

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

No. 09-2196-BLG

IN RE: CRIMINAL COMPLAINT

_____ /

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to October 14, 2003? _____ Yes X No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to September 1, 2007? _____ Yes X No

Respectfully submitted,

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

BY:



CYNTHIA STONE
Court I.D. #A5500523
500 E. Broward Blvd., Suite 700
Fort Lauderdale, FL 33394
Telephone: (954) 356-7255, Ext. 3578
Facsimile: (954) 356-7230

United States District Court

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

ROMAN VIDAL

8300 SW 184 Lane
Cutler Bay, FL 33157
(Name and Address of Defendant)

CASE NUMBER: 09-2196-GARBER

I, the undersigned complainant state the following is true and correct to the best of my knowledge and belief. From in or about December 2005 through in or about May 2008 in Miami-Dade County, in the Southern

District of Florida defendant did, (Track Statutory Language of Offense)
conspire with others to commit certain offenses against the United States, to wit: (1) to devise and intending to devise any scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice and attempting so to do, deposit and cause to be deposited any matter and thing whatever to be sent and delivered by any private and commercial interstate carrier in violation of 18 U.S.C. § 1341, and (2) to devise and intending to devise any scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmits and causes to be transmitted by means of wire, radio and television communication in interstate and foreign commerce, any writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice in violation of 18 U.S.C. §1343; and fraudulently and knowingly export and send from the United States, and attempt to export and send from the United States, any merchandise, article, and object contrary to any law or regulation of the United States, to wit: 49 U.S.C. § 80116.

in violation of Title 18 United States Code, Section (s) 371, 554, 2

I further state that I am a Special Agent of ICE and that this complaint is based on the following
Official Title

facts: See Attached Affidavit

Continued on the attached sheet and made a part of this complaint: Yes No



Signature of Complainant

Robert Manzanares

Printed Name of Complainant

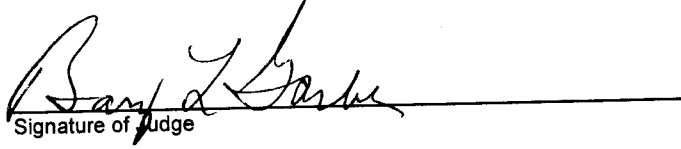
Sworn to before me, and subscribed in my presence,

2/18/2009
Date

at Miami, Florida
City and State

Barry L. Garber
Name of Judge

U.S. Magistrate
Title of Judge


Signature of Judge

**Affidavit in Support of Application for Criminal Complaint and
Arrest Warrant**

I, Robert Manzanares, being duly sworn, state as follows:

I. Introduction and Agent Background

1. I am a Senior Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement (ICE), in Miami, Florida, and am currently assigned to a foreign corruption investigations group. I have served as an ICE Senior Special Agent for approximately two (2) years. Prior to my employment with ICE, I was a Senior Special Agent with the Department of Transportation Office of Inspector General for approximately five (5) years. I also was employed by the United States District Courts in the Southern District of Florida, as a U.S. Probation Officer for approximately nine (9) years. I have conducted investigations involving money laundering; white collar crimes; public corruption; motor carrier safety; aviation safety; contract/grant fraud; contraband smuggling; fraud schemes and related conspiracies. I have also received extensive formal and informal training covering investigative techniques, and means and methods used by criminal organizations, their associates and related facilitators.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and as a law enforcement officer have authority to execute arrest warrants issued under the authority of the United States.

3. All information contained in this affidavit is information known to me or is information from other law enforcement officers or sources of information that I believe to be reliable. I have participated in and am familiar with this investigation through interviews and analysis of reports submitted by other Special Agents of ICE, personal interviews with witnesses, my review of consensually-recorded audio conversations, including transcripts, customs forms and documents, surveillance camera footage, bank records and other business records. Some of the information that is detailed in this affidavit has been provided by agents from the European Anti-Fraud Office (OLAF), based in Brussels, Belgium, who have jointly worked with ICE in this investigation. I make this affidavit in support of an application for a criminal complaint and corresponding arrest warrant charging ROMAN VIDAL with: (A) conspiring with others to commit certain offenses against the United States, to wit: (1) to devise and intending to devise any scheme and artifice to defraud, and for obtaining money and property by means of false and

fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice and attempting so to do, deposit and cause to be deposited any matter and thing whatever to be sent and delivered by any private and commercial interstate carrier, in violation of 18 U.S.C. §1341; and (2) to devise and intending to devise any scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmits and causes to be transmitted by means of wire, radio and television communication in interstate and foreign commerce, any writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice in violation of 18 U.S.C. §1343, all in violation of 18 U.S.C. §371; and (B) fraudulently and knowingly exporting and sending from the United States, and attempting to export and send from the United States, any merchandise, article, and object contrary to any law or regulation of the United States, to wit: 49 U.S.C. § 80116, all in violation of 18 U.S.C. §§ 554 and 2. (Title 49, United States Code, Section 80116 criminalizes knowingly and with intent to defraud falsely making bills of lading). Based upon this investigation, and the facts set forth below, there is probable cause to believe that ROMAN

VIDAL has committed and conspired with others to smuggle cigarettes out of the United States and into other countries with fraudulent paperwork in order to avoid paying the true taxes and duties on the cigarettes. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of an arrest warrant, the affidavit does not necessarily contain all of the information currently known by law enforcement in this investigation.

II. Background of the Investigation

4. Based upon my conversations with agents from OLAF as well as law enforcement agents and officers from the Member States, I have learned that during the relevant times, set forth in this affidavit, the governments of the Member States of the European Union, including Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom levied customs duties (duties for the importation of the goods from outside of the European Union), excise duties (national taxes imposed by the Member State of consumption of the goods) and value-added tax (tax based upon the value of the goods

plus the duties imposed on those goods) on the importation and sale of cigarettes (hereinafter, collectively the "Duties").

5. Based upon my conversations with agents from OLAF as well as law enforcement agents and officers from the Member States, I have learned that cigarettes are imported into the various Member States of the European Union, for the most part, by cargo container ship. These cargo container ships transport numerous steel containers containing various goods.

6. Based upon my training and experience, I know that when goods are shipped worldwide, they are shipped in commerce pursuant to a bill of lading. A bill of lading is a document issued by a carrier, acknowledging that specified goods have been received on board as cargo for transportation to a named place for delivery to the consignee. A consignee is an identified receiver. A bill of lading is a negotiable instrument. It is a document of title that enables the bearer of the original bill of lading to receive the goods from the carrier upon presentation of the bill of lading.

7. Based upon my training and experience as well as discussions with agents from OLAF, I know that the Duties are levied and collected based on the type of goods that are imported and declared on the customs forms filed at entry into a country.

8. Since approximately December 2007, I have been involved in the investigation of individuals and organizations that are smuggling cigarettes, through the Port of Miami in the Southern District of Florida, into the European Union without the payment of the appropriate Duties by using false bills of lading. During the course of this investigation, a cooperating witness, while under the supervision of ICE, has provided information to ICE concerning the activity of ROMAN VIDAL. This cooperating witness first began providing information to ICE in or about February 2006. During a portion of the time that he provided information to ICE, the cooperating witness worked for a freight forwarding company located in the Southern District of Florida. Information from the cooperating witness is based upon his direct interaction and personal knowledge of ROMAN VIDAL. His information has been found to be reliable and has largely been corroborated by consensual recordings and documentary evidence.

III. The Roman Vidal Operation

9. As detailed below, ROMAN VIDAL, along with others, arranged for the purchase of cigarettes from overseas to be transported into the Port of Miami; purchased other cargo which was used to conceal the cigarettes within shipping containers when they were packed in the Port of Miami;

arranged for the preparation and presentation of false bills of lading to shipping companies and customs services; and arranged for the shipping of the concealed cigarettes from the Port of Miami to various Member States of the European Union. The investigation has established that ROMAN VIDAL is working in concert with a criminal organization that has associates operating in Spain, Ireland, and other European countries as well as in the Southern District of Florida. During the course of the investigation, evidence has indicated that some of these associates were connected to the group Real IRA. Real IRA (Real Irish Republican Army), a paramilitary organization, is an illegal organization in Ireland and is designated as a terrorist organization in the United Kingdom and the United States.

The Ireland Shipment

10. On or about December 21, 2005, ROMAN VIDAL arranged for and had transported nearly 730 master cases of cigarettes (about 7,300,000 individual cigarettes) from the country of Panama to Miami, Florida with the ultimate destination of transport of Dublin, Ireland.

11. I have reviewed customs forms that establish on or about January 9, 2006, 730 master cases of cigarettes from

Panama were received into a warehouse in the Southern District of Florida. The cooperating witness has informed me that ROMAN VIDAL had arranged for that shipment of cigarettes from Panama to Florida.

12. The cooperating witness has informed another ICE agent that on or about January 13, 2006, he and ROMAN VIDAL purchased wood flooring from *Floors Today* in Miami, Florida. Additionally, an employee at *Floors Today* has identified ROMAN VIDAL and the cooperating witness as the purchasers of the wood flooring.

13. The cooperating witness has informed me that from on or about January 3, 2006, through January 19, 2006, he engaged in telephone conversations with ROMAN VIDAL to discuss specific details about shipping cigarettes overseas.

14. The cooperating witness has informed me that on or about January 17, 2006, ROMAN VIDAL instructed him [the cooperating witness] to cause the packing of a shipping container of cigarettes so that the cigarettes were placed behind the wood flooring in an attempt to conceal the 730 master cases of cigarettes. I have reviewed documentary evidence that establishes that the cooperating witness gave instructions to employees at the freight forwarding company to pack the cigarettes with the wood flooring.

15. I have been informed by the cooperating witness that on or about January 31, 2006, under the direction of ROMAN VIDAL, the cooperating witness caused a false bill of lading to be prepared to be used in the shipment of the 730 master cases of cigarettes to Dublin, Ireland. The false bill of lading represented that the contents of the shipping container were wood flooring only. Additionally, I have reviewed the false bill of lading prepared at that time.

16. I have reviewed documents that establish in or about February 2006, the original false bill of lading was sent from the United States to Spain by commercial mail carrier. I have been informed by the cooperating witness that ROMAN VIDAL caused the original bill of lading to be sent to Spain. Furthermore, I have been informed by agents of the Irish Customs Service that the original bill of lading was seized in Dublin, Ireland during the course of a search warrant.

17. I have been informed by an agent of the Irish Customs Service that the concealed cigarettes and wood flooring were transported by cargo container ship and arrived in Dublin, Ireland on February 24, 2006, at which time they were seized by law enforcement authorities. I have reviewed photographs taken at the time of the seizure and noted that the contents were packed in the container as described above.

18. I have reviewed documents that show on or about February 27, 2006, payment for Duties of approximately \$2900.00 was made for the container described as containing wood flooring. These Duties were calculated upon the representation in the bill of lading that the container only contained wood flooring.

19. I have been informed by an agent of the Irish Customs Service that the correct, lawful Duties for the 730 master cases of cigarettes concealed in the container were approximately \$2,106,964.62.

20. I have reviewed records that show from in or about January 2006 through March 2006, ROMAN VIDAL made and received telephone calls to or from Panama. As detailed above, I have been informed by the cooperating witness as well as have reviewed documents that establish that ROMAN VIDAL has traveled on several occasions to Panama, has purchased cigarettes from Panama, has had them shipped from Panama to the Port of Miami and then, based upon false documentation, has sent them out of the United States. I have also reviewed records that show from in or about January 2006 through March 2006, ROMAN VIDAL made and received telephone calls to or from Spain. I have also been informed by an agent from OLAF that one of the Spanish telephone numbers is a telephone number

used by an individual, located in Spain, who is one of the main targets in the smuggling operation investigation.

The United Kingdom Shipment

21. On or about February 6, 2008, ROMAN VIDAL arranged for and had transported 600 master cases (about 6,000,000) cigarettes from the country of Panama to Miami, Florida with the ultimate destination of transport of Felixstowe, United Kingdom.

22. I have reviewed customs forms that establish on or about February 19, 2008, 600 master cases (about 6,000,000) cigarettes from Panama were received into a warehouse in the Southern District of Florida. The cooperating witness has informed me that ROMAN VIDAL had arranged for that shipment of cigarettes from Panama to Florida.

23. The cooperating witness has informed me that on or about January 23, 2008, he and ROMAN VIDAL inspected (for the purpose of future purchase) rolls of building insulation at *Home Depot* in Miami, Florida. The meeting on January 23, 2008, between the cooperating witness and ROMAN VIDAL, was consensually recorded. I have reviewed that recording as well as surveillance recordings from *Home Depot* which show the cooperating witness and ROMAN VIDAL at the store on January 23, 2008. I have further been informed by the cooperating

witness that on or about February 18, 2008, under the instructions of ROMAN VIDAL, the cooperating witness went back to *Home Depot* and purchased rolls of building insulation using \$2,000.00 that ROMAN VIDAL gave to him. Prior to the purchase, the cooperating witness showed me the \$2,000.00 that ROMAN VIDAL gave him.

24. I have been informed that from on or about January 2008, through April 2008, the cooperating witness and ROMAN VIDAL engaged in multiple telephone conversations concerning specific details about shipping cigarettes overseas. Some of these conversations were consensually recorded and I have reviewed those recordings.

25. I have been informed by the cooperating witness that ROMAN VIDAL instructed him to pack a shipping container with the 600 master cases of cigarettes behind the building insulating material. I have been further informed by the cooperating witness that he instructed employees at the freight forwarding business to pack the container in such a manner. Additionally, on or about March 4, 2008, I observed, in an undercover capacity, the employees pack the cigarettes and building insulation material in the manner described above.

26. I have been informed by the cooperating witness that on or about March 7, 2008, under the direction of ROMAN VIDAL, he [the cooperating witness] caused a false bill of lading to be prepared and to be used in the shipment of the 600 master cases of cigarettes to Felixstowe, United Kingdom. The false bill of lading represented that the contents of the shipping container were building insulation material only. Additionally, I have reviewed the false bill of lading prepared at that time.

27. The cooperating witness has informed me that on or about March 19, 2008, under the direction of ROMAN VIDAL, he [the cooperating witness] sent by commercial mail carrier the original false bill of lading from the United States to the United Kingdom. Additionally, I have reviewed a consensually monitored recording where the cooperating witness and ROMAN VIDAL discuss the mailing of this bill of lading.

28. I have been informed by an agent of OLAF that the concealed cigarettes and building insulation material were transported by cargo container ship and arrived in Felixstowe, United Kingdom on or about April 3, 2008, at which time they were seized by law enforcement authorities. I have reviewed photographs taken at the time of the seizure and noted that the contents were packed in the container as described above.

29. I have reviewed documents that show on or about April 3, 2008, payment for Duties of only approximately \$2500.00 was made for the container described as containing building insulation material. These Duties were calculated upon the representation in the bill of lading that the container only contained building insulation materials.

30. I have been informed by an agent of OLAF that the correct, lawful Duties for the 600 master cases of cigarettes concealed in the container were approximately \$2,100,000.00.

31. I have reviewed records that show from in or about January 2008 through April 2008, ROMAN VIDAL made and received telephone calls to or from Panama. As detailed above, I have been informed by the cooperating witness as well as have reviewed documents that establish that ROMAN VIDAL has traveled on several occasions to Panama, has purchased cigarettes from Panama, has had them shipped from Panama to the Port of Miami and then, based upon false documentation, has sent them out of the United States. I have also reviewed records that show from in or about January 2008 through April 2008, ROMAN VIDAL made and received telephone calls to or from Spain. I have also been informed by an agent from OLAF that one of the Spanish telephone numbers is a telephone number

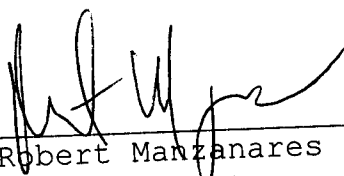
used by an individual, located in Spain, who is one of the main targets in the smuggling operation investigation.

WIRE TRANSFERS

32. I have also reviewed banking records for accounts held in the name of ROMAN VIDAL for activity from approximately 2005 through 2008. Account activity establishes incoming wire transfers to ROMAN VIDAL from accounts in Portugal held in the name of the Spanish individual, noted in paragraph 20.

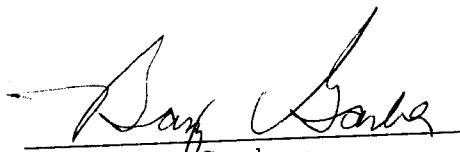
IV. CONCLUSION

33. Based on the above facts, I have probable cause to believe that ROMAN VIDAL was engaged in the criminal activity, as detailed above, and that the facts detailed in this affidavit establish probable cause to support the requested arrest warrant.



Robert Manzanares
Special Agent
Immigration and Customs Enforcement

Sworn to before me this 18th day of February, 2009



Barry L. Garber
United States Magistrate Judge