

**Feb 16, 2022**

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

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

**CASE NO. 22-20054-CR-SCOLA/GOODMAN**

**18 U.S.C. § 1114(3)  
18 U.S.C. § 1117  
18 U.S.C. § 2332a  
18 U.S.C. § 2339A(a)  
18 U.S.C. § 981(a)(1)(C)  
18 U.S.C. § 981(a)(1)(G)**

**UNITED STATES OF AMERICA**

v.

**ANDRES FERNANDO MEDINA RODRIGUEZ,  
a/k/a "Capi," and  
CIRO ALFONSO GUTIERREZ BALLESTEROS,**

**Defendants.**

**INDICTMENT**

The Grand Jury charges that:

**COUNT 1  
Conspiring to Use a Weapon of Mass Destruction  
(18 U.S.C. § 2332a)**

Beginning at least as early as in or around April of 2021, the exact date being unknown to the Grand Jury, and continuing until on or about June 15, 2021, in a place outside the United States, namely, Colombia, and elsewhere, the defendants,

**ANDRES FERNANDO MEDINA RODRIGUEZ,  
a/k/a "Capi," and  
CIRO ALFONSO GUTIERREZ BALLESTEROS,**

did knowingly combine, conspire, confederate, and agree with each other and others known and unknown to the Grand Jury, to use a weapon of mass destruction against nationals of the United

States while such nationals were outside of the United States; all in violation of Title 18, United States Code, Section 2332a(a)(1).

**COUNT 2**  
**Conspiring to Murder Members of the Uniformed Services**  
**(18 U.S.C. § 1117)**

Beginning at least as early as in or around April of 2021, the exact date being unknown to the Grand Jury, and continuing until on or about June 15, 2021, in a place outside the United States, namely, Colombia, and elsewhere, the defendants,

**ANDRES FERNANDO MEDINA RODRIGUEZ,**  
**a/k/a “Capi,” and**  
**CIRO ALFONSO GUTIERREZ BALLESTEROS,**

did knowingly combine, conspire, confederate, and agree with each other and others known and unknown to the Grand Jury, to kill members of the First Security Force Assistance Brigade, persons who were officers and employees of the United States and members of the uniformed services, while such officers and employees were engaged in the performance of official duties and on account of their performance of official duties, in violation of Title 18, United States Code, Section 1114(1).

**Purpose of the Conspiracy**

It was the purpose of the conspiracy for the defendants and their co-conspirators to place and detonate a vehicle-borne improvised explosive device (VBIED) on the grounds of Colombian 30<sup>th</sup> Army Brigade Base in Cucuta, Colombia and in front of the 30<sup>th</sup> Brigade Mission Support Site (MSS) and intelligence building in order to kill any and all members of the United States Army’s First Security Force Assistance Brigade (SFAB) inside the MSS and intelligence building.

**Manner and Means**

The manner and means by which the defendants and their co-conspirators sought to accomplish the purpose and object of the conspiracy included, among others, the following:

1. **ANDRES FERNANDO MEDINA RODRIGUEZ, CIRO ALFONSO GUTIERREZ BALLESTEROS**, and their co-conspirators planned a bombing attack on the United States Army soldiers present at Colombian 30<sup>th</sup> Army Brigade Base in Cucuta, Colombia. Using **MEDINA RODRIGUEZ's** status as a medically discharged former Colombian Army Officer to gain access to the base, **MEDINA RODRIGUEZ** drove a VBIED on the grounds of base and then detonated it where United States Army soldiers were located.

2. At the direction of other co-conspirators, **ANDRES FERNANDO MEDINA RODRIGUEZ** visited the 30<sup>th</sup> Brigade Base and carried out surveillance to observe where United States Army soldiers were located on the base. As part of his surveillance, **MEDINA RODRIGUEZ** took photographs and video of the areas where the United States Army soldiers were primarily located, including the Mission Support Site and the intelligence building.

3. **CIRO ALFONSO GUTIERREZ BALLESTEROS**, at the direction and request of another co-conspirator, instructed **ANDRES FERNANDO MEDINA RODRIGUEZ** to find and purchase a vehicle and provided **MEDINA RODRIGUEZ** with the money needed to purchase the vehicle. **MEDINA RODRIGUEZ** successfully obtained the vehicle, a white Toyota Fortuner, and then gave the vehicle to **GUTIERREZ BALLESTEROS** in Colombia. **GUTIERREZ BALLESTEROS, MEDINA RODRIGUEZ**, and one or more additional co-conspirator subsequently drove the Fortuner into Venezuela and delivered it to a location where it could be outfitted with a VBIED.

4. After the vehicle (Toyota Fortuner) was outfitted with the VBIED, **ANDRES FERNANDO MEDINA RODRIGUEZ** drove it from Venezuela to the 30<sup>th</sup> Brigade Base in Cucuta, Colombia. **CIRO ALFONSO GUTIERREZ BALLESTEROS** drove in front of the VBIED vehicle on a motorcycle to take care of clearing police checkpoints for the vehicle and **MEDINA RODRIGUEZ**.

5. Once at the 30<sup>th</sup> Brigade Base, **ANDRES FERNANDO MEDINA RODRIGUEZ** parked the VBIED vehicle (Toyota Fortuner) in front of the Mission Support Site and intelligence building and pulled the detonation pin to activate the VBIED.

6. After activating the VBIED, **ANDRES FERNANDO MEDINA RODRIGUEZ** walked toward the exit for the 30<sup>th</sup> Brigade Base and was driven away from the base by **CIRO ALFONSO GUTIERREZ BALLESTEROS**.

#### Overt Acts

In furtherance of the conspiracy and to effect its purpose and object, at least one of the co-conspirators committed, or caused to be committed, in a place outside the United States, namely, Colombia, and elsewhere, at least one of the following overt acts:

1. On or about April 22, 2021, **ANDRES FERNANDO MEDINA RODRIGUEZ** conducted surveillance of the 30<sup>th</sup> Brigade Base and recorded video of that surveillance.

2. On or about May 10, 2021, **ANDRES FERNANDO MEDINA RODRIGUEZ** conducted surveillance of the 30<sup>th</sup> Brigade Base, took photographs and recorded video of that surveillance.

3. On or about May 27, 2021, **ANDRES FERNANDO MEDINA RODRIGUEZ** conducted surveillance of the 30<sup>th</sup> Brigade Base and recorded video of that surveillance.

4. On or about May 29, 2021, **ANDRES FERNANDO MEDINA RODRIGUEZ** met with other co-conspirators in Venezuela and discussed carrying out a bombing attack against the United States Army soldiers at the 30<sup>th</sup> Brigade Base.

5. On or about June 5, 2021, **ANDRES FERNANDO MEDINA RODRIGUEZ** and **CIRO ALFONSO GUTIERREZ BALLESTEROS**, and a co-conspirator drove a Toyota Fortuner vehicle from Colombia to Venezuela.

6. On or about June 5, 2021, **ANDRES FERNANDO MEDINA RODRIGUEZ** and **CIRO ALFONSO GUTIERREZ BALLESTEROS**, and a co-conspirator delivered a Toyota Fortuner vehicle to another co-conspirator in Venezuela.

7. On or about June 14, 2021, **ANDRES FERNANDO MEDINA RODRIGUEZ** and **CIRO ALFONSO GUTIERREZ BALLESTEROS** traveled to a farm in Venezuela.

8. On or about June 15, 2021, **CIRO ALFONSO GUTIERREZ BALLESTEROS** drove a motorcycle ahead of **ANDRES FERNANDO MEDINA RODRIGUEZ** as he drove a Toyota Fortuner containing a VBIED from Venezuela to the 30<sup>th</sup> Brigade Base.

9. On or about June 15, 2021, **ANDRES FERNANDO MEDINA RODRIGUEZ** drove a Toyota Fortuner containing a VBIED from Venezuela on to the 30<sup>th</sup> Brigade Base.

10. On or about June 15, 2021, **ANDRES FERNANDO MEDINA RODRIGUEZ** parked a Toyota Fortuner vehicle containing a VBIED in front of the Mission Support Site (MSS) and intelligence building on the 30<sup>th</sup> Brigade Base.

11. On or about June 15, 2021, **ANDRES FERNANDO MEDINA RODRIGUEZ** pulled the detonation pin for the VBIED located inside the Toyota Fortuner.

12. One or about June 15, 2021, **CIRO ALFONSO GUTIERREZ BALLESTEROS** and **ANDRES FERNANDO MEDINA RODRIGUEZ** drove away from the 30<sup>th</sup> Brigade Base on a motorcycle driven by **GUTIERREZ BALLESTEROS**.

All in violation of Title 18, United States Code, Section 1117.

**COUNT 3**  
**Providing Material Support to Terrorists**  
**(18 U.S.C. § 2339A(a))**

Beginning in or around April of 2021, and continuing through on or about June 15, 2021, in a place outside the United States, namely, Colombia, and elsewhere, the defendants,

**ANDRES FERNANDO MEDINA RODRIGUEZ,**  
**a/k/a “Capi,” and**  
**CIRO ALFONSO GUTIERREZ BALLESTEROS,**

did provide material support and resources, as defined in Title 18, United States Code, Section 2339A(b), knowing and intending that they be used in preparation for, and in carrying out, a violation of Title 18, United States Code, Section 2332a(a)(1), that is, a conspiracy to use a weapon of mass destruction against nationals of the United States while such nationals were outside of the United States, in violation of Title 18, United States Code, Sections 2339A(a) and 2.

**COUNT 4**  
**Use of a Weapon of Mass Destruction**  
**(18 U.S.C. § 2332a)**

On or about June 15, 2021, in a place outside the United States, namely, Colombia, the defendants,

**ANDRES FERNANDO MEDINA RODRIGUEZ,**  
**a/k/a “Capi,” and**  
**CIRO ALFONSO GUTIERREZ BALLESTEROS,**

did, without lawful authority, use a weapon of mass destruction against a national of the United States while such national was outside of the United States, in violation of Title 18, United States Code, Sections 2332a(a)(1) and 2.

**COUNT 5**  
**Attempted Murder of Members of the Uniformed Services**  
**(18 U.S.C. § 1114(3))**

On or about June 15, 2021, in a place outside the United States, namely, Colombia, the defendants,

**ANDRES FERNANDO MEDINA RODRIGUEZ,**  
**a/k/a “Capi,” and**  
**CIRO ALFONSO GUTIERREZ BALLESTEROS,**

did knowingly and intentionally, and with malice aforethought, attempt to kill members of the First Security Force Assistance Brigade, persons who were officers and employees of the United States and members of the uniformed services, while such officers and employees were engaged in the performance of official duties and on account of their performance of official duties, in violation of Title 18, United States Code, Section 1114(3).

**FORFEITURE ALLEGATIONS**

1. The allegations of this Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendants, **ANDRES FERNANDO MEDINA RODRIGUEZ, a/k/a “Capi,” and CIRO ALFONSO GUTIERREZ BALLESTEROS,** have an interest.

2. Upon conviction of a violation of Title 18, United States Code, Sections 2339A(a), 2332a, 1117, or 1114(3) as alleged in this Indictment, the defendant shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to such offense, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

3. Upon conviction of a violation of Title 18, United States Code, Sections 2339A, 2332a, 1117, or 1114(3) as alleged in this Indictment, the defendant shall forfeit to the United States all assets, foreign or domestic:

- (i) of any individual, entity, or organization engaged in planning or perpetrating any Federal crime of terrorism (as defined in section 2332b(g)(5)) against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization;
- (ii) acquired or maintained by any person with the intent and for the purpose of supporting, planning, conducting, or concealing any Federal crime of terrorism (as defined in section 2332b(g)(5) against the United States, citizens or residents of the United States, or their property;
- (iii) derived from, involved in, or used or intended to be used to commit any Federal crime of terrorism (as defined in section 2332b(g)(5)) against the United States, citizens or residents of the United States, or their property; or
- (iv) of any individual, entity, or organization engaged in planning or perpetrating any act of international terrorism (as defined in section 2331) against any international organization (as defined in section 209 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4309(b)) or against any foreign Government.




All pursuant to Title 18, United States Code, Section 981(a)(1)(G) and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL

\_\_\_\_\_  
FOREPERSON

  
\_\_\_\_\_  
JUAN ANTONIO GONZALEZ  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
RANDY HUMMEL  
SENIOR LITIGATION COUNSEL

  
\_\_\_\_\_  
ANDY B. CAMACHO  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

v.

ANDRES FERNANDO MEDINA RODRIGUEZ, a/k/a "Capi,"  
and GIRO ALFONSO GUTIERREZ BALLESTEROS,

**CERTIFICATE OF TRIAL ATTORNEY\***

**Superseding Case Information:**

Defendants/

Court Division: (Select One)

- Miami     Key West     FTL
- WPB     FTP

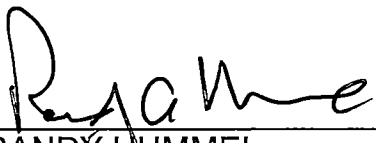
New defendant(s)     Yes     No

Number of new defendants \_\_\_\_\_

Total number of counts \_\_\_\_\_

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, Title 28 U.S.C. Section 3161.
3. Interpreter: (Yes or No) **Yes** \_\_\_\_\_  
List language and/or dialect Spanish
4. This case will take 15 days for the parties to try.
5. Please check appropriate category and type of offense listed below:  

<p>(Check only one)</p> <p>I    0 to 5 days                    <input type="checkbox"/></p> <p>II    6 to 10 days                   <input type="checkbox"/></p> <p>III   11 to 20 days                <input checked="" type="checkbox"/></p> <p>IV   21 to 60 days                 <input type="checkbox"/></p> <p>V    61 days and over               <input type="checkbox"/></p>	<p>(Check only one)</p> <p>Petty                                <input type="checkbox"/></p> <p>Minor                               <input type="checkbox"/></p> <p>Misdemeanor                   <input type="checkbox"/></p> <p>Felony                              <input checked="" type="checkbox"/></p>
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6. Has this case previously been filed in this District Court? (Yes or No) **No** \_\_\_\_\_  
If yes: Judge \_\_\_\_\_ Case No. \_\_\_\_\_  
(Attach copy of dispositive order)  
Has a complaint been filed in this matter? (Yes or No) **No** \_\_\_\_\_  
If yes: Magistrate Case No. \_\_\_\_\_  
Related miscellaneous numbers: \_\_\_\_\_  
Defendant(s) in federal custody as of \_\_\_\_\_  
Defendant(s) in state custody as of \_\_\_\_\_  
Rule 20 from the District of \_\_\_\_\_  
Is this a potential death penalty case? (Yes or No) **No** \_\_\_\_\_
7. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? (Yes or No) **No** \_\_\_\_\_
8. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? (Yes or No) **No** \_\_\_\_\_
9. 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 Strauss)? (Yes or No) **No** \_\_\_\_\_

  
 \_\_\_\_\_  
**RANDY HUMMEL**  
 Assistant United States Attorney  
 FLA Bar No.        973378

\*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

**Defendant's Name:** ANDRES FERNANDO MEDINA RODRIGUEZ, a/k/a "Capi"

**Case No:** \_\_\_\_\_

Count #: 1

Conspiring to Use a Weapon of Mass Destruction

Title 18, United States Code, Section 2332a

\*Max. Penalty: Life Imprisonment

Count #: 2

Conspiring to Murder Members of the Uniformed Services

Title 18, United States Code, Section 1117

\*Max. Penalty: Life Imprisonment

Count #: 3

Providing Material Support to Terrorists

Title 18, United States Code, Section 2339A(a)

\*Max. Penalty: Fifteen Years' Imprisonment

Count #: 4

Use of a Weapon of Mass Destruction

Title 18, United States Code, Section 2332a

\*Max. Penalty: Life Imprisonment

Count #: 5

Attempted Murder of Members of the Uniformed Services

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Title 18, United States Code, Section 1114(3)

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**\*Max. Penalty:** Twenty Years' Imprisonment

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

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: CIRO ALFONSO GUTIERREZ BALLESTEROS

Case No: \_\_\_\_\_

Count #: 1

Conspiring to Use a Weapon of Mass Destruction

Title 18, United States Code, Section 2332a

\*Max. Penalty: Life Imprisonment

Count #: 2

Conspiring to Murder Members of the Uniformed Services

Title 18, United States Code, Section 1117

\*Max. Penalty: Life Imprisonment

Count #: 3

Providing Material Support to Terrorists

Title 18, United States Code, Section 2339A(a)

\*Max. Penalty: Fifteen Years' Imprisonment

Count #: 4

Use of a Weapon of Mass Destruction

Title 18, United States Code, Section 2332a

\*Max. Penalty: Life Imprisonment

Count #: 5

Attempted Murder of Members of the Uniformed Services

Title 18, United States Code, Section 1114(3)

**\*Max. Penalty:** Twenty Years' Imprisonment

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