

10/14

United States District Court

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA

V.

Heriberto BUELNA-Castro

Citizen of Mexico

YOB: 1974

098922191

Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 09-8746MP

Motion Picture Association of America v. CrystalTech Web Hosting Inc.

Doc. 601 Att. 1

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about March 27, 2006, Defendant Heriberto BUELNA-Castro was arrested and removed from the United States to Mexico through the port of Nogales, Arizona, in pursuance of law, and thereafter on or about October 14, 2009, Defendant was found in the United States near Wenden, Arizona within the District of Arizona, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about June 13, 2006, within the District of Arizona, Defendant Heriberto BUELNA-Castro, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. Yes No

Louis M. MSA

Sworn to before me and subscribed in my presence,

October 16, 2009

Date

at

Yuma, Arizona

City and State

James F. Metcalf, U.S. Magistrate

Name & Title of Judicial Officer

Pedro Medina

Signature of Complainant

Pedro Medina

Senior Patrol Agent

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Heriberto BUELNA-Castro

Dependents: 2-USC

IMMIGRATION HISTORY: The Defendant was last removed through Nogales, Arizona on March 27, 2006 and has been apprehended by the United States Border Patrol on three (3) previous occasions.

CRIMINAL HISTORY:

<u>DATE/LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
12/18/05 Phoenix, Arizona	Possession WPN by prohibit person	Guilty 90 Days Jail/ 3 Years Probation

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Wenden, Arizona.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Sasabe, Arizona on June 13, 2006.

Charges: 8 USC§1326 (Felony)
8 USC§1325 (Misdemeanor)

Pedro Medina

Signature of Complainant

Sworn to before me and subscribed in my presence,

Date October 16, 2009

[Signature]

Signature of Judicial Officer