

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America)
v.)
Francisco Obidio PORTILLO-FUENTES)

Case No. 3:16-mj-1317-JBT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 22, 2016, in the county of Duval in the Middle District of Florida, the defendant(s) violated:

Code Section 8 U.S.C. § 1326 Offense Description Reentry of removed aliens

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Complainant's signature

Edwin Maldonado, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/23/2016

Judge's signature

City and state: Jacksonville, Florida

Joel B. Toomey, U.S. Magistrate Judge

Printed name and title

CRIMINAL COMPLAINT AFFIDAVIT

I, Edwin Maldonado, being a duly sworn and appointed Border Patrol Agent for the Department of Homeland Security, Customs and Border Protection, United States Border Patrol, hereby make the following statement in support of the attached criminal complaint.

1. Your affiant has been a Border Patrol Agent for almost twenty years. Your affiant has training and experience in the enforcement of the immigration and nationality laws of the United States. In addition, your affiant has training and experience in the preparation, presentation, and service of criminal complaints and arrest warrants.

2. On November 22, 2016, your affiant was informed of an encounter by Patrol Agent in Charge (PAIC) James Amorelli. PAIC Amorelli informed your affiant that on November 22, 2016, PAIC Amorelli was assigned patrol duties near Interstate 95 ("I-95") in Nassau County, Florida. From training and experience, PAIC Amorelli knows that I-95 in this area is part of a corridor traveled by undocumented aliens into and out of Florida.

3. PAIC Amorelli stated that on November 22, 2016, at approximately 7 a.m., PAIC Amorelli engaged in a casual conversation with the driver of a pick-up truck parked at a Gate gas station located at the intersection of Chester Road and State Route 200 in Yulee, Florida, in Nassau County. PAIC Amorelli identified himself as a Border Patrol Agent in the English language. The subject acknowledged PAIC Amorelli but did not appear to understand English. PAIC

Amorelli then identified himself as a Border Patrol Agent in the Spanish language, at which time the driver responded in Spanish. During this encounter a passenger exited the rear of the pick-up truck and fled on foot southbound towards State Route 200. Two Nassau County Sheriff's Office deputies who were in the same area for an unrelated call, gave chase to the absconding person.

4. PAIC Amorelli informed your affiant that an extensive search was conducted for the absconded subject throughout the day on November 22, 2016. At about 6 p.m. on November 22, 2016, the subject who had fled from the pick-up was located and arrested by deputies with the U.S. Marshals and Jacksonville Sheriff's Office deputies in Jacksonville, Florida, in Duval County. The subject was then transported and turned over to Jacksonville Border Patrol Agents for records checks and processing. Your affiant processed the subject at the Jacksonville Station.

5. During the encounter at the station, your affiant asked the subject, later identified as Francisco Obidio PORTILLO-FUENTES, what his country of birth was, and PORTILLO-FUENTES replied that he was from El Salvador. PORTILLO-FUENTES stated that he had last entered the United States on or about November 19, 2016, by wading across the Rio Grande river near Laredo, Texas. He admitted that he had crossed at a place not designated as a port of entry by the Attorney General and that he was not inspected by an immigration officer.

6. Your affiant contacted the Border Patrol's Miami Sector Dispatch and asked them to run immigration service computer checks on PORTILLO-FUENTES. These checks revealed that an El Salvadoran citizen with PORTILLO-FUENTES's

name and date of birth had twice been ordered removed by an Immigration Judge and each time had subsequently departed the United States, first on November 14, 2011, through Harlingen, Texas, and again on September 28, 2016, through Alexandria, Louisiana.


7. Your affiant entered PORTILLO-FUENTES's fingerprints into an automated biometric identification system that compares a person's fingerprints with the fingerprints in a database of persons who have been previously encountered by immigration authorities. The system returned a match and reflected that PORTILLO-FUENTES had been previously encountered by Immigration and Customs Enforcement agents. As a result of this encounter, PORTILLO-FUENTES had been assigned an Alien Registration number ("A-number"). Your affiant then conducted additional computer checks using the A-number, which reflected that PORTILLO-FUENTES is a citizen and national of El Salvador who was removed to El Salvador on November 14, 2011, through Harlingen, Texas, and again on September 28, 2016, through Alexandria, Louisiana. There was no record that PORTILLO-FUENTES had ever applied for or received permission from the Attorney General of the United States or her successor, the Secretary of Homeland Security, to re-enter the United States since the time of his removal.

8. On November 22, 2016, your affiant interviewed PORTILLO-FUENTES. Before the interview, your affiant advised PORTILLO-FUENTES of his constitutional rights in the Spanish language. PORTILLO-FUENTES indicated that he understood these rights and he agreed to answer questions without a lawyer

being present. During the interview, PORTILLO-FUENTES admitted that he had been ordered removed from the United States to El Salvador on two prior occasions and that he had never asked for or received permission to re-enter the United States legally.

9. On November 22, 2016, at approximately 7 p.m., Assistant United States Attorney Laura Taylor was advised of the foregoing facts and she authorized criminal prosecution of PORTILLO-FUENTES.

Based upon the foregoing facts, your affiant believes there is probable cause to establish that Francisco Obidio PORTILLO-FUENTES is a citizen of El Salvador who has been found unlawfully present in the United States without first having obtained the consent of the Attorney General of the United States or her successor, the Secretary of Homeland Security, to apply for readmission to or re-enter the United States after having been deported or removed from the United States, in violation of Title 8, United States Code, Section 1326.



Edwin Maldonado, Border Patrol Agent
United States Border Patrol
Jacksonville, Florida

Sworn to and subscribed before me
This 23 day of November, 2016



Joel B. Toomey
United States Magistrate Judge