

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 03-20685-CR-SEITZ(s)

18 U.S.C. § 2332(b)(2)

18 U.S.C. § 32(a)(1)

18 U.S.C. § 34

49 U.S.C. § 46501(2)

18 U.S.C. § 1111(a)(1)

18 U.S.C. § 3238

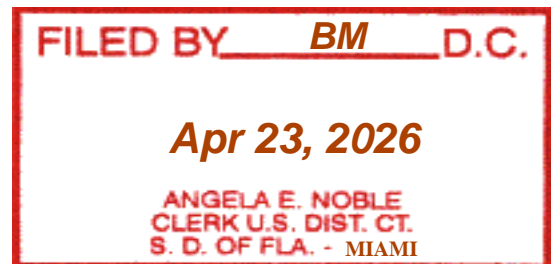
18 U.S.C. § 2

UNITED STATES OF AMERICA

v.

RAUL MODESTO CASTRO RUZ,
LORENZO ALBERTO PEREZ-PEREZ,
EMILIO JOSE PALACIO BLANCO,
JOSE FIDEL GUAL BARZAGA,
RAUL SIMANCA CARDENAS,
and
LUIS RAUL GONZALEZ-PARDO RODRIGUEZ,

Defendants.



SUPERSEDING INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

Introduction

Since seizing power over the Republic of Cuba (Cuba) in 1959, Fidel Alejandro Castro Ruz (“Fidel Castro”), **RAUL MODESTO CASTRO RUZ (“CASTRO RUZ”)**, as depicted below, and others, established a dictatorship (“the Castro Regime”) designed to maintain and protect their rule and prevent regime change.



Raul Modesto Castro Ruz

For the next several decades, Cubans fled to the United States through the Florida Straits, risking their lives, and many times resulting in the death of those migrants in those waters on their journey to freedom. *Hermanos al Rescate* (Brothers to the Rescue, Inc. (“BTTR”)) was an organization in Miami, Florida that flew unarmed Cessna aircraft to rescue or guide Cuban migrants stranded or lost at sea. In the 1990s, BTTR’s flights also flew to support anti-Castro, pro-democracy movements in Cuba.





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Cuba sent spies to Miami, Florida, to obtain information on BTTR and report back to the Castro Regime. These spies were part of a group code named *La Red Avispa* (the Wasp Network). The spies successfully infiltrated BTTR and reported back to the Castro Regime on BTTR activities.

In or around January 1996, BTTR flew unarmed Cessna aircraft in or around Cuban airspace and dropped pro-democracy leaflets that landed on the Cuban mainland. The Cessna aircraft used by BTTR flew at speeds significantly slower than the Cuban MiG fighter jets. In or around January 1996, the Cuban military, headed by **CASTRO RUZ**, engaged in training missions during which Cuban MiG fighter jets located and followed planes with the flight speeds and at the altitudes as those planes used by BTTR.

In or around February 1996, pro-democracy groups in Cuba planned demonstrations in Cuba, and BTTR planned to support those demonstrations through flights to Cuba at the time of the demonstrations. The Castro Regime did not permit the planned pro-democracy demonstrations in Cuba at that time and instructed its spies not to fly with BTTR during the planned BTTR flights in February 1996. On February 24, 1996, three BTTR aircraft flew

from South Florida toward Cuba, and Cuban MiGs shot down two of them in international waters, killing four United States nationals, including three American citizens.

The Castro Regime

1. Fidel Castro, **CASTRO RUZ**, and others seized power in Cuba on or about January 9, 1959, overthrowing then-President Fulgencio Batista y Zaldívar. The Castro Regime controlled Cuba thereafter.

2. The Castro Regime established various ministries to support its objectives. *El Ministerio de las Fuerzas Armadas Revolucionarias* (The Ministry of the Revolutionary Armed Forces (MINFAR)) controlled all branches of the Cuban military. Within MINFAR, the Cuban Air Force and air defense apparatus was named *La Defensa Anti-Aérea y Fuerza Aérea Revolucionaria* (The Cuban Revolutionary Air and Air Defense Force (DAAFAR)).

3. The Castro Regime also created *La Dirección de Contrainteligencia Militar* (Directorate of Counter-Intelligence (CIM)), part of MINFAR, as its military intelligence agency.

4. *El Ministerio del Interior* (Ministry of the Interior (MININT)) oversaw the *Dirección de Inteligencia* (Directorate of Intelligence (DI)) that focused on foreign intelligence gatherings. Unindicted Co-conspirator 1 was Minister of the DI.

5. From in or around 1959 through in or around 2008, **CASTRO RUZ** was *Ministro* (Minister) of MINFAR. He was also *Vice Presidente* (Vice President) from approximately 1976 through approximately 2008.

6. From approximately 1959, and through at least June 1996, Cuba's political headquarters, including the ministries, were located at the *Palacio de la Revolución* in Havana, Cuba a/k/a Superior Headquarters.

7. In 1996, Unindicted Co-conspirator 2 was the Base Commander at *San Antonio de los Baños* airfield in Cuba.

8. At least as early as 1992 and through approximately April 1996, the defendants, **LORENZO ALBERTO PEREZ-PEREZ (“L.A. PEREZ-PEREZ”)**, **EMILIO JOSE PALACIO BLANCO (“BLANCO”)**, **JOSE FIDEL GUAL BARZAGA (“BARZAGA”)**, **RAUL SIMANCA CARDENAS (“CARDENAS”)**, and **LUIS RAUL GONZALEZ-PARDO RODRIGUEZ (“RODRIGUEZ”)**, were trained MiG fighter pilots in DAAFAR. Luis Francisco Perez-Perez (L.F. Perez-Perez) was also a trained MiG fighter pilot in DAAFAR during this time.



Luis Raul Gonzalez-Pardo Rodriguez and Lorenzo Alberto Perez-Perez

9. At least as early as in or around 1992, through on or about February 24, 1996, **L.A. PEREZ-PEREZ, BLANCO, BARZAGA, CARDENAS, RODRIGUEZ** and L.F. Perez-Perez were jet fighter pilots stationed at the *San Antonio de los Baños* airfield in Cuba.



Rodriguez in a MiG fighter jet

Background to the Shootdown

10. **CASTRO RUZ**, and others known and unknown to the Grand Jury, used their leadership, membership, and association to form a dictatorship with absolute authority in Cuba. The Castro Regime established and maintained control over Cuba and her people through a reign that eliminated dissent, preserved their power, territory, and reputations, and, through expropriation and nationalization of private business, funded those objectives.

11. Beginning in or around 1959, Cubans fled the Castro Regime to the United States of America and elsewhere.

12. Beginning at least as early as in or around 1960, the former Soviet Union allied with Cuba and began providing the Cuban government with significant economic and military support.

13. In or around 1978, the United States and Cuba reached an agreement establishing a maritime and airspace boundary in the Straits of Florida and elsewhere based on an equidistance measurement at the 24th parallel, that is, 40-60 nautical miles North of Cuba and well beyond Cuba's 12-mile maritime and airspace jurisdiction. The 24th parallel

did not extend Cuban maritime or airspace jurisdiction but did serve as an operational identifier triggering notice requirements to Havana air traffic control when planes crossed the 24th parallel en route to Cuba.

14. In or around 1980, Cubans fled Cuba en masse by boat from the Mariel Harbor through the Florida Straits. While many Cubans survived that voyage, others perished at sea.

15. After the Soviet Union dissolved in 1991, their economic support for Cuba ceased. Cuba suffered an economic recession which peaked in or around 1994. Cuban citizens continued to flee the Castro Regime for the United States by boat, raft, and make-shift floatation vessels including many who did not survive the journey. During that time, BTTR rescued many fleeing Cubans at sea.

16. At least as early as in or around 1992, the DI sent spies to the Southern District of Florida to, among other tasks, infiltrate BTTR and report to the Castro Regime on its activities. Those spies included Rene Gonzalez, a/k/a "Castor," a/k/a "Iselin," and Juan Pablo Roque, a/k/a "German," a/k/a "Vedette." The spies posed as exiled pilots fleeing Cuba. Juan Pablo Roque also offered himself to the Federal Bureau of Investigation (FBI) as an informant on the activities of Miami based exile groups, including BTTR. The DI directed and controlled his cooperation with the FBI.

17. On or about July 13, 1994, approximately 70 Cubans attempted to flee the Castro Regime in a tugboat named *el Trece de Marzo* (The Thirteenth of March). The Castro Regime's Coast Guard, a branch of the military controlled by **CASTRO RUZ**, sank the tugboat, killing dozens of their own citizenry.

18. Shortly thereafter, in or around August 1994, Cubans filled the streets in protest along the iconic seawall known as *el Malecón* in Havana, Cuba, in response to the Castro Regime's continued repression of sea faring migration to the United States.

19. On or about November 19, 1994, three unarmed United States civilian aircraft operated by BTTR dropped leaflets and other items that landed on the Cuban mainland. The Castro Regime took no military action against that aircraft.

20. On or about July 13, 1995, four unarmed United States civilian aircraft operated by BTTR flew along with a maritime flotilla from the United States towards Cuba to commemorate the sinking of *el Trece de Marzo*. The Castro Regime's Coast Guard met the flotilla and formed a blockade. The Castro Regime also dispatched MiG fighter jets to the area. The Regime took no further military action.

21. In or around 1995, a Cuban dissident group, advocating for a peaceful transition from the Castro Regime to a democratic government, formed in Cuba. They were known as the *Concilio Cubano*.

22. On or about January 9, 1996, and on or about January 13, 1996, four unarmed civilian aircraft operated by BTTR dropped leaflets containing excerpts from the United Nations' Universal Declarations of Human Rights that landed on the Cuban mainland. Cubans, including members of *Concilio Cubano*, received the leaflets.

23. The *Concilio Cubano* planned a meeting to begin on or about February 24, 1996.

24. The DI, on behalf of the Castro Regime, formulated *Operación Escorpión* (Operation Scorpion) "to perfect the confrontation of" the "[counterrevolutionary] actions of [BTTR]", and provided instructions to its Miami-based agents to continue to provide

information on BTTR plans and activities but not to fly with BTTR to Cuba in or around February 1996.

25. Part of Operation Scorpion's mission was for the Wasp Network to provide information related to BTTR activities, which notably included any flight plans towards Cuba on February 24, 1996, to coincide with the *Concilio Cubano*'s meeting.

26. The Wasp Network provided information to the DI, which the DI in turn provided to the Cuban military, including DAAFAR, **CASTRO RUZ**, and the Castro Regime.

27. In response to BTTR's flights on or about January 9, 1996, and on or about January 13, 1996, and in anticipation of future flights by BTTR, DAAFAR engaged in training missions with their MiG fighter pilots, including **L.A. PEREZ-PEREZ, BLANCO, BARZAGA, CARDENAS, RODRIGUEZ**, and L.F. Perez-Perez. The pilots practiced locating and following low, slow flying civilian aircraft like the ones used by BTTR.

28. At or about this time, the Castro Regime quashed *Concilio Cubano*'s planned meeting and prevented the organization from gathering on February 24, 1996, and thereafter.

The Shootdown

29. After BTTR's January 1996 flights, **CASTRO RUZ** authorized the use of deadly force against BTTR.

30. At least as early as in or around February 1994, and continuing through at least in or around July 1996, the military chain of command at *San Antonio de los Baños* airfield in Cuba was from the air base to DAAFAR and from DAAFAR to MINFAR, then back down the same chain of command. All orders to kill by the Cuban military traveled through this chain of command with **CASTRO RUZ** and Fidel Castro as the final decision makers.

31. On or about February 24, 1996, at approximately 1:30 p.m., three unarmed United States civilian aircraft operated by BTTR, bearing tail numbers N2506, N2456S and N5485S, left Opa-Locka Airport, in Miami-Dade County, Florida.

32. On or about February 24, 1996, a DAAFAR MiG fighter jet operated by **L.A. PEREZ-PEREZ** and L.F. Perez-Perez destroyed two of the BTTR aircraft, bearing tail numbers N2456S and N5485S. They killed four United States nationals including three United States citizens.

33. At the time of their destruction, the two BTTR aircraft were flying outside of Cuban territory. In fact, they were flying over international waters, traveling away from Cuba. Despite their contact with the Havana air traffic control tower, the Cuban military did not provide BTTR with any warning of the imminent destruction of their aircraft.

34. After the Castro Regime shot down the two BTTR aircraft, **BARZAGA**, **CARDENAS**, and **RODRIGUEZ** followed the third BTTR aircraft, with tail number N2506, near the 24th parallel, but that aircraft escaped destruction.



Sole surviving aircraft on February 24, 1996

COUNT 1
Conspiracy to Kill U.S. Nationals
18 U.S.C. § 2332(b)(2)

1. Paragraphs 1 through 34 of the General Allegations section are incorporated herein by reference.

2. Beginning at a time unknown to the Grand Jury, but at least as early as in or around January 1996 and continuing through in or around April 1996, while outside the United States, the defendants,

**RAUL MODESTO CASTRO RUZ,
LORENZO ALBERTO PEREZ-PEREZ,
EMILIO JOSE PALACIO BLANCO,
JOSE FIDEL GUAL BARZAGA,
RAUL SIMANCA CARDENAS,
and
LUIS RAUL GONZALEZ-PARDO RODRIGUEZ,**

did knowingly and willfully combine, conspire, confederate and agree, with each other and with other persons known and unknown to the Grand Jury, to kill a national of the United States while such national was outside the United States, that is, C.C., M.d.I.P., A.A., and other pilots and passengers of aircraft operated by BTTR, which conspiracy contemplated their murder, as defined in Title 18, United States Code, Section 1111(a).

Object of the Conspiracy

3. It was the object of the conspiracy to kill U.S. nationals by shooting down BTTR aircraft, using information provided by spies in Miami, to terrorize, intimidate and retaliate against the Cuban people and the Cuban exile community.

Overt Acts

To achieve the object of this conspiracy, the defendants and their co-conspirators committed and caused to be committed at least one of the following overt acts, among others, in the Southern District of Florida and elsewhere:

4. In and around 1994, after BTTR's November 19, 1994, flights that dropped leaflets on to Cuban territory, the DI formulated a plan for Juan Pablo Roque to fly a BTTR aircraft to Cuba in late 1995 to embarrass and undermine BTTR.

5. On or about December 4, 1995, the DI agreed that Juan Pablo Roque should continue to inform on BTTR.

6. At least as early as on or about January 13, 1996, and after BTTR's January 9, 1996, and January 13, 1996, dissemination of leaflets that landed on the Cuban mainland, **CASTRO RUZ** met with military leaders and authorized them to take decisive and deadly action against BTTR aircraft.

7. On or about January 18, 1996, the DI instructed the Wasp Network to report on United States military personnel and asset movement as well as United States military preparedness at the Boca Chica Naval Air Station ("NAS"), a United States military installation located in Key West, in the Southern District of Florida.

8. On or about January 18, 1996, the DI instructed Juan Pablo Roque and Rene Gonzalez to determine what aircraft BTTR used and other details regarding its January 13 flight.

9. On or about January 26, 1996, Gerardo Hernandez, a Cuban spy operating in the Southern District of Florida, returned to the United States from Cuba with approval for Operation Scorpion and canceling the previous plan for Juan Pablo Roque to fly a BTTR plane to Cuba to embarrass and undermine BTTR.

10. On or about January 29, 1996, the DI conveyed instructions to its Miami-based spies regarding Operation Scorpion and the approved confrontation with BTTR.

11. On or about January 30, 1996, the DI instructed Juan Pablo Roque and Rene Gonzalez to avoid flying with BTTR, and to use particular phrases over the radio to communicate with Cuba if they were in flight with BTTR.

12. On or about February 1, 1996, the DI and its agents in the Southern District of Florida and elsewhere began planning Juan Pablo Roque's return to Cuba. The DI informed Gerardo Hernandez that the DI wanted Juan Pablo Roque filmed entering and leaving a Cuban American exile group's headquarters.

13. On or about February 5, 1996, the DI instructed its agents to make Operation Scorpion a priority and urgently report BTTR flight data.

14. On or about February 13, 1996, Cuban spies operating in the Southern District of Florida directed Rene Gonzalez to provide clear, detailed and precise information about upcoming BTTR flights. They also ordered Rene Gonzalez not to join any such flights and directed that if he could not avoid flying with BTTR he should broadcast specified phrases via the aircraft's radio.

15. On or about February 18, 1996, the DI instructed that Juan Pablo Roque or Rene Gonzalez should not fly with BTTR or any other organization on February 24, 25, 26 and 27, the anticipated meeting dates of the *Concilio Cubano*.

16. On or about February 21, 1996, Juan Pablo Roque falsely informed the FBI that BTTR would not be flying during the weekend of February 24, 1996, even though, as he then knew, BTTR was scheduled to fly during that time.

17. On or about February 22, 1996, the DI communicated that a DI officer had traveled to Mexico to support the departure of Juan Pablo Roque from the United States to Cuba.

18. On or about February 22, 1996, Juan Pablo Roque met with Gerardo Hernandez.

19. On or about February 23, 1996, Rene Gonzalez met with Gerardo Hernandez.

20. On or about February 23, 1996, Juan Pablo Roque left Miami as directed and returned to Cuba.

21. At least as early as in or around February 1996, at **CASTRO RUZ**'s command and with direction from Unindicted Co-conspirator 2, **L.A. PEREZ-PEREZ, BLANCO, BARZAGA, CARDENAS, RODRIGUEZ**, L.F. Perez-Perez and others engaged in training missions using Cuban military aircraft to find, track, pursue, and intercept small, civilian aircraft off the coast of Cuba.

22. On or about February 24, 1996, at or about 3:00 p.m., three unarmed civilian aircraft operated by BTTR bearing tail numbers N2506, N2456S, and N5485S flew South across the 24th parallel.

23. At approximately 3:00 p.m., **L.A. PEREZ-PEREZ** and L.F. Perez-Perez in MiG 1 and **BLANCO** in MiG 2 took off from *San Antonio de los Baños* airfield, located near Havana, Cuba.

24. At approximately 3:20 p.m., **L.A. PEREZ-PEREZ** and L.F. Perez-Perez sought authorization to destroy BTTR's unarmed civilian aircraft bearing tail number N2456S, which was flying at the time over international waters.

25. **L.A. PEREZ-PEREZ** and L.F. Perez-Perez were given authorization to destroy BTTR's unarmed civilian aircraft.

26. At approximately 3:21 p.m., without warning, **L.A. PEREZ-PEREZ** and L.F. Perez-Perez shot down BTTR's unarmed civilian aircraft, bearing tail number N2456S, using an air-to-air missile and killing pilot C.C. and his passenger, P.M.

27. At approximately 3:26 p.m., in response to a request for authorization by L.A. **PEREZ-PEREZ** and L.F. Perez-Perez, the pilots were given authorization to destroy a second unarmed BTTR civilian aircraft, bearing tail number N5485S, which at the time was flying over international waters.

28. At approximately 3:28 p.m., without warning, L.A. **PEREZ-PEREZ** and L.F. Perez-Perez in Mig 1 destroyed the second unarmed civilian aircraft, bearing tail number N5485S, using an air-to-air missile and killing pilot M.d.l.P. and his passenger, A.A.

29. At the time of the shoot down of the two BTTR aircraft, **BARZAGA** and **CARDENAS** in MiG 3 and **RODRIGUEZ** in MiG 4 were inside their Cuban fighter jets ready to deploy. They listened to L.A. **PEREZ-PEREZ**'s and L.F. Perez-Perez's radio requests for authorization to destroy unarmed civilian aircraft, the authorization for the same, and confirmation that those aircraft had been destroyed.

30. **BARZAGA** and **CARDENAS** in MiG 3 and **RODRIGUEZ** in MiG 4 took off from *San Antonio de los Baños* airfield, located near Havana, Cuba, to join L.A. **PEREZ-PEREZ** and L.F. Perez-Perez in MiG 1's pursuit of a third unarmed civilian aircraft, bearing tail number N2506, with the intent of destroying that aircraft as well.

31. Unindicted Co-conspirator 2 authorized **BARZAGA** and **CARDENAS** in MiG 3 and **RODRIGUEZ** in MiG 4 to take off from *San Antonio de los Baños* airfield, located near Havana, Cuba, to join L.A. **PEREZ-PEREZ** and L.F. Perez-Perez's pursuit of a third unarmed civilian aircraft, bearing tail number N2506, with the intent of destroying that aircraft.

All in violation of Title 18, United States Code, Section 2332(b)(2).

COUNT 2
Destruction of Aircraft
18 U.S.C. §§ 32(a)(1), 34; 49 U.S.C. § 46501(2)

1. Paragraphs 1 through 34 of the General Allegations section and paragraphs 4 through 31 of the Overt Acts section of Count 1 are incorporated herein by reference.

2. On or about February 24, 1996, in the special aircraft jurisdiction of the United States, the defendants,

RAUL MODESTO CASTRO RUZ
and
LORENZO ALBERTO PEREZ-PEREZ,

did willfully destroy and wreck an aircraft, that is, a United States civilian aircraft bearing tail number N2456S, by means of an air-to-air missile, which resulted in the deaths of human beings, that is, C.C. and P.M., in violation of Title 18, United States Code, Sections 32(a)(1), 34 and 2, and Title 49, United States Code, Section 46501(2).

COUNT 3
Destruction of Aircraft
18 U.S.C. § 32(a)(1), 34; 49 U.S.C. § 46501(2)

1. Paragraphs 1 through 34 of the General Allegations section and paragraphs 4 through 31 of the Overt Acts section of Count 1 are incorporated herein by reference.

2. On or about February 24, 1996, in the special aircraft jurisdiction of the United States, the defendants,

RAUL MODESTO CASTRO RUZ
and
LORENZO ALBERTO PEREZ-PEREZ,

did willfully destroy and wreck an aircraft, that is, a United States civilian aircraft bearing tail number N5485S, by means of an air-to-air missile, which resulted in the deaths of human beings,

that is, M.d.l.P. and A.A., in violation of Title 18, United States Code, Sections 32(a)(1), 34 and 2, and Title 49, United States Code, Section 46501(2).

COUNT 4
Murder
18 U.S.C. §§ 1111(a), 3238 and 2

1. Paragraphs 1 through 34 of the General Allegations section and paragraphs 4 through 31 of the Overt Acts section of Count 1 are incorporated herein by reference.

2. On or about February 24, 1996, in the special maritime and territorial jurisdiction of the United States, the defendants,

RAUL MODESTO CASTRO RUZ
and
LORENZO ALBERTO PEREZ-PEREZ,

did willfully and unlawfully, with malice aforethought, kill C.C., a human being, with premeditation and during the perpetration of, and attempt to perpetrate, sabotage, that is, the destruction of an aircraft, in violation of Title 18, United States Code, Section 32(a).

In violation of Title 18, United States Code, Sections 1111(a), 3238 and 2.

COUNT 5
Murder
18 U.S.C. §§ 1111(a), 3238 and 2

1. Paragraphs 1 through 34 of the General Allegations section and paragraphs 4 through 31 of the Overt Acts section of Count 1 are incorporated herein by reference.

2. On or about February 24, 1996, in the special maritime and territorial jurisdiction of the United States, the defendants,

RAUL MODESTO CASTRO RUZ
and
LORENZO ALBERTO PEREZ-PEREZ,

did willfully and unlawfully, with malice aforethought, kill P.M., a human being, with premeditation and during the perpetration of, and attempt to perpetrate, sabotage, that is, the destruction of an aircraft, in violation of Title 18, United States Code, Section 32(a).

In violation of Title 18, United States Code, Sections 1111(a), 3238 and 2.

COUNT 6
Murder
18 U.S.C. §§ 1111(a), 3238 and 2

1. Paragraphs 1 through 34 of the General Allegations section and paragraphs 4 through 31 of the Overt Acts section of Count 1 are incorporated herein by reference.

2. On or about February 24, 1996, in the special maritime and territorial jurisdiction of the United States, the defendants,

RAUL MODESTO CASTRO RUZ
and
LORENZO ALBERTO PEREZ-PEREZ,

did willfully and unlawfully, with malice aforethought, kill Md.I.P, a human being, with premeditation and during the perpetration of, and attempt to perpetrate, sabotage, that is, the destruction of an aircraft, in violation of Title 18, United States Code, Section 32(a).

In violation of Title 18, United States Code, Sections 1111(a), 3238 and 2.

COUNT 7
Murder
18 U.S.C. §§ 1111(a), 3238 and 2

1. Paragraphs 1 through 34 of the General Allegations section and paragraphs 4 through 31 of the Overt Acts section of Count 1 are incorporated herein by reference.

2. On or about February 24, 1996, in the special maritime and territorial jurisdiction of the United States, the defendants,

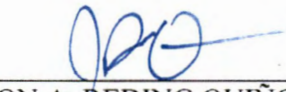
RAUL MODESTO CASTRO RUZ
and
LORENZO ALBERTO PEREZ-PEREZ,

did willfully and unlawfully, with malice aforethought, kill A.A., a human being, with premeditation and during the perpetration of, and attempt to perpetrate, sabotage, that is, the destruction of an aircraft, in violation of Title 18, United States Code, Section 32(a).

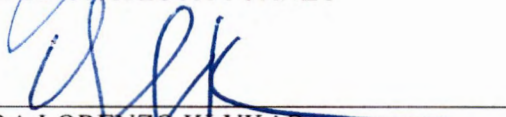
In violation of Title 18, United States Code, Sections 1111(a), 3238 and 2.

A TRUE BILL

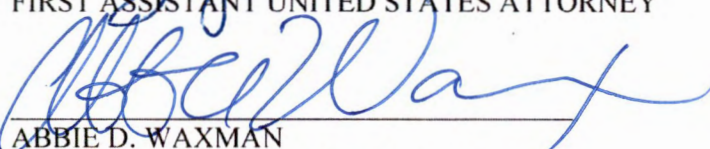

FOR PERSON



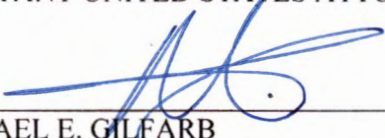
JASON A. REDING QUIÑONES
UNITED STATES ATTORNEY



YARA LORENZO KLUKAS
FIRST ASSISTANT UNITED STATES ATTORNEY



ABBIE D. WAXMAN
ASSISTANT UNITED STATES ATTORNEY



MICHAEL E. GILFARB
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO.: 03-20685-CR-SEITZ(s)

v.

RAUL MODESTO CASTRO RUZ, ET AL.

CERTIFICATE OF TRIAL ATTORNEY

_____/ Defendants.

Court Division (select one)


- Miami
- Key West
- FTP
- FTL
- WPB

Superseding Case Information:

New Defendant(s) (Yes or No) Yes
 Number of New Defendants 5
 Total number of new counts 0

I do hereby certify that:

1. I have carefully considered the allegations of the Indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, 28 U.S.C. §3161.
3. Interpreter: (Yes or No) Yes
List language and/or dialect: Spanish
4. This case will take 120 days for the parties to try.
5. Please check appropriate category and type of offense listed below:
 (Check only one) (Check only one)
 I 0 to 5 days Petty
 II 6 to 10 days Minor
 III 11 to 20 days Misdemeanor
 IV 21 to 60 days Felony
 V 61 days and over
6. Has this case been previously filed in this District Court? (Yes or No) Yes
If yes, Judge Patricia A. Seitz Case No. 03-20685-CR-SEITZ
7. Has a complaint been filed in this matter? (Yes or No) No
If yes, Judge _____ Magistrate Case No. _____
8. Does this case relate to a previously filed matter in this District Court? (Yes or No) No
If yes, Judge _____ Case No. _____
9. Defendant(s) in federal custody as of _____
10. Defendant(s) in state custody as of _____
11. Rule 20 from the _____ District of _____
12. Is this a potential death penalty case? (Yes or No) Yes
13. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? (Yes or No) No
14. 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
15. 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
16. Did this matter involve the participation of or consultation with Magistrate Judge Ellen F. D'Angelo during her tenure at the U.S. Attorney's Office, which concluded on October 7, 2024? No

By: 
 ABBIE D. WAXMAN
 Assistant United States Attorney
 FL Bar No. 109315

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: RAUL MODESTO CASTRO RUZ

Case No: 03-20685-CR-SEITZ(s)

Count #1:

Conspiracy to Kill U.S. Nationals

18 U.S.C. § 2332(b)(2)

- * **Max. Term of Imprisonment:** Life Imprisonment
- * **Mandatory Min. Term of Imprisonment (if applicable):** N/A
- * **Max. Supervised Release:** 5 years
- * **Max. Fine:** \$250,000

Counts #2-3

Destruction of Aircraft

18 U.S.C. §§ 32(a)(1), 34; 49 U.S.C. § 46501(2)

- * **Max. Term of Imprisonment:** 5 years
- * **Mandatory Min. Term of Imprisonment (if applicable):** N/A
- * **Max. Supervised Release:** 3 years
- * **Max. Fine:** \$250,000

Counts #4-7:

Murder

18 U.S.C. §§ 1111(a), 3238 and 2

- * **Max. Term of Imprisonment:** Death or Life Imprisonment
- * **Mandatory Min. Term of Imprisonment (if applicable):** N/A
- * **Max. Supervised Release:** 5 years
- * **Max. Fine:** \$250,000

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: LORENZO ALBERTO PEREZ-PEREZ

Case No: 03-20685-CR-SEITZ(s)

Count #1:

Conspiracy to Kill U.S. Nationals

18 U.S.C. § 2332(b)(2)

- * **Max. Term of Imprisonment:** Death or Life Imprisonment
- * **Mandatory Min. Term of Imprisonment (if applicable):** N/A
- * **Max. Supervised Release:** 5 years
- * **Max. Fine:** \$250,000

Counts #2-3

Destruction of Aircraft

18 U.S.C. §§ 32(a)(1), 34; 49 U.S.C. § 46501(2)

- * **Max. Term of Imprisonment:** 5 years
- * **Mandatory Min. Term of Imprisonment (if applicable):** N/A
- * **Max. Supervised Release:** 3 years
- * **Max. Fine:** \$250,000

Counts #4-7:

Murder

18 U.S.C. §§ 1111(a), 3238 and 2

- * **Max. Term of Imprisonment:** Death or Life Imprisonment
- * **Mandatory Min. Term of Imprisonment (if applicable):** N/A
- * **Max. Supervised Release:** 5 years
- * **Max. Fine:** \$250,000

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: EMILIO JOSE PALACIO BLANCO

Case No: 03-20685-CR-SEITZ(s)

Count #1:

Conspiracy to Kill U.S. Nationals

18 U.S.C. § 2332(b)(2)

* **Max. Term of Imprisonment:** Death or Life Imprisonment

* **Mandatory Min. Term of Imprisonment (if applicable):** N/A

* **Max. Supervised Release:** 5 years

* **Max. Fine:** \$250,000

*Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: JOSE FIDEL GUAL BARZAGA

Case No: 03-20685-CR-SEITZ(s)

Count #1:

Conspiracy to Kill U.S. Nationals

18 U.S.C. § 2332(b)(2)

*** Max. Term of Imprisonment:** Death or Life Imprisonment

*** Mandatory Min. Term of Imprisonment (if applicable):** N/A

*** Max. Supervised Release:** 5 years

*** Max. Fine:** \$250,000

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: RAUL SIMANCA CARDENAS

Case No: 03-20685-CR-SEITZ(s)

Count #1:

Conspiracy to Kill U.S. Nationals

18 U.S.C. § 2332(b)(2)

* **Max. Term of Imprisonment:** Death or Life Imprisonment

* **Mandatory Min. Term of Imprisonment (if applicable):** N/A

* **Max. Supervised Release:** 5 years

* **Max. Fine:** \$250,000

*Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: LUIS RAUL GONZALEZ-PARDO RODRIGUEZ

Case No: 03-20685-CR-SEITZ(s)

Count #1:

Conspiracy to Kill U.S. Nationals

18 U.S.C. § 2332(b)(2)

* **Max. Term of Imprisonment:** Death or Life Imprisonment

* **Mandatory Min. Term of Imprisonment (if applicable):** N/A

* **Max. Supervised Release:** 5 years

* **Max. Fine:** \$250,000

*Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.