

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 JUN 16 AM 10:22


UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
Jose GODINES-Gomes,)
)
)
Defendant)
_____)

Magistrate Docket No.)
)
) **08 MJ 1848** *esc*
) COMPLAINT FOR VIOLATION OF: *DEPUTY*
)
) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States

The undersigned complainant, being duly sworn, states:

On or about **June 13, 2008** within the Southern District of California, defendant, **Jose GODINES-Gomes**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

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



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16th DAY OF JUNE, 2008



Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Jose GODINES-Gomes

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

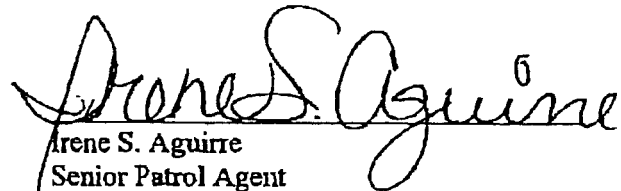
On June 13, 2008, at approximately 7:15 PM, Border Patrol Agent G. Avila was performing his duties in the Imperial Beach area of operations. At that time, Agent Martinez was advised of a seismic sensor activation in the area known as "Smuggler's Gulch," which is approximately 300 yards north of the United States/Mexico International Boundary, and two and a half miles west of the San Ysidro, California Port of Entry.

Upon arriving in the area, Agent Avila observed four individuals running north and pursued them for approximately fifteen feet until catching up to them. Agent Avila approached the four individuals, including one later identified as the defendant, Jose GODINES-Gomes, and identified himself as a Border Patrol Agent and questioned them regarding their citizenship, nationality and immigration documentation. All four individuals, including the defendant, admitted to having entered the United States without inspection, and that they were citizens and nationals of Mexico. They also stated that they were not in possession of immigration documents that would allow them to enter or remain in the United States legally. At approximately 7:45 PM, Agent Avila arrested all four individuals, including the defendant, and they were transported to the Imperial Beach Border Patrol Station for processing.


Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on January 15, 2008 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was given his Miranda rights and he stated that he understood said rights and was willing to answer questions without the presence of his attorney. The defendant stated that he is a citizen and national of Mexico without proper immigration documentation to be in or remain in the United States.

Executed on June 14, 2008 at 9:00 AM.


Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on June 13, 2008 in violation of Title 8, United States Code, Section 1326.


Peter C. Lewis
United States Magistrate Judge

6-14-08 @ 9:43 a.m.
Date/Time