

A F F I D A V I T

I, Charles E. Gravis, being duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), assigned to the Long Beach Resident Agency of the Los Angeles, California Field Office. I have been an SA with the FBI for close to seven years. I am currently assigned to the Gang/Violent Crimes Squad 1 and have been so for just over two years. Squad 1 is a reactive squad that responds to federal/high profile violent crimes within the southern Los Angeles County area, including bank robberies, kidnappings, and crimes on the high seas.

2. In addition, prior to becoming a SA with the FBI, I worked as a sworn police officer with the Albuquerque, New Mexico Police Department for over seven years, including one-and-a-half years as a violent crimes detective. During this time, I initiated and conducted long-term investigations of several types of violent crimes, including armed robberies, felonious/sexual assaults and batteries, and homicides.

3. I have received formal training at the FBI academy, which included but was not limited to violent crime investigations, evidence collection, and interview techniques. Additionally, I have received over 250 hours of specialized

training in narcotic, financial, gang, violent crime, and crimes against children investigation techniques and strategies. I am also the designated FBI Crimes on the High Seas Coordinator for the entire Los Angeles area to include the Port of Los Angeles and the Port of Long Beach.

PURPOSE OF AFFIDAVIT

4. I make this affidavit in support of a criminal complaint for JORGE MANUEL TEIXEIRA ("**TEIXEIRA**") for a violation of Title 18, United States Code, Section 2241, aggravated sexual abuse within the special maritime and territorial jurisdiction of the United States.

a. Section 2241 states in pertinent part, "Whoever, in the special maritime and territorial jurisdiction of the United States . . . knowingly causes another person to engage in a sexual act - (1) by using force against that person; or (2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnaping; or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both."

b. A "sexual act" is defined in Title 18, United States Code, Section 2246(2), and includes "contact between the mouth and the penis" as well as "the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass,

degrade, or arouse or gratify the sexual desire of any person."

c. The "special maritime and territorial jurisdiction" of the United States is defined in Title 18, United States Code, Section 7, and includes "the high seas," "any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States," and "to the extent permitted by international law, any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.

5. The facts set forth herein are based upon (1) my own personal observations; (2) my training and experience; (3) reports and information provided to me by other law enforcement agents; (4) other documents obtained during the course of the investigation; and (5) as specifically attributed below, information obtained from other law enforcement officers, agents, and witnesses. The facts set forth herein are not intended to be inclusive of all of the information gathered during this investigation or with regard to the subject identified. I have only set forth the facts that I believe are necessary to establish probable cause for the requested criminal complaint.

STATEMENT OF PROBABLE CAUSE

6. On Friday, March 6, 2009, I received a telephone call from Robert Lee, Princess Cruise Lines Senior Investigations Manager. Lee advised me that there had been a possible sexual assault of a 42-year-old female guest (hereinafter referred to as "S.R.") by a 38-year-old male while on the Princess Cruise Lines ship, Coral Princess. Lee advised me that the incident was reported on the afternoon of Friday, March 6, 2009.

7. Lee also advised me that the Princess Cruise Lines had initiated an investigation and that, as a result of this investigation, the following documents, which were generated from their investigation, were available for my review: a Cruise Line Report of Serious Violations of U.S. Law, an A-PASS picture and report for Coral Princess passenger S.R., an A-PASS picture and report for Coral Princess employee JORGE MANUEL **TEIXEIRA**, and a two page hand-written statement by S.R. On Saturday, March 7, 2009, Lee emailed me the following additional documents: a type-written statement of JORGE MANUEL **TEIXEIRA**, a three supplemental hand-written statement by S.R., and the Crew Witness Statement of Coral Princess Security Officer Terry Atkins. Finally, on Monday, March 9, 2009, I boarded the Coral Princess ship in the Port of Los Angeles and received the Coral Princess Security Report from Princess Cruise Lines Security Officer Terry Atkins.

8. From these reports and statements, I learned the following:

a. On Friday, March 6, 2009, at approximately 3:10 p.m., Security Officer Atkins was informed that a Princess Cruise Lines guest by the name of John Fitzgerald had called the Hotel Department and reported that another Princess Cruise Lines guest, later identified as S.R., had been sexually assaulted the prior evening while on the cruise. The call was received by a Coral Princess ship employee, Carla Ramos. Upon receiving the call, Ramos located Fitzgerald on deck 14 of the ship and Fitzgerald identified S.R. for Ramos. Ramos tried to speak to S.R. regarding the incident, but S.R. appeared very distressed and appeared reluctant to make a statement to Ramos. S.R. was only able to show Ramos her cruise card. Ramos left a "Passenger Statement of Accident form"¹ with S.R. to complete and return.

b. Later that afternoon, S.R. went to the Passenger Services Desk to return the completed accident form to Ramos. Ramos then directed S.R. to the ship's Security Office and advised S.R. that she would need to speak with the ship's Security Officer. Security Officer Atkins was called to the security desk where he met with S.R. and a female companion of S.R., Vicky Nardone. S.R. appeared very distraught and close to

¹ A "Passenger Statement of Accident form" is a form that is usually used by passengers to record the fact that they have had an accident, either onboard the ship, or while ashore, either on a ship organized, or independent tour.

tears, and did not want to give a verbal statement. S.R. indicated that her statement was the written statement that she made on the passenger accident form.² According to S.R.'s written statement, the following occurred:

i. S.R.'s attacker was "GEORGE FROM PORTUGAL;"

ii. S.R. met "GEORGE FROM PORTUGAL" on the night of March 5, 2009 at approximately 11:06 p.m. in the Bordeaux Dining Room.³ "GEORGE" was a dining room employee that S.R. had met when she had dined in the Bordeaux Dining Room. S.R. and "GEORGE" agreed to meet the night of March 5, 2009 to have wine together. The two then sat down in the furthest corner of the restaurant and "GEORGE" sat next to S.R. blocking her exit from the corner.

iii. After finishing the bottle of wine, "GEORGE" leaned in to kiss S.R. and immediately pushed his hand up her shirt and bra. S.R. stood up and said "No" to "GEORGE." "GEORGE" pushed S.R. back down in her chair and tried to suck her breast. S.R. stood up again and said "No." "GEORGE" said: "Relax, it's okay, it's okay," and then pushed S.R. back into her chair. "GEORGE" then unzipped his pants and pulled out his penis

² In submitting the "Passenger Statement of Accident form," S.R. crossed out the word "Accident" and clarified that: "This is a statement of a criminal act. I was sexually assaulted."

³ I am aware that the ship's position at the estimated time of the incident (12:45 a.m. March 6, 2009) was 18.53 nautical miles from Mexico. The ship was therefore in international waters during the time frame of the incident.

and put her hand on his penis while pushing S.R.'s head down telling S.R.: "Just put your mouth on it . . . Relax, relax, make me feel good." "GEORGE" then told S.R.: "You make me feel good, I make you feel good." Sometime during the whole event, "GEORGE" and S.R. were interrupted twice. "GEORGE" got up and chased out other individuals who were near their location on at least two occasions. S.R. tried to leave, but "GEORGE" returned and pushed her back to the table. "GEORGE" tried to remove S.R.'s pants. S.R. said "No, No." "GEORGE" kept trying to get S.R.'s pants off while S.R. struggled with him and said "No" again and again. During this time, "GEORGE" was able to get his finger into S.R.'s vagina. "GEORGE" commented on a tampon that S.R. had in her vagina and S.R. told him that she was on her period.

iv. GEORGE stopped and pushed S.R. back on the chair and pulled S.R.'s head back down to his penis. S.R. refused to open her mouth so "GEORGE" proceeded to masturbate on S.R.'s face. S.R. noticed that "GEORGE" had a tag, which appeared to be some type of dry cleaning tag just inside the zipper of his pants. In addition, S.R. noticed that "GEORGE" had penis that was not circumcised. When "GEORGE" was ready to ejaculate, "GEORGE" said: "Open your mouth, it will go faster." Upon his ejaculation, S.R. got up and left. "GEORGE" grabbed S.R. and tried to push her back to his room. S.R. maneuvered away from "GEORGE" and left the dining room.

g. On Friday, March 6, 2009, Security Officer Atkins checked the ship's crew records and was able to determine that the individual that S.R. had identified as "GEORGE FROM PORTUGAL," was Princess Cruise Line Coral ship employee JORGE MANUEL **TEIXEIRA**. Atkins then proceeded to S.R.'s stateroom where, at approximately 5:15 p.m., Atkins showed the picture of **TEIXEIRA** to S.R. S.R. identified **TEIXEIRA** as the person that had assaulted her. Additionally, S.R. provided Atkins with the clothing that she was wearing the night of the assault, and Atkins sealed the clothing in a paper bag in the presence of S.R.

h. At approximately 7:00 p.m., Atkins instructed security guards Ramakrishnan Nair and Tyrone Galstun to contact **TEIXEIRA** and to seize the clothing that he was wearing the night of the incident. **TEIXEIRA's** clothing was seized and was returned to Atkins. Atkins placed the clothes in a paper evidence sack and sealed the sack.

i. **TEIXEIRA** was then requested to meet with Atkins at the security office. Atkins and Princess Cruise Line Coral Ship employee Robin Walker interviewed **TEIXEIRA**. During the interview, **TEIXEIRA** admitted to having wine with a guest the night of March 5, 2009. **TEIXEIRA** also provided a written statement of his actions during that night. **TEIXEIRA** reported that he did not have any sexual relations with the guest and claimed that the only time that he touched her was when he

escorted her to her seat during the time she was dining in the Bordeaux Dining Room.

j. On March 6, 2009, Security Officer Atkins then met again with S.R. at approximately 9:45 p.m. S.R. showed Atkins precisely where in the Bordeaux Dining Room she had been assaulted. At that time, there were several other passengers in the location where the assault had occurred, and Atkins was unable to immediately isolate the scene. However, at approximately 11:05 p.m., Atkins returned to dining room and was able to isolate the particular area from further use. It was kept in its present state until law enforcement officials examined the area on Monday, March 9, 2009.

9. On Monday, March 9, 2009, I, along with several other FBI agents boarded the Princess Cruise Line Ship Coral Princess in the Los Angeles Port where I met with Security Officer Atkins. I was advised that **TEIXEIRA** was being held in his cabin awaiting our arrival. I was also advised that there were two Coral Princess employees that were working in the Bordeaux Dining Room the night of the incident and both reported that they encountered **TEIXEIRA** in the dining room that night. S.R. was also still on the ship awaiting our arrival. While on the ship, FBI SA Steven Mayeda and FBI SA Cameron Clark conducted an interview of S.R. S.R. reported the following during her interview with SA Mayeda and Clark:

a. S.R. met **TEIXEIRA** while eating dinner at the Bordeaux Dining Room onboard the Princess Cruise Line Ship Coral Princess. During the dinner she had at the restaurant on the night of March 4, 2009, S.R. agreed to meet with **TEIXEIRA** the following night for a drink. On the night of March 5, 2009, S.R. met with **TEIXEIRA** in the Bordeaux Dining Room at approximately 11:06 p.m. **TEIXEIRA** led S.R. to a table in the back corner of the restaurant. As she talked and drank wine with **TEIXEIRA**, she did not initially feel uncomfortable.

b. After talking for approximately an hour and fifteen minutes, **TEIXEIRA** leaned in and attempted to kiss S.R. S.R. attempted to push **TEIXEIRA** off but was unable to do so. **TEIXEIRA** lifted S.R.'s shirt and put his hand on her breast and continued to try to kiss her. S.R. said "No," and **TEIXEIRA** pushed S.R.'s head toward his crotch. **TEIXEIRA** then unzipped his pants and pulled out his erect penis. **TEIXEIRA** asked S.R. to open her mouth and "give him pleasure." **TEIXEIRA** then pushed S.R. out of her chair and against the wall, and S.R. was forced to face the wall. **TEIXEIRA** pulled S.R.'s pants halfway down and put his finger in her vagina. When **TEIXEIRA** realized S.R. had a tampon in her vagina, he then let her put her pants on. S.R. then sat back on the chair and S.R. was unable to leave as the table and chairs blocked her exit.

c. **TEIXEIRA** then again tried to place S.R.'s mouth on his penis which he did for approximately two seconds. S.R. then pulled away. S.R. felt threatened and afraid about the events that were taking place and felt that the only way she was going to escape was to "get him off." **TEIXEIRA** again forced her head down near his penis while **TEIXEIRA** masturbated himself. **TEIXEIRA** then ejaculated on S.R.'s mouth and possibly on her shirt. S.R. wiped her mouth and drank wine from one of the glasses. **TEIXEIRA** then told S.R. to go to his room for another hour and **TEIXEIRA** tried to force S.R. toward a certain direction as they both got up, however, S.R. was able to leave at that point and returned to her stateroom.

10. While still on the ship FBI SA Michael Brown interviewed Princess Cruise Line Ship Coral Princess Employees Sandeep Ingale and Angel Pena Silva. From these interviews, SA Brown learned the following:

a. Both Silva and Ingale were working in the Bordeaux Dining Room on a night earlier in the week when they encountered **TEIXEIRA**.⁴

b. On that night, from approximately 11:30 p.m. to 11:45 p.m., Ingale was vacuuming the Bordeaux Dining Room and was moving toward the right front corner of the dining room when

⁴ Neither Silva nor Ingale could confirm that the night on which they were working in the Bordeaux Dining Room was March 5, 2009. However, records reflect that they were working in the Bordeaux Dining Room that evening.

TEIXEIRA approached him. **TEIXEIRA** told Ingale to stop vacuuming, "relax, take some rest, and enjoy." Additionally, **TEIXEIRA** advised Ingale to tell the other two crew members who normally vacuum the dining room, that they would not need to vacuum the dining room that night. Ingale complied as **TEIXEIRA** is a head waiter and he is in charge of the dining room. Ingale has never before been asked by a head waiter to not vacuum the dining room.

c. On that night, at approximately midnight, Silva entered the Bordeaux dining room to conduct his normal vacuuming. Silva noticed that the lights were dim and as he was about to turn up the lights, he saw **TEIXEIRA** walking towards him from the corner of the dining room. **TEIXEIRA** approached Silva and told him not to vacuum, and motioned for Silva to leave the dining room. Silva left the dining room per **TEIXEIRA's** request, as **TEIXEIRA** is a head waiter and is in charge of the dining room. It was the first time that Silva could remember being told not to vacuum the dining room.

11. The FBI Evidence Response Team ("ERT") also responded to the ship and processed the crime scene and the clothing of **TEIXEIRA** and S.R. I met with FBI ERT team leader Ashley L. Mericle and learned the following:

a. FBI SA Mericle is a team leader on FBI's Evidence Response Team (ERT). SA Mericle has been a member of the ERT for

approximately five years. Prior to joining the FBI, SA Mericle was a Forensic Specialist at the Orange County Sheriff-Coroner Department. SA Mericle has a Masters Degree in Forensic Science.

b. SA Mericle was provided with a bag containing "miscellaneous clothing" by Terry Adkins, Princess Cruise Lines Security Officer. The bag was sealed with evidence tape and contained an evidence label. SA Mericle observed that the bag was contained in a secure locker inside the Security Office. SA Mericle observed that the evidence tag on the bag stated the items were collected from S.R. on 03/06/2009 at 5:10 p.m. The bag contained a pair of white pants as well as several other clothing items. SA Mericle examined the pants using an Alternate Light Source (ALS), and determined that several areas on the back side of the pants fluoresced similar to the way semen fluoresces under ALS. The pants were collected for processing at the FBI laboratory. SA Mericle also determined that there was red colored spotting in the crotch area of the pants and in the underwear, consistent with S.R.'s statement that she was on her period at the time of the incident.

c. SA Mericle was provided with a bag containing "clothing items" by Security Officer Terry Adkins. The bag was sealed with evidence tape and contained an evidence label. SA Mericle observed that the bag was contained in a secure locker inside the Security Office. SA Mericle observed that an evidence tag on the bag stated the items were collected from **TEIXEIRA** on

03/06/2009 at 7:05 p.m. The bag contained a white collared shirt, as well as several other clothing items. SA Mericle examined the shirt using an ALS. SA Mericle advised that when the shirt was examined under the ALS, an area on the bottom front of the shirt fluoresced similar to the way semen fluoresces. The shirt was collected for processing at the FBI laboratory.

d. SA Mericle examined a table and four chairs located in the Bordeaux Dining Room in the area where the incident occurred. The table and chairs were located on the starboard side of the ship, behind a half circle shaped wall. The half circle shaped wall blocked the view of the table and chairs from most of the dining room. SA Mericle examined the table, chairs, and the area immediately around the table and chairs using the ALS. SA Mericle observed several areas that fluoresced similar to the way semen fluoresces around the table. An area on the carpet under the chair located against the eastern wall and the half circle shaped wall, a carpeted baseboard against the eastern wall, and against the half circle shaped wall next to the chair all fluoresced similar to the way semen fluoresces. Additionally, a spot on the arm of the chair next to the chair against the wall fluoresced similar to the way semen fluoresces. Swabs of the areas that fluoresced under ALS were taken for processing at the FBI laboratory.

12. On that same day and while still on the ship, I requested **TEIXEIRA** be escorted from his cabin to a medical room for an interview by Supervisory Special Agent (SSA) Christopher Calarco and me. Upon his arrival, **TEIXEIRA** was advised verbally and in writing of his Miranda rights. **TEIXEIRA** signed a written waiver of his Miranda rights. **TEIXEIRA** indicated that he understood his rights and advised us that he was willing to speak to us without a lawyer present. **TEIXEIRA** stated the following during his interview:

a. **TEIXEIRA** reported that he did meet and have wine with a female guest on the night in question.

b. **TEIXEIRA** initially stated that he had no physical contact with the female guest that made allegations leading to this investigation.⁵ The only time that he ever had physical contact with her was to escort her to her dinner table when she came to dinner at the Bordeaux Dinner Room. **TEIXEIRA** also initially reported that his zipper was never down when he was meeting with the female guest. **TEIXEIRA** reported that he left from the meeting with the female guest at 11:45 p.m. on the night of the incident, and never engaged in any type of physical contact with her.

c. However, upon further questioning by agents, **TEIXEIRA** reported that he did have an erection while he was

⁵ **TEIXEIRA** was unable to identify S.R. by name.

meeting and drinking with her. **TEIXEIRA** also reported that, at one point, he had to stand up and unzip his pants to adjust his erection. **TEIXEIRA** also admitted that he did have seepage from his penis and did ejaculate. **TEIXEIRA** stated that his pants and underwear were soaked from the seepage and ejaculate from his penis. **TEIXEIRA** reported that he ejaculated because the female guest had put her hand on his leg for a few seconds.

d. **TEIXEIRA** also admitted that he had put his hand on the female guest's leg and did touch another part of the female guest's body as they left the table. **TEIXEIRA** explained that his semen might be on the female guest's clothing as he did touch his pants and subsequently touched the female guest's clothing. However, **TEIXEIRA's** explanation is inconsistent with the amount of fluids found on the back of S.R.'s pants described in paragraph 11b above.

e. Finally, **TEIXEIRA** showed agents that inside his pants, there was a dry cleaning tag just inside the zipper, consistent with S.R.'s description. **TEIXEIRA** speculated that the female guest may have seen the dry cleaning tag while he had unzipped his pants to adjust his erection. **TEIXEIRA** also confirmed that his penis was not circumcised.

CONCLUSION

9. Based on the facts set forth herein, I submit that probable cause exists to believe that JORGE MANUEL **TEIXEIRA**

committed a violations of Title 18, United States Code, Section 2241 (aggravated sexual abuse).

CHARLES E. GRAVIS
Special Agent - FBI

Sworn and subscribed to before me
this _____ of March, 2009

UNITED STATES MAGISTRATE JUDGE