

United States District Court

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

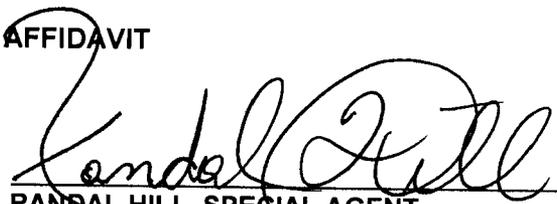
JAMES ALLISON OYAGUE and
CARLA ROBBIANO MONTES

CASE NUMBER: 09-3554-Bandstra

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief. On or about November 5, 2009, in Miami-Dade County, in the Southern District of Florida, the defendants, JAMES ALLISON OYAGUE and CARLA ROBBIANO MONTES, did knowingly and with the intent to evade a currency reporting requirement under Title 31, United States Code, Section 5316, conceal more than \$10,000, that is, approximately thirty thousand two hundred fifty dollars (\$30,250), on their persons and did attempt to transport such currency from a place within the United States to a place outside the United States, in violation of Title 31, United States Code, Section 5332(a); and the defendant did, in a matter within the jurisdiction of the executive branch of the United States, knowingly and willfully make false statements as to a material fact to an Officer of U.S. Customs and Border Protection; in violation of Title 18, United States Code, Section 1001.

I further state that I am a Special Agent with the U.S. Immigration and Customs Enforcement and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT



RANDAL HILL, SPECIAL AGENT
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

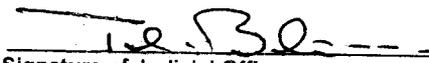
Sworn to before me, and subscribed in my presence,

NOVEMBER 6, 2009
Date

at

Miami, Florida
City and State

TED E. BANDSTRA
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Randal Hill, being duly sworn, do hereby depose and state as follows:

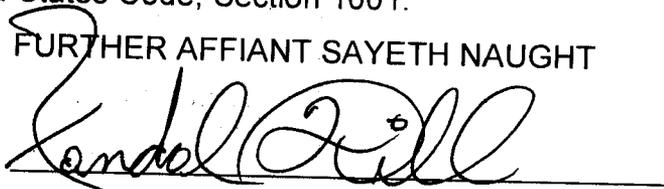
1. I am employed as a Special Agent with the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) and have been so employed since September 2003. I am currently assigned to the Financial Investigations Division, also known as the Bulk Currency Smuggling Task Force, in Miami, Florida.
2. As a Special Agent, I have participated in investigations into violations of federal law, including violations of the monetary currency reporting requirements.
3. The information contained in this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of a criminal complaint against Francis James Allison OYAGUE and Carla Robbiano MONTES. Therefore, while it sets forth facts that I believe are more than sufficient to establish probable cause for the issuance of the complaint, it does not include all facts known to law enforcement regarding the instant investigation. It also contains information known personally by me as well as information told to me by other law enforcement officers and others.
4. On November 5, 2009, OYAGUE and MONTES, who are husband and wife, were departing the Miami International Airport (MIA), in Miami, Florida, on Copa Airlines flight # 4211 to Lima, Peru via Panama City, Panama.
5. CBP officers were conducting routine inspections of passengers of Copa Airlines flight # 4211 to Lima, Peru. OYAGUE and MONTES were located by CBP officers who performed an interview and outbound inspection. During that inspection, MONTES made a verbal declaration to Customs and Border Protection (CBP) Officer Monserrath Bueno that she had \$20,000.00 on her person. In addition, MONTES filled out a CBP Form 503 and a CBP supplemental form declaring that she and OYAGUE had \$20,000.00 in their collective possession. MONTES indicated that she

understood the forms that had been given to her by CBP. MONTES and OYAGUE were asked by CBP to present the currency for inspection. MONTES presented \$20,000.00 United States currency from her purse. A search of MONTES's purse revealed an additional approximately \$10,250.00 in United States currency. Continuing with the inspection, OYAGUE was asked to remove his jacket, at which time an additional \$20,000.00 in United States currency was found in the inner pockets of the jacket.

6. At approximately 4:30 p.m., the CBP Outbound Team notified ICE agents that two passengers departing MIA and traveling to Lima, Peru had been found in possession of more cash than they had declared. The passengers were identified as Francis James Allison OYAGUE Carla Robbian MONTES. Upon arrival at MIA your affiant read OYAGUE and MONTES their *Miranda* rights, which they waived orally and in writing. OYAGUE and MONTES said that they were returning to their residence in Lima, Peru. A Treasury Enforcement Communication Systems (TECS) check revealed OYAGUE and MONTES were frequent travelers to the United States and were aware of the reporting requirements. Your affiant interviewed OYAGUE, who stated he was a criminal lawyer in Lima, Peru and that he had made a proper financial declaration on at least one occasion upon entering the U.S.

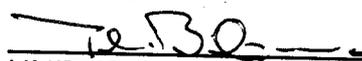
7. Based on the foregoing facts, your affiant submits that probable cause exists to believe that OYAGUE and MONTES did knowingly attempt to transport currency of more than ten thousand dollars (\$10,000.00) from a place inside the United States to a place outside the United States with the intent to evade currency reporting requirements by knowingly not properly declaring more than ten thousand dollars (\$10,000.00), in violation of Title 31, United States Code, Section 5316 and Title 31, United States Code, Section 5332. Further, probable cause exists to believe that OYAGUE and MONTES made false statements as to a material fact in violation of Title 18, United States Code, Section 1001.

FURTHER AFFIANT SAYETH NAUGHT



RANDAL HILL, SPECIAL AGENT
UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT

Sworn and subscribed to before me
this November 6, 2009


UNITED STATES MAGISTRATE JUDGE