

FILED
NOV 4 AM 9:05
CLERK - LAS CRUCES

UNITED STATES DISTRICT COURT

State and

DISTRICT OF

New Mexico

UNITED STATES OF AMERICA

v.

CANSECO-Vasquez, Hernan

CRIMINAL COMPLAINT

CASE NUMBER: 10 MJ 2870

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 02, 2010 in Hidalgo county, in the State and District of New Mexico defendant(s) did (Track Statutory Language of Offense)

knowing and in reckless disregard of the fact that Victor CORIA-Gonzalez and Cesar DIAZ-Salas had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii)

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

On November 2, 2010 Officer Christopher Alvarez of the New Mexico Motor Traffic Division (NMMTD) conducted a traffic stop on a 1994 Toyota Camry LE, for a speeding violation on New Mexico Highway 80 near mile marker 28, in Hidalgo County, New Mexico. Once the vehicle came to a stop, NMMTD Officer Alvarez observed the driver and three passengers exit the vehicle and abscond east of the highway. NMMTD Officer Alvarez located an additional subject in the trunk of the vehicle. NMMTD Alvarez called the Lordsburg, New Mexico Border Patrol Station and asked for assistance to search for the remaining subjects who fled into the desert.

U.S. Border Patrol Agents (BPA) Kasey Vall, Steven Gochenour and Supervisory Border Patrol Agent (SBPA) Edgardo Garayua arrived on scene. The Agents identified themselves as U.S Border Patrol Agents and they conducted an immigration inspection on the subject who was in the trunk of the vehicle. The subject admitted to entering the United States illegally at a place not designated by the proper authorities; therefore he was not admitted or paroled by an Immigration Officer. That subject was arrested and placed into custody by SBPA Garayua. BPA Vall and Gochenour proceeded to follow the footprints on the ground left by the subjects who absconded into the desert.

Continued on the attached sheet and made a part hereof: Yes No

Sworn to before me and subscribed in my presence,

November 04, 2010

Date

KAREN B. MOLZEN
U.S. MAGISTRATE JUDGE

Name & Title of Judicial Officer

Orlando Morin

Signature of Complainant

Las Cruces, New Mexico

City and State

Karen Bmolzen

Signature of Judicial Officer

CONTINUATION OF CRIMINAL COMPLAINT

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Continuation of statement of facts:

SBPA James S. Reed and BPA Nathan Norris were also working in the area and were operating a Forward Looking Infrared Red Unit and a RECON III Unit, and obtained a visual of the four subjects who absconded. The four subjects were trying to conceal themselves in a bush, approximately two miles northeast of where the vehicle was stopped. BPA Vall and Gochenour continued following the footprints and SBPA Reed and BPA Norris helped guide the Agents to the location of the four subjects.

Once the Agents approached the four subject's location, BPA Vall and Gochenour identified themselves as U.S. Border Patrol Agents and conducted an immigration inspection. All four subjects admitted to entering the United States illegally at a place not designated by the proper authorities; therefore they were not admitted or paroled by an Immigration Officer. All subjects were arrested and escorted to the Agent's patrol vehicle where the four subjects who absconded, and the subject who was found in the trunk of the vehicle, were transported to the Lordsburg, New Mexico Border Patrol Station for further questioning and processing.

At the station, the defendant, Hernan CANSECO-Vasquez, was read his Miranda Rights in the Spanish language via government form I-214 which he signed acknowledging that he understood his rights. The defendant agreed to make a statement freely to U.S. Border Patrol Agents without the presence of a lawyer.

The defendant was advised that a sworn statement was desired and the defendant agreed to make a statement freely without legal representation. During the sworn statement, the defendant stated that he met with a smuggler in Agua Prieta, Mexico who helped him cross the U.S./ Mexico international border fence illegally near Douglas, Arizona. The defendant was to pay this smuggler \$2,000 dollars once arriving in Phoenix, Arizona. Once the defendant illegally crossed the border, the defendant further stated that a vehicle picked him up and brought him to a mobile home in Douglas, Arizona. The defendant stated that he stayed at the mobile home for about a week, awaiting for further instruction and transportation to Phoenix, Arizona. The defendant then stated that a man came to the mobile home to bring him food, and the defendant told the man bringing him food that he did not have the \$2,000 dollars that was previously agreed upon. The other man then told the defendant that he could drop the price to smuggle him to Phoenix, Arizona to \$500 dollars if he agreed to help smuggle and drive a vehicle with illegal aliens to Phoenix, Arizona. The defendant agreed to smuggle and drive the vehicle with other illegal aliens that were arriving to the mobile home.

At dawn the next day, the defendant stated that two vehicles arrived at the mobile home and one man told him to get in one of the vehicles and drive the four other illegal aliens behind their vehicle. The defendant and the four other illegal aliens entered the vehicle and one of them got into the trunk. The defendant then followed behind the other men as they traveled east on Arizona Highway 80, were they later crossed into New Mexico and were stopped by the police.

After interviewing the smuggled aliens, two subjects were willing to be material witnesses and made statements as to the defendant's involvement:

MATWIT 1: Cesar DIAZ-Salas The material witness was read his Miranda Rights and signed government form I-214. He said he understood his rights and was willing to answer questions without the presence of an attorney. The following is the statement that DIAZ-Salas made:

DIAZ-Salas stated that he spoke with a subject in Mexico before entering the United States, and that subject gave him instructions to illegally cross the U.S./ Mexico international border near Douglas, Arizona. DIAZ-Salas was to pay \$1,800 dollars upon his arrival to Phoenix, Arizona. Once DIAZ-Salas illegally crossed the border, he was instructed to wait for a vehicle in a brush near the road. A vehicle arrived near DIAZ-Salas location and DIAZ-Salas entered the vehicle and the vehicle brought him to a mobile home in Douglas, Arizona. After staying at the mobile home for three days, a vehicle arrived to pick him up and the defendant, Hernan

CONTINUATION OF CRIMINAL COMPLAINT

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Continuation of statement of facts:

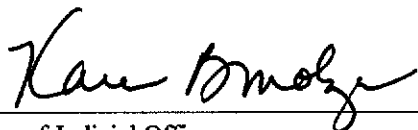
CANSECO-Vasquez, was driving the vehicle. The defendant then traveled on Arizona Highway 80 towards New Mexico, and the defendant instructed DIAZ-Salas to not look at any Police or Border Patrol vehicles that drive by. DIAZ-Salas stated that later as they were traveling in New Mexico, the Police positioned their vehicle behind the defendant's vehicle and the defendant stopped, but then accelerated and the defendant told everyone in the vehicle that he was going to escape. The defendant then stopped the vehicle short distance later and told everyone to get out and run. DIAZ-Salas stated that he exited the vehicle and ran with the other occupants where he was later apprehended by the Border Patrol.

MATWIT 2: Victor CORIA-Gonzalez The material witness was read his Miranda Rights and signed government form I-214. He said he understood his rights and was willing to answer questions without the presence of an attorney. The following is the statement that CORIA-Gonzalez made:

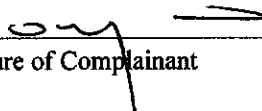
CORIA-Gonzalez stated that he spoke with a subject in Mexico before entering the United States, and that subject gave him instructions to illegally cross the U.S./ Mexico international border near Douglas, Arizona. CORIA-Gonzalez was to pay \$2,000 dollars upon his arrival in California. CORIA-Gonzalez illegally crossed the border with another subject who had a cell phone, and the other subject was receiving instructions from the guide in Mexico. CORIA-Gonzalez and the other subjects received instructions to hide along Arizona Highway 80, and wait for a vehicle to stop and pick them up. A short time later a vehicle arrived driven by the defendant, Hernan CANSECO-Vasquez, and picked up CORIA-Gonzalez and they other subject. The defendant told CORIA-Gonzalez and the other subjects to lay down and try to conceal themselves. They then traveled on the highway towards New Mexico. After traveling in New Mexico for a period of time, the driver then said that the police were behind them and that was going to try and escape. The defendant stopped the vehicle once, but then drove off again to get away from the police. The defendant then stopped again and told everyone to get out and run. CORIA-Gonzalez then stated that he exited the vehicle and absconded with the other occupants and was later apprehended by the Border Patrol.

Immigration checks revealed that the defendant was last removed on February 3, 2010, from the United States to Mexico through Nogales, Arizona.

Criminal record checks revealed that the defendant was convicted of Assault with a Deadly Weapon on December 28, 2009 at Phoenix, Arizona and was sentenced to 3 years probation. There is no evidence to show that the defendant has applied for or received permission from the proper authorities to be or remain in the United States.



Signature of Judicial Officer



Signature of Complainant