

Approved: \_\_\_\_\_

JANE KIM  
Assistant United States Attorney

Before: HONORABLE GABRIEL W. GORENSTEIN  
United States Magistrate Judge  
Southern District of New York

17 MAG 5765

----- X

UNITED STATES OF AMERICA	:	<b><u>COMPLAINT</u></b>
	:	
- v. -	:	17 Mag.
	:	
IVAN CORTES MOLINERO,	:	Violations of
FRANCISCO JAVIER OCHOA JOAQUIN,	:	46 U.S.C.
MIGUEL CHAVEZ DELGADO,	:	§§ 70503(a)(1),
ENEDINO GATAN VARGAS, and	:	70504(b)(1), and
FERNANDO MORENO HERNANDEZ,	:	70506(a) & (b)
	:	
Defendants.	:	

----- X

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NEW YORK    )

NICHOLAS A. SOUPIOS, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration (the "DEA"), and charges as follows:

COUNT ONE  
(Conspiracy to Violate Maritime Drug Enforcement Laws)

1. In or about July 2017, in Colombia, Mexico, the high seas, and elsewhere, and in an offense begun and committed upon the high seas outside of the jurisdiction of any particular State or district of the United States, IVAN CORTES MOLINERO, FRANCISCO JAVIER OCHOA JOAQUIN, MIGUEL CHAVEZ DELGADO, ENEDINO GATAN VARGAS, and FERNANDO MORENO HERNANDEZ, the defendants, who are expected to be first brought to and enter the United States in the Southern District of New York, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the maritime drug enforcement laws of the United States.

2. It was a part and an object of the conspiracy that IVAN CORTES MOLINERO, FRANCISCO JAVIER OCHOA JOAQUIN, MIGUEL CHAVEZ DELGADO, ENEDINO GATAN VARGAS, and FERNANDO MORENO HERNANDEZ, the defendants, and others known and unknown, would and did possess with intent to distribute, a controlled substance on board a vessel subject to the jurisdiction of the United States, in violation of Title 46, United States Code, Section 70503(a)(1).

3. The controlled substance that IVAN CORTES MOLINERO, FRANCISCO JAVIER OCHOA JOAQUIN, MIGUEL CHAVEZ DELGADO, ENEDINO GATAN VARGAS, and FERNANDO MORENO HERNANDEZ, the defendants, conspired to possess with intent to distribute, on board a vessel subject to the jurisdiction of the United States, was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 46, United States Code, Section 70506(a) and Title 21, United States Code, Section 960(b)(1)(B).

(Title 46, United States Code, Sections 70506(b) & 70504(b)(1); Title 18, United States Code, Section 3238.)

COUNT TWO

(Violation of Maritime Drug Enforcement Laws)

4. In or about July 2017, in Colombia, Mexico, the high seas, and elsewhere, and in an offense begun and committed upon the high seas outside of the jurisdiction of any particular State or district of the United States, IVAN CORTES MOLINERO, FRANCISCO JAVIER OCHOA JOAQUIN, MIGUEL CHAVEZ DELGADO, ENEDINO GATAN VARGAS, and FERNANDO MORENO HERNANDEZ, the defendants, who are expected to be first brought to and enter the United States in the Southern District of New York, possessed with intent to distribute, while aboard a vessel subject to the jurisdiction of the United States, five kilograms and more of mixtures and substances containing a detectable amount of cocaine.

(Title 46, United States Code, Sections 70503(a)(1), 70504(b)(1), 70506(a); Title 21, United States Code, Section 960(b)(1)(B); Title 18, United States Code, Sections 3238 & 2.)

The bases for my knowledge and the foregoing charge are, in part, as follows:

5. I am a Special Agent with the DEA. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement agents and other individuals. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

6. Based on my participation in the investigation, my conversations with other law enforcement agents; and my review of documents obtained during the investigation, I have learned, among other things, that:

a. The DEA has been investigating a Colombian drug cartel (the "Cartel") that sends shipments of cocaine to various points around the world by, among other methods, panga boats or "go-fasts." Go-fasts are small boats, typically similar in size to speed boats, with hulls of approximately 20 to 50 feet and a maximum capacity of approximately five passengers.

b. In or about July 2017, the DEA received information that the Cartel was sending a go-fast carrying a large shipment of cocaine from Colombia. The DEA passed that information on to the United States Coast Guard (the "Coast Guard").

c. On or about July 8, 2017, a United States Navy Aircraft (the "Aircraft") was on routine patrol off the western coast of Mexico and approximately 590 nautical miles south of Mexico. While there, an occupant of the Aircraft observed what appeared to be a go-fast boat (the "Go-Fast"). The Aircraft communicated this information to the Coast Guard command, which dispatched a Coast Guard cutter (the "Cutter") to intercept and board the Go-Fast.

d. The Cutter approached the Go-Fast and launched a helicopter (the "Helicopter") and a patrol boat (the "Patrol Boat"), which proceeded to intercept the Go-Fast. The Helicopter fired warning shots at the Go-Fast.

e. Occupants of the Patrol Boat (the "Boarding Team") boarded and gained control of the Go-Fast, where they found JOSE IVAN CORTES MOLINERO, FRANCISCO JAVIER OCHOA JOAQUIN, MIGUEL CHAVEZ DELGADO, ENEDINO GATAN VARGAS, and FERNANDO MORENO HERNANDEZ, the defendants. At this time, both the Go-Fast and the Cutter were more than twelve nautical miles from the coast of any foreign country.

f. The Boarding Team observed numerous bales or large bundles wrapped in black plastic and brown tape on the deck of the Go-Fast. The bales were in plain sight and occupied a substantial portion of the deck of the Go-Fast such that any passenger on the Go-Fast would have had to climb over the bales to get from one side of the Go-Fast to the other.

g. The Boarding Team recovered approximately 107 bales and one loose brick from the Go-Fast. Two samples from the bales were field-tested, and tested positive for the presence of cocaine. In total, the contents of the 107 bales and brick weighed approximately 2,141 kilograms.

h. The Go-Fast yielded no indicia of nationality, by flag or otherwise. In response to questioning by the Boarding Team, MOLINERO claimed to be in charge of the Go-Fast and claimed Mexican nationality for himself but declined to claim nationality for the Go-Fast.

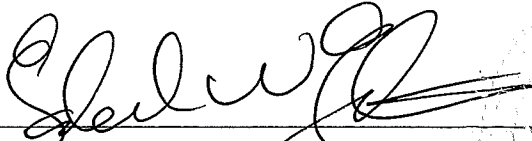
i. The Coast Guard contacted Mexican authorities, which could neither confirm nor deny the nationality of the Go-Fast. The Coast Guard then authorized the Boarding Team to treat the Go-Fast as a vessel without nationality and detain the defendants.

WHEREFORE, the deponent respectfully requests that warrants be issued for the arrests of IVAN CORTES MOLINERO, FRANCISCO JAVIER OCHOA JOAQUIN, MIGUEL CHAVEZ DELGADO, ENEDINO GATAN VARGAS, and FERNANDO MORENO HERNANDEZ, the defendants, and that they be imprisoned or bailed, as the case may be.



NICHOLAS A. SOUPIOS  
Special Agent  
Drug Enforcement Administration

Sworn to before me this  
1st day of August, 2017



HONORABLE GABRIEL W. GORENSTEIN  
United States Magistrate Judge  
Southern District of New York