

CRIMINAL COMPLAINT

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 JUL 16 2007  
 CLERK U.S. DISTRICT COURT  
 DISTRICT OF ARIZONA  
 MAGISTRATE'S CASE NO. BY \_\_\_\_\_ DEPUTY  
 07-04712M

United States District Court

DISTRICT of ARIZONA

United States of America

v.

Ernesto TORRES-Tapia

DOB: xx/xx/1972; Mexican Citizen; A# 076 701 828

DOCKET NO.

Complaint for violation of Title 8  
18

United States Code §§ 1324(a)(1)(A)(ii), 1324(a)(1)(B)(i); 111(a)(1),  
111(a)(1), and 1114

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

**COUNT 1:** On or about July 15, 2007, at or near Naco, in the District of Arizona, **Ernesto TORRES-Tapia**, knowing and in reckless disregard of the fact that illegal aliens, including German HERNANDEZ-Solis and Marcos ANALCO-Olivos, had come to, entered and remained in the United States in violation of law, did transport and move said aliens within the United States by means of transportation and otherwise in furtherance of such violation of law and did so for the purpose of private financial gain; in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i).

**COUNT 2:** On or about July 15, 2007, at or near Naco, in the District of Arizona, **Ernesto TORRES-Tapia** did intentionally and forcibly assault, resist, oppose, impede, intimidate, and interfere with a federal agent, Agent Christopher Dyer, a United States Border Patrol Agent, by physically striking Agent Dyer with his fists, while said agent was engaged in and on account of the performance of his official duties, such act constituting more than simple assault, a felony, in violation of Title 18, United States Code, Sections 111(a)(1) and 1114.

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

On or about July 15, 2007, at or near Naco, Arizona, A Border Patrol Agent, after following the foot sign of a suspected group of illegal aliens, encountered a group of people hiding in a thicket of mesquite trees. The defendant **Ernesto TORRES-Tapia** and one other subject immediately fled from the agent. Inside the thicket of mesquite trees were 10 other individuals, all of whom admitted that they were not citizens or nationals of the United States and that they did not have permission to be in the United States legally. The defendant was arrested after a brief foot chase and a physical altercation, wherein the defendant punched Agent Christopher Dyer in the chest and kidney area as Agent Dyer attempted to apprehend him. Agent Dyer is a federal United States Border Patrol Agent who was performing his assigned duties when he was assaulted by the defendant. Material witnesses German HERNANDEZ-Solis and Marcos ANALCO-Olivos were in the group. The material witnesses stated that they were led across the international boundary and into the United States by the defendant. The material witnesses stated that the defendant told them where to go, when to rest and where to hide. The material witnesses were going to pay \$2600.00 and \$2400.00 respectively to be smuggled into the United States and transported to their final destinations.

MATERIAL WITNESSES IN RELATION TO THE CHARGE:

German HERNANDEZ-Solis and Marcos ANALCO-Olivos

Detention Requested

SIGNATURE OF COMPLAINANT (official title)

JOSE ALVAREZ

OFFICIAL TITLE

Senior Agent, US Border Patrol

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.

AUTHORIZED BY: AUSA SMT

*[Handwritten Signature]*

Sworn to before me and subscribed in my presence.

SIGNATURE OF MAGISTRATE JUDGE

*[Handwritten Signature]*

DATE

July 16, 2007

<sup>1</sup> See Federal rules of Criminal Procedure Rules 3 and 54