

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEW MEXICO  
2010 DEC -3 AM 9:55  
CLERK-LAS CRUCES

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF  
THE EXTRADITION OF  
LUIS ALFONSO OCHOA-GAMEZ a/k/a "Poncho," )

Misc. No. 10-3094MJ

**COMPLAINT FOR PROVISIONAL ARREST  
WITH A VIEW TOWARDS EXTRADITION  
(18 U.S.C. § 3184)**

I, the undersigned Assistant United States Attorney, being duly sworn, state on information and belief that the following is true and correct:

1. There is an Extradition Treaty, as amended by Protocols, in force between the United States and Canada, 27 UST 983, TIAS 8237;

2. The Treaty provides in Article 11 for the provisional arrest and detention of alleged fugitives pending the submission of a formal request and supporting documents;

3. In accordance with Article 11 of the Treaty, the Government of Canada has asked the United States for the provisional arrest of **LUIS ALFONSO OCHOA-GAMEZ** a/k/a "Poncho," with a view towards extradition;

4. According to the Information provided by the requesting state in the form authorized by the Treaty, **LUIS ALFONSO OCHOA-GAMEZ** was charged with 2<sup>nd</sup> Degree Murder, in violation of section 235(1) of the Criminal Code of Canada, and a warrant for his arrest was issued in the Province of Alberta on November 16, 2010, by Provincial Court Judge G.R. DeBow in the Public Interest pursuant to Sections 507 and 512 of the Criminal Code of Canada;

5. The warrant was issued on the basis of the following facts:

On October 12, 2010, Franz Penner ("Penner") and Luis Alfonso Ochoa-Gamez ("Ochoa"), also known as "Poncho," were drinking together in the village of Shaughnessy, Alberta when they both became upset with the victim, Mauro Alonso Hernandez-Renteria

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("Hernandez"), over an unsuccessful drug deal which had taken place a month earlier and which involved the arrest of Hernandez and Juanita Neufeld ("Juanita") in Penner's vehicle.

Later in the evening of October 12, 2010, Penner and Ochoa met up with Danny Dyck ("Dyck") and drove to the pig farm and home of Cornelius Neufeld ("Cornelius"), Juanita's father. Penner and Ochoa went into the Neufeld house. Once inside, Penner spoke to Juanita about Hernandez and the failed September drug run. Penner was very upset with Hernandez because Hernandez owed a lot of money and, according to Penner, should not have been attempting further drug deals. Ochoa also expressed his displeasure with Hernandez. Penner told Juanita that he would give her thirty thousand dollars for a lawyer but that Hernandez should just go to jail.

When Penner and Ochoa left the farm, Juanita sent a text message to Hernandez telling him what Penner and Ochoa said. Hernandez and a friend, Javier Batista ("Batista"), then drove to Penner's residence in Shaughnessy, Alberta. When they arrived at Penner's residence, Hernandez approached Ochoa and said "so it is you, you are blaming me," and started punching Ochoa in the head. Ochoa pulled out a gun and shot Hernandez, killing him.

In the early morning hours of October 13, 2010, Batista called Hector Chavez ("Chavez") and asked Chavez to call the police because Hernandez had been shot. Batista also told Chavez that and that he (Batista) was running because he heard six gun shots. Chavez then called Penner. Penner told Chavez that: (1) Poncho shot at him and fired another five shots, (2) the shooting took place in the back alley, (3) five people were there: Ochoa, Ochoa's driver, Hernandez, Batista and Penner, and (4) Ochoa had started arguing with Hernandez, and then shot at Hernandez and Penner.

Further investigation revealed that after the shooting, Ochoa left the area of Penner's home and went to Dyck's residence, two blocks away. When Ochoa arrived at Dyck's residence he was out of breath and said he needed a ride out of town. Dyck gave Ochoa a ride to a residence in Taber, Alberta. During the trip, Ochoa admitted to Dyck that he shot Hernandez

and ran away, and that he wanted Dyck to retrieve the gun he used and to get rid of it. Ochoa further described where the gun was thrown in the Village of Shaughnessy. Police then recovered the gun and submitted it for forensic examination.

On October 16, 2010, United States law enforcement arrested Ochoa in Santa Teresa, New Mexico. Ochoa was trying to enter Mexico, but did not have appropriate documentation. Ochoa-Gamez was subsequently charged in the District of New Mexico with a violation of Title 8 U.S.C. § 1326, Illegal Reentry After Deportation, and is currently in custody awaiting sentencing on that charge.

**LUIS ALFONSO OCHOA-GAMEZ** is described as a male, approximately 5 feet and 5 inches tall and about 140 pounds. He has brown eyes and black hair. He was born on October 29, 1980 in Mexico. He has Mexican citizenship. The requesting country has provided a copy of his photograph.

6. The requesting country has indicated that there are urgent circumstances that warrant **LUIS ALFONSO OCHOA-GAMEZ**'s provisional arrest. Specifically, this matter is urgent because **LUIS ALFONSO OCHOA-GAMEZ** will otherwise be deported to Mexico further,

a. The accused is charged with a serious offense, that being homicide (second degree murder), and faces a life sentence if convicted.

b. The accused is a citizen of Mexico and fled Canada after the crime.

c. The accused is currently in custody awaiting sentencing for a violation of Title 8 U.S.C. § 1326. Although his sentencing hearing has not yet been scheduled, it is believed that his sentencing hearing will be scheduled in the near future and that he may receive a time-served sentence. If that were to occur, in the absence of a provisional arrest warrant, the accused would be deported to Mexico.

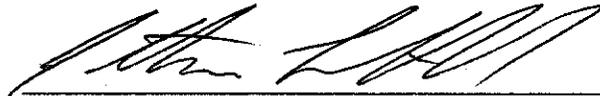
7. The offense with which **LUIS ALFONSO OCHOA-GAMEZ** is charged is provided for in Article 2 of the Extradition Treaty, as amended by the Protocols, cited above;

8. **LUIS ALFONSO OCHOA-GAMEZ** may be found within the jurisdiction of this court at the Doña Ana Detention Center, 1850 Copper Loop, Las Cruces, New Mexico;

9. The requesting state has represented that it will submit a formal request for

extradition, supported by the documents specified in the Treaty, within 60 days, as required by Article 11 of the Extradition Treaty, as amended by the Protocols.

**WHEREFORE**, the undersigned complainant requests that a warrant for the arrest of the aforementioned person be issued in accordance with Title 18, United States Code, Section 3184, and the Extradition Treaty between the United States and Canada, as amended by its Protocols.



Nathan J. Lichvarcik  
ASSISTANT UNITED STATES ATTORNEY

Sworn to before me and subscribed in my presence this 3<sup>rd</sup> day of December, 2010 at Las Cruces, N.M.



UNITED STATES MAGISTRATE JUDGE