



**United States Department of Justice
United States Attorney's Office
District of Minnesota**

**B. Todd Jones,
United States Attorney**

**Jeanne F. Cooney
Director of Community Relations
(612) 664-5611
email: jeanne.cooney@usdoj.gov**

News Release

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Prosecutions continue in illegal entry cases involving those with prior criminal records

MINNEAPOLIS – In the District of Minnesota, separate indictments have been filed against three foreign nationals who entered the United States illegally after being deported as criminals. Yesterday in Minneapolis, three individuals were charged with one count of illegal re-entry after deportation.

Samer Ochoa-Bernabe, age 36, of Edina, was charged in the first case. His indictment alleges that on May 10, 2011, he was found in the U.S. illegally after having been previously deported to Mexico. Ochoa-Bernabe's deportation followed a 1998 California conviction for willful infliction of corporal injury. The current federal indictment resulted from a May 9, 2011, arrest for giving a false name to a police officer, speeding, and other traffic violations. He was in the Faribault County Jail when he was identified as an illegal alien through the U.S. Immigration and Customs Enforcement's Criminal Alien Program ("CAP"). The goal of that program is to locate criminal aliens incarcerated in federal and state prisons, as well as in local jails, and prevent them from being released into the general population.

If convicted, Ochoa-Bernabe faces a potential maximum penalty of 20 years in prison. All sentences will be determined by a federal district court judge. This case is the result of an investigation by the Minnesota State Patrol and U.S. Immigration and Customs Enforcement's Enforcement and Removal Operations ("ICE ERO").

The second indictment charges Mauricio Franco-Martinez, age 43, of Grand Rapids. His indictment alleges that on June 1, 2011, he was found in the U.S. illegally after having been previously deported to El Salvador. Franco-Martinez's deportation followed a 1999 California conviction for second-degree robbery. The current federal indictment resulted from a June 1 arrest in St. Louis County on a traffic violation.

If convicted, Franco-Martinez faces a potential maximum penalty of 20 years in prison. All sentences will be determined by a federal district court judge. This case is the result of an investigation by the Minnesota State Patrol, the U.S. Border Patrol's Duluth Station and ICE ERO.

The third indictment charges Oscar Turcios-Rivera, age 48, of Worthington. His indictment alleges that on May 20, 2011, he was found in the U.S. illegally after having been previously deported to Mexico. Turcios-Rivera's deportation followed a 1991 California conviction for lewd and lascivious acts upon a child. The current federal indictment resulted from a May 20 arrest in Jackson County for providing a false name to a peace officer.

If convicted, Turcios-Rivera faces a potential maximum penalty of 20 years in prison. All sentences will be determined by a federal district court judge. This case is the result of an investigation by the Minnesota State Patrol and ICE ERO.

The three defendants will remain in custody until their current federal cases are resolved and then will be deported after serving their sentences, if convicted. All three cases are being prosecuted by Special Assistant U.S. Attorney Colin P. Johnson. To learn more about the CAP, visit www.ice.gov/criminal-alien-program/

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An indictment is a determination by a grand jury that there is probable cause to believe that offenses have been committed by a defendant. A defendant, of course, is presumed innocent until he or she pleads guilty or is proven guilty at trial.