

United States Courts
Southern District of Texas
FILED

MAY 02 2009

Michael N. Milby, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

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

UNITED STATES OF AMERICA

V.

Francisco CABALLERO-BUENO

**AMENDED PER ORDER OF THE COURT
5/7/09**

CRIMINAL COMPLAINT

Case Number: **09-387M**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about May 2, 2009 in Kenedy County, in the
(Date)

Southern District of Texas defendant, **Francisco CABALLERO**

did knowingly or in 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) Senior Special Agent and that this complaint is based on the
following facts: Official Title

See Attached Affidavit of ICE Special Agent **Stephen B. Guillot, II**

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

☒ Yes ☐ No


Signature of Complainant

Stephen B. Guillot, II

Printed Name of Complainant

Sworn to before me and signed in my presence,
and probable cause found on

May 2, 2009

Date

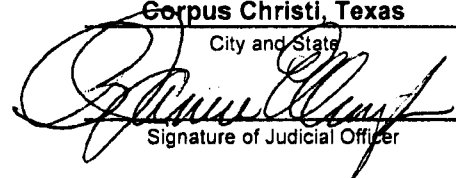
B. Janice Ellington **U.S. Magistrate Judge**

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State


Signature of Judicial Officer

AFFIDAVIT

On May 2, 2009, at approximately 0001 hours, a black 1993 Honda Accord displaying Texas license plate X41-RXZ approached the primary inspection lane of the Sarita Border Patrol checkpoint. Border Patrol Agent Luis Diaz observed two occupants in the vehicle and conducted an immigration inspection on both occupants. Agent Diaz asked the driver, later identified as Francisco CABALLERO, if he was a United States citizen, and CABALLERO stated he was a United States citizen. Agent Diaz then asked the front seat passenger, later identified as Claudia RAMIREZ-Ramirez, if she was a United States citizen, and RAMIREZ nodded her head. Agent Diaz then asked RAMIREZ where she was born, and RAMIREZ stated "McAllen" in broken English. Agent Diaz asked RAMIREZ where she lived, and RAMIREZ looked at CABALLERO and again stated "McAllen." Agent Diaz asked RAMIREZ if she had any identification. RAMIREZ looked at CABALLERO and CABALLERO told RAMIREZ to present some identification. RAMIREZ presented Agent Diaz with a birth certificate belonging to Cesilia Aguirre. DIAZ then referred the vehicle to the secondary inspection lane for a further inspection of RAMIREZ.

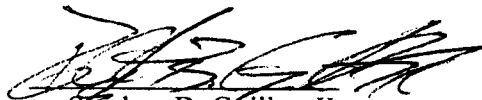
Border Patrol agents questioned RAMIREZ in the secondary inspection lane regarding her citizenship, and RAMIREZ stated she was a citizen of Mexico illegally present in the United States.

Francisco CABALLERO was advised of his Miranda rights by Border Patrol Agents Diaz and Rosenbaum, and CABALLERO voluntarily answered questions without an attorney present. CABALLERO stated to Border Patrol agents a female friend of his asked him to transport the female passenger to Kingsville, Texas. CABALLERO stated he was to be paid \$800 by his female friend to transport the passenger to Kingsville. CABALLERO stated he picked up the passenger from his friend's house in Donna, Texas. CABALLERO stated the female he was transporting did not pay him anything.

Material witness Claudia RAMIREZ-Ramirez was advised of her Miranda rights by Border Patrol Agents Cantu and Rosenbaum and voluntarily provided a statement to Border Patrol agents without the presence of an attorney. RAMIREZ stated she is a citizen of Mexico. RAMIREZ stated she paid an individual in Mexico known as "El Chespi" \$500 to be smuggled into the United States. "El Chespi" helped RAMIREZ cross the Rio Grande River, and RAMIREZ was then taken to a house. RAMIREZ stated the house belonged to an unknown female who lived there with her three children, and this female provided RAMIREZ with the birth certificate. The female informed RAMIREZ she would use the birth certificate to get to Houston. RAMIREZ stated an unknown male picked her up from the lady's house. RAMIREZ stated the unknown female who provided RAMIREZ with

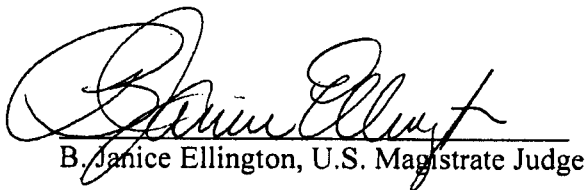
the birth certificate referred to the man as "Franky." RAMIREZ stated the man apprehended with her at the checkpoint was the same man who picked her up from the lady's house. RAMIREZ also stated she did not pay the man who was driving any money.

CABALLERO and RAMIREZ were questioned by Border Patrol agents regarding any possible exposure to the H1N1 influenza, and CABALLERO and RAMIREZ stated they had not been exposed to the virus. Neither CABALLERO nor RAMIREZ claimed to be suffering from flu-like symptoms or any other medical conditions.



Stephen B. Guillot, II
Senior Special Agent
U.S. Immigration and Customs Enforcement

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 2nd Day
Of MAY, 2009.



B. Janice Ellington, U.S. Magistrate Judge