

UNITED STATES DISTRICT COURT

for the

District of Puerto Rico



United States of America

v.

Case No.

(1) José Miguel Audain Rodríguez
(2) Christian Jomar Ocasio- Guzmán

24-820 (M)

Defendant(s)

CRIMINAL COMPLAINT

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

On or about the date(s) of September 3, 2024 in the county of Barceloneta in the
Judicial District of Puerto Rico, the defendant(s) violated:

Code Section

Offense Description

18 USC § 922 (g)(1)	Possession of a Firearm by a Prohibited Person (Felon) (Defendant #1)
18 USC § 922 (o) and 2	Possession of a Machinegun, aiding and abetting
18 U.S.C. § 924(c)(1)(A) and 2	Possession of a Firearm in furtherance of a Drug Trafficking Crime, aiding and abetting
18 U.S.C. § 924(c)(1)(B)(ii) and 2	Possession of a Machine Gun in Furtherance of a Drug Trafficking Crime, aiding and abetting
21 USC § 841(a)(1)(b)(1)(B)(ii)(II) and 2	Possession with Intent to Distribute a Controlled 500 grams or more of a mixture or substance containing cocaine, aiding and abetting

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

ATF TFO Arnaldo Fernández Caraballo

Printed name and title

Subscribed and Sworn pursuant to FRCP 4.1 at 6:42 PM
by telephone, this 4th day of September 2024.Date: 09/04/2024City and state: San Juan, Puerto Rico

Judge's signature

Honorable Magistrate Judge Hector L Ramos Vega

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Arnaldo Fernández Caraballo, Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, hereinafter referred to as "ATF", being duly sworn, depose and state as follows:

1. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), that is, an officer of the United States empowered by law to conduct investigations and make arrests upon violations of the offenses enumerated in Title 18, United States Code, § 922 and 21 U.S.C. §§ 841, 846—Conspiracy to Possess a Controlled Substance with Intent to Distribute.

1. I am a Task Force Officer with the ATF in San Juan, Puerto Rico, and have been so for the past ten (10) years. Prior to becoming a Task Force Officer, I worked over nineteen (19) years as an Agent for the Puerto Rico Police Bureau (PRPB). Affiant received training regarding criminal investigations and telephone exploitation. In addition, Affiant has experience working criminal matters, including but not limited to, investigations relating to violent crimes, narcotics smuggling, financial violations, violent gangs, and drug trafficking organizations, among others.

2. I am currently assigned to the ATF Violent Crimes Group. As part of the Violent Crimes Group, I conduct investigations of violent gangs, firearms, and narcotics violations. I have specialized training and/or experience in the area of high-level drug enforcement, street-level drug enforcement, narcotics smuggling and distribution, gangs, undercover operations, surveillance and debriefing informants and suspects.

3. All reference herein to any experience refers to experience gained through training, conducting firearms and controlled substances investigations, and participating in those investigations with other experienced investigators, as well as conversations with other law enforcement officers.

4. I am personally familiar with the facts and circumstances surrounding this investigation and with the information contained in this Affidavit, either through personal participation investigation or through discussions with other law enforcement officers and other ATF TFO with personal knowledge of the facts. Since this affidavit is submitted only for the limited purpose of securing the warrant sought, I have not set forth every fact known to me concerning this investigation. I have included what I believe are the facts sufficient to establish probable cause for the warrant sought.

Based on my training and experience and the facts set forth below in this affidavit, there is probable cause to believe JOSE MIGUEL AUDAIN RODRIGUEZ

violated Title 18, United States Code, Title 18, United States Code, Section 922(g)(1), Title 18, U.S.C., § 922(o), Title 18 U.S.C. § 924(c)(1)(A), Title 18 U.S.C. § 924(c)(1)(B)(ii) and Title 21 USC § 841(a)(1)

and CHRISTIAN JOMAR OCASIO-GUZMAN violated Title 18, United States Code, Title 18, United States Code, Section 922(g)(1), Title 18, U.S.C., § 922(o), Title 18 U.S.C. § 924(c)(1)(A), Title 18 U.S.C. § 924(c)(1)(B)(ii) and Title 21 USC § 841(a)(1)

FACTS SUPPORTING PROBABLE CAUSE

5. On August 26, 2024, approximately at 9:00 am, agents of the Puerto Rico Police Bureau (PRPB) meet with an unpaid confidential informant who reported about an individual, known as JOSE MIGUEL AUDAIN-RODRIGUEZ, aka Joselito, which controls the drug points in the town of Barceloneta PR, is always armed with a pistol and a rifle and residing in Sector La Ceiba, Road 631 in Florida, Puerto Rico.

6. According to the information received from the confidential informant, this individual is the leader of the criminal organization "Los Negre", that operates in Barceloneta PR, and that this individual, keeps and store in his residence firearms and narcotics Sector La Ceiba, Road 631 in Florida, Puerto Rico.

7. PRPB Agents are familiar with this individual because JOSE MIGUEL AUDAIN-RODRIGUEZ, aka Joselito, was previously arrested by Puerto Rico Police Bureau on state Firearms and Drug Trafficking Charges.

8. On August 26, 2024, at approximately 11:00 a.m., PRPB Agents transported the unpaid confidential informant to the town of Florida, PR. The informant took them to Road 631, Sector La Ceiba, Kilometer 2.0 where he showed them a two stories house painted blue and gray which he identified as the residence where AUDAIN RODRIGUEZ stores firearms and narcotics.

9. On August 27, 2024, at approximately 8:00am, PRPB Agents arrived at the residence under investigation located at Sector La Ceiba, Road 631 in Florida, Puerto Rico and started surveillance. Approximately at 11:45 a.m., PRPB Agents observed a Chevrolet Malibu, gold in color, bearing license plate ICN-054 arriving to the location under investigation. PRPB agents observed and individual that they have previously identified as AUDAIN-RODRIGUEZ, step out of a Chevrolet Malibu bearing PR plates ICN-054 from the driver side and open the front gate of the residence at Sector La Ceiba, Road 631 in Florida, Puerto Rico. The agents were able to observe that AUDAIN-RODRIGUEZ proceeded to park the Chevrolet Malibu inside the residence. After that, PRPB agent observed AUDAIN-RODRIGUEZ dismounted the Chevrolet Malibu went up the stairs and

entered to the interior of the residence.

10. Later, approximately at 11:55 a.m. PRPB Agents observed that AUDAIN-RODRIGUEZ walk out from the residence under investigation. At this moment, PRPB agents observed that AUDAIN-RODRIGUEZ gained entrée to the Chevrolet Malibu that was park underneath the house and left the location under investigation.

11. On August 28, 2024, at approximately 1:00pm, PRPB Agents arrived at the residence under investigation located Sector La Ceiba, Road 631 in Florida, Puerto Rico and started surveillance. Upon the agent's arrival, they see the Chevrolet Malibu, park inside the two story residence, underneath the house. Approximately at 2:13pm, PRPB Agents observed an individual that they have previously identified as AUDAIN-RODRIGUEZ, step out of from the residence under investigation carrying a black bag from which protrude a black in color rifle stock. The agents were able to observe that AUDAIN-RODRIGUEZ proceeded to walk to the Chevrolet Malibu, open the rear door from the driver side and placed the black bag from which protrude a black in color rifle stock inside the vehicle.

12. PRPB agents observed two unidentified male individuals, came outside from the residence under investigation locate Sector La Ceiba, Road 631 in Florida, Puerto Rico and they went down the stairs. The first unidentified male, described as dark skinned, wearing black t-shirt, sport shorts black in color, carrying a black backpack from which protrude a rifle buffer tube. The agents were able to observe that this unidentified male, proceeded to walk to the Chevrolet Malibu, open the rear passenger door and place the black back inside the Chevrolet Malibu. The agents could observe how the first unidentified male gained, entrée to the Chevrolet Malibu using the passenger front door.

13. The second unidentified male, described as dark skinned, wearing black t-shirt, blue pants, carrying a black fanny-pack, proceed to close the stairs gate of the residence under investigation and gained entrée to the Chevrolet Malibu using the rear driver door.

14. The PRPB Agents could observe the three males left the residence under investigation in the Chevrolet Malibu.

15. On August 28, 2024, at approximately 5:38pm, PRPB Agents observed the Chevrolet Malibu, gold in color, bearing license plate ICN-054, arriving to the location under investigation. The PRPB agents observed AUDAIN-RODRIGUEZ, stepped out of a Chevrolet Malibu, and opened the rear passenger door and retrieved from the inside, a black backpack and a black bag from which protruded a black in color rifle stock. The Agents observed Audain-Rodriguez go up the stairs and entered the residence under investigation

16. On August 30, 2024, Arecibo Municipal District Judge issued a search warrant for AUDAIN-RODRIGUEZ residence located in Sector La Ceiba, Road 631 in Florida, Puerto Rico and for the Chevrolet Malibu, gold in color bearing license plate ICN-054. This warrant was executed by PRPB officers on September 3, 2024.

17. On September 3, 2024, at approximately 2:23pm, PRPB Agents, assigned to Arecibo Intelligence Unit, executed a state search warrant at Road 631, Sector La Ceiba, Kilometer 2.0, Florida, Puerto Rico.

18. PRPB Agents arrived at the residence Sector La Ceiba, Road 631 in Florida, Puerto Rico and the PRPB SWAT Unit executed the entry to the residence. While executing the entry the PRPB Swat encountered two male individuals in the living room of the house, later identified as JOSE MIGUEL AUDAIN-RODRIGUEZ and CHRISTIAN JOMAR OCASIO-GUZMAN. CHRISTIAN JOMAR OCASIO-GUZMAN was identified by the agent conducting the surveillance as the first unidentified male that was observed exiting the residence on the August 28, 2024.

19. PRPB Agents presented AUDAIN-RODRIGUEZ with a Search Warrant for residence. PRPB Agents stated that the Search Warrant was recorded, and a K-9 was used in the Search Warrant.

20. According to the PRPB Agents, while presenting the Search Warrant to AUDAIN-RODRIGUEZ they could observe with the naked eye in the living room area, three (3) ceramic plates containing a white substance which, from their experience, they recognized as cocaine. At that moment, the PRPB agents put AUDAIN-RODRIGUEZ and OCASIO-GUZMAN under arrest.

21. PRPB Agent seized the following items from the **main bedroom**:

- One (1) iPhone Purple in color with a black cover inside the cover was seized a PR Driver License bearing the name Jose Miguel Audain-Rodriguez. (Over a cream-colored chest)
- One (1) Blue Transparent Box containing a aluminum wrap paper containing a white granular and powdery substance.
- One (1) Black Bag containing drug paraphernalia.
- One (1) bag containing drug paraphernalia

22. PRPB Agents seized the following items from the **third bedroom**:

- One (1) Sky Cellphone purple in color over the bed.
- PR ID documents bearing the name Edwin Israel Vazquez-Velazquez

23. PRPB Agents seized the following from the **hallway area**:

- One (1) iPhone Red in color with a cover bearing "DIOR"

24. PRPB Agents seized the following from the **dining room area**:

- One (1) Black Transparent Box containing bearing "6 de 30" containing 3 bags containing countless small baggies containing a white powdery substance.
- One (1) Plastic bag containing countless small baggies bearing the dollar symbol containing a white powdery substance.
- One (1) Porcelain Plate containing two bags containing a countless small baggies containing a white powdery substance.
- One (1) Samsung Cellphone black in color (Over the Table)

25. PRPB Agents seized the following evidence from the **kitchen area**:

- One (1) Clear Baggies containing rice and inside the rice the agent found three (3) plastic bags containing countless yellow in color small baggies containing a white powdery substance.
- Two (2) Digital scales.

26. PRPB Agents seized the following evidence from the **living room area**:

- One (1) Glock pistol, model 27, caliber .40, bearing serial number BXSM115 **loaded** with high-capacity magazine with 22 rounds of .40 caliber ammunition.
- One (1) Glock High-capacity magazine loaded with 15 rounds .40 caliber ammunition.
- One (1) Digital Handy Cam.
- Three (3) ceramic plates containing a white substance.
- One (1) Clear Bag containing a countless small baggies containing a white powdery substance.
- One (1) Black Bag
 - containing Six (6) containing a countless small baggies bearing a dollar symbol containing a white powdery substance,
 - One (1) Clear Bag containing a white powdery substance.,
 - One (1) Plastic Bag containing a green leafy substance,
 - One (1) Anderson Manufacturing AR Pistol, Model AM-15, multi-caliber, Serial Number 19254847.
- One (1) Black Bag bearing "Supreme" containing
 - One (1) Glock pistol, model 19x, caliber 9mm, bearing serial number BKHK965 **loaded** with one (1) magazine containing 13

rounds of 9mm ammunition, with a modified chip giving it fully automatic firing capabilities.

- Eighty-nine (89) rounds of 9mm ammunition. Three (3) High-Capacity magazines.
- One (1) Plastic Bag containing three (3) Cooking pots One (1) spoon, One (1) strainer and one (1) digital scale.
- One (1) Black Bag bearing Bad Boy containing plastic bag with the Houston Astros Logo containing Three (3) Cocaine Kilos bearing a diamond symbol, one (1) bag containing money.
- Three (3) Luxury Watches.
- One (1) Sunglasses.
- One (1) Black Safe box with his key

27. PRPD Agents presented JOSE MIGUEL AUDAIN RODRIGUEZ a second search warrant for a Chevrolet Malibu, gold in color bearing license plate ICN-054 park inside the residence underneath the house.

28. PRPB Agents transported JOSE MIGUEL AUDAIN RODRIGUEZ and CHRISTIAN JOMAR OCASIO-GUZMAN to the PRPB Arecibo Narcotics Unit for further investigation.

29. The PRPB agents analyzed the Black Safe and could observe thru a slot space a Glock pistol. After consulting the agent open the safe box using the key and inside the safe box the PRPB Agents seized the following,

- One (1) Glock Pistol, model 45, 9m caliber, serial number BVAF004.
- One (1) Glock pistol, model 19, 9mm caliber, serial number BLXA316.
- One (1) Glock pistol, model 17, 9mm caliber, serial number BMSN531.
- Eight (8) Glocks Magazines (7 High-capacity magazines).
- Eighty-three (83) rounds of 9mm ammunition
- One (1) Machine-gun convention kit

30. ATF assistance was requested in this investigation. ATF Agents arrived at the PRPD Arecibo Narcotics Unit and assisted in the investigation.

31. ATF read JOSE MIGUEL AUDAIN RODRIGUEZ his Miranda's Rights and Warnings, which he understood and signed, stating that he was not willing to speak with authorities without having his lawyer present.

32. ATF read CHRISTIAN JOMAR OCASIO-GUZMAN his Miranda's Rights and Warnings, which he understood and signed, stating that he was not willing to speak with authorities without having his lawyer present.

33. ATF investigation revealed that AUDAIN RODRIGUEZ had been

previously convicted of a felony crime punishable for a term exceeding one (1) year of imprisonment more than once. In both cases, a prison sentence exceeding one year incarcerated was imposed. According to the investigation, in 2017, AUDAIN RODRIGUEZ was prosecuted and convicted on criminal charges for violating state laws against trafficking and illegal possession of weapons and controlled substances, which, in conjunction with the evidence seized during the execution of the search warrant that gives rise to this case, namely: six pistol, 3 magazines and 12 high capacity magazines and a large amount of ammunition, to the conclusion that AUDAIN RODRIGUEZ knows about weapons and their operation and therefore knew that the One (1) Glock pistol, model 19x, caliber 9mm, serial number BKHK965 with a modified chip giving it fully automatic firing capabilities, One (1) Anderson Manufacturing AR Pistol, Model AM15 with a modified chip giving it fully automatic firing capabilities, One (1) Glock Pistol, model 45, 9mm caliber, serial number BVAF004 with a modified chip giving it fully automatic firing capabilities, One (1) Glock pistol, model 19, 9mm caliber, serial number BLXA316 with a modified chip giving it fully automatic firing capabilities and One (1) Glock pistol, model 17, 9mm caliber, serial number BMSN531 were weapon modified to fire automatically.

34. A preliminary field test examination was performed in the following firearms: One (1) Glock pistol, model 19x, caliber 9mm, serial number BKHK965 with a modified chip giving it fully automatic firing capabilities, One (1) Anderson Manufacturing AR Pistol, Model AM15 with a modified chip giving it fully automatic firing capabilities, One (1) Glock Pistol, model 45, 9mm caliber, serial number BVAF004 with a modified chip giving it fully automatic firing capabilities, One (1) Glock pistol, model 19, 9mm caliber, serial number BLXA316 with a modified chip giving it fully automatic firing capabilities and One (1) Glock pistol, model 17, 9mm caliber, serial number BMSN531 with a modified chip giving it fully automatic firing capabilities, indicated that these firearms are able to fire more than a single round of ammunition per single function of the trigger, which would meet the legal definition of a machine gun. Based on my training, knowledge and experience with ATF, the chip on the Glocks pistol 19 x, and device on the Anderson Manufacturing AR Pistol Model AM15, Glock Pistol model 45 caliber 9mm, Glock model 19 9mm and Glock Pistol model 17 caliber 9mm was not installed by the manufacturer and was placed on the firearm with the sole purpose of illegally modifying it to fire fully automatic, meaning that is capable of expelling more than one (1) projectile from one single pull of the trigger. The device can be readily observed by anyone who loads, unloads, charges, cleans, or disassembles the firearm because there is a contrast between the device and the slide of the firearm.

35. Based on Your Affiant's training and experience and knowledge of the ATF's investigation, the quantity of suspected cocaine seized is distribution quantity for sale.

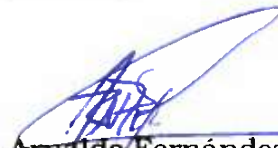
36. During the night of September 3, 2024, the Puerto Rico Police Bureau, Drugs Arecibo unit conducted field tests on the above referenced suspected narcotic. The field tests yielded positive results for the properties of cocaine and marihuana.

37. The investigation further revealed that no firearms and ammunition, including the type described above, are manufactured in the Commonwealth of Puerto Rico and therefore, the investigation concluded these firearms and ammunitions were shipped or transported in interstate or foreign commerce.

CONCLUSION

Based on the above facts, I have probable cause to believe that JOSE MIGUEL AUDAIN RODRIGUEZ and CHRISTIAN JOMAR OCASIO-GUZMAN have violated federal firearm and controlled substance laws. Specifically, JOSE MIGUEL AUDAIN RODRIGUEZ has violated Title 18, United States Code, Title 18, United States Code, Section 922(g)(1), Title 18, U.S.C., § 922(o), Title 18 U.S.C. § 924(c)(1)(A), Title 18 U.S.C. § 924(c)(1)(B)(ii) and Title 21 USC § 18 USC § 841(a)(1)(b)(1)(B)(ii)(II) and CHRISTIAN JOMAR OCASIO-GUZMAN violated Title 18, United States Code, Title 18, U.S.C., § 922(o), Title 18 U.S.C. § 924(c)(1)(A), Title 18 U.S.C. § 924(c)(1)(B)(ii) and Title 21 USC § 18 USC § 841(a)(1)(b)(1)(B)(ii)(II). I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge this 4th of September 2024.

Subscribed and sworn before me pursuant to FRCP 4.1 at 6:42 PM by telephone, this 4th day of September, 2024



Arnaldo Fernández Caraballo
ATF Task Force Officer




Honorable Magistrate Judge Hector L. Ramos Vega
United States Magistrate Judge

Attachment A



Attachment B

One (1) Glock pistol, model 19x, caliber 9mm, serial number
BKHK965.



Attachment C

One (1) Anderson Manufacturing AR Pistol, Model AM15.



Attachment D

One (1) Glock Pistol, model 45, 9m caliber, serial number BVAF004



Attachment E

One (1) Glock pistol, model 19, 9mm caliber, serial number BLXA316



Attachment F

One (1) Glock pistol, model 17, 9mm caliber, serial number BMSN531



Attachment G

One (1) Glock pistol, model 27, caliber .40, bearing serial number BXSM115

