

UNITED STATES DISTRICT COURT

for the

District of Puerto Rico

United States of America
v.

[1] Iris Janette Nieves Rios
[2] Junior Melo

Case No.

23-863 (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 August 3, 2023 in the county of -- in the
- District of Puerto Rico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1201(a)(1)	Kidnapping
8 U.S.C. §§ 1324 (a)(1)(A)(i) and (a)(1)(B)(i)	Bringing in and harboring certain aliens for private gain

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.
Reviewed by: AUSA Suárez

Continued on the attached sheet.

Complainant's signature

Shaun Borland, FBI Special Agent

Printed name and title

Sworn to me by phone in accordance with the requirements of
Fed. R. Crim. P. 4.1 at 6:26 PM on

Date: 8/8/23

Judge's signature

City and state: San Juan, Puerto Rico

Hon. Marshal D. Morgan, Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL
COMPLAINT AND ARREST WARRANT**

I, Shaun Borland, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), in that I am empowered by law to conduct investigations and to make arrests for federal felony and misdemeanor offenses.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since February 2022. I am currently assigned to the FBI's San Juan Division in the Violent Crimes and Major Offenders Task Force. During my time as a Special Agent, I have investigated various violations of federal law to include armed carjackings, armed robberies, kidnappings, and assaults on federal officers.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts set forth below, there is probable cause to believe that Iris Janette Nieves Rios and Junior Melo violated 18 U.S.C. § 1201(a)(1) (Kidnapping) and 8 U.S.C. §§ 1324 (a)(1)(A)(i) and (a)(1)(B)(i) (Bringing in and harboring certain aliens for private gain).

PROBABLE CAUSE

5. Based on interviews with E.M., J.P. and E.P. and others conducted by the FBI, E.M., E.P., J.P. and approximately 50 to 60 other individuals departed from the Dominican Republic via a small boat after paying to be smuggled into Puerto Rico on or about August 2, 2023. According to certain victims, the general understanding was that they would pay up to around \$4,000 USD upfront before departing the Dominican Republic and then pay a remaining amount up to around \$4,000 USD once they arrived in Puerto Rico and began working in jobs such as construction. The FBI confirmed that E.M., J.P. and E.P are aliens not lawfully in the United States.

6. On or about August 3, 2023, E.M., J.P. and E.P arrived via boat on the west side of Puerto Rico, they were subsequently driven to a residence located at 2021 Calle Esquilin, San Juan, Puerto Rico.

7. On or about August 5, 2023 and based on information provided to the FBI from E.M.'s father, E.B.D., E.B.D. received calls from 787-***-3547 (hereinafter "SUBJECT PHONE 1"). SUBJECT PHONE 1 was used to make a video call to E.B.D. in the morning. In this video call, E.B.D. saw NIEVES and she demanded \$2,500 USD for the release of E.M. NIEVES then showed E.B.D. that E.M. was laying on the floor and was bound by a yellow rope with a red covering on his head. Below is a screenshot of that image provided by E.B.D. to the FBI:



A woman later identified as Iris Janette Nieves Rios (“NIEVES”) threatened to turn E.M. over to immigration authorities if E.B.D. did not make the ransom payment by 3:00 p.m. that same date.

8. At approximately 2:15 p.m. on August 5, 2023, E.B.D. contacted the FBI. E.B.D. then received a phone call from 939-***-8270 (hereinafter “SUBJECT PHONE 2”). During one of the calls with SUBJECT PHONE 2, the FBI heard a male voice also threatening to turn E.M. over to immigration authorities if E.B.D. did not make the \$2,500 USD payment by 3:00 p.m.

9. The FBI obtained subscriber and toll records for E.B.D.’s phone which show that five calls were made between SUBJECT PHONE 2 and E.B.D.’s phone between approximately

1:47 p.m. and 3:40 p.m. on August 5, 2023. According to E.B.D., the calls were related to payment demands for the release of E.M.

10. During one of the calls, at approximately 3:47 p.m., the same male voice threatened to kill E.M. if he did not receive the \$2,500 USD payment.

11. At approximately 11:03 a.m. on August 6, 2023, E.B.D. was able to negotiate the ransom payment down to \$1,500 USD and made the payment through an intermediary. According to the intermediary, a Toyota Sienna bearing Puerto Rico license plate JRV 358, which is registered to NIEVES, was used by NIEVES's husband, Junior Melo ("MELO") to pick up the \$1,500 USD ransom payment. Toyota Sienna vehicles are not manufactured in Puerto Rico and thereby the Toyota Sienna traveled in interstate or foreign commerce and is a means, facility, and instrumentality of interstate or foreign commerce. Shortly afterward, E.M. was released.

12. Based on FBI interviews with E.P. and J.P. (who are father and son), NIEVES called one of E.P.'s and J.P.'s female family members in the Dominican Republic from SUBJECT PHONE 1 and stated that E.P. and J.P. were not free to leave the residence unless they made a \$1,500 USD payment per person. The family member of E.P. and J.P. tried to negotiate a lower price than \$1,500 USD, but NIEVES said no. E.P. and J.P. were not allowed to leave the apartment.

13. Following his release, E.M. confirmed that he was not free to leave the residence at 2021 Calle Esquilin unless someone made a payment. E.M. further stated that his uncle, E.P., and his cousin, J.P., were also held at that residence and they were not free to leave unless someone made a payment for them.

14. Between about 3:00 and 4:00 p.m. on August 6, 2023, FBI agents saw NIEVES at 2021 Calle Esquilin. NIEVES was seen talking on a cellphone on the balcony outside of the door of 2021 Calle Esquilin.

15. On August 6, 2023, the U.S. District Court for the District of Puerto Rico issued a Search and Seizure Warrant for the residence at 2021 Calle Esquilin.

16. On August 7, 2023, FBI agents executed the Search and Seizure Warrant. NIEVES and MELO were in the apartment, as well as J.P., E.P., and two other Dominican nationals. One of the two other Dominican nationals stated that he had been at the residence for approximately two weeks because no one had been able to make the complete \$1,500 USD payment for him.

17. Inside the residence, FBI agents found the following:

- SUBJECT PHONE 1;
- SUBJECT PHONE 2;
- A red shirt with clear plastic tape resembling the one covering E.M.'s head in the video call screenshot;
- Yellow rope resembling the one around E.M.'s hands and ankles in the video call screenshot;
- Identification documents for various Dominican nationals including E.M., J.P., and E.P.;
- \$1,500 USD inside an Adidas bag in the dresser in a bedroom; and
- A list with 11 names and/or nicknames and telephone numbers including those for E.M., J.P., and E.P.

18. SUBJECT PHONE 1 AND SUBJECT PHONE 2 are Apple iPhones 11. An Apple iPhone 11 is not manufactured in Puerto Rico and thereby it traveled in interstate or foreign commerce and is a means, facility, and instrumentality of interstate or foreign commerce.

19. During the execution of the Search and Seizure Warrant, FBI agents saw that the door to the residence had a deadbolt lock that required a key to unlock it from both the inside and

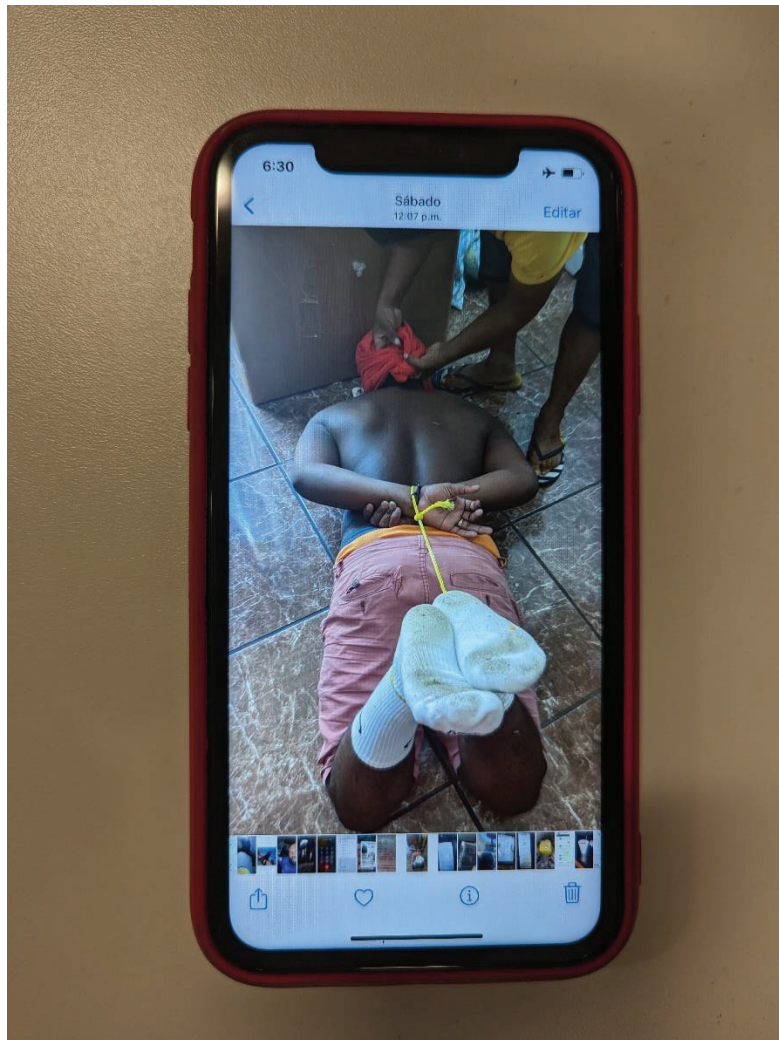
outside. As such, if the door to the residence were to be locked from the outside, any person inside the residence would not be free to leave unless he or she had a key to the deadbolt.

20. Following the Search and Seizure Warrant, FBI agents read NIEVES her Miranda rights in her native language. NIEVES then voluntarily waived her Miranda rights in writing. NIEVES stated that MELO and she held Dominican nationals that she knew were aliens not lawfully in the United States at her residence at 2021 Calle Esquilin and that they were not free to leave the residence until they, or their families, paid her and MELO a payment. NIEVES then identified E.M., J.P., and E.P. as some of the Dominican nationals who were held at her residence at 2021 Calle Esquilin until they, or their families, made a payment. Specifically, NIEVES stated that E.M. was held at her residence from the morning of August 4, 2023, until August 6, 2023, when E.M. was released because his father made a \$1,500 payment. Lastly, NIEVES identified SUBJECT PHONE 1 as her phone and SUBJECT PHONE 2 as MELO's phone.

21. Following the Search and Seizure Warrant, FBI agents read MELO his Miranda rights in his native language. MELO voluntarily waived his Miranda rights in writing. MELO stated that NIEVES and he held Dominican nationals that he knew were aliens not lawfully in the United States at the residence at 2021 Calle Esquilin and that they were not free to leave the residence until they, or their families, made him and NIEVES a payment. MELO then identified E.M., J.P., and E.P. as some of the Dominican nationals who were held at the residence at 2021 Calle Esquilin and that they were not free to leave until they, or their families, paid him and NIEVES a payment. MELO also stated that E.M. was held at the residence at 2021 Calle Esquilin, from the morning of August 4, 2023, until he was released when his father made a payment. Further, MELO stated that NIEVES picked up Dominicans nationals on the West side of Puerto

Rico in the early morning hours of August 4, 2023, and drove them to the residence at 2021 Calle Esquilin. Lastly, MELO identified SUBJECT PHONE 2 as belonging to him.

22. Pursuant to a search warrant and NIEVES' consent, FBI agents reviewed the contents of SUBJECT PHONE 1 which contained the following picture that was taken at approximately 12:07 p.m. on August 5, 2023:



Additionally, SUBJECT PHONE 1 also contained call records with E.B.D. on August 5, 2023, and August 6, 2023.

23. Pursuant to a search warrant, FBI agents reviewed the contents of SUBJECT PHONE 2 which contained a picture of one of the Dominican nationals who was found at the residence at 2021 Calle Esquilin during the execution of the search warrant.

CONCLUSION

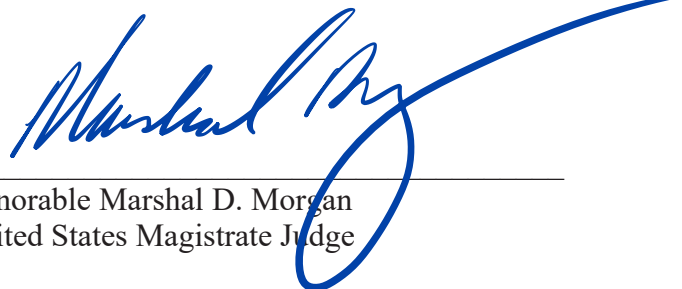
24. Based upon my training, experience, and the above facts, I respectfully submit there is sufficient probable cause to show Iris Janette Nieves Rios and Junior Melo violated 18 U.S.C. § 1201(a)(1) (Kidnapping) and 8 §§ 1324 (a)(1)(A)(i) and (a)(1)(B)(i) (Bringing in and harboring certain aliens for private gain).

Respectfully submitted,



Shaun Borland
Special Agent
FBI

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone in San Juan, Puerto Rico, on August 8, 2023 @ 6:26 pm



Honorable Marshal D. Morgan
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the
District of Puerto Rico

United States of America
v.

Iris Janette Nieves Rios

Defendant

Case No.

23-863 (M)

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Iris Janette Nieves Rios,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 1201(a)(1) (Kidnapping)
8 U.S.C. §§ 1324 (a)(1)(A)(i) and (a)(1)(B)(i) (Bringing in and harboring certain aliens for private gain).

Date: 8/18/23

Marshal D. Morgan
Issuing officer's signature

City and state: San Juan, Puerto Rico

Hon. Magistrate Judge Marshal D. Morgan
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____

UNITED STATES DISTRICT COURT

for the
District of Puerto Rico

United States of America
v.

Junior Melo

Defendant

Case No.

23-863 (M)

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Junior Melo,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 1201(a)(1) (Kidnapping)
8 U.S.C. §§ 1324 (a)(1)(A)(i) and (a)(1)(B)(i) (Bringing in and harboring certain aliens for private gain).

Date: 8/8/23


Issuing officer's signature

City and state: San Juan, Puerto Rico

Hon. Magistrate Judge Marshal D. Morgan
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature
Printed name and title

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(Not for Public Disclosure)

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Known aliases: _____

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Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____