

For Opinion See [124 F.Supp.2d 698](#) , [106 F.Supp.2d 1317](#)

United States District Court, S.D. Florida,
Miami Division.

UNITED STATES OF AMERICA,

v.

Gerardo HERNANDEZ, a/k/a Manuel Viramontez, a/k/a "Giro," a/k/a "Giraldo," John Doe No. 2, a/k/a Luis Medina III, a/k/a "Allan," a/k/a "Johnny," a/k/a "Oso," Rene Gonzalez, a/k/a "Castor," a/k/a "Iselin," Antonio Guerrero, a/k/a "Lorient," John Doe No. 3, a/k/a Ruben Campa, a/k/a "Vicky," a/k/a "Camilo," a/k/a "Oscar," John Doe No. 4, a/k/a Albert Manuel Ruiz, a/k/a "Alberto," a/k/a "Manny," a/k/a "Miguel," a/k/a "Nelson," a/k/a "A-4," Juan Pablo Roque, a/k/a "German," John Doe No. 5, a/k/a Ricardo Villareal, a/k/a "Horacio," a/k/a "Roco," John Doe No. 6, a/k/a Remijio Luna, a/k/a "Remi," a/k/a "Marcelino," Alejandro Alonso, a/k/a "Franklyn," a/k/a "0-5," Nilo Hernandez, a/k/a "Manolo," Linda Hernandez, a/k/a "Judith," Joseph Santos, a/k/a "Mario," and Amarylis Silverio Santos, a/k/a "Julia," Defendants.

No. 98-721-CR-LENARD(s)(s).

May 11, 1999.

Second Superseding Indictment

Thomas E. Scott, United States Attorney.

Caroline Heck Miller, Assistant United States Attorney.

[Guy A. Lewis](#), Assistant United States Attorney.

[18 USC § 371](#)

[18 USC § 794](#)

[18 USC § 951](#)

[18 USC § 1028](#)

[18 USC § 1117](#)

[18 USC § 1542](#)

[18 USC § 1546](#)

[28 C.F.R. §§ 73.01 et seq.](#)

The Grand Jury charges that:

COUNT 1

A. Beginning on an unknown date, but at least as early as in or about 1994, and continuing until on or about September

12, 1998, at Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants, GERARDO HERNANDEZ, a/k/a Manuel Viramontez, a/k/a “Giro,” a/k/a “Giraldo,” JOHN DOE No. 2, a/k/a Luis Medina III, a/k/a “Allan,” a/k/a “Johnny,” a/k/a “Oso,” RENE GONZALEZ, a/k/a “Castor,” a/k/a “Iselin,” ANTONIO GUERRERO, a/k/a “Lorient,” JOHN DOE No. 3, a/k/a Ruben Campa, a/k/a “Vicky,” a/k/a “Camilo,” a/k/a “Oscar,” JOHN DOE No. 4, a/k/a Albert Manuel Ruiz, a/k/a “Alberto,” a/k/a “Manny,” a/k/a “Miguel,” a/k/a “Nelson,” a/k/a “A-4,” JUAN PABLO ROQUE, a/k/a “German,” JOHN DOE No. 5, a/k/a Ricardo Villareal, a/k/a “Horacio,” a/k/a “Roco,” JOHN DOE No. 6, a/k/a Remijio Luna, a/k/a “Remi,” a/k/a “Marcelino,” ALEJANDRO ALONSO, a/k/a “Franklyn,” a/k/a “0-5,” JOSEPH SANTOS, a/k/a “Mario,” and AMARYLIS SILVERIO SANTOS, a/k/a “Julia,” did knowingly, wilfully and unlawfully combine, conspire, confederate and agree, with each other and with other persons known and unknown to the Grand Jury,

(1) to commit offenses against the United States, that is, knowingly and intentionally to act as agents of a foreign government, that is, the Republic of Cuba, without prior notification to the Attorney General as required by law, in violation of [Title 18, United States Code, Section 951](#), and ; and

(2) to defraud the United States of and concerning its governmental functions and rights.

Object of the Conspiracy

B. The object of the conspiracy was for co-conspirators to function as covert spies serving the interests of the government of the Republic of Cuba within the United States by gathering and transmitting information to the Cuban government concerning United States military installations, government functions and private political activity; by infiltrating, informing on and manipulating anti-Castro Cuban political groups in Miami-Dade County; by sowing disinformation within these political groups and in dealings with United States private and public institutions; and by carrying out other operational directives of the Cuban government.

Manner and Means of the Conspiracy

C. It was part of the manner and means of the conspiracy that trained officers of the Cuban Directorate of Intelligence (hereafter “DI”), known as “illegal officers,” would take up residence in South Florida and carry out clandestine activities on behalf of the Cuban government, using the identities of United States citizens who died in childhood. Gerardo Hernandez, a/k/a Manuel Viramontez, a/k/a “Giro,” a/k/a “Giraldo”(hereafter “Giro”); John Doe No. 2, a/k/a Luis Medina III, a/k/a “Allan,” a/k/a “Johnny,” a/k/a “Oso” (hereafter “Allan”); John Doe No. 3, a/k/a Ruben Campa, a/k/a “Vicky,” a/k/a “Camilo,” a/k/a “Oscar” (hereafter “Vicky”); John Doe No. 4, a/k/a Albert Manuel Ruiz, a/k/a “Alberto,” a/k/a “Manny,” a/k/a “Miguel,” a/k/a “Nelson,” a/k/a “A-4,” (hereafter “A-4”); John Doe No. 5, a/k/a Ricardo Villareal, a/k/a “Horacio,” a/k/a “Roco,” (hereafter “Horacio”); John Doe No. 6, a/k/a Remijio Luna, a/k/a “Remi,” a/k/a “Marcelino,” (hereafter “Remi”) served as illegal officers in South Florida.

D. It was further part of the conspiracy that the illegal officers would manage and oversee the activities of agents, transmitting to the agents instructions received by the illegal officers from the Republic of Cuba. The illegal officers also would receive oral and recorded reports from the agents, and cause these reports to be communicated to the Republic of Cuba. Rene Gonzalez, a/k/a “Castor,” a/k/a “Iselin,” Antonio Guerrero, a/k/a “Lorient,” Juan Pablo Roque, a/k/a “German,” Alejandro Alonso, a/k/a “Franklyn,” a/k/a “0-5,” Nilo Hernandez, a/k/a “Manolo,” Linda Hernandez, a/k/a “Judith,” Joseph Santos, a/k/a “Mario,” and Amarylis Silverio Santos, a/k/a “Julia,” served as agents in South Florida.

E. It was further part of the conspiracy that the network of Miami-based illegal officers and agents was known as “LA RED AVISPA” (“THE WASP NETWORK”). The activities of the network were overseen, directed, analyzed and reviewed by the DI in Cuba.

F. It was further part of the conspiracy that the illegal officers would and did receive and transmit to the agents instructions, which the agents would and did carry out, to conduct covert and clandestine activities on behalf of the Republic of Cuba. These included instructions to penetrate, observe and report on the activities of Cuban exile political groups in the South Florida area; to penetrate and report on United States military installations; to intervene with and seek to influence United States public and private institutions, including law enforcement and political entities; to provoke and encourage dissension among Cuban political exile figures; and to scout for and assess individuals as potential assets to the service of the government of the Republic of Cuba.

G. It was further part of the conspiracy that its activities would and did seek to interfere with and obstruct the lawful governmental functions of agencies of the United States, including in the following ways:

1. Seeking to have the Department of State issue a passport in the assumed identity of a deceased United States citizen;
2. Using co-conspirators in the guise of informants to spy on and seek to manipulate the Federal Bureau of Investigation;
3. Entering the United States, and responding to officials of the Immigration and Naturalization Service, in the assumed identity of a deceased United States citizen, by presenting fraudulent documents;
4. Planning to obtain and obtaining employment with the Department of Defense in order to spy on military installations; and
5. Requesting the assistance of members of the United States Congress to facilitate the entry into the United States of a would-be Cuban spy.

H. It was further part of the conspiracy that its activities would be and were conducted with an extreme concern for secrecy and non-detection, including by the use of code-names, false identities, extensive counter-surveillance measures, concealed communication techniques, encryption of the content of communications, and compartmentalization of agents and functions. The names used by co-conspirators included the following:

Defendant:	Also known as:	Hereafter referred to as:
GERARDO HERNANDEZ	Manuel Viramontez Giro Giraldo	Giro
JOHN DOE No. 2	Luis Medina III Allan Johnny Oso	Allan
RENE GONZALEZ	Castor Iselin	Castor
ANTONIO GUERRERO	Lorient	Lorient
JOHN DOE No. 3	Ruben Campa Vicky Camilo Oscar	Vicky
JOHN DOE No. 4	Albert Manuel Ruiz Alberto Manny	A-4

	Miguel	
	Nelson	
	A-4	
JUAN PABLO ROQUE	German	German
JOHN DOE No. 5	Ricardo Villareal	Horacio
	Horacio	
	Roco	
JOHN DOE No. 6	Remijio Luna	Remi
	Remi	
	Marcelino	
ALEJANDRO ALONSO	Franklyn	Franklyn
	0-5	
NILO HERNANDEZ	Manolo	Manolo
LINDA HERNANDEZ	Judith	Judith
JOSEPH SANTOS	Mario	Mario
AMARYLIS SILVERIO	Julia	Julia
SANTOS		

Overt Acts

I. To carry out and effectuate the goals of the conspiracy, one or more of the co-conspirators committed, in the Southern District of Florida, and elsewhere, one or more of the following overt acts:

1. On or about December 4, 1995, the DI agreed that German continue involvement with, and urgently inform on, Jose Basulto (the leader of Brothers to the Rescue, a Miami-based Cuban exile group (hereafter "BTTR")).
2. On or about January 5, 1996, A-4 gave Castor the DI's instructions for Castor's decisive role in the plan associated with the exit of Comrade German from the United States.
3. On or about February 13, 1996, A-4 and Giro directed Castor to provide clear, detailed and precise information as to anticipated BTTR flights and directed Castor not to join any flights, and directed that if he could not avoid flying with BTTR he should say specified phrases into the radio.
4. On or about February 22, 1996, Castor reported to Giro that Castor felt Basulto was preparing something expressly for the meeting of Concilio Cubano (which was scheduled for that weekend).
5. On or about February 22, 1996, the DI communicated to Giro and A-4 that a DI officer had traveled to support the travel of German from the United States to Cuba via Mexico.
6. On or about February 23, 1996, German left Miami as directed to return to Cuba.
7. In or about April, 1996, Lorient traveled to Cuba for DI instruction on observation, collection and reporting of United States military information sought by the Cuban government.

8. On or about May 30, 1996, Lorient, following contact with the DI in Cuba, submitted to Giro a proposal for a beeper-code system of sending information, including in an emergency indicating a United States military threat being planned against Cuba.
9. Sometime prior to July, 1996, Giro communicated to Franklyn instructions to penetrate Movimiento Democracia, a Miami-based Cuban exile political group.
10. Sometime prior to July, 1996, Franklyn penetrated Movimiento Democracia, becoming a participant in the organization's protest flotillas to waters just outside Cuba.
11. In or about summer, 1996, Franklyn provided Giro a report on the plans and activities of Movimiento Democracia in a July, 1996, flotilla.
12. Sometime after on or about July 3, 1996, Castor provided Giro a report incorporating the text of a letter Castor had caused a United States Congressional Representative to write seeking the humanitarian admission of the wife of Castor into the United States from Cuba.
13. In or about summer, 1996, Giro, Horacio and Remi consulted about an apparent problem with the computer of Horacio.
14. On or about September 21, 1996, Lorient gave Giro a report of Lorient's observations at the Naval Air Station in Boca Chica, Key West, including the times and descriptions of airplanes arriving at and departing the station, and personal information and addresses of station military officers.
15. In or about autumn, 1996, Castor met with the FBI in the guise of a cooperating individual.
16. On or about November 14, 1996, Lorient reported observations of aircraft and of flight, training and construction activity at the Boca Chica Naval Air Station at Key West.
17. On or about February 25, 1997, Lorient and Giro met in Key West and exchanged bags.
18. Sometime after on or about February 25, 1997, Castor provided Giro a report on aviation activity of Movimiento Democracia and BTTR, including flights, tail numbers, and pilots.
19. In or about early 1997, Mario and Julia provided Allan a detailed report on Southern Command ("Southcom"), a unified command consisting of United States military units supporting United States interests in the Southern Theater, which command was then relocating to Miami-Dade County.
20. On or about March 27, 1997, Castor reported to Giro that he had been flying close to Homestead Air Base with the aim of observing any strange movement, as Giro had directed.
21. In or about May, 1997, Allan communicated that a main objective was for Mario or Julia to obtain a job at Southcom.
22. In or about summer, 1997, Giro communicated to Manolo and Judith instructions to conduct surveillance activity.
23. In or about October, 1997, Allan communicated with Mario and Julia concerning their studying and penetrating Southcom.
24. In or about late 1997 or 1998, Giro transmitted to Castor plans for active measures "Flotin" and "Confusion."

25. In or about 1997 - 98, the DI provided to Vicky a communication plan including beeper codes, message call signals, meeting places, visual signals, and verbal signs and countersigns.

26. On or about January 24, 1998, Giro re-entered the United States at Memphis, Tennessee, holding himself out to the United States as Manuel Viramontez.

27. On or about April 14, 1998, Allan and an official of the Cuban Mission to the United Nations met clandestinely in the men's room of a Wendy's restaurant in Nassau County, New York, and exchanged items.

28. On or about June 18, 1998, the DI communicated to Giro concerning continuity of his work with the Avispa network.

29. In or about July, 1998, Vicky reported that he had met with several agents in the operative base.

30. In or about summer, 1998, Allan obtained and possessed dozens of death certificates of persons born in the United States and deceased at an early age.

31. In or about September, 1998, Giro, Allan, and Vicky participated in plans for the return of Allan to Cuba following the theft of Allan's computer and encoded diskettes.

All in violation of [Title 18, United States Code, Section 371](#).

COUNT 2

A. Beginning on an unknown date, but at least as early as in or about 1994, and continuing until on or about September 12, 1998, at Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants, GERARDO HERNANDEZ, a/k/a Manuel Viramontez, a/k/a "Giro," a/k/a "Giraldo," JOHN DOE No. 2, a/k/a Luis Medina III, a/k/a "Allan," a/k/a "Johnny," a/k/a "Oso," and ANTONIO GUERRERO, a/k/a "Lorient," did knowingly, wilfully and unlawfully combine, conspire, confederate and agree, with each other and with other persons known and unknown to the Grand Jury, to communicate, deliver and transmit, directly and indirectly, to a foreign government, that is, the Republic of Cuba, information relating to the national defense of the United States, and to attempt to do so, intending and having reason to believe that the same would be used to the injury of the United States and to the advantage of a foreign nation, that is, the Republic of Cuba, in violation of [Title 18, United States Code, Section 794\(a\)](#).

Object of the Conspiracy

B. It was the object of the conspiracy to penetrate and spy on United States military installations in the Southern District of Florida and to obtain and report to the Republic of Cuba information, including non-public information, relating to the national defense of the United States.

Manner and Means of the Conspiracy

C. Paragraphs A - H of Count 1 are restated and incorporated by reference herein.

Overt Acts

D. To carry out and effectuate the goals of the conspiracy, one or more of the co-conspirators committed, in the Southern District of Florida, and elsewhere, one or more of the following overt acts:

1. In or about April, 1996, Lorient traveled to Cuba for DI instruction on observation, collection and reporting of United

States military information sought by the Cuban government.

2. On or about May 30, 1996, Lorient, following contact with the DI in Cuba, submitted to Giro a proposal for a beeper-code system of sending information, including in an emergency indicating a United States military threat being planned against Cuba.
3. Between 1996 and 1998, Allan directed Joseph Santos, a/k/a "Mario," and Amarylis Silverio Santos, a/k/a "Julia," to observe and report information, including protected information, concerning Southern Command ("Southcom"), a unified command consisting of United States military units supporting United States interests in the Southern Theater, which command was then relocating to Miami-Dade County.
4. On or about September 21, 1996, Lorient gave Giro a report of Lorient's observations at the Naval Air Station in Boca Chica, Key West, including the times and descriptions of airplanes arriving at and departing the station, and personal information and addresses of station military officers.
5. On or about November 14, 1996, Lorient reported observations of aircraft and of flight, training and construction activity at the Boca Chica Naval Air Station at Key West.
6. On or about February 24, 1997, Lorient reported to Giro that Lorient was trying to learn about "top secret" activity at the Boca Chica Naval Air Station at Key West.
7. On or about February 25, 1997, Lorient and Giro met in Key West and exchanged bags.
8. In or about early 1997, Mario and Julia provided Allan a detailed report on Southcom.
9. In or about May, 1997, Allan communicated that a main objective was for Mario or Julia to obtain a job at Southcom.
10. In or about October, 1997, Allan communicated with Mario and Julia concerning their studying and penetrating Southcom.

All in violation of [Title 18, United States Code, Sections 794\(c\) and 2](#).

COUNT 3

A. Beginning in or about January, 1996, and continuing until on or about September 12, 1998, at Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant, GERARDO HERNANDEZ, a/k/a Manuel Viramontez, a/k/a "Giro," a/k/a "Giraldo," did knowingly, wilfully and unlawfully combine, conspire, confederate and agree, with persons known and unknown to the Grand Jury, to perpetrate murder, that is, the unlawful killing of human beings with malice aforethought, in the special maritime and territorial jurisdiction of the United States, in violation of [Title 18, United States Code, Section 1111](#).

Object of the Conspiracy

B. It was the object of the conspiracy to support and help implement, including with Miami-based information, a plan for violent confrontation of aircraft of Brothers to the Rescue (a Miami-based Cuban exile group, hereafter "BTTR"), with decisive and fatal results.

Manner and Means of the Conspiracy

C. Paragraphs A - H of Count 1 are restated and incorporated by reference herein.

Overt Acts

D. To carry out and effectuate the goals of the conspiracy, one or more of the co-conspirators committed, in the Southern District of Florida, and elsewhere, one or more of the following overt acts:

1. On or about January 29, 1996, the DI reported approval by Superior Headquarters of Operacion Escorpion in order to confront BTTR, and conveyed instructions for Miami agents.
2. On or about February 5, 1996, the DI instructed Giro and A-4 that it was necessary for agents to make Operacion Escorpion a priority and inform urgently on flight data.
3. On or about February 13, 1996, A-4 and Giro directed Castor to provide clear, detailed and precise information as to anticipated BTTR flights and directed Castor not to join any flights, and directed that if he could not avoid flying with BTTR he should say specified phrases into the radio.
4. On or about February 17, 1996, the DI reported to Giro and A-4 that MX (the head of the Cuban Directorate of Intelligence) directed that under no circumstances should German or Castor fly with BTTR or any other organization on February 24, 25, 26 and 27.
5. On or about February 22, 1996, the DI communicated to Giro and A-4 that a DI officer had traveled to support the travel of German from the United States to Cuba via Mexico.
6. On or about February 22, 1996, Giro received Castor's report that Castor felt Jose Basulto was preparing something expressly for the meeting of Concilio Cubano (which was scheduled for that weekend).
7. On or about February 23, 1996, German left Miami as directed to return to Cuba.
8. On February 24, 1996, instrumentalities of the Cuban government shot down United States aircraft N2456S, killing Carlos Costa and Pablo Morales, in the special maritime and territorial jurisdiction of the United States.
9. On February 24, 1996, instrumentalities of the Cuban government shot down United States aircraft N5485S, killing Armando Alejandro and Mario de la Pena, in the special maritime and territorial jurisdiction of the United States.
10. On or about February 28, 1996, and March 1, 1996, the DI stated profound recognition of Giro and A-4 for Operation German; noted that the Commander-in-Chief had visited twice to analyze steps to follow-up on the operation; and declared that they had dealt a hard blow to the Miami right, in which their role had been decisive.
11. In or about April, 1996, the DI communicated to Giro an April 1, 1996, order in which the Chief of the Directorate of Intelligence granted recognition for outstanding results achieved on the job, during the provocations that took place on behalf of the Government of the United States this past 24th of February of 1996, and directed that it be notated in the comrade's service card.
12. On or about June 6, 1996, Giro was promoted to captain.

All in violation of [Title 18, United States Code, Sections 1117 and 2](#).

COUNT 4

A. Between an unknown date after May 7, 1994, and on or about August 25, 1998, in the Southern District of Florida, and elsewhere, the defendant, GERARDO HERNANDEZ, a/k/a Manuel Viramontez, a/k/a "Giro," a/k/a "Giraldo," did knowingly possess, accept, obtain and receive a document prescribed by statute and regulation for entry into the United States, that is, purported United States passport XXXXXXXXXX, bearing the photographic likeness of the defendant GERARDO HERNANDEZ, a/k/a Manuel Viramontez, a/k/a "Giro," a/k/a "Giraldo," in the name of another person, which document the defendant knew to be forged, counterfeited, altered, and falsely made, and to have been procured by means of false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, all in violation of [Title 18, United States Code, Sections 1546\(a\)](#) and [2](#).

COUNT 5

A. Beginning on an unknown date until on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the defendant, GERARDO HERNANDEZ, a/k/a Manuel Viramontez, a/k/a "Giro," a/k/a "Giraldo," did knowingly possess in and affecting interstate and foreign commerce, with intent to use unlawfully, five or more identification documents other than those issued lawfully for the use of the defendant, and false identification documents, to wit: Puerto Rico voter identification card in the name of Manuel Viramontez Hernandez; Mexican Driver's License number XXXXXX in the name of Manuel Viramontez Hdez; Puerto Rico I.D. card number 6959 in the name of Manuel Viramontez Hernandez; Texas birth certificate for Manuel Viramontez, issued May 11, 1994; United States Passport number XXXXXXXXXX in the name of a person other than Manuel Viramontez; Puerto Rico Driver's License number XXXXXXXX in the name of a person other than Manuel Viramontez; Social Security card in the name of a person other than Manuel Viramontez bearing number XXX-XX-XXXX; Puerto Rico birth certificate for a person other than Manuel Viramontez; all in violation of [Title 18, United States Code, Sections 1028\(a\)\(3\), \(b\)\(2\)\(B\)](#) and [\(c\)\(3\)](#), and [Section 2](#).

COUNT 6

A. Between an unknown date after May 7, 1994, and on or about July 22, 1996, in the Southern District of Florida, and elsewhere, the defendants, GERARDO HERNANDEZ, a/k/a Manuel Viramontez, a/k/a "Giro," a/k/a "Giraldo," and JOHN DOE No. 4, a/k/a Albert Manuel Ruiz, a/k/a "Alberto," a/k/a "Manny," a/k/a "Miguel," a/k/a "Nelson," a/k/a "A-4," did knowingly possess, accept, obtain and receive a document prescribed by statute and regulation for entry into the United States, that is, purported United States passport XXXXXXXXXX, bearing the photographic likeness of the defendant JOHN DOE No. 4, a/k/a Albert Manuel Ruiz, a/k/a "Alberto," a/k/a "Manny," a/k/a "Miguel," a/k/a "Nelson," a/k/a "A-4," in the name of another person, which document the defendants knew to be forged, counterfeited, altered, and falsely made, and to have been procured by means of false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, all in violation of [Title 18, United States Code, Sections 1546\(a\)](#) and [2](#).

COUNT 7

A. Between an unknown date after May 7, 1994, and on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the defendant, JOHN DOE No. 3, a/k/a Ruben Campa, a/k/a "Vicky," a/k/a "Camilo," a/k/a "Oscar," did knowingly possess, accept, obtain and receive a document prescribed by statute and regulation for entry into the United States, that is, purported United States passport number XXXXXXXXXX, bearing the photographic likeness of the defendant JOHN DOE No. 3, a/k/a Ruben Campa, a/k/a "Vicky," a/k/a "Camilo," a/k/a "Oscar," in the name of another person, which document the defendant knew to be forged, counterfeited, altered, and falsely made, and to have been procured by means of false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, all in violation of [Title 18, United States Code, Sections 1546\(a\)](#) and [2](#).

COUNT 8

A. Beginning on an unknown date until on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the defendant, JOHN DOE No. 3, a/k/a Ruben Campa, a/k/a “Vicky,” a/k/a “Camilo,” a/k/a “Oscar,” did knowingly possess in and affecting interstate and foreign commerce, with intent to use unlawfully, five or more identification documents other than those issued lawfully for the use of the defendant, and false identification documents, to wit: Florida Driver's License number XXXXXXXXXXXXXXXXXXXX in the name of a person other than Ruben Campa; Social Security card in the name of a person other than Ruben Campa bearing number XXX-XX-XXXX; United States passport number XXXXXXXXXXXX in the name of a person other than Ruben Campa; Florida Driver's License number XXXXXXXXXXXXXXXXXXXX in the name of Ruben Campa; Social Security card in the name of Ruben Campa bearing number XXX-XX-XXXX; Texas birth certificate for Ruben Campa, issued October 11, 1993; Texas Department of Health Certification of Birth card for Ruben Campa, issued September 20, 1985; Mexican Driver's License number XXXXXXXX in the name of Ruben Campa; all in violation of [Title 18, United States Code, Section 1028\(a\)\(3\), \(b\)\(2\)\(B\) and \(c\)\(3\)](#), and [Section 2](#).

COUNT 9

A. Between an unknown date after May 7, 1994, and on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the defendant, JOHN DOE No. 2, a/k/a Luis Medina III, a/k/a “Allan,” a/k/a “Johnny,” a/k/a “Oso,” did knowingly possess, accept, obtain and receive a document prescribed by statute and regulation for entry into the United States, that is, purported United States passport number XXXXXXXXXXXX, bearing the photographic likeness of the defendant JOHN DOE No. 2, a/k/a Luis Medina III, a/k/a “Allan,” a/k/a “Johnny,” a/k/a “Oso,” in the name of another person, which document the defendant knew to be forged, counterfeited, altered, and falsely made, and to have been procured by means of false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, all in violation of [Title 18, United States Code, Sections 1546\(a\) and 2](#).

COUNT 10

A. Between on or about January 26, 1996, and on or about February 6, 1996, in the Southern District of Florida, and elsewhere, the defendant, JOHN DOE No. 2, a/k/a Luis Medina III, a/k/a “Allan,” a/k/a “Johnny,” a/k/a “Oso,” wilfully and knowingly made a false statement in an application for a passport with intent to induce and secure for his own use the issuance of a passport under the authority of the United States, contrary to the laws regulating the issuance of such passports and the rules prescribed pursuant to such laws, in that in such application the defendant stated that his name was Luis Medina m; that his father's name was Luis Ybarra Medina; and that his mother's maiden name was Raquel Guerrero, each of which statements he knew to be false, all in violation of [Title 18, United States Code, Sections 1542 and 2](#).

COUNT 11

A. Between on or about February 6, 1996, and on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the defendant, JOHN DOE No. 2, a/k/a Luis Medina m, a/k/a “Allan,” a/k/a “Johnny,” a/k/a “Oso,” did knowingly possess, accept, obtain and receive a document prescribed by statute and regulation for entry into the United States, that is, United States passport number XXXXXXXXXXXX, in the name of Luis Medina III, which document the defendant knew to have been procured by means of false claim and statement and otherwise procured by fraud and unlawfully obtained, all in violation of [Title 18, United States Code, Sections 1546\(a\) and 2](#).

COUNT 12

A. Beginning on an unknown date until on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the defendant, JOHN DOE No. 2, a/k/a Luis Medina III, a/k/a “Allan,” a/k/a “Johnny,” a/k/a “Oso,” did know-

ingly possess in and affecting interstate and foreign commerce, with intent to use unlawfully, five or more identification documents other than those issued lawfully for the use of the defendant, and false identification documents, to wit: Puerto Rico voter identification card in the name of Luis Medina; Florida Driver's License number XXXXXXXXXXXXXXXXXXXX in the name of Luis Medina issued November 20, 1992; Social Security card in the name of Luis Medina III bearing number XXX-XX-XXXX; Texas birth certificate for Luis Medina III, issued September 10, 1992; Texas birth certificate for Luis Medina III, issued January 24, 1996; United States Passport number XXXXXXXXXX in the name of Luis Medina III; Puerto Rico Driver's License number XXXXXX in the name of a person other than Luis Medina; Florida Driver's License number XXXXXXXXXXXXXXXXXXXX in the name of a person other than Luis Medina; Social Security card in the name of a person other than Luis Medina bearing number XXX-XX-XXXX; Puerto Rico voter identification card in the name of a person other than Luis Medina; City of New York birth certificate for a person other than Luis Medina; United States passport number XXXXXXXXXX in the name of a person other than Luis Medina; all in violation of [Title 18, United States Code, Sections 1028\(a\)\(3\), \(b\)\(2\)\(B\) and \(c\)\(3\)](#), and [Section 2](#).

COUNT 13

A. At all times material to this indictment, a person acting in the United States as an agent of a foreign government was required to provide prior notification to the Attorney General. The term "agent of a foreign government" includes an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official.

B. Between in or about 1995, and on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the defendant, GERARDO HERNANDEZ, a/k/a Manuel Viramontez, a/k/a "Giro," a/k/a "Giraldo," knowingly did act as an agent of a foreign government, that is, the Republic of Cuba, knowing that he had not provided prior notification to the Attorney General, all in violation of [Title 18, United States Code, Sections 951 and 2](#), and 28 C.F.R. Sections 73.01 *et seq.*

COUNT 14

A. At all times material to this indictment, a person acting in the United States as an agent of a foreign government was required to provide prior notification to the Attorney General. The term "agent of a foreign government" includes an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official.

B. Between in or about 1995, and on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the defendant, JOHN DOE No. 2, a/k/a Luis Medina III, a/k/a "Allan," a/k/a "Johnny," a/k/a "Oso," knowingly did act as an agent of a foreign government, that is, the Republic of Cuba, knowing that he had not provided prior notification to the Attorney General, all in violation of [Title 18, United States Code, Sections 951 and 2](#), and 28 C.F.R. Sections 73.01 *et seq.*

COUNT 15

A. At all times material to this indictment, a person acting in the United States as an agent of a foreign government was required to provide prior notification to the Attorney General. The term "agent of a foreign government" includes an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official.

B. Between in or about 1995, and on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the

defendant, RENE GONZALEZ, a/k/a “Castor,” a/k/a “Iselin,” knowingly did act as an agent of a foreign government, that is, the Republic of Cuba, knowing that he had not provided prior notification to the Attorney General; and the defendants, GERARDO HERNANDEZ, a/k/a Manuel Viramontez, a/k/a “Giro,” a/k/a “Giraldo,” and JOHN DOE No. 4, a/k/a Albert Manuel Ruiz, a/k/a “Alberto,” a/k/a “Manny,” a/k/a “Miguel,” a/k/a “Nelson,” a/k/a “A-4,” knowingly did cause and aid and abet defendant RENE GONZALEZ, a/k/a “Castor,” a/k/a “Iselin,” to act as an agent of a foreign government, that is, the Republic of Cuba, knowing that defendant RENE GONZALEZ, a/k/a “Castor,” a/k/a “Iselin,” had not provided prior notification to the Attorney General, all in violation of [Title 18, United States Code, Sections 951 and 2](#), and 28 C.F.R. Sections 73.01 *et seq.*

COUNT 16

A. At all times material to this indictment, a person acting in the United States as an agent of a foreign government was required to provide prior notification to the Attorney General. The term “agent of a foreign government” includes an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official.

B. Between in or about 1995, and on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the defendant, ANTONIO GUERRERO, a/k/a “Lorient,” knowingly did act as an agent of a foreign government, that is, the Republic of Cuba, knowing that he had not provided prior notification to the Attorney General; and the defendants, GERARDO HERNANDEZ, a/k/a Manuel Viramontez, a/k/a “Giro,” a/k/a “Giraldo,” JOHN DOE No. 2, a/k/a *Luis Medina III*, a/k/a “Allan,” a/k/a “Johnny,” a/k/a “Oso,” and JOHN DOE No. 3, a/k/a Ruben Campa, a/k/a “Vicky,” a/k/a “Camilo,” a/k/a “Oscar,” knowingly did cause and aid and abet defendant ANTONIO GUERRERO, a/k/a “Lorient,” to act as an agent of a foreign government, that is, the Republic of Cuba, knowing that defendant ANTONIO GUERRERO, a/k/a “Lorient,” had not provided prior notification to the Attorney General, all in violation of [Title 18, United States Code, Sections 951 and 2](#), and 28 C.F.R. Sections 73.01 *et seq.*

COUNT 17

A. At all times material to this indictment, a person acting in the United States as an agent of a foreign government was required to provide prior notification to the Attorney General. The term “agent of a foreign government” includes an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official.

B. Between in or about 1997, and on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the defendant, JOHN DOE No. 3, a/k/a Ruben Campa, a/k/a “Vicky,” a/k/a “Camilo,” a/k/a “Oscar,” knowingly did act as an agent of a foreign government, that is, the Republic of Cuba, knowing that he had not provided prior notification to the Attorney General, all in violation of [Title 18, United States Code, Sections 951 and 2](#), and 28 C.F.R. Sections 73.01 *et seq.*

COUNT 18

A. At all times material to this indictment, a person acting in the United States as an agent of a foreign government was required to provide prior notification to the Attorney General. The term “agent of a foreign government” includes an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official.

B. Between in or about 1994, and in or about March, 1996, in the Southern District of Florida, and elsewhere, the defend-

ant, JOHN DOE No. 4, a/k/a Albert Manuel Ruiz, a/k/a “Alberto,” a/k/a “Manny,” a/k/a “Miguel,” a/k/a “Nelson,” a/k/a “A-4,” knowingly did act as an agent of a foreign government, that is, the Republic of Cuba, knowing that he had not provided prior notification to the Attorney General, all in violation of [Title 18, United States Code, Sections 951 and 2](#), and 28 C.F.R. Sections 73.01 *et seq.*

COUNT 19

A. At all times material to this indictment, a person acting in the United States as an agent of a foreign government was required to provide prior notification to the Attorney General. The term “agent of a foreign government” includes an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official.

B. Between in or about 1995, and on or about February 23, 1996, in the Southern District of Florida, and elsewhere, the defendant, JUAN PABLO ROQUE, a/k/a “German,” knowingly did act as an agent of a foreign government, that is, the Republic of Cuba, knowing that he had not provided prior notification to the Attorney General; and the defendant, GERARDO HERNANDEZ, a/k/a Manuel Viramontez, a/k/a “Giro,” a/k/a “Giraldo,” knowingly did cause and aid and abet defendant JUAN PABLO ROQUE, a/k/a “German,” to act as an agent of a foreign government, that is, the Republic of Cuba, knowing that defendant JUAN PABLO ROQUE, a/k/a “German,” had not provided prior notification to the Attorney General, all in violation of [Title 18, United States Code, Sections 951 and 2](#), and 28 C.F.R. Sections 73.01 *et seq.*

COUNT 20

A. At all times material to this indictment, a person acting in the United States as an agent of a foreign government was required to provide prior notification to the Attorney General. The term “agent of a foreign government” includes an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official.

B. Between in or about 1995, and in or about March, 1997, in the Southern District of Florida, and elsewhere, the defendant, JOHN DOE No. 5, a/k/a Ricardo Villareal, a/k/a “Horacio”, a/k/a “Roco,” knowingly did act as an agent of a foreign government, that is, the Republic of Cuba, knowing that he had not provided prior notification to the Attorney General, all in violation of [Title 18, United States Code, Sections 951 and 2](#), and 28 C.F.R. Sections 73.01 *et seq.*

COUNT 21

A. At all times material to this indictment, a person acting in the United States as an agent of a foreign government was required to provide prior notification to the Attorney General. The term “agent of a foreign government” includes an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official.

B. Between in or about 1995, and in or about April, 1997, in the Southern District of Florida, and elsewhere, the defendant, JOHN DOE No. 6, a/k/a Remijio Luna, a/k/a “Remi,” a/k/a “Marcelino,” knowingly did act as an agent of a foreign government, that is, the Republic of Cuba, knowing that he had not provided prior notification to the Attorney General, all in violation of [Title 18, United States Code, Sections 951 and 2](#), and 28 C.F.R. Sections 73.01 *et seq.*

COUNT 22

A. At all times material to this indictment, a person acting in the United States as an agent of a foreign government was required to provide prior notification to the Attorney General. The term “agent of a foreign government” includes an in-

dividual who agrees to operate within the United States subject to the direction or control of a foreign government or official.

B. Between in or about 1994, and on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the defendant, ALEJANDRO ALONSO, a/k/a “Franklyn,” a/k/a “0-5,” knowingly did act as an agent of a foreign government, that is, the Republic of Cuba, knowing that he had not provided prior notification to the Attorney General; and the defendants, GERARDO HERNANDEZ, a/k/a Manuel Viramontez, a/k/a “Giro,” a/k/a “Giraldo” a/k/a “Giraldo,” JOHN DOE No. 4, and a/k/a Albert Manuel Ruiz, a/k/a “Alberto,” a/k/a “Manny,” a/k/a “Miguel,” a/k/a “Nelson,” a/k/a “A-4,” knowingly did cause and aid and abet defendant ALEJANDRO ALONSO, a/k/a “Franklyn,” a/k/a “0-5,” to act as an agent of a foreign government, that is, the Republic of Cuba, knowing that defendant ALEJANDRO ALONSO, a/k/a “Franklyn,” a/k/a “0-5,” had not provided prior notification to the Attorney General, all in violation of [Title 18, United States Code, Sections 951 and 2](#), and 28 C.F.R. Sections 73.01 *et seq.*

COUNT 23

A. At all times material to this indictment, a person acting in the United States as an agent of a foreign government was required to provide prior notification to the Attorney General. The term “agent of a foreign government” includes an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official.

B. Between in or about 1994, and on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the defendant, NILO HERNANDEZ, a/k/a “Manolo,” knowingly did act as an agent of a foreign government, that is, the Republic of Cuba, knowing that he had not provided prior notification to the Attorney General; and the defendants, GERARDO HERNANDEZ, a/k/a Manuel Viramontez, a/k/a “Giro,” a/k/a “Giraldo,” and JOHN DOE No. 4, a/k/a Albert Manuel Ruiz, a/k/a “Alberto,” a/k/a “Manny,” a/k/a “Miguel,” a/k/a “Nelson,” a/k/a “A-4,” knowingly did cause and aid and abet defendant NILO HERNANDEZ, a/k/a “Manolo,” to act as an agent of a foreign government, that is, the Republic of Cuba, knowing that defendant NILO HERNANDEZ, a/k/a “Manolo,” had not provided prior notification to the Attorney General, all in violation of [Title 18, United States Code, Sections 951 and 2](#), and 28 C.F.R. Sections 73.01 *et seq.*

COUNT 24

A. At all times material to this indictment, a person acting in the United States as an agent of a foreign government was required to provide prior notification to the Attorney General. The term “agent of a foreign government” includes an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official.

B. Between in or about 1994, and on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the defendant, LINDA HERNANDEZ, a/k/a “Judith,” knowingly did act as an agent of a foreign government, that is, the Republic of Cuba, knowing that she had not provided prior notification to the Attorney General; and the defendants, GERARDO HERNANDEZ, a/k/a Manuel Viramontez, a/k/a “Giro,” a/k/a “Giraldo,” and JOHN DOE No. 4, a/k/a Albert Manuel Ruiz, a/k/a “Alberto,” a/k/a “Manny,” a/k/a “Miguel,” a/k/a “Nelson,” a/k/a “A-4,” knowingly did cause and aid and abet defendant LINDA HERNANDEZ, a/k/a “Judith,” to act as an agent of a foreign government, that is, the Republic of Cuba, knowing that defendant LINDA HERNANDEZ, a/k/a “Judith,” had not provided prior notification to the Attorney General, all in violation of [Title 18, United States Code, Sections 951 and 2](#), and 28 C.F.R. Sections 73.01 *et seq.*

COUNT 25

A. At all times material to this indictment, a person acting in the United States as an agent of a foreign government was required to provide prior notification to the Attorney General. The term “agent of a foreign government” includes an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official.

B. Between in or about 1995, and on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the defendant, JOHN DOE No. 2, a/k/a Luis Medina III, a/k/a “Allan,” a/k/a “Johnny,” a/k/a “Oso,” knowingly did cause and aid and abet Joseph Santos, a/k/a “Mario,” to act as an agent of a foreign government, that is, the Republic of Cuba, knowing that Joseph Santos, a/k/a “Mario,” had not provided prior notification to the Attorney General, all in violation of [Title 18, United States Code, Sections 951 and 2](#), and 28 C.F.R. Sections 73.01 *et seq.*

COUNT 26

A. At all times material to this indictment, a person acting in the United States as an agent of a foreign government was required to provide prior notification to the Attorney General. The term “agent of a foreign government” includes an individual who agrees to operate within the United States subject to the direction or control of a foreign government or official.

B. Between in or about 1995, and on or about September 12, 1998, in the Southern District of Florida, and elsewhere, the defendant, JOHN DOE No. 2, a/k/a Luis Medina III, a/k/a “Allan,” a/k/a “Johnny,” a/k/a “Oso,” knowingly did cause and aid and abet Amarylis Silverio Santos, a/k/a “Julia,” to act as an agent of a foreign government, that is, the Republic of Cuba, knowing that Amarylis Silverio Santos, a/k/a “Julia,” had not provided prior notification to the Attorney General, all in violation of [Title 18, United States Code, Sections 951 and 2](#), and 28 C.F.R. Sections 73.01 *et seq.*

A TRUE BILL

<<signature>>

FOREPERSON

<<signature>>

THOMAS E. SCOTT

UNITED STATES ATTORNEY

<<signature>>

CAROLINE HECK MILLER

ASSISTANT UNITED STATES ATTORNEY

<<signature>>

GUY A. LEWIS

ASSISTANT UNITED STATES ATTORNEY

Appendix not available.

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