very dangerous; it’s important to be quick about it.” (PIRES was speaking with RUBENS about their shared dissatisfaction with the role of Juninho in the Alien Smuggling Scheme and their agreement to limit Juninho’s role going forward.)

41. On or about April 23, 2011, at approximately 9:24 p.m., PIREs received an incoming telephone call from RUBENS. RUBENS asked PIREs about “the goat.” PIREs said “it was good.” PIREs mentioned a rival smuggler is using a route “through the Bahamas.” RUBENS stated that “the right way to do it there is to buy a forty foot boat in Florida; paint it nice, fix it up, give it a name and make the boat legal. Go there, pick up people, ten at a time, and bring them over all nice.” RUBENS stated that “buying a boat for \$20,000 or \$30,000 is worth it.” RUBENS said that “if you

charge \$1,500 for the boat, \$1,500 for the captain and \$1,000 for the ticket... if you end up with \$5,000 a head the boat will be yours and you'll still make money." PIRES said that the border crossing with Juninho was "a mess," and stated that PIRES "can't stop thinking about it and how to fix it. Juninho has no control of the situation." PIRES stated that "maybe [PIRES] should move down there and work at the hotel [himself]." PIRES stated that "as long as we have control of the situation it's our gain." PIRES said that he "is going to prepare to go down there," and that he's "going to talk to Juninho and tell him to find a Cuban [PIRES] can trust." PIRES said he was going "to check out Florida," and that maybe PIRES and RUBENS should "both go." (RUBENS and PIRES were discussing the Alien Smuggling Scheme and the utility of purchasing a boat to use on the Caribbean Route.)

42. On or about April 24, 2011, at approximately 11:12 a.m., PIRES placed an outgoing telephone call to RUBENS. PIRES and RUBENS discussed certain known and unknown co-conspirators not charged herein. PIRES stated that "hopefully, next week [PIRES] will have some people departing." RUBENS asked PIRES to "find out how much a forty foot boat costs." PIRES said he was "going down to Florida to talk to them and figure it all out." RUBENS said that he "wants to work a route through the Bahamas." PIRES said that the only problem with the current plan is the border crossing," and that PIRES and RUBENS "need to figure that out." RUBENS suggested a possible captain for the boat they were considering purchasing. RUBENS said that he "spoke with a guy who told [RUBENS] that he's moving eight to ten people [who] passed the checkpoints everyday in a big truck." PIRES said that PIRES "feels confident" that they will "have a good thing with" the help of a prospective co-conspirator. RUBENS said that PIRES "needs to tell [prospective co-conspirator] that he will be crossing three people at a time, maybe six people a day." PIRES says he will "look into it for sure." RUBENS said that he "had a dream that [he] brought in 1,000 people and made \$5 million and that it was just the three of us:" PIRES, KAUAN, and RUBENS. PIRES said that "the route through Juninho is good," and that "the missing piece is to have well trained workers. The route is so good that they can pay for brokers if need be." PIRES said that "next week" he was "bringing up some people, and they have cash up front." RUBENS said that he "can't afford to lose anybody right now with this route," and that if he "sends four people, all four need to get through." RUBENS stated that he is "going to set aside \$10,000 for trips," and he's going to "pay Juninho and work what [he] can." (RUBENS and PIRES were discussing the Alien Smuggling Scheme, the possibility of purchasing a boat to expand their activities along the Caribbean Route, and customers they expected to arrive soon.)

43. On or about April 28, 2011, at approximately 2:59 p.m., PIRES received an incoming telephone call from RUBENS. RUBENS asked PIRES "what's going on." PIRES said he was "on top of it, the passengers should be at the hotel by 5:00 pm." RUBENS said that RUBENS would "leave in two or three months," and that he wanted "to bring up another thirty bodies or so and then go back to Brazil." PIRES said that "with \$2,500 [PIRES] will bring people up." RUBENS asked if "the people from Parana are coming," and PIRES said they are "leaving Wednesday." (Parana is a state in Brazil located in the south of the country.) RUBENS stated that PIRES could "pay for" the travel using RUBENS's "credit card." PIRES said they are coming with \$2,500 each," and that PIRES had "asked for \$4,000 but they made a fuss about it," so he "lowered the price." (RUBENS and PIRES were discussing the Alien Smuggling Scheme. RUBENS mentioned his desire to leave the United States and return to Brazil within the next sixty to ninety days.)

44. On or about May 3, 2011, at approximately 1:11 p.m., PIRES placed an outgoing telephone call to RUBENS. PIRES told RUBENS that “they were all caught.” RUBENS asked “how did [PIRES] find out.” PIRES answered that “one of the guys called his wife and told her.” RUBENS asked if PIRES talked “to Juninho already about it.” PIRES stated that he had spoken to Juninho. (PIRES and RUBENS were discussing the alien smuggling conspiracy and a recent group of customers who were intercepted by law enforcement agents.)

45. On or about May 15, 2011, at approximately 4:02 p.m., PIRES received an incoming telephone call from KAUAN. PIRES told KAUAN about a “group of four that were caught” trying to enter the United States from Mexico. KAUAN told PIRES that the captured customers were traveling under the guidance of several known co-conspirators not charged herein. KAUAN said that “right now [KAUAN] has a good scheme going, on both sides, and that he “sent three through [the border] and all three made it.” KAUAN said he “has a group for every hour of every day.” and that this is his “time,” but “if it doesn't work [KAUAN's] going to get out.” (KAUAN and PIRES were discussing the Alien Smuggling Scheme and the recent capture of several customers. KAUAN was also describing how he had enjoyed recent goods luck in his smuggling efforts.)

**C. Calls concerning funds associated with the Alien Smuggling Scheme**

46. On or about April 6, 2011, at approximately 2:34 p.m, PIRES received an incoming telephone call from RUBENS. RUBENS asked if PIRES sent “the wire transfer pin number yet.” PIRES says that he has not done so yet. PIRES states that he will “call now.” RUBENS instructs PIRES to “call KAUAN to see if anyone needs money in Mexico.” (PIRES and RUBENS were discussing wire money transfers related to the Alien Smuggling Scheme and agrees to call KAUAN to discuss whether co-conspirators in Mexico needed money.)

47. On or about April 21, 2011, at approximately 2:46 p.m., PIRES received an incoming telephone call from ALEX. PIRES stated: “The people are arriving and RUBENS wants us to receive them because they have to make a payment of thirty-something thousand dollars, and because the money is probably coming from Brazil we have to take them there, get the phone numbers for where they will be staying, and get the address where they are going.” ALEX stated: “Today? I have to go take today?” PIRES stated “No, we can call ‘Chino’ and he will take them.” ALEX stated: “Where?” PIRES stated: “Long Branch.” ALEX stated: “And what am I doing?” PIRES stated: “When they get here we have to call RUBENS. If they say that they have money here in dollars we will take it, the ones that have money. If they don't have anything for us to get, it is not a problem. Just find out where they are going to live and what their phone number will be there.... we going to do deposit from where they live....” PIRES stated: “And something else, we have to buy the ticket for the girl there and Juninho is going to reduce the amount we pay him at the arrival there.” ALEX said: “He has to give me \$1,800 dollars for my part.” (PIRES and ALEX were discussing ALEX's role in the alien smuggling conspiracy, which included picking-up smuggled aliens who had arrived in the United States and collecting payments and making arrangements for future payments.)

48. On or about April 22, 2011, at approximately 3:20 p.m., PIRES placed an outgoing

telephone call to RUBENS. PIRES greeted RUBENS who stated: "Hello, Ze. Get on a three-way with the Indians here." PIRES stated: "What Indians? You can't even speak Portuguese, you're going to speak Indian?" RUBENS stated: "Did ALEX deposit the \$10,000 there?" PIRES stated: "He already deposited \$10,000, add it there. I sent \$950 to Juninho, with the taxes it came out to \$990." RUBENS stated: "So, \$1,000." PIRES stated: "With the \$10,000, its \$11,000. I also paid \$70 to the guy for taking us there. I picked up \$11,200 from there. I have \$130 left here. Tomorrow I can deposit it for you." RUBENS stated: "No, that's for the meat." PIRES stated: "I am going to buy a goat, probably half of a goat." RUBENS stated: "That's good." PIRES stated: "But its already deposited there. And Juninho's, I also passed the pin number to him so all is okay." RUBENS stated: "You did?" PIRES stated: "Yes." RUBENS stated: "Okay then all is good. I dealt with these Indians here, arguing. Now we have enough to breath and to advance some over there." PIRES stated: "Great then everything is okay. I made two deposits, five and five." RUBENS stated: "That's good. Buy a card there for ALEX." PIRES stated: "I am going to buy it now." (RUBENS and PIRES were discussing the Alien Smuggling Scheme, including recent deposits of funds associated with the conspiracy into a bank account by ALEX, and RUBENS's expansion of the smuggling operation to include the smuggling of Indian nationals.)

**D. Calls concerning the use of fake asylum claims in the Alien Smuggling Scheme**

49. On or about May 5, 2011, at approximately 8:55 p.m., PIRES placed an outgoing telephone call to an individual PIRES identified in the call as Marilia LNU ("Marilia"), who worked for an unknown attorney near the border between the United States and Mexico. PIRES told Marilia that an associate from Mexico gave PIRES Marilia's telephone number. PIRES also told Marilia that PIRES "has some people that were caught" in El Paso. Marilia asked PIRES for the "name or 'A number'" for the captured aliens. PIRES provided Marilia with names for several customers of the Alien Smuggling Scheme and one "A number." Marilia and PIRES discussed the likelihood of bail for the captured customers. Marilia asked PIRES's name and PIRES responded: "Baraso." PIRES told Marilia that PIRES is friends with Marilia's brother, "Fernando." PIRES asked Marilia about "people who have been deported and come back and are arrested." Marilia said that she "will not touch [them] because it takes too long and the attorney also will not let [Marilia] do it." PIRES said he had "worked in Laredo for about three years." Marilia tells PIRES that PIRES to instruct his customers "to claim asylum, to invent some lie about Brazil," which will make Marilia's job and the attorney's job "much easier."

50. On or about May 8, 2011, at approximately 8:16 p.m., PIRES placed an outgoing telephone call to RUBENS. PIRES asked RUBENS "if Giselle is [PIRES's] passenger," and RUBENS said Giselle was his passenger. PIRES said that "the other girl, Deneilse, is not there either," and that "CLAUDINEI is bringing her up." PIRES told RUBENS that PIRES spoke with "the attorney," and "they're all set to release the other women." RUBENS stated that RUBENS would "call "CLAUDINEI and find out what ["CLAUDINEI] is up to, and if ["CLAUDINEI] is bringing up one of the girls." (PIRES and RUBENS were discussing the Alien Smuggling Scheme and efforts by an attorney to present false asylum cases on behalf of customers captured by law enforcement agents entering the United States illegally.)

51. On or about May 29, 2011, at approximately 10:24 a.m., PIRES received an incoming



telephone call from J.V., a customer of the Alien Smuggling Scheme. PIRES asked J.V. how she would “like to travel,” and told J.V. that PIRES “can put [J.V.] in a truck or [J.V.] can walk.” PIRES said that “either way is risky,” and asked J.V. “who will be walking from [J.V.’s] group.” J.V. answered that “a Mexican and three or four Indians” from her group will be walking, and that “the two females from” another group “will be going in a truck.” PIRES asks J.V. why J.V. “changed her mind to travel by truck now instead of walking.” PIRES told J.V. that “if [J.V.] gets arrested [she] will be in jail a maximum of thirty days,” and reminded Josie that PIRES told her earlier “what to say if arrested.” PIRES told J.V. not to leave the house “because it’s too risky.” J.V. said she “want[ed] to go by truck,” and told PIRES to not “forget” her if she “get[s] apprehended.” PIRES instructed J.V. to “call [PIRES] if [she] is arrested,” but “do not say [PIRES’s] name, and do not sign the deportation paperwork.” PIRES stated that “if [J.V.] get[s] arrested,” she should “say that she cannot return to Brazil because she has family issues and her husband is abusing her.” J.V. asked if “‘Tio’ was arrested,” and PIRES replied “Yes.” J.V. stated that “ALEX’s passengers were also arrested. The only passenger that made it was a female that ran away.” PIRES told J.V. to “save [her] money in case of emergency” until she “arrive[s] in Houston, Texas.” PIRES told J.V. that PIRES “know[s] what [he] is doing and [he] know[s] what [he is] talking about.” J.V. stated that “there is a man who keeps asking [the passengers] who are [they] are traveling with.” PIRES told J.V. to say: “KAUAN.” PIRES told J.V. that “most people are arrested when crossing the river, which [J.V.] [has] already crossed.” (PIRES was discussing the Alien Smuggling Scheme with J.V., a customer of the scheme who was waiting at a safe house in Texas after crossing the international border between the United States and Mexico. J.V. was waiting to pass through a United States Border Patrol check point in Texas.)

#### **E. Calls concerning the use of safe houses in the Alien Smuggling Scheme**

52. On or about May 29, 2011, at approximately 7:33 p.m., PIRES received an incoming telephone call from J.V., who stated that she “didn’t go,” and that she was “in another house” that “seems like hell.” PIRES asked if they “left one house and went to another,” and J.V. said “yes, it’s even worse. There is no air conditioning and everything is closed up.” PIRES told J.V. to “be patient, that there is no other way.” J.V. said that she was “done,” and that was “going to die.” PIRES told J.V. that “one day we are all going to die.” J.V. said that she “will die today.” PIRES told J.V. to “be patient there,” and that “everything is going to work out.” J.V. asked when she was “leaving” and told PIRES that she “can’t stand it anymore.” J.V. asked if PIRES would “call her” and Pires says he would. PIRES asked if “this number is with her,” and J.V. said “yes,” that the phone would “be with [her] and with the other girl.” PIRES said “all right,” and asked J.V. to “be patient” and assured J.V. that “everything is going to turn out well.” (PIRES was discussing the Alien Smuggling Scheme with J.V., a customer of the scheme who was waiting at a safe house in Texas after crossing the international border between the United States and Mexico.)