

FILED BY TS D.C.

**Dec 23, 2024**

ANGELA E. NOBLE  
CLERK U.S. DIST. CT.  
S. D. OF FLA. - Miami

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO.** 1:24-MJ-04619-Elfenbein

**UNITED STATES OF AMERICA**

v.

**ALBERTO PRIETO,**

**Defendant.**

/

**CRIMINAL COVER SHEET**

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek M. Maynard)? No.
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? No.
3. Did this matter involve the participation of or consultation with Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No.
4. Did this matter involve the participation of or consultation with Magistrate Judge Marty Fulgueira Elfenbein during her tenure at the U.S. Attorney's Office, which concluded on March 5, 2024? No.

Respectfully submitted,

MARKENZY LAPOINTE  
UNITED STATES ATTORNEY

By: s/ Anthony Espino Reynolds  
Anthony Espino Reynolds  
Assistant United States Attorney  
Florida Bar No. 118876  
United States Attorney's Office  
99 Northeast Fourth Street  
Miami, FL 33132-2111  
Telephone (305) 961-9389  
Facsimile (305) 530-7976  
Anthony.Reynolds@usdoj.gov

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America
v.

ALBERTO PRIETO,

Defendant.

Case No. 1:24-MJ-04619-Elfenbein

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

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 December 20, 2024 in the county of Miami-Dade in the
Southern District of Florida, the defendant(s) violated:

Code Section
31 U.S.C. § 5332(a)

Offense Description
Bulk cash smuggling

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet.

[Signature]

Badge No. 10248

Complainant's signature

Wilfredo Gonzalez, Special Agent HSI

Printed name and title

Attested to by the Applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by Face Time

Date: December 21, 2024

[Signature]

Judge's signature

City and state: Miami, Florida

Honorable Marty Fulgueira Elfenbein, United States Magistrate Judge

Printed name and title

**AFFIDAVIT**

Your Affiant, Wilfredo Gonzalez, being duly sworn, hereby deposes and states the following:

**INTRODUCTION AND BACKGROUND**

1. I am a Special Agent assigned to the Homeland Security Investigations (HSI) and have been so employed since 2022. I graduated from the Criminal Investigator Training Program (CITP) and Homeland Security Investigations Special Agent Training (HSISAT), at the Federal Law Enforcement Training Center, in Glynco, Georgia, in 2023. Prior to my tenure as an HSI Special Agent, I worked for Customs and Border Protection for approximately seven years. I worked at Miami International Airport for approximately four years and at JFK International Airport for approximately three years as a Customs and Border Protection Officer (CBPO). I earned a bachelor's degree in criminal justice from Monroe College located in Bronx, New York.

2. In my current position as a Special Agent with HSI, I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code; that is, an officer of the United States who is empowered by law to conduct investigations and make arrests for violations of the United States Code. In my current capacity, I am responsible for conducting criminal investigations involving narcotics, money laundering, fraud, smuggling, and related offenses. I have participated in numerous investigations and I am familiar with methods and practices of persons accused of crimes.

3. The facts set forth in this Affidavit are based on my personal knowledge as well as documents provided to me in my official capacity, information obtained from other individuals,

including officers, my review of documents and records related to this investigation, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. Because this Affidavit is submitted solely for the purpose of establishing probable cause, it does not contain all the information known about this investigation.

4. As more fully described below, I respectfully submit that there is probable cause to believe that Alberto Prieto (PRIETO) knowingly committed a violation of Title 31, United States Code, Section 5332 (Bulk Cash Smuggling).

#### **PROBABLE CAUSE**

5. On September 29, 2024, PRIETO arrived at Miami International Airport on American Airlines Flight 2678 from Havana, Cuba. Upon his arrival, United States Customs and Border Protection (“CBP”) officers selected PRIETO for a secondary inspection. During the inspection they found PRIETO to be in possession of \$300,711. Only after CBP Officers initiated contact with PRIETO and conducted the inspection, did PRIETO present a prefilled, but unsigned, FINCEN Form 105 for the total amount of \$300,711. Law enforcement instructed PRIETO of the requirements regarding declaring currency when entering the United States, but permitted PRIETO to keep the U.S. currency that he failed to declare.

6. On December 20, 2024, PRIETO arrived at Miami International Airport on American Airlines Flight 2694 from Havana, Cuba. CBP Officers observed PRIETO at a Global Entry Kiosk. PRIETO failed to declare any monetary instruments or articles as required when completing the Global Entry process. Aware of PRIETO’s past failure to declare currency in September 2024, CBP Officers maintained surveillance of PRIETO as he walked through the

customs inspection area in Terminal D of Miami International Airport. CBP Officers overserved that PRIETO also did not declare any currency in the customs inspection area. As PRIETO was about to exit the customs inspection area and Federal Inspection Area, CBP Officers made contact with Prieto and escorted him to the customs secondary inspection area.

7. Only after CBP Officers initiated contact with PRIETO and escorted him to the customs secondary inspection area, did PRIETO tell CBP Officers that he had a form. At that time, PRIETO presented a FINCEN Form 105 that was prefilled declaring \$475,000 in U.S. currency. PRIETO presented one carry-on luggage for inspection and admitted ownership of all the contents inside the bag. Upon examining the carry-on luggage, CBP Officers found \$476,310 in U.S. currency concealed inside a travel size cooler bag.

8. Your Affiant responded to the scene to advise PRIETO of his *Miranda* rights. Post-*Miranda*, PRIETO agreed to speak to law enforcement. During the interview PRIETO acknowledged that he was aware of the currency reporting requirements when entering the United States and that he failed to disclose the \$476,310 in U.S. currency that he was carrying. PRIETO also admitted that he was previously encountered by CBP and advised of the currency reporting requirements.

(This Space Left Blank Intentionally)

**CONCLUSION**

9. WHEREFORE, based on the aforementioned facts, Your Affiant believes that probable cause exists that on December 20, 2024, PRIETO, did knowingly and willfully conceal more than ten thousand dollars (\$10,000) in United States currency, and attempt to transport or transfer such currency or monetary instruments from a place outside the United States to a place within the United States in violation of Title 31, United States Code, Section 5332(a).

**FURTHER AFFIANT SAYETH NAUGHT.**

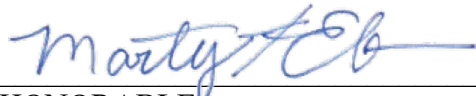


Badge No. 10248

---

WILFREDO GONZALEZ  
SPECIAL AGENT  
HOMELAND SECURITY INVESTIGATIONS

Attested to by the Applicant in accordance with the requirements of Fed. R. Crim. P. 4.1  
by Face Time this 21st day of December, 2024.



---

HONORABLE MARTY FULGUEIRA ELFENBEIN  
UNITED STATES MAGISTRATE JUDGE