

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA)

v.)

JOSE ISRAEL GUTIERREZ-GARCIA,)

Case No. 14-MJ-0010 (JJG)

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 11, 2013, in Hennepin County, in the State and District of Minnesota, defendant,

an alien who had previously been removed from the United States subsequent to a conviction for a 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 reapply for admission into the United States,

in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(1).

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



Complainant's signature

STEVEN DRAVES, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 1/7/14

City and state: St. Paul, MN



Judge's signature

The Honorable Jeanne J. Graham, U.S. Magistrate
Judge

Printed name and title

SCANNED

JAN 07 2014

U.S. DISTRICT COURT ST. PAUL

14-MJ-0010 (JJG)

STATE OF MINNESOTA)

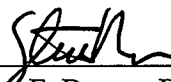
) ss. AFFIDAVIT OF Steven Draves

COUNTY OF RAMSEY)

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 Jose Israel GUTIERREZ-Garcia, charging him with being an alien who had previously been deported from the United States subsequent to a conviction for a 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)(1). Accordingly, this affidavit contains only a summary of relevant facts.
5. GUTIERREZ-Garcia's A-file contains immigration records that confirm he has been previously arrested by immigration authorities and removed from the United States on one (1) prior occasion: November 21, 2012, at the Laredo, Texas Port of Entry.
6. GUTIERREZ-Garcia was convicted on March 28, 2008, in Hennepin County District Court of First Degree Driving While Impaired, in violation of Minnesota Statute 169A.20.1(1), a felony, and was sentenced to 42 months in prison and 5 years' probation.
7. GUTIERREZ-Garcia was convicted in Dakota County District Court of Drugs-5th Degree-Possess Schedule 1, 2, 3, 4-Not Small Amount of Marijuana to wit; Methamphetamine, in violation of Minnesota Statute 152.025.2(a)(1), a felony, and was sentenced to 17 months prison and 2 years' probation.
8. GUTIERREZ-Garcia was ordered removed from the U.S. to Mexico on November 20, 2012, by an Immigration Judge. On November 21, 2012, GUTIERREZ-Garcia was removed from the U.S. to Mexico at Laredo, Texas.

9. GUTIERREZ-Garcia subsequently re-entered the U.S. on or about December 1, 2012, without permission.
10. GUTIERREZ-Garcia was encountered by Immigration and Customs Enforcement on May 11, 2013, while incarcerated in the Hennepin County Jail, in Minneapolis, Minnesota, where he was being held on charges related to Driving While Intoxicated. GUTIERREZ-Garcia was turned over to ICE from Hennepin County on December 31, 2013.
11. Further review of GUTIERREZ-Garcia's immigration records reveals that subsequent to his removal from the United States on November 21, 2012, GUTIERREZ-Garcia has not 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. He 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).
12. Based on these facts, I believe that Jose Israel GUTIERREZ-Garcia has violated Title 8, United States Code, Sections 1326(a) and 1326(b)(1).

Further Your Affiant Sayeth Not.



Steven E. Draves, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 7th day of January, 2014.



JEANNE J. GRAHAM

United States Magistrate Judge