

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

AO 91 (Rev. 02/09) Criminal Complaint

11 MAR -7 AM 11:30

UNITED STATES DISTRICT COURT

for the
District of New Mexico

CLERK-LAS CRUCES

United States of America)

v.)

Ulises LLUCH-Valdes)

Case No. 11 MJ 498)

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

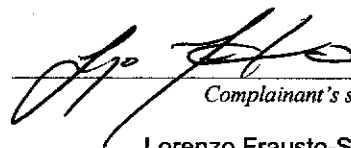
On or about the date of 03/03/2011 in the county of Dona Ana in the _____ District ofNew Mexico, the defendant violated 8 U. S. C. § 1324 (a)(1)(A)(ii)

, an offense described as follows:

Any person who, knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Lorenzo Frausto-Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/07/2011

Judge's signature

City and state: Las Cruces, New Mexico

U.S. Magistrate Judge

Printed name and title

Affidavit

On March 3, 2011, United States Border Patrol Agent (BPA) J. Smith was assigned to the United States Border Patrol Checkpoint located at Interstate 10 mile marker 120.5. At approximately 5:00 p.m., a driver, later identified as LLUCH-Valdes, drove into primary inspection area in a maroon tractor trailer bearing California license plate UP59492. LLUCH-Valdes was questioned as to his citizenship to which he presented his I-155 to BPA Smith. During the questioning, LLUCH-Valdes was visibly nervous and his hands were shaking. BPA Smith questioned LLUCH-Valdes about his cargo and asked to produce his shipping manifest. LLUCH-Valdes was instructed to pull into secondary inspection.

During secondary inspection, LLUCH-Valdes granted consent to a canine inspection. BPA Hall performed a systematic inspection with his government issued canine "Bert" of the vehicle's exterior. The canine alerted to the vehicles cab and trailer. LLUCH-Valdes was asked if there were any passengers in the cab of the vehicle to which LLUCH-Valdes replied "no". A subsequent inspection of the cabin revealed three individuals, who were later identified Ildefonso Ortiz-Ortiz, Oscar Garcia-Morales and Marcos Argenis Vasquez-Calvario. The individuals were question as to their citizenship and they admitted to being in the United States illegally and subsequently arrested.

During an interview with Homeland Security Investigations SA Benjamin Elizondo, one of the individuals who were arrested for being in the United States illegally agreed to speak without the presence of a lawyer. Oscar Garcia-Morales stated that he crossed the border from Mexico approximately on February 25, 2011. Once in the United States Garcia-Morales took a taxi to a Motel 6 and spent several days there. After several days at the Motel 6, Garcia-Morales and the two other illegal immigrants were met by an individual with a tractor trailer, later identified as LLUCH-Valdes, at a gas station on March 3, 2011. Garcia-Morales stated LLUCH-Valdes told them to get into the cab and sit inside the sleeper area. Upon entering the tractor, LLUCH-Valdes asked them "en donde esta la lana?" which translates to "where is the money?". The three individuals gave LLUCH-Valdes \$800.00 dollars each with a total of \$2,400 dollars. LLUCH-Valdes hid the money behind the passenger seat in a black bag. LLUCH-Valdes told the three immigrants that he ran the show and that things were going to be done his way if he was going to take them to California. LLUCH-Valdes warned them that if their cell phones rang, he would immediately pull the vehicle over and they would have to exit. As a result they all shut their cell phones off. LLUCH-Valdes advised them they would be crossing an immigration checkpoint and told them where to hide before reaching the immigration. LLUCH-Valdes told them to hide under the bed and in the sleeper closet. All three immigrants were found in the aforementioned locations by US BP.

Inspection of the tractor trailer also revealed \$3,618 wrapped in a map hidden in a storage bag on the left side of the driver's seat.

On March 3, 2011, at approximately 10:30pm, United States Homeland Security Investigations Special Agent (SA) Lorenzo Frausto and SA Federico Figueroa advised

LLUCH-Valdes of his Miranda Rights in the Spanish language. LLUCH-Valdes acknowledged in writing that he understood his rights, and he agreed to make a statement without the presence of an attorney.

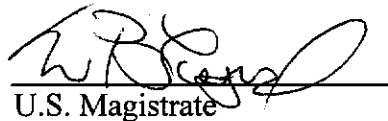
During LLUCH-Valdes' interview, he stated that he picked-up some people that were broke down off the I-10 highway. SA Figueroa asked for the real story and LLUCH-Valdes stated "I promise that I would not do it again". LLUCH-Valdes also stated that if HSI agents would release him, he would call back with a good story. LLUCH stated that he wanted to speak with someone who could make a deal. LLUCH-Valdes acknowledged that he made a mistake and that he would suffer the consequences. SA Figueroa asked LLUCH-Valdes to tell his side of the story, and LLUCH-Valdes stated that he was at a gas station pumping gas when 4 individuals asked him for a ride. The individuals claimed to have vehicle problems. LLUCH-Valdes agreed to give them a ride. When SA Figueroa asked for details of what transpired, LLUCH-Valdes invoked his right to an attorney. All questions regarding LLUCH-Valdes' case ceased at that moment.

AUSA John Crews was contacted and apprised of the above stated information. He accepted prosecution on LLUCH-Valdes for 8 USC 1324 (a)(1)(A)(ii)-Transporting Aliens.

LLUCH-Valdes and the material witness were transported to the Dona Ana County Detention Facility in Las Cruces, New Mexico.

I make this affidavit on the basis of my personal knowledge, as well as the basis of information furnished to me by other law enforcement officers.


Lorenzo Frausto
HSI Special Agent


U.S. Magistrate

William P. Lynch