

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Misc. No. 14-2744-BLG

UNITED STATES OF AMERICA

vs.

ESTHER EUNICE ARCE MONCAYO,

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 October 14, 2003?     \_\_\_ Yes      X   No
- 2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to September 1, 2007?     \_\_\_ Yes      X   No

Respectfully submitted,

WIFREDO A. FERRER  
UNITED STATES ATTORNEY

BY:



\_\_\_\_\_  
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AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America )
v. )
ESTHER EUNICE ARCE MONCAYO, )

Case No. 14-2744-BLG

Defendant(s)

CRIMINAL COMPLAINT

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 June 13, 2014 in the county of Miami-Dade in the Southern District of Florida, the defendant(s) violated:

Code Section
Title 18, United States Code,
Section 545

Offense Description

The defendant, ESTHER EUNICE ARCE MONCAYO, did fraudulently and knowingly import and bring into the United States any merchandise, that is gold, contrary to law, that is, Title 19, United States Code, Section 1497, in violation of Title 18, United States Code, Section 545.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet.

Complainant's signature

SA MARIA MOLANO, HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: 6-14-14

Judge's signature

City and state: Miami, Florida

BARRY L. GARBER, U.S. Magistrate Judge
Printed name and title

**AFFIDAVIT**

I, Maria Paula Molano, being duly sworn, depose and state as follows:

1. I am a Special Agent of the United States Department of Homeland Security, Homeland Security Investigations (HSI). I have been employed with HSI since approximately February 2009. I am currently assigned to the Miami, Florida, Office of Investigations. I am a graduate of the Criminal Investigator Training Program at the Federal Law Enforcement Training Center and I have received specialized training and experience in the requirements for Narcotic, Immigration Fraud and Financial Investigations. I am responsible for conducting investigations of alleged violations of the Immigration and Customs laws of the United States.

2. The information in this affidavit is based on my personal knowledge, information provided to me by others, including other law enforcement officials and civilian witnesses, as well as my review of documents associated with the case. I am fully aware of the facts and circumstances concerning this investigation and have participated in significant aspects of this investigation.

3. The information contained in this affidavit is submitted for the sole purpose of demonstrating probable cause to obtain a criminal complaint against Esther Eunice Arce Moncayo (hereinafter "ARCE MONCAYO"), for violation of Title 18, United States Code, Section 545, fraudulently or knowingly importing or bringing into the United States, any merchandise, that is gold, contrary to law, that is Title 19, United States Code, Section 1497. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not contain all of the information known to me and/or other law enforcement officers involved in this case.

4. On June 13, 2014, passenger ARCE MONCAYO, a citizen and national of Ecuador, arrived to Miami International Airport from Quito, Ecuador aboard American Airlines Flight # 932.

5. ARCE MONCAYO presented herself for inspection to U.S. Customs and Border Protection Officers (hereinafter, "CBP"). ARCE MONCAYO was referred by CBP to Passport Control and subsequently taken to Baggage Control Secondary to file a FINCEN 105 Form. The FINCEN 105 Form needed to be filled out based on ARCE MONCAYO's answers on her Customs Declaration Form for having over \$10,000 USD or the foreign equivalent. ARCE MONCAYO had marked NO to question 13, which asks whether passengers are transporting over \$10,000 USD or its foreign equivalent. In addition on the 6059B Customs Declaration Form, ARCE MONCAYO had marked NO to question 14, which asks whether passengers are transporting commercial merchandise.

6. ARCE MONCAYO was asked by CBP how much money she was carrying, to which she stated to only have \$10,000. ARCE MONCAYO then stated her daughter had given her \$10,000, but that she also had \$3,000 of her own. CBP allowed ARCE MONCAYO to verify her money and provided her a FINCEN form to file, on which she declared \$12,900. System checks revealed that ARCE MONCAYO had filed FINCEN currency reporting forms in the past. Currency verification was done by CBP, which revealed an actual total of \$14,780 USD.

7. A binding declaration was obtained in which ARCE MONCAYO claimed ownership of her baggage and all of the contents within. CBP conducted an examination of ARCE MONCAYO's luggage. During inspection of ARCE MONCAYO's carryon luggage, 2 (two) plaques were found wrapped in plastic, and placed inside gift bags. CBP noticed that the plaques were heavy in weight, dense and contained a strong odor of paint. CBP subsequently

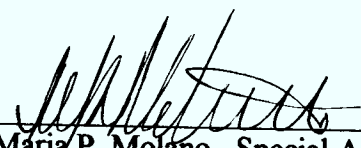
took the plaques for X-ray examination. CBP asked ARCE MONCAYO what the plaques were. ARCE MONCAYO stated that they were given to her as recognition for her work in Ecuador. The plaques were unwrapped from the plastic and a yellow metal object that was in the center came loose. At this time, it appeared the yellow metal object might be gold, a precious metal. CBP asked ARCE MONCAYO a second time if the objects inside the plaques were gold. ARCE MONCAYO stated that they were. CBP then weighed the objects separate from the plaques.

8. The plaques weighed 5.57 pounds and the gold was estimated to have a value of approximately \$103,000 to \$110,000 USD. The gold was set for a pre-appraisal by CBP Seized Property Warehouse to determine purity.

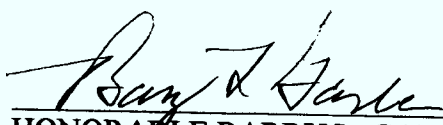
9. HSI S/A (Special Agent) Matthew Brooks and Special Agent Maria Molano were contacted to interview ARCE MONCAYO. ARCE MONCAYO was read her Miranda Rights, in Spanish, which she waived, orally and in writing. In subsequent post Miranda interviews, ARCE MONCAYO stated that she knew she was in possession of gold and that it was given to her by her daughter the night before she flew, June 12, 2014. ARCE MONCAYO also stated that she was bringing the gold for her daughter and taking it to her daughter's apartment located here in Miami, Florida. ARCE MONCAYO stated that her daughter melted the gold into the objects that were placed on the plaques to avoid paying a tax when travelling outbound from Ecuador. ARCE MONCAYO was given the plaques wrapped in plastic. ARCE MONCAYO placed both plaques in two gift bags and packed them in her suitcase.

10. Based on the foregoing facts, your affiant submits that there is probable cause to believe that ARCE MONCAYO did fraudulently or knowingly import or bring into the United States, any merchandise, that is gold, contrary to law, that is Title 19, United States Code, Section 1497, in violation of Title 18, United States Code, Section 545.

**FURTHER YOUR AFFIANT SAYETH NAUGHT.**

  
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Maria P. Molano., Special Agent  
Homeland Security Investigations

Subscribed and sworn to before me on this  
14 day of June, 2014 in Miami, Florida.

  
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HONORABLE BARRY L. GARBER  
UNITED STATES MAGISTRATE JUDGE