

United States Courts
Southern District of Texas
FILED

JUN 07 2019

David J. Bradley, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

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

UNITED STATES OF AMERICA
V.
Agustin Jaime GUTIERREZ-Gonzalez

CRIMINAL COMPLAINT

Case Number: **C-19-2266M**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 6/5/2019 in Nueces County, in the

Southern District of Texas, the defendant(s) **Agustin Jaime GUTIERREZ-Gonzalez**

did knowingly and in reckless disregard of the fact that an aliens who had come to, entered, and remained in the United States in violation of law, did conceal, harbor, and shield from detection, or attempt to conceal, harbor, or shield from detection, such aliens, in any place, including any building or by any means of transportation

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

See Attached Affidavit of HSI Special Agent **Eric Martinez**

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

Yes No


Signature of Complainant

Eric Martinez
Printed Name of Complainant

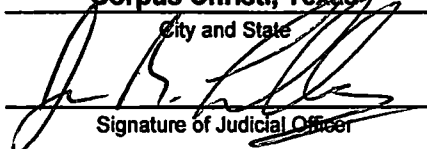
Sworn to before me and signed in my presence,

June 7, 2019
Date

at

Corpus Christi, Texas
City and State

Jason B. Libby U.S. Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT:

On June 5, 2019, at approximately 05:15 hours, the United States Border Patrol (USBP) Office received a call from the Corpus Christi Police Department (CCPD) regarding two undocumented aliens who were encountered on a road near Robstown, TX. The two undocumented aliens had informed a Nueces County Sherriff Deputy that they were unlawfully present in the United States. The two undocumented aliens informed the Deputy they had left a vehicle accident involving eighteen undocumented aliens. USBP Agents arrived at the scene and conducted an immigration inspection and took custody of the two undocumented aliens. The two undocumented aliens were transported to a hospital in Corpus Christi, TX.

On June 5, 2019, at approximately 06:55 hours, USBP agents discovered the wrecked Suburban in Robstown, TX. Approximately six individuals were in the vehicle and appeared to be incoherent. An additional seven individuals were discovered in or near the vehicle and required medical assistance. USBP contacted emergency medical services. Emergency medical units arrived via halo flight and ambulance and transported the seven individuals to two local hospitals in Corpus Christi, TX.

On June 5, 2019, at approximately 08:15 hours, USBP contacted HSI Corpus Christi and requested assistance regarding the wrecked Suburban.

On June 5, 2019, at approximately 09:00 hours, HSI Corpus Christi S/A's responded to the vehicular accident in Robstown, TX. S/A's observed six male individuals inside of the suburban which were incoherent. Several Mexican and Central American identity cards were discovered in the suburban. A Justice of the Peace subsequently arrived and pronounced the six male individuals as deceased.

On June 5, 2019, in the morning, HSI S/A Eric Martinez and S/A Mike Chastain arrived at the two hospitals in Corpus Christi, TX. S/A's spoke to medical staff and USBP Agents at the scene. The nine individuals which had been transported to the hospital by ambulance had been identified as citizens of either Mexico or Central America. The only coherent hospitalized individual at the time was identified by S/A Martinez as Juan Carlos VALLEJO-Lopez.

S/A Martinez briefly spoke with VALLEJO-LOPEZ to ascertain some information. VALLEJO stated he was a citizen of Guatemala. VALLEJO informed S/A Martinez that he and thirteen other aliens had been smuggled by a guide through the brush for approximately three days. VALLEJO stated they had all been picked up alongside a road by an unknown male in a suburban type vehicle. VALLEJO stated the brush guide had been in the vehicle with them. VALLEJO stated the driver wound up wrecking the vehicle.

On June 5, 2019, at approximately 10:45 hours, a female individual identified as Lora GARCIA spoke with USBP Agent Jose Barrientos outside a hospital in Corpus Christi. GARCIA informed BPA Barrientos, she was looking for her brother-in-law who was

involved in the accident in Robstown, TX. GARCIA stated she saw the vehicle accident on FACEBOOK and the news. GARCIA stated her brother-in-law's name was Juan Manuel GARCIA-SALAZAR, aka: CHINO. GARCIA provided CHINO's cell phone number which ended in 1120. GARCIA stated the driver of the wrecked vehicle known as IVAN LNU had been utilizing CHINOS phone to communicate with GARCIA and IVAN's girlfriend.

On June 5, 2019, at approximately 14:00 hours, HSI S/A Eric Martinez and S/A Agustin Olivarez met with GARCIA and conducted an interview of GARCIA in Robstown, TX. GARCIA stated on June 5, 2019, at approximately 04:00 hours, she received a call from Elena RUIZ. GARCIA stated RUIZ was the girlfriend of the driver who GARCIA identified as IVAN LNU. RUIZ informed GARCIA that IVAN LNU and Juan GARCIA had been involved in a serious wreck in Robstown, TX along with about twenty other people.

GARCIA stated on June 5, 2019, at approximately 04:30 hours, GARCIA received a call from IVAN. IVAN informed GARCIA that he and CHINO had been involved in a wreck and had suffered serious bodily injury. IVAN stated he had broken ribs, internal bleeding, and was bleeding blood from his mouth. IVAN stated he was with several other individuals and that they needed medical attention and asked GARCIA if she could help him.

On June 5, 2019, at approximately 14:12 hours, GARCIA contacted Elena RUIZ and spoke with her via a recorded call. S/A Martinez and S/A Agustin Olivarez listened to the conversation. RUIZ informed GARCIA that IVAN had informed RUIZ that CHINO had been pinned in the truck and that IVAN absconded from the scene. RUIZ told GARCIA that IVAN stated he had absconded from the scene and had been with a large group of people. RUIZ stated IVAN had contacted RUIZ utilizing CHINO's phone. RUIZ informed GARCIA that IVAN indicated he was hiding in a neighborhood in town.

On June 5, 2019, at approximately 16:24 hours, GARCIA spoke with IVAN. GARCIA asked IVAN if he had been driving the wrecked vehicle. IVAN stated that he had been driving the vehicle and had wrecked the vehicle. IVAN stated he had hit something.

IVAN told GARCIA that CHINO had been trapped and pinned by the metal from the wrecked vehicle.

On June 5, 2019, HSI S/A Agustin Olivarez and S/A Ruben Rendon conducted an interview of Elena RUIZ at the HSI Office in Corpus Christi, TX. RUIZ previously had met with S/A's outside the HSI Office in Corpus Christi, TX. S/A Olivarez read RUIZ her Miranda Rights in the English language. RUIZ stated she was willing to provide a statement without the presence of an attorney.

RUIZ stated she was the girlfriend of IVAN Dario PUGA-Moreno. RUIZ stated PUGA is an illegal alien and is friends with CHINO and a person named Tino GUTIERREZ. PUGA and CHINO are from the same town in Mexico. RUIZ stated IVAN and CHINO

had informed her on June 4, 2019, that they were going to be smuggling approximately twenty aliens in a vehicle. RUIZ stated PUGA had contacted her prior to departing Falfurrias, TX, and told RUIZ they were getting ready to smuggle the approximately twenty aliens.

RUIZ stated on June 5, 2019, early in the morning at approximately 04:00 hours, she had received a call from CHINO's cellphone. RUIZ stated she answered the call but spoke with PUGA. PUGA stated he had wrecked the vehicle and that CHINO was hurt and trapped in the vehicle. PUGA told RUIZ that he was scared and ran from the scene with four other aliens. PUGA told RUIZ he was hurt and had broken bones and internal bleeding. PUGA told RUIZ he desperately needed help and needed to get picked up.

RUIZ stated she arrived on Callicoatte Road near Robstown, TX, on June 5, 2019, at approximately 13:00 hours, and picked up PUGA and four other illegal aliens. RUIZ stated she observed PUGA had a broken arm and was hurt. RUIZ stated she observed one of the smuggled aliens had cuts on his face. RUIZ transported PUGA and the four aliens to Corpus Christi, TX. RUIZ stated PUGA had told her he contacted Celestino GUTIERREZ and had asked him for assistance. PUGA had informed RUIZ that GUTIERREZ had departed Houston, TX, and was travelling to Corpus Christi, TX, to help PUGA. RUIZ provided HSI Corpus Christi the cellphone number for GUTIERREZ.

RUIZ stated she arrived at a relative's home located near Crocket Elementary School in Corpus Christi, TX. RUIZ stated PUGA began getting angry at her and RUIZ told PUGA to leave the home. RUIZ observed PUGA and the four aliens depart on foot from the home. RUIZ believed PUGA and the four aliens received assistance and were transported by GUTIERREZ.

RUIZ viewed a photo lineup containing an array of 6 male individuals. RUIZ identified Ivan PUGA. Record checks conducted revealed the person identified was Ivan Dario PUGA-Moreno, a citizen of Mexico, and a prior deported alien.

RUIZ viewed a photo lineup containing an array of 6 male individuals. RUIZ identified Tino GUTIERREZ. Record checks conducted by HSI revealed the person identified was Agustin Jaime GUTIERREZ-GONZALEZ.

On June 5, 2019, HSI Corpus Christi obtained emergency pings for the phone utilized by PUGA and by GUTIERREZ. HSI Corpus Christi observed the pings from PUGA and GUTIERREZ phone were always in the same area in Houston, TX. HSI continued to monitor the pings on June 6, 2019, which allowed HSI Houston S/A's to ascertain the location of the two phones. HSI S/A's determined the two phones were at an apartment complex located in Harris County, TX.

On June 6, 2019, U.S. Magistrate Judge Jason B. Libby issued a search and seizure warrant for the cellular device utilized by PUGA. Judge Libby also issued an arrest warrant for the arrest of PUGA for violation of Title 8 USC 1324.

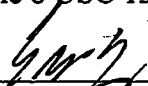
On June 6, 2019, in the morning HSI Houston served a subpoena at the apartment complex and spoke with the manager. The manager viewed a photo of GUTIERREZ and a woman believed to be the girlfriend of GUTIERREZ. The manager stated the individuals in the photo had paid rent last Monday in person. The manager stated GUTIERREZ girlfriend drove a grey Nissan Pathfinder. S/A's observed and conducted surveillance of a grey Nissan Pathfinder parked at the apartment complex.

On June 6, 2019, at approximately 13:00 hours, HSI Houston S/A's observed GUTIERREZ and a female depart the apartment complex in a grey Nissan Pathfinder. S/A's followed the Nissan Pathfinder. S/A's and a Houston Police Officer approached GUTIERREZ and GUTIERREZ girlfriend, identified as Mayra CHAVER, at a parking lot. GUTIERREZ provided the apartment number where Ivan PUGA and other aliens were currently being housed. HSI Houston S/A's conducted surveillance at the apartment. S/A's observed PUGA's phone was pinging in the vicinity at the apartment complex.

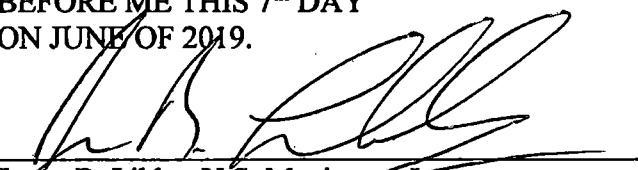
On June 6, 2019, at approximately 16:50 hours, HSI S/A's conducted a knock and talk at the apartment and executed the arrest warrant for PUGA. S/A's entered the residence and observed PUGA attempting to abscond from the apartment via a window. PUGA exited the window and ran and hid. S/A's began searching the area for PUGA and discovered PUGA hiding under a structure near the apartment. S/A's discovered two individuals inside the apartment. The two individuals appeared to have injuries. The two individuals, later identified as Victor Arnaldo GOMEZ GOMEZ and Milton Alexander MONTEGUSTO, both stated they were citizens of Honduras and were unlawfully present in the United States.

HSI Houston S/A's transported PUGA, GOMEZ, and MONTEGUSTO to a Hospital in Houston, TX, for medical treatment due to injuries sustained from the vehicular accident.

AUSA Julie Hampton was notified and agreed to prosecute GUTIERREZ for violation of Title 8 USC 1324.


Eric Martinez
Special Agent
Homeland Security Investigations

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 7th DAY
ON JUNE OF 2019.


Jason B. Libby, U.S. Magistrate Judge