

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA)

v.)

ANA MARIA ORTIZ,)
a/k/a GLADITH MIRNA RAMIREZ-CARPIO)
AND a/k/a SANTA CHRISTINA CANTU,)

Case No. 13M5823FW

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 December 18, 2009, in Scott County, in the State and District of Minnesota, defendant(s)

an alien and citizen of El Salvador who has previously been removed subsequent to a conviction for an aggravated felony, namely, a conviction on July 7, 2003, in the U.S. District Court (D. Oregon) for possession with intent to distribute cocaine, 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, Section(s) 1326.

I further state that I am a(n) 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

Barbara Kennedy

Complainant's signature

BARBARA KENNEDY, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/12/13

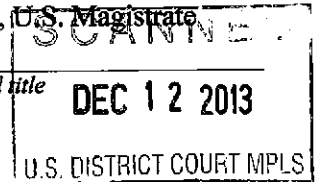
Franklin L. Noel

Judge's signature

City and state: Minneapolis, MN

The Honorable Franklin L. Noel, U.S. Magistrate Judge

Printed name and title



STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

ss. AFFIDAVIT OF BARBARA KENNEDY

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 removal proceedings, and the enforcement of the immigration court's 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 support that, on or about December 18, 2009, in Scott County, in the District of Minnesota, Ana Maria ORTIZ (AKA: Gladith Mirna RAMIREZ-Carpio; Santa Christina CANTU), a citizen and national of El Salvador, 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 the defendant'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 December 18, 2009, defendant ORTIZ was encountered at the Minnesota Correctional Facility (MCF) in Shakopee, MN, by Immigration Enforcement Agent (IEA) Jonathon WISE, while conducting Institutional Hearing Program duties. IEA Wise determined the defendant to be unlawfully present in the United States without proper immigration documents which would allow the defendant to be in, pass through, or remain in the United States. On December 18, 2009, IEA Wise lodged an ICE detainer. On April 26, 2013, defendant was advised of her Miranda Rights by IEA Dennis Olson, at the MCF in Shakopee, MN. On November 25, 2013, the defendant was turned over to ICE custody, upon completion of her sentence.

6. At the ICE facility, defendant'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 defendant's fingerprints to alien registration number A072693488, Federal Bureau of Investigations (FBI) number 223441XB0, and DHS Fingerprint Identification number (FIN) 5949511, revealing defendant's previous immigration and criminal history.
7. Based on IAFIS and IDENT verification of defendant's prior history, your affiant reviewed defendant's unique immigration alien file (hereinafter "A-file") A072693488. Defendant's A-file contains photographs, fingerprints and immigration documents identifying defendant as a citizen and national of El Salvador, who has been ordered removed and physically removed from the United States to El Salvador prior to being found in the District of Minnesota in 2009.
8. The defendant's A-file contains immigration records that confirm she has been previously arrested by ICE and removed from the United States on one (1) prior occasion(s): November 24, 2003, through the Chandler, AZ port of entry.
9. On July 7, 2003, the defendant was convicted of Possession with Intent to Distribute Cocaine, an aggravate felony, in violation of Title 21, United States Code 841(b)(1)(C), in the United States District Court, District of Oregon. Defendant was sentenced to 12 months and 1 day imprisonment.
10. On October 20, 2009, the defendant was convicted of Aid/Abet Sale – 10 grams or More – Cocaine, an aggravate felony, in violation of Minnesota Statute 152.021, Subdivision 1(1), in the Rice County District Court at Faribault, MN. Defendant was sentenced to 86 months imprisonment.
11. Further review of the defendant's A-file, and immigration computer records, reveals that subsequent to the defendant's removal on November 24, 2003, the defendant 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). Defendant 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).
12. Based on these facts, your affiant has reason to believe that ORTIZ is in violation of Title 8, United States Code, Sections 1326(a)(1) and 1326(b)(2), Re-entry after removal, in that she 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.

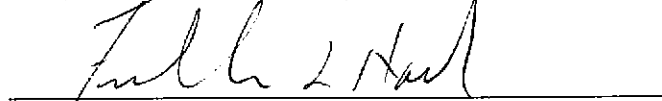
Further Your Affiant Sayeth Not.



Barbara Kennedy, Deportation Officer
Immigration and Customs Enforcement
Department of Homeland Security

SUBSCRIBED and SWORN to Before Me

This 12th Day of December, 2013.



FRANKLIN L. NOEL
United States Magistrate Judge