

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

United States District Court
Southern District of Texas
FILED

MAR 13 2009

Michael N. Wray, Clerk

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Case Number:

M-09-1648 -M

Juan De Dios MARTINEZ-Vela
A44 351 433 YOB: 1981
United States

(Name and Address of Defendant)

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 March 12, 2009 in Hidalgo County, in the Southern District of Texas defendants(s) did, *(Track Statutory Language of Offense)*

knowing or in reckless disregard of the fact that Salih WSHYAR-Mohammed, Beirut MAJEED-Azeez and Mohammed Ammen AWAT-Mahood, citizens and nationals of Iraq for a total of three (3) who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Los Ebanos, Texas to the point of arrest near Los Ebanos, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On March 12, 2009, Field Operations Supervisor (FOS) Carlos Landin and Border Patrol Agent Chris Ambrose were conducting linewatch operations in Los Ebanos, Texas. At approximately 3:25 p.m. FOS Landin advised other agents in the area that he had observed several subjects crossing the Rio Grande River and getting into a vehicle. Agent Kurt Kruger was at the intersection of Military Rd. and El Faro Rd. just north of Los Ebanos, Texas when he heard the information via service radio. Agent Kruger then noticed a grey pick up truck leaving the area at a high rate of speed, with several subjects in the cab. Agent Kruger followed the vehicle and performed an immigration stop.

Agent Kruger approached the vehicle and identified himself as a Border Patrol Agent and performed an immigration inspection of the occupants. During questioning Agent Kruger noticed that all subjects appeared to be extremely nervous. The driver, identified as Juan De Dios MARTINEZ-Vela, claimed to be a United States Citizen. As Agent Kruger questioned the passengers he realized that all three subjects could not understand English or Spanish. As Agent Kruger continued question the three passengers to determine their nationality, the driver began answering for them and he stated that the passengers were all from the United States. Agent Kruger suspected that the three passengers were undocumented aliens and he asked all three subjects to step out of the vehicle.

Continued on the attached sheet and made a part of this complaint: Yes No

AUSA

Signature of Complainant

Gustavo Balderas Senior Patrol Agent
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

March 13, 2009
Date

at McAllen, Texas
City and State

Dorina Ramos, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-09- -M

RE: Juan De Dios MARTINEZ-Vela

A44 351 433

CONTINUATION:

During a Terry Frisk agent found that all passengers had passports from Iraq. After the determination was made that the three passengers were illegally present in the United States, Juan De Dios MARTINEZ-Vela was taken into custody. All subjects were transported to the Rio Grande City Border Patrol Station for processing.

PRINCIPAL'S STATEMENT

Juan De Dios MARTINEZ-Vela was advised of his Miranda Rights as per service form I-214 in both the English and Spanish language. MARTINEZ stated that he understood his rights and declined to answer questions without the presence of an attorney.

MATERIAL WITNESSES' STATEMENT

Mohammed AWAT-Mahmood, Salih WSHYAR-Mohammed and Beirut MAJEED-Azeez claimed to have made smuggling arrangements with a man in Iraq, who works for a smuggler named Murat. They paid a total of \$20,000.00 USD each to be smuggled into the United States. All three material witnesses were provided with a photo line up and they all positively identified Juan De Dios MARTINEZ-Vela as the driver of the vehicle.