

AO (Rev. 5/85) Criminal Complaint

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

vs.

CASE NUMBER: 3:18-mj-1133-PDB

ROGER OMAR ZELAYA-MENDEZ

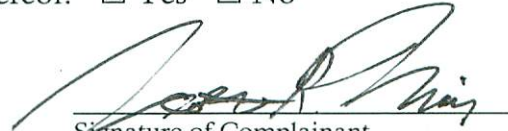
I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about April 6, 2018, in the Middle District of Florida, the defendant,

a citizen of Honduras and an alien in the United States, was found unlawfully present in the United States without first having obtained the consent of the Attorney General or the Secretary of Homeland Security for the United States to apply for admission to or re-enter the United States after having been deported and removed from the United States on or about July 20, 2012,

in violation of Title 8, United States Code, Section 1326. I further state that I am a Special Agent for the United States Department of Homeland Security, U.S. Immigration and Customs Enforcement, Homeland Security Investigations, and that this Complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

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



Signature of Complainant
Scott R. Kraich

Sworn to before me and subscribed in my presence,

April 9, 2018

at

Jacksonville, Florida

PATRICIA D. BARKSDALE
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

CRIMINAL COMPLAINT AFFIDAVIT

I, Scott R. Kraich, being a duly sworn and appointed Special Agent for the United States Department of Homeland Security, U.S. Immigration and Customs Enforcement (“ICE”), Homeland Security Investigations (“HSI”), hereby declare as follows:

1. Your affiant has been a Special Agent of ICE since November, 2008. Previously, your affiant was employed as a Correctional Probation Senior Officer and Correctional Probation Officer for the Florida Department of Corrections for approximately nine years and six months. Your affiant has training and experience in the preparation, presentation, and service of criminal complaints and training and experience in the service of arrest warrants.

2. The information set forth in this affidavit is based on your affiant’s personal knowledge as well as information obtained from other sources, as described herein. Because this affidavit is submitted for the limited purpose of establishing probable cause, this affidavit does not set forth all information known to me regarding this investigation. Your affiant has only set forth facts sufficient to support a finding of probable cause.

3. On April 6, 2018, HSI Special Agent (“SA”) Phillip Reynolds told your affiant that ROGER OMAR ZELAYA-MENDEZ was encountered on the same date by the Jacksonville Sheriff’s Office following a traffic stop. SA

Reynolds arrived at the scene of the traffic stop and administratively arrested ZELAYA-MENDEZ after determining that ZELAYA-MENDEZ was a Honduran citizen who was believed to be illegally present in the United States.

4. SA Reynolds told your affiant that ZELAYA-MENDEZ was transported to the HSI office in Jacksonville for administrative immigration processing. During processing, ZELAYA-MENDEZ stated that he last entered the United States from Mexico on or about April 6, 2013, at or near McAllen, Texas, without being inspected and admitted by an immigration officer. ZELAYA-MENDEZ stated that he had not received permission to re-enter the United States after his deportation and that his brother paid a “coyote” \$3,500 to smuggle him into the United States. ZELAYA-MENDEZ claimed that he was working in Mexico, was kidnapped, and was brought to the United States against his will and that his family was made to pay the smuggling fee.

5. SA Reynolds also told your affiant that during processing he entered ZELAYA-MENDEZ’s fingerprints into a biometric identification system that compared his fingerprints with the fingerprints of individuals who had been entered into the database after having been encountered by immigration authorities. The system returned a match and reflected that ZELAYA-MENDEZ had been previously encountered and had been assigned an Alien Registration number (“A-number”). SA Reynolds then conducted additional ICE computer

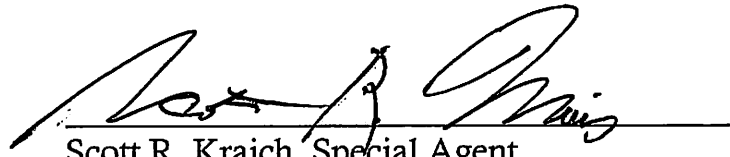
checks using the A-number and the records reflected that ZELAYA-MENDEZ is a citizen of Honduras who has been previously deported from the United States to Honduras.

6. On April 9, 2018, your affiant reviewed a Form I-205, U.S. Department of Justice Warrant of Removal/Deportation, dated June 28, 2012. This document reflects that ZELAYA-MENDEZ was deported or removed from the United States to Honduras on July 20, 2012. The document contains a photograph and fingerprint of ZELAYA-MENDEZ that was taken at the time of his deportation.

7. On April 9, 2018, your affiant called ICE's Law Enforcement Support Center and asked them to run immigration service computer checks on ZELAYA-MENDEZ to see if there was any record that he had ever applied for or received permission to return to the United States. These checks revealed that ZELAYA-MENDEZ has never sought or received such permission.

Based upon the foregoing, your affiant believes there is probable cause to establish that ROGER OMAR ZELAYA-MENDEZ is an alien who has been found unlawfully present in the United States without first having obtained the consent of the Attorney General or the Secretary of Homeland Security for the United States to apply for admission to or re-enter the United States after having

been deported or removed from the United States, in violation of Title 8, United States Code, Section 1326.

A handwritten signature in black ink, appearing to read "Scott R. Kraich", written over a horizontal line.

Scott R. Kraich, Special Agent
U.S. Immigration and Customs Enforcement
Jacksonville, Florida