

USDC SCAN INDEX SHEET



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2:03-M -08125 USA V. SILVA-CEJA  
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FILED  
FEB - 5 2003  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY [Signature] DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 Mario SILVA-Ceja

14 Rosa Isela VERDUGO-De Becerra

15 Defendants

) Mag. Case No. '03 mg 8125  
) COMPLAINT FOR VIOLATION OF:  
) Title 8, U.S.C., Section 1324  
) (a)(1)(A)(iii) -  
) Harboring Illegal Aliens  
)  
)  
)  
)

16 The undersigned complainant, being duly sworn, states:

17 On or about February 3, 2003, within the Southern District of California, defendants Mario  
18 SILVA-Ceja Rosa and Isela VERDUGO-De Becerra, knowing and in reckless disregard of the fact  
19 that aliens, namely, Benito RODRIGUEZ-Chona and Guillermo OJEDA-Nunez, had come to,  
20 entered and remained in the United States in violation of law, did conceal, harbor and shield from  
21 detection and attempt to conceal, harbor and shield from detection such aliens in a building located  
22 in El Centro, California in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii).

23 And the complainant states that this complaint is based on the attached statement of facts  
24 which, is incorporated herein by reference.

[Signature]  
Senior Border Patrol Agent

25 SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 5<sup>th</sup> DAY OF FEBRUARY  
26 2003.

27 [Signature]  
28 Roger T. Benitez  
29 United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 VS.

3 Mario SILVA-Ceja

4 Rosa Isela VERDUGO-De Becerra

5  
6 STATEMENT OF FACTS

7  
8 The complainant states that this complaint is based upon statements in the investigative  
9 reports by the apprehending officers, Border Patrol Agents Lewenthal, Nix, Shailor and  
10 Bondanza that on February 3, 2003, the defendants, natives and citizens of Mexico were  
11 apprehended in El Centro, California, at the Motel 6 as they attempted to smuggle (15) fifteen  
12 undocumented aliens from Mexico to Los Angeles, California in violation of law.  
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14  
15 On February 3, 2003 Agent Nix received information that there was a possible alien  
16 smuggler in room #110 of the Motel 6 in El Centro, California. The report said that a man had  
17 bought a large amount of food at the adjacent Carl's Jr. and had taken the food back to room  
18 #110. Alien smugglers will generally send only one person to get food for the other aliens that  
19 remain in the room. Special Agent Lewenthal has also apprehended many alien smuggling loads  
20 at the Motel 6.

21 The El Centro Alien Smuggling Unit set up surveillance outside of the motel. After  
22 about two hours, Agents Lewenthal, Bondanza and Shailor decided to try to identify the  
23 occupants of room #110. Agent Lewenthal knocked on the door and identified himself as an  
24 Immigration Agent. As a Hispanic man opened the door, Agent Lewenthal observed several  
25 other people in the room. The man who opened the door was determined to be a citizen of  
26 Mexico and illegally in the United States. The fourteen other people who were also in the room  
27 were determined to be citizens of Mexico and illegally in the United States. All fifteen illegal  
28 aliens were placed under arrest.  
29

1 While at the motel an unknown person told SA Lewenthal that a young female was  
2 coming and going from rooms #110 and #121. SA Lewenthal went to the motel office and asked  
3 the manager who had rented rooms #110 and #121. The agents went to room #121 and knocked  
4 on the door. Agent Lewenthal identified himself as an Immigration Agent to the man who  
5 opened the door, later identified as Mario SILVA-Ceja. SA Lewenthal determined that SILVA  
6 was a legally admitted permanent resident. SA Lewenthal also noticed that there was a female in  
7 the room. She was determined to be Rosa Isela VERDUGO-DeBecerra. She was the same  
8 person who had rented room #110. She was determined to be a citizen of Mexico but with the  
9 proper Border Crossing Card to be in the United States. SA Lewenthal placed VERDUGO and  
10 SILVA under arrest and arranged for them along with the fifteen smuggled aliens to be taken to  
11 the El Centro Border Patrol Station for processing.

12 Agent Shailor advised Mario SILVA-Ceja of his Miranda Rights. Agent Lewenthal  
13 witnessed this. SILVA stated that he understood his rights and wasn't willing to answer  
14 questions. No questions were asked to SILVA.

15 Agent Shailor advised VERDUGO of her Miranda Rights and Agent Lewenthal  
16 witnessed this. She stated that she was willing to answer questions. She stated that she was  
17 being paid \$100 per alien by a smuggler named Yoyo to rent the motel rooms and care for the  
18 aliens. She met Yoyo in San Luis, Mexico. She traveled to El Centro with the other defendant,  
19 SILVA, and rented the motel rooms. Yoyo had given her \$300 to care for the aliens.

20 Material Witness Benito RODRIGUÉZ-Chona told Agent Lewenthal that he is a citizen  
21 of Mexico and illegally in the United States. He stated that he met the defendant, SILVA in San  
22 Luis, Mexico on or about February 1, 2003. He stated that SILVA offered to smuggle him and  
23 several other people into the United States for \$1,200 each. He agreed to this. He then stated  
24 that SILVA took them to an unknown motel in San Luis, Mexico and then came back for them in  
25 a van. SILVA then proceeded with the illegal aliens into the desert where he illegally entered the  
26 United States by driving across the International Boundary. They were then taken to the motel in  
27 El Centro where he was arrested. RODRIGUEZ was shown a six-picture photo lineup and  
28 identified SILVA as the smuggler.

1 Material Witness Guillermo OJEDA-Nunez was interviewed by SA Lewenthal. OJEDA  
2 told Agent Lewenthal that he is a citizen of Mexico and illegally in the United States. He stated  
3 that his friend Benito RODRIGUEZ made all the smuggling arrangements for him with SILVA.  
4 OJEDA picked out SILVA from a six-picture photo lineup as the smuggler. He stated that after  
5 the arrangements were made, SILVA took them to a motel in San Luis. He stated that they were  
6 taken into the desert and illegally walked into the United States and got into a waiting car. He  
7 was then taken to the motel where he was arrested.

8 The complainant states that the names of the Material Witnesses are as follows:

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NAME	PLACE OF BIRTH
Benito RODRIGUEZ-Chona	Mexico
Guillermo OJEDA-Nunez	Mexico

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15 Further, complainant states that Benito RODRIGUEZ-Chona, Guillermo OJEDA-Nunez,  
16 are citizens of a country other than the United States; that said aliens have admitted that they are  
17 deportable; that their testimony is material, that it is impracticable to secure their attendance at  
18 the trial by subpoena; and they are material witnesses in relation to this criminal charge and  
19 should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

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