

AO 91 (Rev. 5/85) Criminal Complaint

UNITED STATES DISTRICT COURT

FILED
Albuquerque NM

State and DISTRICT OF New Mexico

FEB 21 2008

UNITED STATES OF AMERICA

v.

Jose Fernando VALLECILLO-Rodriguez

MATTHEW J. DYKMAN
CLERK

CRIMINAL COMPLAINT

CASE NUMBER: 08-MJ-408

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 February 20, 2008 in Bernalillo County county, in the State and District of New Mexico defendant (s) did, (Track Statutory Language of Offense)

an alien, who had been previously arrested and deported from the United States, subsequent to being convicted of a aggravated felony, to wit: Second Degree Murder, and who had not received the consent of the appropriate authority of the United States to reapply for admission into the United States, was found in the United States, in the State and District of New Mexico, being willfully in the United States unlawfully.

in violation of Title 8 United States Code, Section(s) 1326(a)(1) and (2), 1326(b)(2)

I further state that I am a (n) Immigration Enforcement Agent and that this complaint is based on the following facts:

Official Title

On February 20, 2008 Jose Fernando VALLECILLO-Rodriguez was remanded to the custody of the Immigration and Customs Enforcement Office Albuquerque, New Mexico from the Metropolitan Detention Center, Albuquerque, New Mexico. When questioned, VALLECILLO identified himself as Jose Fernando VALLECILLO-Rodriguez, a citizen and national of Mexico without any immigration documents to remain or reside in the United States. IDENT fingerprint and record checks reveal the subject as Fernando Rivera a citizen and national of Mexico whom had previously been ordered removed from the United States to Mexico as Jose Fernando VALLECILLO-Rodriguez on/about April 23, 1997 and subsequently departed to Mexico on/about July 24, 2003. Records show that VALLECILLO was ordered removed subsequent to a Felony conviction of Second Degree Murder, U.S. District Court State of New Mexico on/about July 13, 1995 to wit; VALLECILLO was sentenced to (16) years incarceration and (2) years parole. There is no evidence that VALLECILLO received the consent of the Secretary of Homeland Security of the United States to reapply for admission into the United States.

Approved Telephonically by AUSA James Tierney.

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

Michael L. Underdown
Signature of Complainant

Sworn to before me and subscribed in my presence,
February 20, 2008
Date

Albuquerque, New Mexico
City and State

James Tierney
United States Magistrate Judge
Name & Title of Judicial Officer

James Tierney
Signature of Judicial Officer