

Doft: 3/15/07

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Jose LOPEZ-Aispuro
[REDACTED]

NUMBER: 07-7071M

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 13, 2007, defendant, an alien illegally and unlawfully in the United States, did knowingly possess a 9 mm Smith & Wesson model SW9VE, which firearm had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(5).

I further state that I am a Special Agent for the United States Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) and that this complaint is based on the following facts:

**SEE ATTACHED STATEMENT OF PROBABLE CAUSE INCORPORATED BY
REFERENCE HEREIN**

[Signature]
AUTHORIZED BY: SAUSA James Knapp for SAUSA Andrea Gutierrez

Manuel E. Ochoa
Name of Complainant

[Signature]
Signature of Complainant

Sworn to before me and subscribed in my presence,

March 16, 2007
Date

at Phoenix, Arizona
City and State

HON. EDWARD C. VOSS
United States Magistrate Judge

[Signature]
Signature of Judicial Officer

STATEMENT OF PROBABLE CAUSE

I, Manuel E. Ochoa, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Office of Investigation (OI) Phoenix, Arizona. I have been employed as a Special Agent since September 2001. I am currently assigned to the Financial Unit investigating violations of federal law relating to money laundering and smuggling (human/narcotics). I have conducted numerous investigations that involved the smuggling of controlled substances and illegal aliens, and money laundering. Through my experience and additional training, I have become familiar with many techniques utilized by individuals and organizations, which endeavor to further these illicit criminal enterprises. Based upon my personal observations, consultation with other agents and law enforcement officers, and a review of the records, I have learned the following facts:
2. On March 7, 2007, Group Supervisor Vicente Garcia of the ICE Office of the Special Agent in Charge Phoenix, AZ, received a telephone call from ICE Communications Center regarding information received from ICE Special Agent Xavier Diaz of the Deming, New Mexico, ICE office requesting assistance in an alien smuggling case involving Sebastian Antonio ASCENCION, a Mexican national who may be held hostage in the greater Phoenix, AZ, metropolitan area.
3. On March 12, 2007, reliable information obtained through electronic surveillance techniques led to the identification of a residence in Phoenix, AZ, where ASCENCION and possibly other illegal aliens were being held. While ICE Special Agents were conducting surveillance they observed a white Volkswagen (VW) Jetta sedan leave the residence bearing Sonora Mexican plates: VWC4937. Phoenix Police Department conducted a traffic stop on the Jetta in Phoenix, AZ, and detained the driver, identified as Jose LOPEZ-Aispuro. Inside the Jetta

ICE agents located three (3) cell phones, a black and silver Smith & Wesson 9 mm handgun model SW9VE, a magazine containing 9mm ammunition and seven thousand seven hundred and twenty two (\$7,722.00) dollars. A search of LOPEZ-Aispuro produced a Mexican Sonora driver's license bearing the name of Jose LOPEZ-Aispuro (DOB: 01/11/1974) and the photograph of LOPEZ-Aispuro.

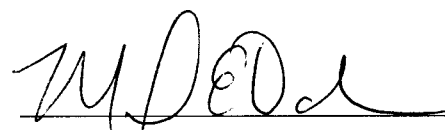
4. ICE agents interviewed Jose LOPEZ-Aispuro on March 13, 2007. Jose LOPEZ-Aispuro stated that he was smuggled into the United States about six (6) or seven (7) days ago. LOPEZ-Aispuro further stated someone known as "CHEPE" or "CHOPO" told him to take the Jetta to get some food at the Food City on 51st Ave. and McDowell. LOPEZ-Aispuro also stated that he did not know about the money in the glove box and did not see the handgun inside the Jetta when he first entered the Jetta. LOPEZ-Aispuro stated it wasn't until he was driving the Jetta that he saw the handgun, at which point he grabbed the handgun and moved it to the floor to try to hide it.
5. ICE agents interviewed ASCENCION on March 13, 2007. ASCENCION stated he arrived at the Phoenix, AZ, residence on March 2, 2007, with a group of eight persons. ASCENCION stated there were already twenty persons inside the residence waiting to be released. ASCENCION stated there were four subjects in charge of guarding the residence. ASCENCION identified Jose LOPEZ-Aispuro Through photo lineup as one of the guards of the residence, and stated he saw a black and silver handgun tucked in the waistband of LOPEZ-Aispuro.
6. On March 14, 2007, Group Supervisor Vicente Garcia served LOPEZ-Aispuro a Notice to Appear for immigration charges. At that time, LOPEZ-Aispuro asked if he was being deported and stated that someone handed the handgun to him before getting inside the VW Jetta. LOPEZ-Aispuro stated that was the reason the handgun was inside the VW Jetta.

7. On March 15, 2007, SA Manuel Ochoa contacted Shawn Sander with the Bureau of Alcohol Tobacco Firearms and Explosives (ATF) who confirmed that the 9mm Smith & Wesson model SW9VE was shipped and transported in interstate commerce.

For these reasons, your affiant submits that there is probable cause to believe that the defendant, an alien illegally and unlawfully in the United States, did knowingly possess a 9mm Smith & Wesson model SW9VE, which had been shipped and transported in interstate commerce, in violation of Title 8, United States Code, Section 922(g)(5).

Manuel E. Ochoa

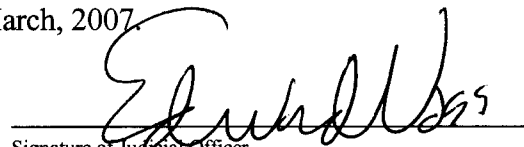
Name of Complainant


Signature of Complainant

Sworn to before me and subscribed to in my presence, this 16th day of March, 2007.

HON. EDWARD C. VOSS, United States Magistrate Judge

Name & Title of Judicial Officer


Signature of Judicial Officer