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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA )  
 )  
 V. )  
 )  
 CUTCLIFF, Christopher Boyd )  
 )  
 \_\_\_\_\_ )

Magistrate Case No. *08 MJ 1190*  
BY *[Signature]* '08 MJ 1190  
COMPLAINT FOR VIOLATION OF DEPUTY  
Title 18, United States Code  
Section 751(a)

The undersigned complainant, being duly sworn states:

That on or about April 16, 2008, at San Diego, California, in the Southern District of California, Christopher CUTCLIFF did escape from an institution in which he was confined by the direction of the Attorney General, to wit, the Correctional Alternatives Residential Re-entry Center (RRC), a Half-Way House in San Diego, California, a federally contracted facility, said custody and confinement being by virtue of a conviction (Case Number 07CR2570-BTM) of Bringing in Illegal Aliens Without Presentation and Aiding and Abetting, in violation of Title 8 USC 1324(a)(2)(B)(III), and 18 USC 2, in violation of Title 18 USC 751(a).

The complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

*[Signature]*  
John Eric Smidt  
Deputy United States Marshal

Sworn to before me, and subscribed in my presence, this 17<sup>th</sup> day of April, 2008.

*[Signature]*  
Barbara L. Major  
United States Magistrate Judge

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN DIEGO )

I, John Eric Smidt, being duly sworn, hereby depose and state that:

1. I am a Deputy United States Marshal and have been so employed for about thirteen years.

2. This affidavit is made in support of a complaint against Christopher Boyd CUTCLIFF for escape from the custody of the Attorney General, in violation of Title 18, United States code, Section 751(a).

3. On April 17, 2008, I received a memorandum of a telephone notification of Escapee/Halfway House Walk Away from Correctional Alternatives Residential Re-entry Center (RRC), San Diego, California, to report the escape of Christopher Boyd CUTCLIFF who absconded while in furlough transit from Federal Correctional Complex (Minimum) (FCC) Lompoc, CA to Correctional Alternatives Residential Re-entry Center (RRC), San Diego, California, a federally contracted facility.

4. On April 17, 2008, I reviewed files from the United States Marshals Service, the Federal Bureau of Prisons and Correctional Alternatives Residential Re-entry Center. My review of the files revealed the following facts:

a. Records show that on December 12, 2007, Christopher Boyd CUTCLIFF had received a sentence of eight (8) months with two (2) years of supervision to follow imposed by United States District Court Judge Barry Ted Moskowitz, after having been convicted for Bringing in Illegal Aliens Without Presentation and Aiding and Abetting in violation of 8 USC 1324(a)(2)(B)(III) and 18 USC 2 .

b. On April 16, 2008, CUTCLIFF was released from the Federal Correctional Complex (Minimum) (FCC), Lompoc, in Lompoc, California .CUTCLIFF was scheduled to arrive at the Correctional Alternatives Residential Re-entry Center in San Diego, California, via an unescorted furlough on April 16, 2008, to complete a 15-day RRC placement. Inmate CUTCLIFF failed to report to the halfway house as scheduled and failed to contact the facility regarding his location and status. CUTCLIFF's current whereabouts are unknown and he remains a fugitive.

Dated: April 17, 2008

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John Eric Smidt,  
Deputy U.S. Marshal

Subscribed and sworn before me  
on this 17th day of April, 2008

Barbara L. Major  
United States Magistrate Judge