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2008 JUL 21 AM 9:40

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ2199

UNITED STATES OF AMERICA

) Magistrate Docket No. DEPUTY

) COMPLAINT FOR VIOLATION OF:

Plaintiff

) TITLE 18 U.S.C. § 1546

v.

) Misuse of Visa or other documents

) (Felony)

Gonzalo RODRIGUEZ-GUAJARDO

Aka Manuel IRASTORZA

VILLAGOMEZ

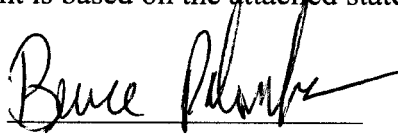
Defendant

The undersigned complainant, being duly sworn, states:

Count 1

On or about July 19, 2008, within the Southern District of California, defendant Gonzalo RODRIGUEZ-GUAJARDO VILLAGOMEZ did knowingly and willfully possess a fraudulent United States Visa as proof of identity and presence in the United States all in violation of Title 18, United States Code, Section 1546.

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

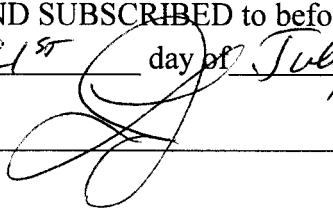


Bruce Palombo
Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED to before me

This 21st day of July, 2008.

UNITED STATES MAGISTRATE JUDGE



SMB
7/21/08
8:30am

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Bruce A. Palombo, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Special Agent (SA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for three years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Gonzalo RODRIGUEZ-GUAJARDO VILLAGOMEZ (hereafter DEFENDANT) possessed a fraudulent Visa in the name of Gonzalo RODRIGUEZ-GUAJARDO VILLAGOMEZ, for the purpose of being illegally present in the United States. This Affidavit is made in support of a complaint against Gonzalo RODRIGUEZ-GUAJARDO VILLAGOMEZ for violation of Title 18, U.S.C., Section 1546, Misuse of Visa and other documents.
3. On July 19, 2008, Gonzalo RODRIGUEZ-GUAJARDO VILLAGOMEZ was arrested by Chula Vista Police on suspicion of driving under the influence. Record checks show DEFENDANT'S true name is Gonzalo RODRIGUEZ-GUAJARDO. DEFENDANT was not charged, and was remanded to U.S. Border Patrol after it was suspected DEFENDANT did not have legal presence in the United States. USBP took custody of DEFENDANT on July 19, 2008, holding him at the U.S. Border Patrol station in Chula Vista.
4. On July 19, 2008, a Border Patrol agent contacted Affiant requesting assistance with the suspected fraudulent U.S. Visa, in the name of Gonzalo RODRIGUEZ-GUAJARDO VILLAGOMEZ. DEFENDANT was in USBP custody and was being processed. Affiant responded to the USBP station in Chula Vista, on July 20, 2008. Affiant conducted records checks, and found the U.S. Visa (number 19986762181559) DEFENDANT possessed was not a valid U.S. Visa.
5. On the basis of the facts presented in this probable cause statement, there is probable cause to believe that:

DEFENDANT named in this probable cause statement, committed the offense on July 19, 2008 – in violation of Title 18 U.S.C., Section 1546, Misuse of a Visa or other documents – when he knowing and willfully possessed a fraudulent U.S. Visa.