

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

JORGE ORTIZ-MARTINEZ,

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)

Case No. 13-mj-801 ASB

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 November 15, 2013, in Hennepin County, in the State and District of Minnesota, defendant

an alien who had previously been removed from the United States on or about March 6, 2009, subsequent to a conviction for an aggravated felony, namely, a conviction on or about April 8, 1996, in Los Angeles County District Court, in the State of California, for First Degree Burglary, 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 1326(a) and 1326(b)(2).

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

[Handwritten signature]

Complainant's signature

Steven E. Draves, Deportation Officer
Immigration and Customs Enforcement

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/9/13

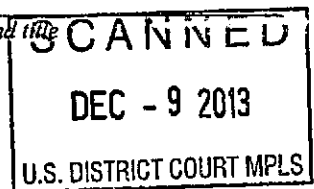
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Judge's signature

City and state: MINNEAPOLIS, MINNESOTA

The Honorable Arthur J. Boylan
U.S. Magistrate Judge

Printed name and title




STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

ss. **AFFIDAVIT OF Steven Draves**

1. I am employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS). I have been so employed since March 6, 2007. I began my career as a U.S. Customs and Border Protection Officer in March of 2003. On September 14, 2008, I became a Deportation Officer.
2. As a Deportation Officer, my duties and responsibilities include overseeing the cases of aliens in removal proceedings. My duties include the review of alien files for legal sufficiency, detention and release of aliens in ICE custody, monitoring of removal proceedings, and the enforcement of court decisions, including removal from the United States.
3. This affidavit is based on my training, experience, personal knowledge, and my review of official reports and documents related to this investigation. This affidavit is also based on my discussions with other law enforcement officers and agents directly involved in this investigation.
4. This affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant for Jorge Alberto Ortiz-Martinez charging him with being an alien who had previously been deported from the United States subsequent to a conviction for an aggravated felony who was found in the United States, and who had knowingly and unlawfully entered 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 reapply for admission into the United States, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b). Accordingly, this affidavit contains only a summary of relevant facts.
5. Ortiz-Martinez's Alien File (A-file) contains immigration records that confirm he has been previously arrested by immigration authorities and removed from the United States on five (5) prior occasions: October 31, 1985 at Houston, Texas; September 10, 2003 at Chandler, Arizona; January 12, 2005 at Chandler, Arizona; May 24, 2007 at Alexandria, Louisiana; March 6, 2009 at Alexandria, Louisiana.
6. Ortiz-Martinez was ordered removed from the United States to Honduras on October 25, 1985 by an immigration judge. On October 31, 1985, Ortiz-Martinez was removed from the United States to Honduras at Houston, Texas.
7. On April 8, 1996, Ortiz-Martinez was convicted of First Degree Burglary in Los Angeles County District Court in violation of California Penal Code 459 and was sentenced to nine years in prison.

8. Ortiz-Martinez was again ordered removed from the United States to Honduras on August 15, 2003 by an immigration judge. On September 10, 2003, Ortiz-Martinez was removed from the United States to Honduras at Chandler, Arizona.
9. Ortiz-Martinez was again removed from the United States to Honduras on January 12, 2005 after receiving an order of expedited removal at Chandler, Arizona.
10. Ortiz-Martinez was again removed from the United States to Honduras on May 24, 2007 at Alexandria, Louisiana after having his prior order of removal reinstated.
11. Ortiz-Martinez was convicted in the United States District Court in the Southern District of Texas of Illegal Re-Entry in violation of 8 U.S.C. 1326(a) and (b)(2) on June 11, 2008, and was sentenced to 21 months in prison.
12. Ortiz-Martinez was again removed from the United States to Honduras on March 6, 2009 after having his prior order of removal reinstated.
13. Ortiz-Martinez subsequently re-entered the United States without permission.
14. Ortiz-Martinez was encountered by Immigration and Customs Enforcement on November 15, 2013, while incarcerated in the Hennepin County Jail in Minneapolis, Minnesota for charges related to burglary and damage to property. Ortiz-Martinez was turned over to ICE from Hennepin County on November 18, 2013.
15. Further review of Ortiz-Martinez's immigration records reveals that subsequent to his removals from the United States on October 31, 1985, September 10, 2003, January 12, 2005, May 24, 2007, and March 6, 2009, Jorge Alberto Ortiz-Martinez never applied for, nor received, permission to enter the United States from the Attorney General of the United States, or his successor, the Secretary of Homeland Security. Ortiz-Martinez is currently detained in ICE custody, classified as mandatory custody, per INA Section 241(a)(2), codified under Title 8, United States Code, Section 1231(a)(2).
16. Based on these facts, I believe that Jorge Alberto Ortiz-Martinez has violated Title 8, United States Code, Sections 1326(a) and 1326(b).

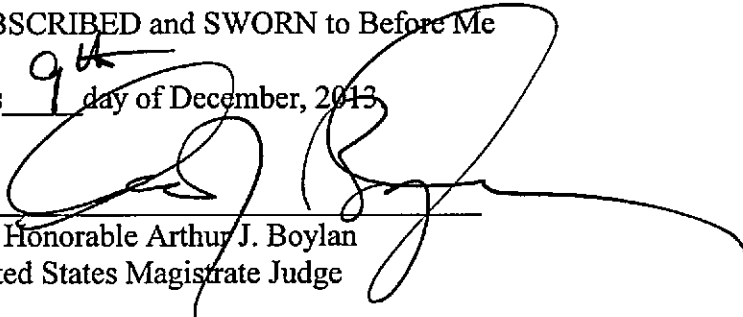
Further Your Affiant Sayeth Not.



Steven E. Draves, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 9th day of December, 2013



The Honorable Arthur J. Boylan
United States Magistrate Judge