

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Affiant, Special Agent Joshua C. Bills, Federal Bureau of Investigation (FBI), San Juan Division, being duly sworn, hereby depose and state that:

AGENT BACKGROUND


1. Affiant is a law enforcement officer of the United States of America within the meaning of Section 2510(7) of the Title 18, United States Code, that is, an officer of the United States who is empowered by the law to conduct investigations of and to make arrests for, the offenses enumerated in Section 46504 of Title 49, United States Code.

2. Affiant is a Special Agent (SA) for FBI, and has been so employed since September 2010, currently assigned to investigate violent crimes (VC) and violent crimes against children (VCAC) in the San Juan Division. Affiant has received information relating to this investigation through discussions with other law enforcement personnel.

3. Affiant has specialized training and/or experience in the area of VC. During my time as an SA with the FBI, Affiant has participated in VC investigations as the primary investigator or in a subsidiary role. Affiant is familiar with activities associated to VC.

4. The information in this Affidavit is based on interviews and information obtained from other FBI Special Agents, from other law enforcement agents, as well as my experience and training, and the experiences of other law enforcement agents.

5. This affidavit is made in support of a criminal complaint charging CARLOS CRUZ-RIVERA with violations of Title 18, United States Code, Sections 2119 *Carjacking*, Title 18 United States Code, Sections 922(g), *Possession of Firearm by Felon*, and Title 18, United States Code, Sections 924(c), *Use of a Firearm During the Commission of a Crime*.

 Affidavit In Support Of Criminal Complaint

6. Because of the Affidavit's limited purpose of establishing probable cause, it does not contain all of the facts known to Affiant or other law enforcement officers about the investigation.

FACTS IN SUPPORT OF PROBABLE CAUSE

7. On July 21, 2015, CARLOS CRUZ-RIVERA date of birth (DOB) 10/7/1972 was detained by the Police of Puerto Rico (POPR) relating to ongoing investigations concerning several incidents of rape, kidnapping, carjacking, and robbery that occurred during the months of May through July of 2015.

8. Following a string of rapes, kidnappings, carjackings, and robberies in the Santurce area of San Juan, POPR released video surveillance imagery of the suspected subject. Several news reports were released with the imagery. On July 21, 2015 a U.S. Probation Officer saw an online news report and noticed an image of the male individual being sought by the authorities, the probation officer recognized the man as CARLOS CRUZ-RIVERA. The probation officer called POPR to inform that the man being sought was CARLOS CRUZ-RIVERA who was currently on federal supervised release. The probation officer provided his information and address. Subsequently, CRUZ-RIVERA was arrested at an apartment at Llorens Torres Public Housing Project. A criminal record verification confirms CRUZ-RIVERA has a conviction for Title 18 U.S.C. 1349, *Conspiracy to Commit Bank Fraud*, and was sentenced on October 29, 2013 to 18 months of imprisonment followed by five years of supervised release. CRUZ-RIVERA was released on supervised release on January 20, 2015.

9. Law enforcement investigation revealed that on June 30, 2015, at approximately 9:30 PM, CRUZ-RIVERA carjacked an adult woman (hereinafter referred to as Victim 1). On June 30, 2015 VICTIM 1 arrived to her home in the Santurce area and began exiting her vehicle, a gold 2008 Dodge Caliber. While exiting her vehicle, Victim 1 felt someone press against her back and shoulder. When she turned to look at the person, she saw who she subsequently identified as CRUZ-RIVERA standing beside her vehicle. CRUZ-RIVERA was holding a medium sized silver revolver and instructed her to move over to the passenger side of the vehicle.

10. After VICTIM 1 moved to the passenger side of the vehicle, CRUZ-RIVERA climbed into the vehicle, which was still running, pointed the revolver at her face, and began driving the vehicle towards Avenida Juncos. CRUZ-RIVERA stopped the vehicle in front of a store and told VICTIM 1 that it he was hot and asked why the vehicle's air conditioning unit was not working. CRUZ-RIVERA also asked VICTIM 1 if she had any cash on her person. VICTIM 1 stated that she did not have any cash but that she did have an automatic teller machine (ATM) card. After being asked how much money was on the ATM card, VICTIM 1 stated that she had a bank account with approximately \$800 U.S. Dollars (USD) in it.


11. CRUZ-RIVERA then drove VICTIM 1's vehicle to a Bank located in the Isla Verde area. While driving there, VICTIM 1 asked CRUZ-RIVERA where they were going and expressed concerns to him about being raped because she was six months pregnant. CRUZ-RIVERA simply told her that they were going "somewhere" and that she did not need to worry about the details. Upon arriving at the bank, CRUZ-RIVERA took VICTIM 1's ATM card and pin number and then withdrew \$500 USD in cash. Video from the ATM footage obtained in

the investigation reveals CRUZ-RIVERA driving the Dodge vehicle through the ATM drive-through.

12. After making the withdrawal, CRUZ-RIVERA drove VICTIM 1 to a secluded area along Calle Bella Vista in Villa Palmera and stopped the vehicle. Once there, he committed lascivious acts while she pleaded with him not to rape her. CRUZ-RIVERA then got out of the car and left the area. Of note, the location where CRUZ-RIVERA exited the vehicle was within walking distance of the location where he was later arrested in Llorens Torres PHP.

13. The gold 2008 Dodge Caliber vehicle identification number (VIN) 1B3HB48BX8D744690, was shipped or transported to Puerto Rico via interstate or foreign commerce.

14. Law enforcement investigation also revealed that on July 11, 2015, CRUZ-RIVERA committed another carjacking in the Santurce area of San Juan. At approximately 11:00 PM, an adult female, hereinafter referred to as Victim 2 stopped at a Shell gas station on the corner of Calle Loiza and San Jorge. After filling up her vehicle with gasoline, VICTIM 2 began pumping air into her tires when a male, who she subsequently identified as CRUZ-RIVERA, approached her and stated "Es un asalto" (This is an assault). CRUZ-RIVERA then pointed a black pistol at VICTIM 2 and ordered her to open the front passenger side door of her vehicle, a gray 2014 Mitsubishi Lancer.



15. After VICTIM 2 unlocked the vehicle door, CRUZ-RIVERA climbed into the front passenger seat of the vehicle and asked if she had any cash on her person. VICTIM 2 said that she

did not have any cash but stated that she had an ATM card to access an account containing \$60 USD. CRUZ-RIVERA instructed her to drive to the same Bank located in the Isla Verde area where he had taken VICTIM 1. Upon arriving at the Bank, CRUZ-RIVERA placed the pistol against her right side and instructed her to drive through the ATM drive-through and withdraw \$60 USD from the ATM. Upon doing so, CRUZ-RIVERA took the money and again instructed Victim 2 to drive to a secluded area along Calle Bella Vistas in Villa Palmera which was within walking distance of his home. Upon arriving at the location, CRUZ-RIVERA instructed VICTIM 2 to stop the vehicle and he got out.

16. The gray 2014 Mitsubishi Lancer, VIN JA32U1FU4EU006928, was shipped or transported to Puerto Rico via interstate or foreign commerce.

17. On July 21, 2015 POPR recovered from the Llorens Torres Apartment wherein CRUZ-RIVERA was arrested a black .40 caliber Glock 22 pistol with three magazines.

18. On July 22, 2015, both VICTIM 1 and VICTIM 2 were separately presented with a physical lineup of five men which included CRUZ-RIVERA. Both victims positively identified CRUZ-RIVERA as their assailant.

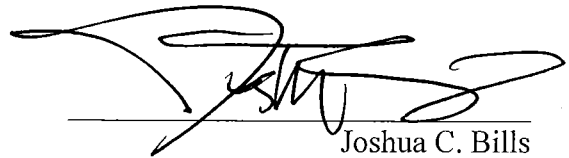
19. On July 22, 2015 in the afternoon CRUZ-RIVERA was transported to the FBI office in Hato Rey. After being advised of his rights, CRUZ-RIVERA waived his rights and agreed to be interviewed by FBI agents. During this interview, CRUZ-RIVERA admitted having participated in the above listed incidents and additionally implicated himself in other crimes.

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CONCLUSION

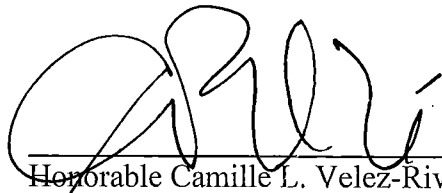
20. Based upon my training, experience, and the abovementioned facts, I have probable cause to believe that CARLOS CRUZ-RIVERA committed two separate violations of Title 18, United States Code, § 2119(1), *Carjacking*, as well as two separate violations of Title 18 United States Code, Sections 922(g), *Possession of Firearm by Felon*, and Title 18, United States Code, Sections 924(c), *Use and Carry a Firearm During and in Relation to a Crime of Violence*.

21. Affiant hereby declares that the foregoing is true and correct to the best of Affiant's knowledge pursuant to the investigation conducted in this matter.



Joshua C. Bills
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me on the 23rd day of July, 2015.



Honorable Camille L. Velez-Rive
United States Magistrate Judge
United States District Court
District of Puerto Rico