AO 91 (Rev. 5/85) Criminal Complaint AUSA Watts-FitzGerald, 10/27/06

United States District Court

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

V.

Ricardo Aristides Mejia,
Ricardo Isai Mejia,
Roberto Muniz,
Yoel Betancourt,
Alberto Alvarez,
Leonel SanMartin, and
Noel Delgado-Hernandez

(Name and Address of Defendants)

CRIMINAL COMPLAINT

CASE NUMBER: 06-3175-WHITE

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 6, 2006 to on or about October 25, 2006 at Miami-Dade county, and elsewhere in the Southern District of Florida the defendants, Ricardo Aristides Mejia, Ricardo Isai Mejia, Roberto Muniz, Yoel Betancourt, Alberto Alvarez, Leonel SanMartin, and Noel Delgado-Hernandez, did knowingly conspire to commit an offense against the United States and one or more of the coconspirators committed an act to effect the objects of the conspiracy by stealing and converting shipments of diesel and gasoline fuel, which shipments were moving in and were a part of interstate or foreign commerce, and at the same times and places did knowingly embezzle, steal, or unlawfully take, by fraud or deception from a motortruck, tank, storage facility or depot, a good or chattel moving as or which were a part of an interstate or foreign shipment of goods or property

In violation of Title 18 United States Code, Sections 371, 659 and 2.

I further state that I am a Special Agent, DHS/ICE (Official Title) and that this complaint is based on the following facts:

See Attachment A hereto, Affidavit of Specfial Agent Victoria Edwards

Continued on the attached and made a part hereof: [X] Yes [ ] No

Signature of Complainant VICTORIA EDWARDS
Department of Homeland Security / Immigration & Enforcement

Sworn to before me and subscribed in my presence,

October 30, 2006 (Date) at Miami, FL (City and State)

PATRICK A. WHITE
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Signature of Judicial Officer

Certified to be a true and correct copy of the document on file
Clarence Maddox, Clerk,
U.S. District Court
Southern District of Florida
By Marla Suegos Deputy Clerk
Date 10/30/06

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT, ARREST WARRANTS AND SEARCH WARRANTS

Special Agent Victoria B. Edwards Department of Homeland Security, Immigration & Customs Enforcement (DHS/ICE) states the following:

I. AFFIANT TRAINING AND EXPERIENCE

1. I am presently employed as a Special Agent with the Department of Homeland Security, Immigration & Customs Enforcement (DHS/ICE) and have been since the merger of the U.S. Immigration & Naturalization Service and the U.S. Customs Service in 2003. Prior to that, I was employed by the United States Customs Service (USCS). I have been employed by these agencies since 1982, and I am presently assigned to the Domestic Security Task Force (DSTF). I am responsible for conducting enforcement activities and investigations that relate to the protection and security of critical infrastructure or key resources in order to deter, mitigate, or neutralize actual or precursor activities that may result in terrorist attacks. DSTF investigations address a diverse spectrum of national security and public safety issues, such as protecting critical infrastructure assets, domestic counter-terrorism, significant threats against public safety, and criminal special interest aliens. I make this affidavit in my official capacity as a Special Agent with the DHS/ICE, based upon my personal knowledge, as well as on information provided to me by other law enforcement officers.

II. THE FUEL SCHEME

2. Your Affiant received information from a concerned citizen that a group of individuals were involved in storing fuel from Port Everglades in a shipping container. The source had observed fuel tankers operated by **Genesis Petroleum, Inc. (Genesis)**, a Florida corporation, making fuel deliveries into a modified 40' shipping container stored on private property. The source further observed fuel being pumped from the shipping container into

various vehicles. Investigators determined that the shipping container held two large capacity storage tanks that were being used by Genesis to store and distribute gasoline/diesel fuel. During periods in which the twin doors of the shipping container were open, the storage tanks were readily visible to observers both on and off the M-Trucking lot property. The fuel in the container was being utilized to re-fuel Genesis tanker trucks, vehicles registered to Genesis employees, the vehicles of several non-Genesis employees, commercial vehicles, and fuel containers brought to the site by employees, associates, and relatives of Genesis employees.

3. Filings as recently as February 1, 2006, by Genesis Petroleum, Inc. with the Florida Secretary of State, reflect 13741 N.E. Miami Court, Miami, Florida 33161 as both the mailing address and principal address of the corporation. The records identify Ricardo Aristides Mejia as the sole Director and Registered Agent and Glenda G. Mejia as the corporate Secretary. The business address is in fact, a single family home in a residential area, which the Mejia's habitually list as their home address on public records. Documentation in the form of Genesis letter-head lists the company at the same location. This letterhead was obtained from the Broward County Sheriff's Security Office located at Port Everglades, Florida. This letterhead was used on several occasions, by the Mejia's, in their capacity as President and Secretary of Genesis, to obtain official Port Identification cards for their employees. Genesis' business address also appears as 13741 N.E. Miami Court, Miami, Florida 33161, on the records of the Federal Motor Carrier Safety System, which has oversight and inspection authority, inter alia, for commercial tanker trucks. Genesis has provided the same address to the Florida Department of Motor Vehicles for all the vehicles registered to the company and to the Florida Department of Revenue in connection with Genesis' fuel licenses. This office/residence is described more fully in Attachment A, hereto. The telephone number provided in the correspondence and filings

referenced above as Genesis' is in fact the residential phone number listed for Ricardo Aristides Mejia at 13741 N.E. Miami Court. Genesis has no separate public telephone listing or address.

4. From my discussions with other agents familiar with the requirements of federal and state regulatory agencies, I am aware that commercial drivers such as the tanker truck drivers employed by Genesis, are subject to special regulation, and their employer is required to maintain records of their training and certification. Additionally, from my training and experience I am aware that businesses must maintain trip records, payroll information, accounts receivable and payable, bank records, corporate tax returns, Forms W-2 and W-4 for employees, and other business files, including "rolodex" lists of contacts, customers, and sources, as well as certain federally-required documents verifying the eligibility of every employee to work in the United States, such as the Form I-9. Based on the investigative efforts to date, including surveillance of the principals of the company and their employees, no office business location for Genesis, other than the residential property at 13741 N.E. Miami Court, Miami, Florida 33161, as described elsewhere herein, has been located. During ordinary business hours, the principals and various of the drivers have regularly been seen and photographed at the residential property used by Ricardo Aristides Mejia, as the company business address.

5. The container with the diverted fuel was initially stored at a lot in close proximity to Port Everglades and Ft. Lauderdale-Hollywood International Airport. This property, described in the Broward County Property Appraisers Office records as La Pointe Airport Plaza, encompasses a significant piece of land, and includes a parcel where the company "M-Trucking" is located, with a street address of 3344 South Andrews Avenue and a vacant lot located south of the business. M-Trucking sub-leased the space to **Ricardo Aristides Mejia**, President of Genesis. Genesis is a common carrier, licensed by the State of Florida to engage in the

transportation of commercial goods, including petroleum products. Hereafter, that location will be referred to as the "M-Trucking lot."

6. On or about August 20, 2006, the reddish-brown shipping container, more fully described in Attachment B, hereto, was relocated to an industrial yard at 4751 S. W. 30th Street, Davie, Florida, hereinafter referred to as the "industrial yard,"and remains at that location. This occurred shortly after yellow-lettered messages were placed on the shipping container doors advising that the yard was closing and the container had to be moved by August 1, 2006.

7. Based on my training and experience, I am aware that all petroleum products stored and shipped through the storage facilities and depots at Port Everglades, Florida, including those shipments the subject of this affidavit, originate in interstate and foreign commerce.

8. Based on this investigation, interviews, and communications with affected entities, I am further aware that the transactions and payments described above, for the ordering, contracting, and payment for fuel deliveries were accomplished and facilitated through the use of interstate wire and mail communications.

SUSPECT PROFILES OF THE CRIMINAL ENTERPRISE

RICARDO ARISTIDES MEJIA

9. Ricardo Aristides Mejia is a white Hispanic male born March 12, 1961 in Honduras, with a current address of record of 13741 N.E. Miami Ct, North Miami, Florida 33161. Mejia drives a 2001 dark blue Chevrolet Suburban, registered to Genesis Petroleum, Inc. and Ricardo Aristides Mejia.

RICARDO ISAI MEJIA

10. Ricardo Isai Mejia is a white Hispanic male born July 8, 1988 in the United States, with a current address of record of 13741 N.E. Miami Ct, North Miami, Florida 33161. The

vehicle most frequently utilized by Ricardo Isai Mejia is a 1999 tan Ford F-350 "dually" pickup truck, which is registered to Glenda G. Mejia, the mother of the this individual, and Secretary of Genesis.

ROBERTO MUNIZ

11. Roberto Muniz is a white Hispanic male born May 6, 1969 in the United States, with a current address of record of 1232 S.W. 46th Terrace, Deerfield Beach, Florida 33442. Muniz has two vehicles registered in his name: a 1998 white GMC "Savana" van and a 1999 white Chevrolet "Express" van.

YOEL BETANCOURT

12. Yoel Betancourt is a white Hispanic male born October 10, 1970 in Cuba, with a current address of record of identified as 8260 S.W. 28 Street, Miami, Florida 33010. Yoel Betancourt's personal vehicle is a white 1998 F-150 Ford pickup truck. Yoel Betancourt has been observed driving a tanker truck, white cab, with a black and a blue stripe on the side. The tanker is registered to "Genesis Petroleum Inc.," and bears Florida tag N3696E.

LEONEL SANMARTIN

13. Leonel SanMartin is a white Hispanic male born July 25, 1964 in Honduras, with a current address of record of 14611 N.W. 88th Place, Miami Lakes, Florida 33018. SanMartin has two registered vehicles: a 1999 red Ford Expedition and a 2005 silver Dodge Ram four door extended cab.

ALBERTO ALVAREZ

14. Alberto Alvarez is a white Hispanic male born November 5, 1968 in Cuba, with a current address of record of 5939 West 16th Lane, Hialeah, Florida 33012. Alvarez' personal vehicle is a 2006 gray Ford F-150.

NOEL DELGADO-HERNANDEZ

15. Noel Delgado-Hernandez is a white Hispanic male born October 30, 1971 in Cuba, with a current address of record of 160 S.W. 48th Ct., Miami, Florida 33134. Delgado-Hernandez' personal vehicle is a 2005 green Nissan Titan.

III. FACTS AND OBSERVATIONS SUPPORTING PROBABLE CAUSE

16. The following information represents occurrences where the various individuals named herein were involved with activities related to a fuel theft scheme. The information developed through the course of the investigation on these individuals is not limited to the information herein. Since the purpose of this affidavit is not to set forth all the details of the investigation in full, but merely to establish sufficient probable cause to arrest each of the individuals, and establish probable cause to support the issuance of search warrants for the two premises identified herein, it does not contain all the information and evidence developed thus far in this matter.

17. On May 10, 2006, electronic surveillance was established at the M-Trucking lot, in order to identify individuals and vehicles involved in the apparent theft of fuel from shipments originating at the Port Everglades fuel storage facility. The events described hereafter, which occurred at the M-Trucking lot were captured by the surveillance and are maintained on media in the custody of your affiant. The surveillance extended through May 15, 2006. Eighteen times during that period, surveillance recorded tanker fuel trucks arriving at the site, which appeared to discharge product into the tanks concealed inside the shipping container. During the relevant period, the shipping container bore no placards or other signs to warn or indicate it contained fuel storage tanks and dispensing hoses. During the same period, surveillance recorded

approximately nineteen instances where vehicles arrived at the site to withdraw fuel from the storage tanks.

May 15 - 16, 2006

18. On the evening of May 15, 2006, your affiant observed a Genesis fuel tanker truck depart Port Everglades and proceed to the shipping container at the M-Trucking lot, where the operator, **Roberto Muniz,** connected hoses from the tanker truck to the storage tanks located inside the container. Product in the truck was discharged to the shipping container for a short period, whereupon Muniz ceased the flow, disconnected, and secured the site. He then drove away from the area and proceeded north to Fort Pierce, Florida. At a location known as the Harbortown Marina, Muniz was observed making a delivery in the early morning hours of May 16, into storage tanks from which it would customarily be dispensed and sold to vessel operators.

19. On or about August 23rd, your affiant interviewed the Operations Supervisor of Harbortown Marina, who advised that the fuel delivered on May 16 had been purchased through a broker company located in Gainesville, Georgia, known as Mansfield Oil Company (Mansfield). The Supervisor further advised that Genesis had been making their fuel deliveries since April 26, 2006, having been contracted to make the deliveries by Mansfield.

20. The Supervisor explained that up until August 23rd, Genesis had made 12 deliveries to Harbortown Marina. Harbortown Marina ordered all fuel by telephone or facsimile notices to Mansfield, and made payment for the fuel deliveries directly to Mansfield, which was responsible for hiring and paying Genesis directly for the delivery services. Harbortown commonly ordered approximately 6,500 gallons of diesel fuel and 2,000 gallons of gasoline per delivery, on a weekly basis from July through September, and three deliveries per week from October through June.

21. The Supervisor further stated that deliveries, made between midnight and 6:00 am, result in a Bill of Lading being supplied by the Genesis driver. The Bill of Lading reflects entries made by the driver which result from a physical measuring of the height in inches of the fuel in the dockside tanks. This is converted through a known standard into gallons to determine how much fuel is in the tank. Additionally, Harbortown has an electronic monitoring system based on fuel tank floats that register the fuel in their tanks on a computer in the Operations Office.

22. The Supervisor offered information that a Genesis delivery had been made on or about May 26-27 delivery in which a shortage of about 1,000 gallons of fuel was identified by Harbortown Marina. A complaint to Mansfield resulted in Mansfield agreeing 1,000 gallons had not been properly delivered by Genesis. Mansfield compensated Harbortown by giving Harbortown a credit for that quantity. Harbortown has since completed a detailed audit of the fuel deliveries by Genesis, utilizing both the Bill of Lading entries and their computerized monitoring system, which has identified a significant under-delivery of fuel ordered through the instrumentalities of interstate commerce, for which Harbortown has paid Mansfield by interstate transfer of funds. The records reflecting the deliveries and shortages have been provided to your affiant. The total missing fuel is in excess of 3,000 gallons.

23. On July 14, 2006, twenty-four hour remote electronic surveillance was again established on the container at the M-Trucking lot. The events described hereafter, which occurred at the M-Trucking lot were captured by the surveillance and are maintained on media in the custody of your affiant. Surveillance remained in place through August 11, 2006.

July 22, 2006

24. On July 22, 2006, **Leonel SanMartin (SanMartin)**, a driver for Genesis, arrived at the M-Trucking lot in a dark color cab Genesis fuel tanker truck. SanMartin pulled alongside the

shipping container, opened the container, and attaching hoses to the tanker truck. The hoses extended to the inside of the shipping container. After a brief period of time, SanMartin disconnected the hoses and moved the tanker truck away from the shipping container, but remained in close proximity. Shortly thereafter, a red four-door Ford Expedition bearing Florida tag R358GE, with a female driving and a male in the passenger seat, pulled up alongside the shipping container. SanMartin placed a fuel hose with a nozzle from the shipping container to the gasoline receptacle on the Expedition, and began to pump gasoline into the vehicle. After a short period, the male passenger in the Expedition got out and assumed the task of pumping the fuel. SanMartin re-entered the Genesis tanker truck and left the area.

July 26, 2006

25. On July 26, 2006, **Alberto Alvarez,** a driver for Genesis, arrived at the M-Trucking lot at approximately 7:40 am in a Genesis tanker truck. Alvarez pulled alongside the shipping container and exited the tanker truck. Thereafter, Alvarez extended a filling hose from the shipping container to the tanker truck, and proceeded to fuel the cab tanks on the Genesis truck. He then returned the hose to the shipping container and secured the container doors. When he completed that task, Alvarez departed the lot.

July 28, 2006

26. On July 28, 2006, **Ricardo Aristides Mejia** arrived at the M-Trucking lot in his 2001, dark blue Chevrolet Suburban. Mejia entered the shipping container where the large capacity fuel storage tanks were hidden. Mejia was inside the shipping container for a brief period of time and then proceeded to the M-Trucking management office. Mejia was in the office for a brief period of time, returned to his vehicle, and departed the area.

27. On July 28, 2006, **Ricardo Isai Mejia**, arrived at the M-Trucking lot in the 1999 tan Ford F-350 registered to his mother, Glenda G. Mejia. Mejia pulled alongside the shipping container and began fueling the F-350 from the shipping container. While Ricardo Isai Mejia was fueling the dually, a Nissan Titan pulled up and three males assisted Mejia with the F-350, which appeared to be having mechanical problems. Ricardo Isai Mejia departed the lot after his Ford appeared to be repaired and fueled.

July 30, 2006

28. On July 30, 2006, **Yoel Betancourt (Betancourt)**, a driver for Genesis arrived at the M-Trucking lot in a dark cab Genesis tanker truck. Betancourt pulled alongside the shipping container and exited the tanker truck. Betancourt opened the shipping container and extended hoses from the shipping container to the tanker truck. Betancourt began fueling the tanker truck. Betancourt returned the hose to the shipping container, closed the doors to the container, and departed the lot.

August 3, 2006

29. On August 3, 2006, **Noel Delgado (Delgado)**, a driver for Genesis arrived at the M-Trucking lot in a white 1999 Genesis Freightliner tanker truck. Delgado pulled alongside the shipping container and exited the tanker truck. Delgado opened the shipping container and attached hoses to his tanker truck. The hoses extended from the tanker truck to the inside of the shipping container. Delgado failed to properly connect the hose to the tanker truck and the hose began allowing fuel to spill onto the ground. Delgado shut off the flow of fuel from the tanker truck, inspected the hose, and re-connected the hose to the tanker. He then continued the process of offloading fuel to the shipping container. Shortly thereafter, Delgado was observed moving dirt and sand on the lot to the area of the spilled fuel in an apparent attempt to conceal the

spillage. After approximately one hour, a four door Ford truck, driven by **Alberto Alvarez** and an unidentified male, arrived and provided assistance to Delgado to contain the spillage, utilizing rakes and containers to move dirt and sand on the lot. After some effort, both vehicles departed.

August 7, 2006

30. On August 7, 2006, at approximately 7:36 pm, **Roberto Muniz** arrived at the M-Trucking lot in his white "Savana" panel van. An unidentified male also arrived, driving Muniz' Chevrolet "Express" van. Muniz and the second male proceeded to fuel both vans from the storage tanks in the shipping container. They then left the area.

August 8, 2006

31. On August 8, 2006, **Noel Delgado-Hernandez** arrived at the M-Trucking lot in a Genesis tanker truck at approximately 11:30 am. He connected a hose from the tanker truck to a storage tank located inside the shipping container. After a period during which product from the tanker truck appeared to be off-loaded into the shipping container, Delgado-Hernandez detached the hose, secured the site, and departed in the Genesis vehicle at approximately 11:40 am. Task Force agents followed the Genesis tanker truck to Port Everglades, where a fuel delivery was made to the Crowley Maritime Corporation yard.

August 9, 2006

32. On August 9, 2006, **Noel Delgado-Hernandez** arrived at the M-Trucking lot in his green Nissan Titan pick-up truck and began filling red plastic containers, of the type commonly sold in local hardware stores and typically used for storing and carrying about 5 gallons of fuel each. While Delgado-Hernandez was engaged in this activity, **Alberto Alvarez** arrived in his silver Ford F-150 pickup truck and proceeded to fill similar red containers he had brought to the lot.

August 10, 2006

33. On August 10, 2006, **Roberto Muniz** arrived at the M-Trucking lot at about 6:53 pm, where he proceeded to open the shipping container and then was observed idling in the vicinity of his white "Savana" van. The van is readily distinguishable by black lettering on the side with Muniz' name and a contact phone number, as well as a roof-mounted "light-bar" with white and amber lenses. After a short period of time he secured the shipping container and departed the area.

34. On August 10, 2006, at approximately 8:30 pm, a Genesis fuel tanker truck driven by **Yoel Betancourt** arrived at the shipping container at the M-Trucking lot. Betancourt appeared to fuel the tanker truck into the shipping container. Betancourt then re-entered the tanker truck and proceeded in the direction of Naples, Florida on Interstate 75 (Alligator Alley). Surveillance was terminated by Task Force agents when the westbound tanker truck cleared the toll booth near Okeechobee Road and I-75, at the eastern end of the highway.

Movement Of Shipping Container

35. At some time between Friday, August 18 and Monday, August 21, 2006, the shipping container was moved from the M-Trucking lot and re-located to the industrial yard in Davie, where it remains. Investigators have determined that Genesis drivers regularly park the company tanker trucks, two flatbed trailers, and their personal vehicles at that location.

August 22, 2006

36. On August 22, 2006, a Genesis fuel tanker truck arrived at the industrial yard, where the operator, **Yoel Betancourt**, appeared to discharge product from the tanker truck into the shipping container. Betancourt re-entered the tanker truck and proceeded to Key West where he made a fuel delivery to Fishbusterz/Sea Market (FSM), a joint company that services the shrimp

and sea food industry in the Florida Keys. FSM have a total of three large capacity dyed diesel fuel storage tanks. Dyed diesel is fuel accorded special tax treatment, in which a colored dye is placed to distinguish it from fuel eligible for sale for use in roadway vehicles. Dyed diesel is typically intended for use in farm vehicles, commercial fishing vessels, etc.

August 25, 2006

37. On August 25, 2006, your affiant spoke with the managers of FSM. They advised that FSM regularly buys fuel through Georgia-based Mansfield Oil Company, which employs Genesis to make the deliveries. All financial transactions are interstate with Mansfield; FSM makes no payments to Genesis and does not arrange deliveries through Genesis. From January through August, approximately three deliveries per week, of 7,000 gallons of off-road dyed diesel were delivered by Genesis to FSM. The deliveries by Genesis commonly were at night. FSM received a Bill of Lading from the driver which it retained. Fuel tanks would be measured in the morning following a delivery, using a floater system that reflected the amount in the tank. FSM operated on the "honor system" and did not compare the Bill of Lading figures with tank readings before and after the deliveries. As a result of the interview, FSM personnel conducted an audit of their deliveries, comparing tank readings before and after Genesis deliveries from April 6, 2006 though August 2006. The results revealed under-delivery of fuel, paid for by FSM to Mansfield, of more than 8,000 gallons, with a value substantially in excess of $5,000.00. In cooperation with the investigation, FSM has continued to receive shipments of fuel via Genesis, and continues to document further under-deliveries.

October 25, 2006

38. On October 26, 2006, Genesis made a delivery of fuel to Harbortown Marina in Fort Pierce, Florida. A comparison of the claimed amount of the delivery against the post-delivery

measurement of tank level revealed that the genesis delivery was over-stated by approximately 265 gallons of fuel.

IV. CRIMINAL STATUTES VIOLATED

38. Title 18, United States Code, Section 371 makes it a felony offense for two or more to conspire to commit an offense against the United States and one or more of the coconspirators do any act to effect the objects of the conspiracy.

39. Title 18, United States Code, Section 659 makes it a crime, inter alia, to embezzle, steal, or unlawfully take, by fraud or deception from a motortruck, tank, storage facility or depot any goods or chattels moving as or which are a part of an interstate or foreign shipment of freight or other property. It is further a criminal act for anyone to receive or have in his possession such goods or chattel knowing them to have been embezzled or stolen.

40. Title 18, United States Code, Sections 2314 makes it a crime, inter alia, for anyone to transport or transfer in interstate or foreign commerce any goods, wares, or merchandise of the value of $5,000 or more, knowing the same to have been stolen, converted or taken by fraud.

41. Title 18, United States Code, Sections 1341 and 1343 make it a crime, inter alia, for anyone having devised a scheme or artifice to defraud, or for obtaining money or property by means of false pretenses, representations, or promises, to utilize the U.S. postal system or the electronic instrumentalities of interstate commerce to carry out the fraudulent scheme or artifice.

42. Title 18, United States Code, Section 2 prohibits, inter alia, anyone from aiding, abetting, counseling, or inducing the commission of an offense against the United States.

43. Based on your affiant's training and experience, there is probable cause to believe that Ricardo Aristides Mejia, Ricardo Isai Mejia, Roberto Muniz, Yoel Betancourt, Alberto Alvarez, Leonel SanMartin, and Noel Delgado-Hernandez have been and are continuing to

commit the foregoing offenses against the United States and affiant respectfully requests this Honorable Court issue warrants for their arrest.

44. Additionally, based on the foregoing evidence and information, there is probable cause to believe that at the business premises of Genesis, located at 13741 N.E. Miami Ct, North Miami, Florida 33161, as more fully described in Attachment A, hereto, and the shipping container, currently located at the industrial yard at 4751 S. W. 30th Street, Davie, Florida, as more fully described in Attachment B hereto, there is evidence of, and the fruits and instrumentalities of violations of federal criminal law, including, among others, 18 U.S.C. §§ 371 (conspiracy), 659 (theft from interstate/foreign shipment), 2314 (interstate/foreign transportation of stolen property), 1341/1343 (mail fraud/wire fraud), and 2 (aiding & abetting).

FURTHER AFFIANT SAYETH NAUGHT

Special Agent Victoria B. Edwards
Department of Homeland Security
Immigration & Customs Enforcement

Sworn to and subscribed before me
this 30th day of October, 2006
at Miami, Florida.

PATRICK A. WHITE
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF FLORIDA

Certified to be a true and correct copy of the document on file
Clarence Maddox, Clerk,
U.S. District Court
Southern District of Florida
By Marta Suegue
Deputy Clerk
Date 10/30/06

ATTACHMENT A

The business premises of Genesis Petroleum, Inc., is a single family home, located at 13741 N.E. Miami Ct, North Miami, Florida 33161. The single-story structure is of CBS construction, painted a peach color with white trim, and roofed with orange barrel tiles. The front of the house faces West and is accessed by a circular driveway. A black mail box with the house number affixed to the side, is mounted on a black post to the right of the driveway at the uncurbed edge of the street, and almost immediately in front of the main entrance door. Decorative wrought iron railings and fencing are on either side of the steps and porch adjoining the front entrance.

ATTACHMENT B

The shipping container is a forty foot (40') long cargo container, reddish-brown in color with substantial patches of rust on various parts of the exterior. It is of the type suitable for carriage of commercial goods, that may be stacked with other similar containers, or loaded onto a flatbed truck for over the road transportation. The shipping container at issue bears a hand-scrawled message in yellow which advises inter alia, "yard closing must move 8-1-06,"at the end of the shipping container which bears the access doors. The access doors are secured by a length of cable with eyes spliced in the ends which are looped through the actuating bars to prevent opening of the doors, and a chromium colored, key-operated padlock. The shipping container has steel mesh covered vents on the long sides, and a larger vent on the rear section of the roof. Inside are two fuel storage cylinders capable of holding approximately 1,400 gallons each, fueling hoses, transfer pumps, and meters to monitor fuel transfer quantities. The shipping container is currently located at an industrial yard adjacent to I-595 and State Road 441, with the street address of 4751 S. W. 30th Street, Davie, Florida.

ATTACHMENT C TO GENESIS PETROLEUM, INC. SEARCH WARRANT

1. There is certain property, that property being fruits, instrumentalities, and evidence of violations of Title 18, United States Code, Sections 371, 2314, 1341, 1343, and 2; and includes but is not limited to, in whatever form recorded or maintained, the following: bank records, including bank statements, check ledgers, canceled checks, wire transfer records, deposit slips, withdraw slips, and debit and credit memos and copies thereof which indicate payments for services as a common carrier or cartage company delivering fuel supplies by tanker truck under contract to customers including but not limited to Mansfield Oil Company of Gainesville, Georgia; records reflecting the hiring, employment, training, and certification of all drivers employed by Genesis, including but not limited to Forms I-9, W-2 and W-4; corporate tax records, work sheets, trial balances, federal and state returns, and correspondence reflecting all claims of income, expenses and deductions related to the operation of Genesis; all purchases and sales of fuel for use in Genesis vehicles; sales/purchase records and receipts, contracts, purchase orders, correspondence, notes, facsimile transmissions, telex records, telephone books and phone numbers, rolodex files; and telephone billing statements that indicate or otherwise represent the purchase, receiving, selling, transport or trading of fuel products in interstate and foreign commerce; any other documents representing shipments of fuel received, stored, or transported; invoices and billing statements showing the procurement of fuel at Port Everglades for subsequent delivery to throughout the Southern District of Florida and elsewhere; records of purchase, rental, or lease of equipment and/or facilities to transport and store diesel fuel and gasoline; lists of names and addresses of customers, suppliers, and purchasers of services, including service as a common carrier of fuel products; Hazardous Materials Manifests, Bills of Lading, and any and all records and invoices reflecting or purporting to reflect deliveries of fuel products;.

2. COMPUTERIZED RECORDS

a. Computer hardware, meaning any and all computer equipment, including any electronic devices which are capable of collecting, analyzing, creating, displaying, converting, storing, concealing, or transmitting electronic, magnetic, optical or similar computer impulses or data. Included within the definition of computer hardware is any data processing hardware (such as central processing units and self-contained laptop or notebook computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, optical and compact disk storage devices, and other memory storage devices); peripheral input/output devices (such as keyboards, printers, scanners, plotters, video display monitors, and optical readers); related communications devices (such as modems, wireless network interface cards, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices, and electronic tone generating devices); and any devices, mechanisms, or parts that can be used to restrict access to such hardware (such as physical keys and locks).

b. Computer software, meaning any an all information, instructions, programs, or program codes, stored in the form of electronic, magnetic, optical, or other media, which is capable of being interpreted by a computer or its related components. Computer software may also include data, data fragments, or control characters integral to the operation of computer software, such as operating systems software, applications software, utility programs, compilers, interpreters, communications software, and other programming used or intended to be used to communicate with computer components.

c. Computer-related documentation, meaning any written, recorded, printed, or electronically-stored material which explains or illustrates the configuration or use of any seized computer hardware, software, or related items.

d. Computer passwords and data security devices, meaning any devices, programs, or data – whether themselves in the nature of hardware or software – that can be used or are designed to be used to restrict access to, or to facilitate concealment of, any computer hardware, computer software, computer-related documentation, or electronic data and records. Such items include, but are not limited to, data security hardware (such as any encryption devices, chips, and circuit boards); passwords; data security software or information (such as test keys and encryption codes); and similar information that is required to access computer programs or data or to otherwise render programs or data into a usable form.

e. Any computer or electronic records, documents, and materials, including those used to facilitate interstate communications, in whatever form and by whatever means such records, documents or materials, their drafts or their modifications, may have been created or stored, including, but not limited to, any hand-made form (such as writing or marking with any implement on any surface, directly or indirectly); any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures or photocopies); any mechanical form (such as photo graphic records, printing or typing); any electrical, electronic, or magnetic form (such as tape recordings, cassettes, compact disks); or any information on an electronic or magnetic storage device (such as floppy diskettes, hard disks, CD-ROMs, optical disks, printer buffers, sort cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks), as well as printouts or readouts from any magnetic storage device.

f. Any electronic information or data, stored in any form, which has been used or prepared for use either for periodic or random backup (whether deliberate, inadvertent, or automatically or manually initiated), of any computer or computer system. The form such information might take includes, but is not limited to, floppy diskettes, fixed hard disks, removable hard disk cartridges, tapes, laser disks, CD-ROM disks, video cassettes, and other media capable of storing magnetic or optical coding.

g. Any electronic storage devices capable of collecting, storing, maintaining, retrieving, concealing, transmitting, and using electronic data, in the form of electronic records, documents, and materials, including those used to facilitate interstate communications. Included within this paragraph is any information stored in the form of electronic, magnetic, optical, or other coding on computer media or on media capable of being read by a computer or computer-related equipment, such as fixed disks, external hard disks, removable hard disk cartridges, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, laser disks, or other memory storage devices.

h. Records of personal and business activities relating to the operation of a computer, such as telephone records, notes (however and wherever written, stored or maintained), books, diaries, and reference materials.

I. In searching for data capable of being read, stored or interpreted by a computer, law enforcement personnel executing this search warrant will employ the following procedure:

1. The computer equipment and storage devices [if not imaged on site] will be seized and transported to an appropriate law enforcement laboratory or other controlled environment for review. The computer equipment and storage devices will be reviewed by appropriately trained personnel in order to extract and seize any data that falls within the list of items to be seized set forth herein.

2. In searching the data, the computer personnel may examine all of the data contained in the computer equipment and storage devices to view their precise contents and determine whether the data falls within the items to be seized as set forth herein. In addition, the computer personnel may search for and attempt to recover "deleted,□ "hidden" or encrypted data to determine whether the data falls within the list of items to be seized as set forth herein.

j. In order to search for data that is capable of being read or interpreted by a computer, law enforcement personnel will seize and search the following items, subject to the procedures set forth above:

1. Any computer equipment and storage device capable of being used to commit, further or store evidence of the offense listed above;

2. Any computer equipment used to facilitate the transmission, creation, display, encoding or storage of data, including word processing equipment, modems, docking stations, monitors, printers, plotters, encryption devices, and optical scanners;

3. Any magnetic, electronic or optical storage device capable of storing data, such as floppy disks, hard disks, tapes, CD-ROMs, CD-R, CD-RWs, DVDs, optical disks, printer or memory buffers, smart cards, PC cards, memory calculators, electronic dialers, electronic notebooks, and personal digital assistants;

4. Any documentation, operating logs and reference manuals regarding the operation of the computer equipment, storage devices or software.

5. Any applications, utility programs, compilers, interpreters, and other software used to facilitate direct or indirect communication with the computer hardware, storage devices or data to be searched;

6. Any physical keys, encryption devices, dongles and similar physical items that are necessary to gain access to the computer equipment, storage devices or data; and

7. Any passwords, password files, test keys, encryption codes or other information necessary to access the computer equipment, storage devices or data.