

CCC:CMM
F. #

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

COMPLAINT

- against -

(8 U.S.C. §§ 1326(a)
and 1326(b)(2))

GERSON ELI TURCIOS MARADIAGA,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

DENNIS CARROLL, being duly sworn, deposes and states that he is a
Deportation Officer with the United States Immigration and Customs Enforcement, duly
appointed according to law and acting as such.

On or about March 28, 2019, within the Eastern District of New York and
elsewhere, the defendant GERSON ELI TURCIOS MARADIAGA, being an alien who had
previously been convicted of an aggravated felony, and thereafter excluded and removed
from the United States, and who had not made a re-application for admission to the United
States to which the Secretary of the Department of Homeland Security and the Attorney
General of the United States, had expressly consented, was found in the United States.

(Title 8, United States Code, Sections 1326(a) and 1326(b)(2))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Deportation Officer with the United States Immigration and Customs Enforcement ("ICE") and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about March 28, 2019, law enforcement officers with the Nassau County Police Department arrested the defendant and charged him with Criminal Possession of a Controlled Substance in the Seventh Degree, in violation of New York State Penal Law ("NYSPL") § 220.03, and Criminal Possession of Marijuana in the Fifth Degree, in violation of NYSPL § 221.10. Following the defendant's arrest by the Nassau County Police Department, law enforcement officers with the U.S. Marshals New York/New Jersey Regional Fugitive Task Force arrested the defendant GERSON ELI TURCIOS MARADIAGA at the Nassau County Police Department First Precinct located in Baldwin, New York.

3. A review of the defendant's criminal history indicates that on December 22, 2008 the defendant was convicted of Manslaughter in the First Degree, in violation of NYSPL § 125.20, a class B felony, which is an aggravated felony. The

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

defendant's December 2008 conviction stemmed from the February 17, 2008 shooting outside Don Juan's La Boom Club in Westbury, New York, when several people fired gunshots into a vehicle, killing one and wounding others. At the time of the shooting, the defendant was a member of the 18th Street gang. The defendant, a citizen of Honduras, was sentenced to five years' incarceration.

4. The defendant was removed from the United States to Honduras on November 16, 2012.

5. The defendant's fingerprints were taken on March 28, 2019 following his arrest by ICE officers. An officer from ICE trained in fingerprint analysis compared the fingerprints taken on March 28, 2019 with the fingerprints taken in connection with the defendant's November 16, 2012 removal, and determined that all two sets of fingerprints were made by the same individual.

6. A search of ICE records has revealed that there exists no request by the defendant for permission from either the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after removal.

WHEREFORE, your deponent respectfully requests that the defendant
GERSON ELI TURCIOS MARADIAGA, be dealt with according to law.

DENNIS CARROLL
Deportation Officer, United States Immigration
and Customs Enforcement

Sworn to before me this
29th day of March, 2019

THE HONORABLE ARLENE R. LINDSAY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK