

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Puerto Rico

United States of America

v.

[1] Gabriel Batista
[2] Enrique Montaña
[3] Adrian Cedeño

Case No.

25- 111 (MJ)

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 February 3, 2025 in the county of - in the
-- District of Puerto Rico, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Row 1: 46 U.S.C. §§ 70503(a)(1), 70506(b); Conspiracy to possess with intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, on board a vessel subject to the jurisdiction of the United States.

This criminal complaint is based on these facts:

See Attached Affidavit.
Reviewed by: AUSA Antonio J. Lopez-Rivera

The United States requests temporary detention pending preliminary hearing and detention hearing.

Continued on the attached sheet

Handwritten signature of Carlos D. Fontanez

FBI SA, Carlos D. Fontanez
Printed name and title

Sworn to before me pursuant to FRCP 4.1 at 2:50 p.m. by telephone, this 7th day of February 2025, in San Juan, Puerto Rico.

Date: February 7, 2025

Handwritten signature of Bruce J. McGiverin and official seal

Digitally signed by Hon. Bruce J. McGiverin

Judge's signature

City and state: San Juan, Puerto Rico

Hon. Bruce J. McGiverin, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A CRIMINAL COMPLAINT

I, Carlos D. Fontanez, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigations (FBI) and have been since 2015. I was originally assigned to the Washington Field Office (WFO) until 2022. I am currently assigned to the San Juan Field Office (SJFO). Since 2015, I have investigated crimes involving Computer Intrusions, National Security, Violent Transnational Gangs including MS-13, and Drug Trafficking Organizations (DTO) operating in the United States and Latin America. I have training and experience in the areas of interview and interrogation, evidence recovery, source recruitment and digital forensic analysis.

2. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter. I make this affidavit based on my own personal knowledge and on oral and written reports by other federal, state, and/or local law enforcement agents and officers that investigated this matter. This affidavit does not contain all the information derived from this investigation only that which is sufficient to demonstrate probable cause to believe that a crime has been committed.

3. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 46 U.S.C. §§ 70503(a)(1) and 70506 – *conspiracy to possess with intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine on board a vessel subject to the jurisdiction of the U.S.* has been committed by GABRIEL BATISTA, ENRIQUE MONTAÑO and ADRIAN CEDEÑO.

PROBABLE CAUSE

1. On February 2, 2025, while on routine patrol the US Coast Guard (USCG) CGC JOSEPH DOYLE detected a 30-foot vessel (approximate), with two (2) out board engines, and three (3) persons on board, at a position located approximately 30 NM southwest of St. Croix, USVI. USCG observed in plain view approximately 25 packages wrapped in green plastic consistent with narcotic bundles. The description of the vessel matched information previously obtained by the FBI about a vessel smuggling a large quantity of narcotics into the east-southeast coast of Puerto Rico during this timeframe. This information was shared with the USCG and other law enforcement entities for situational awareness. USCG CGC JOSEPH DOYLE requested and was granted approval by the USCG to approach and conduct an interdiction based on their authorities.

2. On February 3, 2025, USCG CGC JOSEPH DOYLE interdicted the vessel leading to the arrest of three (3) Venezuelan nationals and seizing 31 bales, with an approximate weight of 1,000 kgs. USCG conducted a drug test of a bale(s) which tested positive for cocaine.

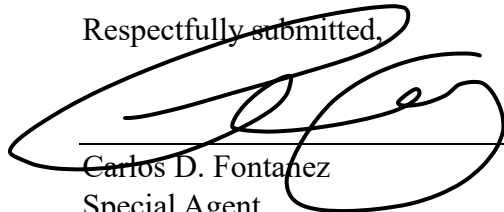
3. The subjects and all items of evidence are pending to be transferred to the FBI on 2/12/2025 for further processing and investigation.

-INTENTIONALLY LEFT BLANK-

CONCLUSION

4. Based on the forgoing, and based upon my training, experience and participation in this and other investigations, I believe that sufficient probable cause exists to demonstrate that GABRIEL BATISTA, ENRIQUE MONTAÑO and ADRIAN CEDEÑO violated United States federal laws, to wit: Title 46 U.S.C. §§ 70503(a)(1) and 70506.

Respectfully submitted,



Carlos D. Fontanez
Special Agent
Federal Bureau of Investigations

Subscribed and sworn to before me pursuant to FRCP 4.1 on this 7th day of February 2025, at 2:50 p.m.





Digitally signed by
Hon. Bruce J.
McGiverin

HON. BRUCE J. MCGIVERIN
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF PUERTO RICO