

MMS:MMS
AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA)
)
 v.)
)
 ARNOLDO AGUIRRE-VASQUEZ,)
 A/K/A HOMERO GAMEZ)

Case No. 13-MJ-727 (JSM)

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about August 19, 2013, in Renville County, in the State and District of Minnesota, defendant,

an alien who had previously been deported from the United States on or about June 19, 2002, subsequent to conviction for an aggravated felony, namely, a conviction on or about July 26, 2001, in the United States District Court, Southern District of Texas, for Illegal Reentry Following Deportation on the basis of a conviction of a separate aggravated felony, knowingly and unlawfully entered and was found in the United States without having obtained the consent of the Attorney General of the United States, or his successor, the Secretary of Homeland Security, to re-apply for admission into the United States,

in violation of Title 8, United States Code, Sections 1326(a) and (b)(2) and Title 6, United States Code, Sections 202 and 557.

I further state that I am a Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet and made a part hereof: Yes No

Blenny
Complainant's signature

BARBARA KENNEDY, Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/4/13

Janie S. Mayeron
Judge's signature

City and state: St. Paul, MN

The Honorable Janie S. Mayeron
Printed name and title



STATE OF MINNESOTA)

)

ss. AFFIDAVIT OF BARBARA KENNEDY

COUNTY OF RAMSEY)


1. Your affiant has been employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) since February 6, 2006; she began her career as an Immigration Enforcement Agent. On June 22, 2008, affiant was promoted to Deportation Officer.
2. As a Deportation Officer, affiant is charged with the responsibility of overseeing the cases of aliens in removal proceedings. Duties include the review of alien files for legal sufficiency, the detention and release of aliens in ICE custody, monitoring of the courts' removal proceedings, and the enforcement of the courts' decision including removal from the United States.
3. This affidavit is based upon affiant's training, experience, personal knowledge; upon discussions with other law enforcement officers and agents directly involved in this investigation; and upon review of official reports and documents related to this investigation.
4. This affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this affidavit, your affiant believes that probable cause exists to believe that, on or about August 19, 2013, in Renville County, in the District of Minnesota, Arnaldo AGUIRRE-Vasquez (AKA: Homero GAMEZ), a citizen and national of Mexico, was found to be unlawfully present in the United States after having been previously removed, without the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, or any other designated and authorized representative, to re-apply for admission to the United States, and AGUIRRE-Vasquez's removal was subsequent to a conviction of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a)(1) and 1326(b)(2), and Title 6, United States Code, Sections 202 and 557.
5. On August 19, 2013 AGUIRRE-Vasquez was encountered by the Renville County Sheriff's Office, in Renville, Minnesota, and was arrested for Controlled Substance Possession and False Name and Date of Birth. Deportation Officer (DO) Jordan Oyloe received a call from Renville County officials, and determined AGUIRRE-Vasquez to be unlawfully present in the United States without proper immigration documents which would allow AGUIRRE-Vasquez to be in, pass through, or remain in the United States. On October 18, 2013, AGUIRRE-Vasquez pled guilty to False Name and Date of Birth, in violation of Minnesota Statute 609.506.2. On October 21, 2013, AGUIRRE-Vasquez was turned over to ICE custody.
6. At the ICE facility, AGUIRRE-Vasquez was advised of his Miranda Rights by DO Oyloe. AGUIRRE-Vasquez's fingerprints were rolled, scanned and electronically submitted into the Department of Homeland Security's Automated Biometric

Identification System (IDENT) and the Federal Bureau of Investigations Integrated Automated Fingerprint Identification System (IAFIS). IDENT and IAFIS positively matched and linked AGUIRRE-Vasquez's fingerprints to alien registration number A078281630, Federal Bureau of Investigations (FBI) number 872457NA6, and DHS Fingerprint Identification number (FIN) 7384743, revealing AGUIRRE-Vasquez's previous immigration and criminal history.

7. Based on IAFIS and IDENT verification of AGUIRRE-Vasquez's prior history, your affiant reviewed AGUIRRE-Vasquez's unique immigration alien file A078281630 (hereinafter "A-file"). His A-file contains photographs, fingerprints and immigration documents identifying AGUIRRE-Vasquez as a citizen and national of Mexico, who has been ordered removed and physically removed from the United States to Mexico prior to being found in the District of Minnesota in 2013.
8. AGUIRRE-Vasquez's A-file contains immigration records that confirm he has been previously arrested by ICE and removed from the United States on two (2) prior occasions: October 22, 1999, through the Laredo, TX port of entry; and June 19, 2002, through the El Paso, TX port of entry.
9. On December 8, 1988, AGUIRRE-Vasquez was convicted of Illegal Entry, in violation of Title 8, United States Code, Section 1325, in the United States District Court, Southern District of Texas. He was sentenced to 90 days imprisonment.
10. On August 30, 1993, AGUIRRE-Vasquez was convicted of Conspiracy to Possess with Intent to Deliver a Controlled Substance, an aggravated felony, in violation of Wisconsin Statute 161.41(1x), in the Portage County District Court at Stevens Point, WI. He was sentenced to three years imprisonment.
11. On July 26, 2001, AGUIRRE-Vasquez was convicted of Re-entry of Removed Aliens, an aggravated felony, in violation of Title 8, United States Code, Section 1326, in the United States District Court, Southern District of Texas. He was sentenced to 24 months imprisonment.
12. Further review of AGUIRRE-Vasquez's A-file, and immigration computer records, reveals that subsequent to his removal on June 19, 2002, AGUIRRE-Vasquez has not applied for, nor received, permission to enter the United States from the Attorney General or any other designated representative, as defined in the Immigration and Nationality Act (INA) Section 241(a)(5) codified under Title 8, United States Code, Section 1231(a)(5). AGUIRRE-Vasquez is currently detained in ICE custody, classified as mandatory detention, per INA Section 241(a)(2), codified under Title 8, United States Code, Section 1231(a)(2).
13. Based on these facts, your affiant has reason to believe that AGUIRRE-Vasquez is in violation of Title 8, United States Code, Sections 1326(a)(1) and 1326(b)(2), Re-entry after removal, in that he was ordered removed, subsequently removed following the conviction of an aggravated felony, and then found in the United States without

consent of the Attorney General, or the Secretary of the Department of Homeland Security, or any other designated and authorized representative.

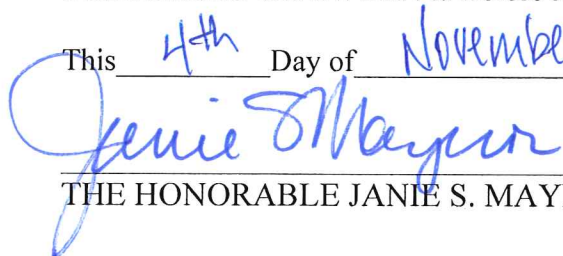
Further Your Affiant Sayeth Not.



Barbara Kennedy
Deportation Officer

SUBSCRIBED and SWORN to Before Me

This 4th Day of November, 2013.



THE HONORABLE JANIE S. MAYERON