

DYA:DYA

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA )

v. )

JUAN MANUEL CONTRERAS-LEPE, )

a/k/a Ezekiel Hernandez-Sandoval, )

Case No. 13- FLN  
ms. 415

## 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 May 1, 2013, in Kandiyohi County, in the State and District of Minnesota, defendant,

an alien who had previously been removed subsequent to a conviction for an aggravated felony, namely, a conviction on or about July 6, 1995, in the Sixth Circuit Court in Dade City, Florida, for felony aggravated battery, did knowingly and unlawfully re-enter and was found in the United States in Kandiyohi County, Minnesota, 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)(1) and 1326(b)(2), and Title 6, United States Code, Sections 202 and 557.

I further state that I am a Deportation Officer, U.S. Immigration Customs and Enforcement, 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


Complainant's signature

BARBARA KENNEDY, ICE Deportation Officer

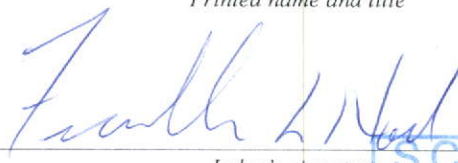
Printed name and title

Sworn to before me and signed in my presence.

Date:

6/13/13

City and state: Minneapolis, MN



Judge's signature

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

Printed name and title



STATE OF MINNESOTA)

)

ss. AFFIDAVIT OF BARBARA KENNEDY

COUNTY OF HENNEPIN)

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; discussions with other law enforcement officers and agents directly involved in this investigation; and 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 May 1, 2013, in Kandiyohi County, in the District of Minnesota, Juan Manuel CONTRERAS-Lepe (AKA: Ezequiel HERNANDEZ-Sandoval), 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 the defendant's removal was subsequent to a conviction of an aggravated felony, in violation of Title 8, United States Code, Section 1326(a)(1) and 1326(b)(2), and Title 6, United States Code, Sections 202 and 557.
5. On May 1, 2013, Defendant was encountered by the St Paul ICE Fugitive Operations Team ("Team") in Willmar, Minnesota. Defendant was the target of an investigation after the Team received information that the Defendant was unlawfully living in the United States, specifically in Willmar. Deportation Officer (DO) Martin Arredondo identified the Defendant and determined him 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. Defendant was placed under arrest, without incident, and was transported to the ICE St Paul Field Office for administrative processing.
6. At the ICE facility, the Defendant was advised of his Miranda Rights by DO Arredondo, and Defendant waived his Miranda Rights. 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 A091772497, Federal Bureau of Investigations (FBI) number 798181AA9, and DHS Fingerprint Identification number (FIN) 14712034, 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") A091772497. Defendant's A-file contains photographs, fingerprints and immigration documents identifying Defendant 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. The Defendant's A-file contains immigration records that confirm he has been previously arrested by ICE and removed from the United States on one (1) prior occasion, specifically on August 22, 2000, through the Laredo, TX port of entry, subsequent to his convictions for Aggravated Felony convictions which are outlined below.
9. On July 6, 1995, the Defendant was convicted of Aggravated Battery, an aggravated felony, in violation of Florida Statute 784.045, in the Pasco County Circuit Court at Dade City, Florida. Defendant was sentenced to 40 months imprisonment.
10. On November 30, 1998, the Defendant was convicted of Aggravated Forgery, an aggravated felony, in violation of Minnesota Statute 609.625, Subdivision 1(1), in the Kandiyohi County District Court at Willmar, Minnesota. Defendant was sentenced to 13 months imprisonment.
11. Your affiant's investigation has revealed that the defendant currently makes no claim to United States citizenship or lawful permanent residence status in the United States, nor does he have documents to enter, pass through, or remain in the United States.
12. Further review of the Defendant's A-file, and immigration computer records, reveals that subsequent to the defendant's removal on August 22, 2000, 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).

13. Based on these facts, your affiant has reason to believe that Juan Manuel CONTRERAS-Lepe is 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, Unlawful 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.

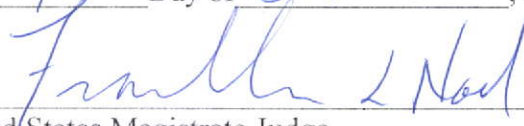
14. Further Your Affiant Sayeth Not.



Barbara Kennedy, Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 13<sup>th</sup> Day of JUNE, 2013.

  
United States Magistrate Judge