

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Introduction

I, Lazaro Duprey-Ojeda, being duly sworn, depose and state the following:

1. I am a Special Agent of the Federal Bureau of Investigation (“FBI”) and have been so since September 2019. I am currently assigned to the FBI San Juan Field Office East Resident Agency. I have training and experience in various areas of criminal activity, including interview and interrogation, evidence recovery, and source recruitment. I have investigated violations of federal law, including matters related to public corruption, violent crimes, crimes against children and civil rights violations. I have gained experience in conducting such investigations through training and everyday work related to these types of cases. Prior to being employed as an FBI agent, I worked for the Department of Homeland Security, Transportation Security Administration, as a Security Officer.

2. The facts and information contained in this affidavit are based upon my training and experience, participation in this investigation, personal knowledge and observations during the course of this investigation, as well as the observations of other agents and police officers involved in this investigation. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of records, documents, and other physical evidence obtained during the course of the investigation.

3. This affidavit contains information necessary to support probable cause. It is not intended to include each and every fact and matter observed by me or known to the United States. This affidavit contains information necessary to support probable cause for a criminal complaint charging SEAN DIAZ DE LEON (“DIAZ”) and JUAN CARLOS PAGAN BONILLA (“PAGAN”) with violation of (a) 18 U.S.C. §§ 924(c)(1)(A), 924(j)(1), and 2 (Use and Carry of

a Firearm During and In Relation To a Crime of Violence Where the Killing is Murder), said crime of violence being a violation of 18 U.S.C. § 249(a)(2)(A) (Hate Crimes Act); and (b) 18 U.S.C. §§ 2119(3) and 2 (Carjacking Resulting in Death).

Statement of Probable Cause

4. On April 22, 2020, the Police of Puerto Rico (“POPR”) was informed of a vehicle on fire in Humacao, Puerto Rico. When POPR officers responded to the area, they found two burnt bodies inside a vehicle.

5. On April 22, 2020, family members of persons identified herein as S.A.V.R. (“Victim 1”) and L.P.S. (“Victim 2”) reported them missing and mentioned a Snapchat social media video showing Victim 1 and Victim 2 socializing with two male subjects the previous night.

6. Pursuant to the POPR’s investigation and intelligence received, the two males seen in the Snapchat video with Victim 1 and Victim 2 are DIAZ and PAGAN.

7. On April 28, 2020, the POPR detained PAGAN at his residence. The POPR read PAGAN his Miranda rights and he voluntarily agreed to speak with agents.

8. On April 29, 2020, FBI agents interviewed PAGAN after advising him of his Miranda rights. PAGAN indicated he understood his rights and provided a voluntary statement to law enforcement where he related the following facts, among others:

- A. On April 21, 2020, DIAZ agreed and made arrangements to meet on a double date with Victim 1 and Victim 2 later that night. DIAZ’ intention was to date Victim 2 and he wanted PAGAN to date Victim 1. PAGAN did not know Victim 1 nor Victim 2 and was shown a picture of them by DIAZ and he agreed to the plan. PAGAN had, however, seen them in the neighborhood and knew they had bought marijuana from DIAZ in the past.
- B. When PAGAN and DIAZ were about to leave PAGAN’s home, DIAZ consumed two narcotics known as Pali and Zubuzon. DIAZ then walked back to his house

to retrieve a firearm to bring with him on the date. DIAZ kept the firearm in a black man-purse. The firearm was a black Glock pistol, caliber 9mm.

- C. PAGAN and DIAZ arrived at Victim 2's residence located in the municipality of Las Piedras, Puerto Rico.
- D. While at the residence PAGAN, DIAZ, Victim 1 and Victim 2 socialized in the same bedroom, where they smoked marihuana, made small talk and got to know each other a little better. Victim 2 recorded a short video showing all of their faces that she published online on the Snapchat social media application.
- E. DIAZ and Victim 2 moved to a different bedroom, while PAGAN and Victim 1 stayed where they were. PAGAN and Victim 1 then had sexual relations.
- F. DIAZ returned to PAGAN's room and told him (PAGAN) that he (DIAZ) had sexual relations with Victim 2.
- G. DIAZ left the room, but later returned and took PAGAN to the balcony to talk. DIAZ told PAGAN that Victim 2 admitted to him (DIAZ) that she was a transgender woman. DIAZ was angry because she was a transgender and did not disclose this fact to him before. DIAZ felt tricked because he was lied to, which only made him angrier. DIAZ told PAGAN that he wanted to shoot and kill Victim 2.
- H. Victim 2 tried to talk to DIAZ to de-escalate the situation. DIAZ was still angry and was still cursing at Victim 2, calling her names and insulting her. DIAZ went back to PAGAN'S room to let him know that Victim 1 was also a transgender woman. PAGAN felt disgusted and wanted to leave the premises.
- I. DIAZ reaffirmed to PAGAN that he wanted to shoot and kill both Victim 1 and Victim 2 for tricking them into having sex without telling them that they were transgender. Victim 2 continued trying to calm DIAZ down and proposed that the four of them get more marihuana to smoke and talk a little more. DIAZ pulled PAGAN aside and told him to take them up on their offer to go out, and DIAZ would shoot Victim 2 and Victim 1 once they reached the highway.
- J. Victim 2 gave the keys to her car to PAGAN so he could drive, while she sat in the backseat with DIAZ to try and talk to him more. Victim 1 sat in the front passenger seat of the vehicle. PAGAN drove from Victim 2's house in Las Piedras, PR, towards the municipality of Juncos, PR on highway PR-30. While on highway PR-30, around Juncos, DIAZ shot and killed Victim 2 and shortly after shot and killed Victim 1 as well. PAGAN drove back to Victim 2' home to recover his vehicle. DIAZ asked PAGAN where they could dispose of the bodies and PAGAN suggested a location in Humacao, PR.

- K. PAGAN drove his car, while DIAZ followed him in Victim 2's car with both bodies inside. They reached the agreed upon location, which was under a bridge in Barrio Mambiche Prieto in Humacao. PAGAN and DIAZ filled the car with trash they found in the surrounding area to make it more flammable and set it on fire with the intention of destroying any and all evidence of their involvement.
 - L. Later that day, he was approached by some individuals in the neighborhood and shown the above-mentioned Snapchat video. PAGAN admitted to these individuals that he was one of the males depicted in the video.
 - M. PAGAN described Victim 2's vehicle as a small white car, four doors, Hyundai Accent.
 - N. FBI agents showed PAGAN the Snapchat video. PAGAN indicated he and DIAZ were depicted in the video.
9. FBI agents viewed the above-mentioned Snapchat video and recognized one of the males depicted in the video to be DIAZ.
10. The FBI conducted a preliminary examination of the burnt vehicle and recovered a black purse on the driver's side, bone fragments in the front passenger area, bone fragments in the back seat, and one 9mm casing in the back seat.
11. The FBI learned during its investigation that Victim 1 and Victim 2 identified themselves, that is, their gender identity, was transgender female.
12. Based on my knowledge and experience, Glock firearms are not manufactured in the Commonwealth of Puerto Rico. Therefore, the firearm that PAGAN and DIAZ used to murder Victim 1 and Victim 2 must have travelled in interstate or foreign commerce to have been in Puerto Rico.
13. Based on my knowledge and experience, no vehicles are manufactured in the Commonwealth of Puerto Rico. Therefore, Victim 2's vehicle must have travelled in interstate or foreign commerce to have been in Puerto Rico.


Conclusion

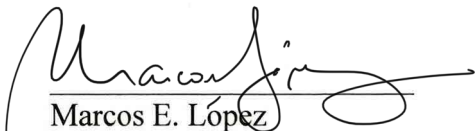
14. Based on the facts contained herein, there is probable cause to believe that SEAN DIAZ DE LEON and JUAN CARLOS PAGAN BONILLA, during the course of, and as a result of, using a channel, facility, or instrumentality of interstate or foreign commerce and a firearm that travelled in interstate or foreign commerce, acted willfully, aiding and abetting each other, in the use of a firearm to cause serious bodily injury and the deaths of Victim 1 and Victim 2 because of the actual or perceived gender, sexual orientation, and gender identity of Victim 1 and Victim 2, all in violation of (a) 18 U.S.C. §§ 924(c)(1)(A), 924(j)(1), and 2 (Use and Carry of a Firearm During and In Relation To a Crime of Violence Where the Killing is Murder), said crime of violence being a violation 18 U.S.C. § 249(a)(2)(A) (Hate Crimes Act); and (b) 18 U.S.C. §§ 2119(3) and 2 (Carjacking Resulting in Death).



Lazaro Duprey-Ojeda
Special Agent
Federal Bureau of Investigation

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 2:53

 p.m. on the 1st day of May, 2020.



Marcos E. López
Magistrate Judge
United States District Court
District of Puerto Rico