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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
2008 JUL 17 AM 10:05

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cesar Abraham TORRES-Adame,

Defendant

) Magistrate Docket No.  
)  
) CLERK US DISTRICT COURT  
) SOUTHERN DISTRICT OF CALIFORNIA

) COMPLAINT FOR VIOLATION OF:

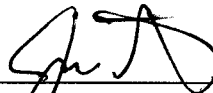
) Title 8, U.S.C., Section 1326  
) Deported Alien Found in the  
) United States

'08 MJ2184

The undersigned complainant, being duly sworn, states:

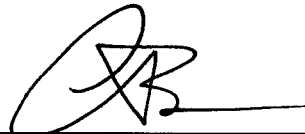
On or about **July 15, 2008** within the Southern District of California, defendant, **Cesar Abraham TORRES-Adame**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, 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 17<sup>th</sup> DAY OF JULY, 2008



\_\_\_\_\_  
Cathy A. Bencivengo  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:  
Cesar Abraham TORRES-Adame**

**PROBABLE CAUSE STATEMENT**

On July 15, 2008, at approximately 12:30 P.M., Border Patrol Agent T. Tucciarone responded to a seismic intrusion device Northeast of the Tecate, California Port of Entry.

Upon arriving in the area, Agent Tucciarone noticed several sets of footprints. Agent Tucciarone followed the footprints north and requested assistance via service radio for other Agents to move north of his position to cut off the group of suspected illegal immigrants. At approximately 1:00 P.M., Border Patrol Agent R. Russell responded to Agent Tucciarone's request for assistance. Shortly after arriving north of Agent Tucciarone's position, Agent Russell observed eight individuals attempting to hide in the surrounding brush. Agent Russell identified himself as United States Border Patrol and questioned each individual as to their citizenship and nationality. All eight, admitted to being citizens and nationals of Mexico not in possession of any immigration documents that would allow them to remain in, or enter into the United States legally. One of the eight individuals was later identified as the defendant **Cesar Abraham TORRES-Adame**. All eight were placed under arrest and transported to the Tecate Processing Center in Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. TORRES' 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 that TORRES was previously deported to **Mexico on May 24, 2008 through San Ysidro, California**. These same records also show that TORRES 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.

TORRES was advised of his Miranda Rights and he was willing to make a statement without a lawyer present. During the course of the interview, TORRES freely stated he was a citizen and national of Mexico. He also stated he was not in possession of any immigration documents that would allow him to enter into or remain in the United States.