

A091 (Rev. 8/01) Criminal Complaint

United States Courts
Southern District of Texas
FILED

FEB 07 2015

David J. Bradley, Clerk of Court

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA
V.
Jose VALERIO

CRIMINAL COMPLAINT

Case Number: C-15-155m

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 2/6/2015 in Brooks County, in the

Southern District of Texas defendant(s), Jose VALERIO

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent **Patrick Schellinger**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

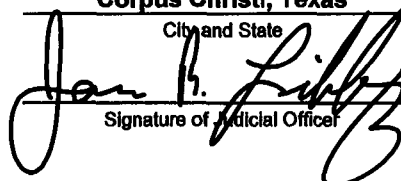

Signature of Complainant

Patrick Schellinger
Printed Name of Complainant

Submitted by reliable electronic means, sworn to, signatures attested telephonically per Fed. R. Crim P.4.1, and probable cause found:

February 7, 2015
Date
Jason B. Libby, U.S. Magistrate Judge
Name and Title of Judicial Officer

at

Corpus Christi, Texas
City and State

Signature of Judicial Officer

Affidavit

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

On February 6, 2015, Jose VALERIO was arrested at the Falfurrias, Texas Border Patrol Checkpoint during an attempt to smuggle four undocumented aliens in the trunk of his vehicle.

On February 6, 2015, at approximately 2:00 PM, a green in color Honda Sedan bearing Texas License plate: DYH4665 presented itself for an Immigration inspection, at the primary lane, to Border Patrol Agent Samuel Perez.

As Agent Samuel Perez conducted an Immigration inspection, service canine Tyson-E, working with an agent trained to be a canine handler, performed a non-intrusive free air sniff on the exterior of the vehicle. During this free air sniff, Tyson-E alerted to the rear portion of the sedan. After this alert, Agent Perez requested the driver, later identified as Jose VALERIO, to move the vehicle to the secondary inspection area.

Once in secondary area, agents utilized service canine Tyson-E to conduct a systematic search of the vehicle. During this search, Tyson-E again alerted to the rear vehicle. When the trunk of the sedan was opened, agents encountered four subject whom were sweating profusely. The four subjects in the trunk were questioned as to their citizenship and it was determined all four were illegally present in the United States.

Agents then placed VALERIO and the four subjects from the trunk under arrests and all undocumented alien were escorted into the checkpoint.

MIRANDA WARNING:

Jose VALERIO was read his Miranda Rights in his preferred language of English. VALERIO signed Service Form I-214 indicating he understood his rights, and stated he wanted a Lawyer. At this point all questioning was stopped. The reading of the rights was conducted by Border Patrol Agent Samuel Perez and witnessed by Border Patrol Agent Jorge Ramirez.

MATERIAL WITNESS STATEMENTS:

Pedro SOLIS-Mendoza was one of the four aliens being smuggled in the trunk during this smuggling attempt. SOLIS was read his Miranda rights in his preferred language of Spanish. SOLIS stated he understood his rights, and would make a statement without a lawyer present. SOLIS stated during his travels in the United States, he was taken to the back of a house and there was a green car waiting. SOLIS stated the driver of the vehicle stepped out and watched him get into the trunk of the vehicle. SOLIS stated the driver then closed the trunk.

Mariano OCAMPO-Valencia was read his Miranda rights in his preferred language of Spanish. OCAMPO stated he understood his rights, and he would make a statement without a lawyer present. OCAMPO stated during his travels in the United States he was taken to an abandoned lot and loaded into a green car. OCAMPO stated the driver of the green vehicle watched him get into the trunk of the vehicle.

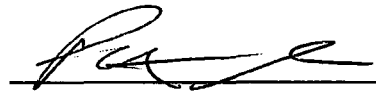
Jose Luis ALVAREZ-Aceves was read his Miranda rights in his preferred language of Spanish. ALVAREZ stated he understood his rights, and he would make a statement without a lawyer present. ALVAREZ stated during his travels in the United States, he was taken to an abandoned house in McAllen, Texas. ALVAREZ stated a green sedan was waiting at this abandoned house. ALVAREZ stated the driver of the vehicle opened the trunk and then allowed all four subjects to get in the trunk. ALVAREZ was able to identify the driver as Jose VALERIO on a photo lineup.

Edgar GARCIA-Alvarez was read his Miranda rights in his preferred language of Spanish. GARCIA stated he understood his rights and he would make a statement without a lawyer present. GARCIA stated during his travels in the United States he was taken to an abandoned house where a green Honda was waiting. GARCIA stated the driver of the Honda then opened the trunk and placed all four subjects inside. GARCIA was shown a photo lineup and was able to identify Jose VALERIO as the driver.

The facts of this case were presented to Assistant United States Attorney Elsa Salinas who accepted Jose VALERIO for prosecution for Alien Smuggling.

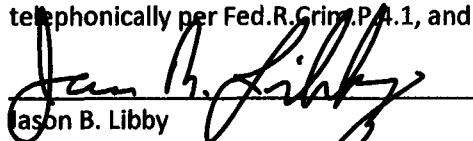
ALVAREZ and GARCIA will serve as material witnesses.

SOLIS and OCAMPO will be processed in accordance with their immigration status.



Patrick Schellinger
Border Patrol Agent

Submitted by reliable electronic means, sworn to, signature attested
telephonically per Fed.R.Crim.P. 4.1, and probable cause found on this 7th day of February 2015.


Jason B. Libby
United States Magistrate Judge