

10/8

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

1
2
3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 V

6 Sergio Cesar GUERRA-Chavez

7 AKA: None Known

8 YOB: 1978

9 A77 162 872

10 Citizen of Mexico

11 Defendant

Magistrate Case No. 07-90004

COMPLAINT FOR VIOLATION OF

Count I

Title 8, United States Code, Section 1326(a),
enhanced by (b)(2) (Attempted Re-entry After
Removal) Felony.

And

Count II

Title 8, United States Code, Section 1326(a),
enhanced by (b)(2) (Re-entry After Removal)
Felony.

12 The undersigned complainant being duly sworn states:

13 COUNT I

14 That on or about October 8, 2007, Defendant Sergio Cesar GUERRA-Chavez, an alien,
15 knowingly and intentionally attempted to enter the United States at or near San Luis, Arizona,
16 within the District of Arizona, after having been previously denied admission, excluded,
17 deported, and removed from the United States to Mexico at or near San Ysidro, California on or
18 about, October 9, 2003, and not having obtained the express consent of the Secretary of the
19 Department of Homeland Security to reapply for admission.

20 In violation of Title 8, United States Code, Section 1326(a), enhanced by (b)(2) (Felony).

21 COUNT II

22 That on or about October 8, 2007, Defendant Sergio Cesar GUERRA-Chavez, an alien, entered
23 the United States and on or about October 8, 2007 was found in the United States at or near San
24 Luis, Arizona within the District of Arizona, after having been previously denied admission,
25 excluded, deported, and removed from the United States to Mexico at or near San Ysidro,
26 California on or about, October 9, 2003, and not having obtained the express consent of the
27 Secretary of the Department of Homeland Security to reapply for admission.

28 In violation of Title 8, United States Code, Section 1326(a), enhanced by (b)(2) (Felony).

1 UNITED STATES OF AMERICA

2 V.

3 Sergio Cesar GUERRA-Chavez

4 AKA: None Known


5 A77 162 872

6 **STATEMENT OF FACTUAL BASIS**

7
8 The complainant states that this complaint is based upon the statements of the
9 apprehending officers, that the Defendant was found and arrested on or about October 8, 2007,
10 near San Luis, Arizona. Questioning of the Defendant by agents revealed that the Defendant
11 was a citizen of Mexico, and was not in possession of valid documents allowing him to enter or
12 remain in the United States.

13
14 By questioning the Defendant and through record checks, agents determined that on or
15 about October 9, 2003, the Defendant had been removed from the United States through the
16 port of San Ysidro, California, subsequent to a conviction in Superior Court, State of California,
17 Alameda County, on or about July 6, 1998, for the crime of Transport/ Sell Narcotic/ Control
18 Substance, an aggravated felony.

19
20 Agents determined that on or about October 8, 2007, the Defendant re-entered the United
21 States without the Secretary of the Department of Homeland Security having consented to
22 reapplication by the Defendant for admission into the United States.

23
24 
Signature of Complainant

25
26 Sworn to before me and subscribed in my presence,

27
28 October 9, 2007

29 Date


Signature of Judicial Officer

Probable Cause Statement

I, Senior Patrol Agent Nicholas Kingston, declare under penalty of perjury, the following is true and correct:

UNITED STATES OF AMERICA

V.

Sergio Cesar GUERRA-Chavez

AKA: None Known

A77 162 872


STATEMENT OF FACTUAL BASIS

The complainant states that this complaint is based upon the statements of the apprehending officers, that the Defendant was found and arrested on or about October 8, 2007, near San Luis, Arizona. Questioning of the Defendant by agents revealed that the Defendant was a citizen of Mexico, and was not in possession of valid documents allowing him to enter or remain in the United States.

By questioning the Defendant and through record checks, agents determined that on or about October 9, 2003, the Defendant had been removed from the United States through the port of San Ysidro, California, subsequent to a conviction in Superior Court, State of California, Alameda County, on or about July 6, 1998, for the crime of Transport/ Sell Narcotic/ Control Substance, an aggravated felony.

Agents determined that on or about October 8, 2007, the Defendant re-entered the United States without the Secretary of the Department of Homeland Security having consented to reapplication by the Defendant for admission into the United States.

Executed on: Date October 8, 2007 Time: 7:53 A.M.

Signed:  Senior Patrol Agent

Finding of Probable Cause

On the basis of the facts presented in the foregoing Probable Cause Statement, consisting of one page(s), I find probable cause to believe that the defendant(s) named therein committed the offense on October 8, 2007 in violation of Title 8, United States Code, Section(s) 1326.

Finding made on: Date OCTOBER 8, 2007 Time 9:57 AM

Signed:  United States Magistrate Judge