

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

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for the
District of New Mexico

CLERK-LAS CRUCES

United States of America)
v.)
Josias GARCIA)
Eduardo CHAVEZ)
)
)
)

Case No: 17-3094 MJ

Defendant(s)

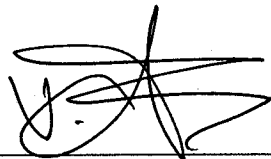
CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of November 6, 2017-November 9, 2017 in the county of Luna in the State and District of New Mexico, the defendant violated 8 U.S.C. §1324 (a)(1)(A)(iii)(Harboring), 1324(a)(1)(A)(v)(I)(Conspiracy), an offense described as follows:

engage in a conspiracy with others known and unknown to commit a violation of 8 USC 1324 (a)(1)(A)(iii)(Harboring), to wit: entered, or remained in the United States in violation of the law, did conceal, harbor, or shield from detection, or attempt to conceal, harbor, or shield from detection, such aliens in any place, including any building or any means of transportation

This criminal complaint is based on these facts:

Continued on the attached sheet.



Complainant's signature

Victor Garcia, BORDER PATROL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date: November 9, 2017



Judge's signature

KEVIN R. SWEAZEA
U.S. MAGISTRATE JUDGE

Printed name and title

City and state: Las Cruces, N.M.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Vs.

Josias GARCIA

Eduardo CHAVEZ

On Thursday November 9, 2017, Agents with the Department of Homeland Security arrested three subjects at a residence in Columbus, New Mexico.

On Thursday November 9, 2017, Border Patrol Agent Ruben Perez took the following post Mirada statement from Witness #1 regarding his illegal entry into the United States. Witness #1 stated that he left his home country of Mexico with the intentions of crossing into the United States illegally. Witness #1 stated that he eventually arrived to Las Palomas, Chihuahua, Mexico and made contact with an alien smuggler that eventually took him across the United States Border illegally. Witness #1 stated that the morning of November 6, 2017, he crossed into the United States along with 2 other subjects. Witness #1 stated that once they crossed the US/Mexico International Border, he walked to a vehicle and made contact with the passenger and driver. Witness #1 stated that he was told to get in the vehicle and was subsequently taken to a house in a nearby town. Once inside the house, the two subjects that transported them to the house took them food and water daily until the day he was arrested. Witness #1 added that the two subjects instructed them not to leave the house or they would be shot. Furthermore, Witness #1 stated that after the subjects dropped off food they could hear a chain like sound and he believed they were locked inside the house. Witness #1 stated that he never tried to leave the house for fear of getting shot. Witness #1 stated that both subjects knew he was illegally in the country because they both were demanding payment for the smuggling services. Witness #1 intended destination was Denver, Colorado and was going to be charged \$5,000 for the smuggling services. A photo lineup was provided to Witness #1 and he was able to identify the two subjects that picked him up after he crossed the US/Mexico International Border and subsequently took him to the house where he was kept until his arrest. Subjects were identified as Josias GARCIA and Eduardo CHAVEZ.

On Thursday November 9, 2017, Border Patrol Agent Ruben Perez took the following post Mirada statement from Witness #2 regarding his illegal entry into the United States. Witness #2 stated that he left his home country of Mexico with the intentions of crossing into the United States illegally. Witness #2 stated that he eventually arrived to Las Palomas, Chihuahua, Mexico and made contact with an alien smuggler that eventually took him across the United States Border illegally. Witness #2 stated that the morning of November 6, 2017, he crossed into the United States along with 2 other subjects. Witness #2 stated that once they crossed the US/Mexico International Border, he walked to a vehicle and made contact with the passenger and driver. Witness #2 stated that he was told to get in the vehicle and was subsequently taken to a house in a nearby town. Once inside the house, the two subjects that transported them to the house took them food and water daily until the day he was arrested. Witness #2 added that the two subjects instructed them not to leave the house or they would be shot. Furthermore, Witness #2 stated that after the subjects dropped off food they could hear a chain

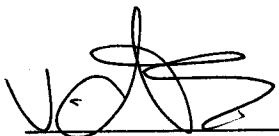
like sound and he believed they were locked inside the house. Witness #2 stated that he never tried to leave the house for fear of getting shot. Witness #2 stated that both subjects knew he was illegally in the country because they both were demanding payment for the smuggling services. Witness #2 intended destination was the state of Pennsylvania and was going to be charged \$7,000 for the smuggling services. A photo lineup was provided to Witness #2 and he was able to identify the two subjects that picked him up after he crossed the US/Mexico International Border and subsequently took him to the house where he was kept until his arrest. Subjects were identified as Josias GARCIA and Eduardo CHAVEZ.

On Thursday November 9, 2017, Border Patrol Agent Victor Garcia took the following post Mirada statement from Witness #3 regarding his illegal entry into the United States.

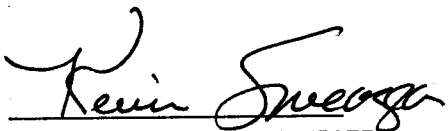
On Thursday November 9, 2017, Border Patrol Agent Ruben Perez took the following post Mirada statement from Witness #3 regarding his illegal entry into the United States. Witness #3 stated that he left his home country of Mexico with the intentions of crossing into the United States illegally. Witness #3 stated that he eventually arrived to Las Palomas, Chihuahua, Mexico and made contact with an alien smuggler that eventually took him across the United States Border illegally. Witness #3 stated that the morning of November 6, 2017, he crossed into the United States along with 2 other subjects. Witness #3 stated that once they crossed the US/Mexico International Border, he walked to a vehicle and made contact with the passenger and driver. Witness #3 stated that he was told to get in the vehicle and was subsequently taken to a house in a nearby town. Once inside the house, the two subjects that transported them to the house took them food and water daily until the day he was arrested. Witness #3 added that the two subjects instructed them not to leave the house or they would be shot. Witness #3 stated that he never tried to leave the house for fear of getting shot. Witness #3 stated that both subjects knew he was illegally in the country because they both were demanding payment for the smuggling services. Witness #3 intended destination was Espanola, New Mexico and was going to be charged \$5,000 for the smuggling services. A photo lineup was provided to Witness #3 and he was able to identify the two subjects that picked him up after he crossed the US/Mexico International Border and subsequently took him to the house where he was kept until his arrest. Subjects were identified as Josias GARCIA and Eduardo CHAVEZ. Witness #3 stated the Josias GARCIA showed him his driver's license and made contact with a family member of his and a total of \$5000 dollars were wired to a bank account provided by GARCIA.

CONCLUSION:

1. Based on the aforementioned facts, your Affiant believes that there is probable cause to believe that Josias GARCIA and Eduardo CHAVEZ along with others known and unknown did violate Title 8 United States Code, Sections 1324 (a)(1)(A)(iii)(Harboring), 1324(a)(1)(A)(v)(I)(Conspiracy).
2. AUSA Luis Martinez was contacted by BPA Victor Garcia and advised of the above illegal alien smuggling scheme and prosecution was accepted on Josias GARCIA and Eduardo CHAVEZ for 8 USC 1324 (a)(1)(A)(iii)(Harboring), 1324(a)(1)(A)(v)(I)(Conspiracy).



Victor Garcia
Border Patrol Agent



HONORABLE KEVIN R. SWEAZEA
United States Magistrate Judge