United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

JORGE RAMIRES-VILLA

CRIMINAL COMPLAINT
Case Number:
MJ.11.348.SER

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 2, 2011, in Rice County, in the State and District of Minnesota, defendant(s)

an alien, who had previously been removed from the United States on or about December 29, 2010, subsequent to a conviction for an aggravated felony, namely: Assault in the Second Degree, in the State of Minnesota, on or about April 12, 2010, knowingly and unlawfully was found in the United States without obtaining permission from the Attorney General or 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(a) and (b)(2).

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

Signature of Complainant
Jennifer Skwira
U.S.ICE

Sworn to before me, and subscribed in my presence,

22 August 2011 4:20PM at St. Paul, MN
Date City and State

The Honorable Steven E. Rau
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Signature of Judicial Officer

SCANNED
AUG 23 2011
U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
) ss. **AFFIDAVIT OF Jennifer Skwira**
COUNTY OF RAMSEY)

Jennifer Skwira, being duly sworn, deposes and states as follows:

1. I am a Deportation Officer with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security since September 2, 2007. I have been in various positions within legacy Immigration and Naturalization Service (INS) and the United States Citizenship and Immigration Services (USCIS) for the last 13 years.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for reviewing alien files (commonly known as "A files") in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my 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, I believe that probable cause exists to support that, on or about August 2, 2011, in Rice County, in the State and District of Minnesota, Jorge RAMIRES-Villa (Defendant) unlawfully reentered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that Defendant's removal was subsequent to a conviction for commission of an

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

5. On or about August 2, 2011, Defendant was encountered by police in Rice County, Minnesota and was arrested for No Drivers License at the time of the encounter. Immigration Enforcement Agent (IEA) June Adams spoke with defendant on August 3, 2011 and determined that defendant was an illegal alien present in the United States without proper immigration documents which would allow defendant to be in, pass through or remain in the United States legally and an Immigration and Customs Enforcement (ICE) detainer was placed on defendant.

6. On August 4, 2011, defendant was released to ICE custody and transported to the Bloomington, Minnesota ICE office for processing. On August 4, 2011, the defendant was advised of his Miranda Rights. After receiving Miranda warnings, the defendant voluntarily gave a sworn statement to IEA David Gripentrog. 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 A89 710 288, Federal Bureau of Investigations number 373478CD3 and DHS Fingerprint Identification number (FIN) 1112977192, revealing defendant's previous removal and criminal history.

7. Based on IAFIS and IDENT identification of defendant's prior history, I reviewed

defendant's unique alien registration file A89 710 288. The defendant's alien registration 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 on one (1) prior occasion prior to being found in the District of Minnesota in 2011

8. On April 12, 2010, Subject was convicted in Hennepin County District Court, Minneapolis, Minnesota for the offense of Assault 2nd Degree. Subject was sentenced to 14 months. The above listed conviction of the defendant has been classified by the FBI Criminal Justice Information System as FBI# 373478CD3. Upon the arrest of the defendant by ICE, he was searched and enrolled into the Automated Integrated Fingerprint Identification System (IAFIS). Results of the IAFIS search and enrollment revealed the identical FBI# 373478CD3 related to the defendant's criminal history and the defendant's administrative immigration File #A89 710 288 thereby establishing a match of identity utilizing fingerprint records.

9. Defendant's immigration file indicates that he has been previously arrested and removed from the United States on one (1) occasion. On December 29, 2010 defendant was removed from the last port of departure from the United States to Mexico at Laredo, Texas.

10. The defendant is subject to removal as an alien that re-entered the U.S. without permission by the Attorney General or Secretary of Homeland Security as defined in INA Section 241(a)(5) codified under 8 USC1231(a)(5). The defendant is currently detained in ICE custody as mandatory detention per INA Section 241(a)(2) codified

under 8 USC 1231(a)(2) due to his illegal re-entry to the United States.

11. Defendant is a citizen and national of Mexico with no claim to United States Citizenship or Lawful Permanent Resident status, nor does he have documents to enter, pass through, or remain in the United States. Defendant claims entry illegally to the United States on August 1, 2011 at or near San Ysidro, California.

12. My investigation confirms that since his removal from the United States on December 29, 2010, defendant has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.

13. Based on these facts, defendant is in violation of 8 U.S.C. Section 1326(a) & (b)(2), Re-entry after removal, in that defendant was ordered removed, subsequently removed, and then found in the United States without consent of the Attorney General, or the Secretary of the Department of Homeland Security following the conviction of an aggravated felony.

14. Further Your Affiant Sayeth Not.

Jennifer Skwira, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 22 day of August, 2011.

Steven E. Rau
United States Magistrate Judge