

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No.

13-MJ-364
(JJK)

ALFREDO RIOS-GUZMAN,

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 7, 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 November 14, 2007, subsequent to a conviction for an aggravated felony, namely, a conviction on or about October 30, 2007, in Hennepin County District Court, in the State of Minnesota, for Assault 2nd Degree, 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, Sections 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
Complainant's signatureRicky R. Kriesel, Deportation Officer
Immigration and Customs Enforcement

Printed name and title

Sworn to before me and signed in my presence.

Date:

5/30/13

City and state:

St Paul, Minn


Judge's signatureThe Honorable Jeffrey J. Keyes
United States Magistrate Judge

Printed name and title

SCANNED

MAY 31 2013

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF Ricky R. Kriesel

Ricky R. Kriesel, being duly sworn, deposes and states as follows:

1. I am and have been employed with Immigration and Customs Enforcement (ICE) since March of 2003. I began my career as a Detention Enforcement Officer with the Immigration Naturalization Service in July 2002. In September 2007 my position was upgraded to that of Immigration Enforcement Agent. In May 2008 I was promoted to Supervisory Immigration Enforcement Agent. In February 2009 I was promoted to Deportation Officer.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for making arrests of aliens, reviewing alien files (commonly known as "A-files") in connection with the detention and release of aliens in ICE custody, and making custody determinations.
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 May 7, 2013, in the city of Bloomington, Hennepin County, in the State and District of Minnesota, Alfredo RIOS-Guzman, a citizen and national of Mexico, unlawfully re-entered 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 RIOS'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 May 7, 2013, Defendant was encountered by ICE Fugitive Operations Officer Martin Arredondo in the city of Bloomington, MN. Defendant was a target of an Immigration Investigation. Deportation Officer Arredondo determined that Defendant was an alien present in the United States without proper immigration documents that would allow the Defendant to be in, pass through, or remain in the United States legally. The Defendant was transported to the ICE office in Bloomington, MN for processing.
 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 A076 407 589, Federal Bureau of Investigations number 400723HB1, and DHS Fingerprint Identification number (FIN) 2480773, revealing Defendant's previous immigration and criminal history.
 7. On or about October 30, 2007, Defendant was convicted in the Hennepin County District Court, Fourth Judicial District, City of Minneapolis, Minnesota, of Assault

2nd Degree Dangerous Weapon in violation of MN Statute 609.222 Subd.1 and ordered confined for 21 months to the MN Department of Corrections.

8. Based on IAFIS and IDENT identification of Defendant's prior history, I reviewed Defendant's unique immigration alien file (hereinafter "A-file") A076 407 589. 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. Defendant was ordered removed from the United States by an Immigration Judge in Bloomington, MN, on August 16, 2007 and removed to Mexico on August 22, 2007 through the Laredo, TX, port of entry.
9. The Defendant's A-file contains immigration records that confirm he has been previously arrested by ICE and removed from the United States on two (2) prior occasions: August 22, 2007, through Laredo, TX, port of entry; November 14, 2007, through Laredo, TX, port of entry.
10. Law enforcement has confirmed through fingerprints contained in Defendant's criminal history and immigration file that the individual named Alfredo RIOS-Guzman, referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on May 7, 2013, by Immigration and Customs Enforcement Officers.
11. Defendant is subject to removal as an alien who 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 U.S.C. Section 1231(a)(5). Defendant is

currently detained in ICE custody as mandatory detention per INA Section 241(a)(2) codified under 8 U.S.C. Section 1231(a)(2) due to his illegal re-entry to the United States.

12. My investigation has revealed that Defendant is a citizen and national of Mexico who 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.

13. My investigation has revealed that since his first removal from the United States on August 22, 2007, Defendant has not applied for or 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.

14. Based on these facts, I have reason to believe that Alfredo RIOS-Guzman is in violation of 8 U.S.C. Section 1326(a) & (b)(2) and 6 U.S.C. Sections 202 and 557, Reentry of removed aliens, 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.

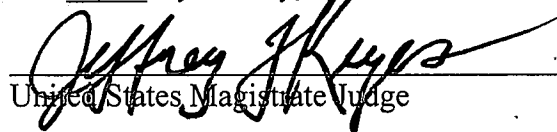
15. Further Your Affiant Sayeth Not.



Ricky R. Kriesel, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 30 day of May, 2013.


United States Magistrate Judge