

EXHIBIT A

STATE OF NORTH CAROLINA

File No.
Co. Of Hearing

07CR 62451

NEW HANOVER County WILMINGTON

Seat Of Court

In The General Court Of Justice
 District Superior Court Division

(NOTE: There must be a separate revocation judgment for each sentence which is activated, but one revocation judgment is sufficient where the original sentence was imposed on offenses consolidated for purposes of judgment. This form is to be used in conjunction with AOC-CR-604.)

STATE VERSUS

**JUDGMENT AND COMMITMENT
UPON REVOCATION OF PROBATION OR
ELECTION TO SERVE SENTENCE - MISDEMEANOR(S)
(STRUCTURED SENTENCING)**

Defendant
MARK D LYTTLE

Race: H Sex: MALE DOB: [REDACTED] 1977

G.S. 15A-1341(c), 15A-1344, 15A-1345

Attorney For State: DRAUGHN
 Def. Found Not Indigent Def. Waived Attorney

Attorney For Defendant At Revocation Hearing
 Appointed Retained

The defendant was placed on probation pursuant to the following Judgment Suspending Sentence:

Date Of Judgment Suspending Sentence: 02/21/2008
Name Of Original Sentencing Judge: MELINDA CROUCH
Name Of County Of Origin: NEW HANOVER

County of Origin File No.(s)	Off. No.	Offense Description	Offense Date	G.S. No.	CL.
07CR 62451		ASSAULT ON A FEMALE	09/25/2007	14-33C2	AI

In the original Judgment Suspending Sentence, the Court determined, pursuant to G.S. 15A-1340.20, the number of prior convictions to be 5+ LEVEL: I (0) II (1-4) III (5+)

- In the original Judgment Suspending Sentence, the Court sentenced the defendant:
- 1. pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
 - 2. based upon a finding of:
 - (a) enhanced punishment from a Class 2 or Class 3 misdemeanor to a Class 1 misdemeanor.
 - G.S. 90-95(e)(4) (drugs). G.S. 14-3(c) (hate crime).
 - (b) enhanced punishment from a required suspended sentence to a Class 2 misdemeanor. G.S. 90-95(e)(7).

CONCLUSION AND ORDER

Based upon the Findings of Fact set out on the reverse side, the Court concludes that the defendant has violated a valid condition of probation upon which the execution of the active sentence was suspended, and that continuation, modification or special probation or criminal contempt is not appropriate, and the Court ORDERS that the defendant's probation be revoked, that the suspended sentence be activated, and the defendant be imprisoned:

(Offenses Committed before January 1, 1997) The defendant has freely, voluntarily and understandingly elected to serve the defendant's suspended sentence of imprisonment in lieu of the remainder of the defendant's probation. Therefore, by virtue of G.S. 15A-1341(c) the Court ORDERS that the suspended sentence be activated, and the defendant be imprisoned:

for a term of 100 days in the custody of the: N.C. DOC.
 Sheriff of _____ County.
 Other: _____

The defendant shall be given credit for 22 days spent in the confinement prior to the date of this Judgment as a result of this charge(s).

- The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.
 The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:

File Number	Offense	County	Court	Date

Material opposite unmarked squares is to be disregarded as surplusage.
(Over)

(check all that apply)

- 1. The Clerk, under G.S. 7A-304(d), shall immediately disburse any undisbursed monies paid by the defendant under the Judgment Suspending Sentence as provided in that Judgment.
- 2. The Court finds that the defendant is is not suitable for placement in a county satellite jail/work release unit. G.S. 15A-1352(a).
- 3. With the consent of the defendant, work release is ordered and the defendant, after any required processing, shall be committed to: [check (a) or (b)]
 - (a) _____ (specify prison facility within this county/out of county)
 - (b) _____ (specify local confinement facility or satellite jail/work release unit within this county/out of county)

The sheriff, Board of County Commissioners or Department of Correction has consented to the commitment to the above described facility, that is not within this county. G.S. 15A-1352(d).

The Court Recommends:

- 4. Assignment to a Substance Abuse Treatment Unit pursuant to G.S. 15A-1351(h) (applies only to offenses committed before December 1, 2003).
- 5. Psychiatric and/or psychological counseling. 6. Work release.
- 7. Payment from work release earnings, if applicable, the items and amounts set out below.

Restitution*	All Prior Attorney Fees In This Case	Attorney's Fee For This Proceeding	All Other	Total Amount Due
\$	\$	\$	\$	\$ 0.00

*See attached "Restitution Update Worksheet, Notice and Findings (Revocation Or Termination Of Probation)," AOC-CR-612, which is incorporated by reference. NOTE: AOC-CR-612 must be completed whenever Recommendation No. 7 above is checked. Even if Recommendation No. 7 is not checked, AOC-CR-612 must be completed in EVERY CASE in which the defendant was ordered in the original judgment suspending sentence, as a condition of probation, to pay restitution in an amount in excess of \$250.00 to a Victims Rights Act victim.

The Court further recommends:

SENTENCE MODIFIED TO 100 DAYS PER JUDGE NOECKER

The Court does not recommend: 1. Restitution as a condition of work release. 2. Work release.

FINDINGS

After considering the record contained in the files numbered above, together with the evidence presented by the parties and the statements made on behalf of the State and the defendant, the Court finds:

- 1. The defendant is charged with having violated specified conditions of the defendant's probation as alleged in:
 - a. the Violation Report(s) on file herein, which is incorporated by reference.
 - b. the Notice of Hearing on Violation Of Unsupervised Probation on file herein, which is incorporated by reference.
- 2. Upon due notice or waiver of notice (check a. or b.)
 - a. a hearing was held before the Court and, by the evidence presented, the Court is reasonably satisfied in its discretion that the defendant violated each of the conditions of the defendant's probation as set forth below.
 - b. the defendant waived a violation hearing and admitted that the defendant violated each of the conditions of the defendant's probation as set forth below.
- 3. The condition(s) violated and the facts of each violation are as set forth (check a. and/or b.)
 - a. in paragraph(s) _____ in the Violation Report or Notice dated _____.
 - b. on the attached sheet.
- 4. Any allegation of a violation stated in the Violation Report, Notice, or otherwise, which is not set forth above is dismissed.
- 5. Each of the conditions violated as set forth above is valid; the defendant violated each condition willfully and without valid excuse; and each violation occurred at a time prior to the expiration or termination of the period of the defendant's probation.
 - Each violation is, in and of itself, a sufficient basis upon which this Court should revoke probation and activate the suspended sentence.
- 6. The judgment for attorney's fees previously entered in this case shall be docketed, if it has not already been docketed.
- 7. Beyond a reasonable doubt that before the expiration of the period of probation, the State filed a written motion with the clerk indicating its intent to conduct a revocation hearing and the State made a reasonable effort to notify the probationer and to conduct the hearing during the period of probation set out in the judgment and commitment.

AWARD OF FEE TO COUNSEL FOR DEFENDANT

A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender in this revocation proceeding.

ORDER OF COMMITMENT/APPEAL ENTRIES

It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

- The defendant gives notice of appeal from the Judgment of the district court to the superior court.
- The current pretrial release order is modified as follows: _____
- The defendant gives notice of appeal from the Judgment of the superior court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
08/14/2008	JEFFREY NOECKER	

ORDER OF COMMITMENT AFTER APPEAL

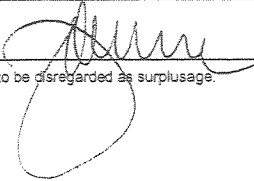
Date Remanded To District Court	Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified

It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the sheriff arrest the defendant, if necessary, and recommit the defendant to the custody of the official named in this Judgment and furnish that official two certified copies of this Judgment and Commitment as authority for the commitment and detention of the defendant.

Date	Signature	<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC
		<input type="checkbox"/> Clerk of Superior Court	

CERTIFICATION

I certify that this Judgment and Commitment with the attachment(s) marked below is a true and complete copy of the original which is on file in this case. Appeal Entries (AOC-CR-350) Restitution Update Worksheet, Notice And Findings (Revocation Or Termination Of Probation) (AOC-CR-612)

Date	Date Certified Copies Delivered To Sheriff	Signature	<input checked="" type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC
08/15/2008	08/15/2008		<input type="checkbox"/> Clerk of Superior Court	

STATE OF NORTH CAROLINA

File No. 07CR62457

NEW HANOVER County

In The General Court Of Justice
[X] District [] Superior Court Division

STATE VERSUS

Name Of Defendant: Mark Lyffe
Race: Sex: Date Of Birth: Social Security No.

JUDGMENT/ORDER OR OTHER DISPOSITION

Attorney For State: Def. Found Not Indigent / Def. Waived Attorney
Attorney For Defendant: Appointed / Retained

Offense: NOTE: (For use in recording Misdemeanor conviction levels under S.S.A.)

PLEA

VERDICT

PRIOR CONVICTIONS:

Guilty/Responsible / No Contest / Not Guilty/Not Responsible
MISD. CLASS: 1 2 3

Not paid was not willful
prob w- 100 days active - (modified at 2)
from 150 days to 100 days, 22 day credit

Date: 8/14/18 Name Of Presiding Judge: Signature Of Presiding Judge

APPEAL ENTRIES

The defendant gives notice of appeal from the judgment of the District Court to the Superior Court.
The current pretrial release order is modified as follows:
The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

Date: Name Of Presiding Judge: Signature Of Presiding Judge

EXHIBIT B

File Number: [REDACTED]

Date: 9/2/08

Name:

Thomas, Jose (AKA) Mark Daniel Lytle

Executed At:

Neuse CI

before the following officer of the U.S. Department of Homeland Security (ICE):

D. Faucette

in the English language. Name of interpreter used, if any _____

(AKA) Mark Daniel Lytle

Thomas, Jose acknowledge that the above listed officer has identified him/herself to me as an officer of the Department of Homeland Security, Bureau of Immigration and Customs Enforcement authorized by law to administer oaths and take testimony in connection with the enforcement of the immigration and nationality laws of the United States. He or she has informed me that he or she desires to take my sworn statement regarding my re-entry into the United States after my removal under an Order of Deportation, Exclusion, or Removal.

He or she has told me that my statement must be freely and voluntarily given and has advised me that any statement I make may be used against me in any administrative proceeding. I am willing to make a statement without anyone else being present.

I swear or affirm that all of the statements I am about to make are true and complete.

Q - Are you willing to answer my questions at this time?

A - yes

Q - What is your true complete and correct name?

A - Thomas, Jose

Q - Have you used any other names?

A - Mark Daniel Lytle

Q - What is the complete and correct name of your father?

A - Thomas Lytle (deceased)

Q - What is the complete and correct name of your mother?

A - Jennie Lytle

Q - Of what country are you a citizen?

A - Mexico

Q - What is your date and place of birth?

A - [REDACTED] 1/77 - Mexico

Record of Sworn Statement in Affidavit Form - (Continued)

Q - What is your foreign home address?

A - N/A

Q - What is your local U.S. home address?

A - [REDACTED] Elizabeth City, NC 27909

Q - When did you last enter the United States?

A - Age # 3

Q - How and where did you enter the United States at that time?

A - Not Sure

Q - Have you ever been ordered deported, excluded, or removed from the United States?

A - No

Q - After you were ordered deported, excluded, or removed, were you removed by the INS/ICE or did you leave the United States voluntarily?

A - N/A

Q - Have you ever applied to the Attorney General of the United States for permission to re-enter the United States after you were deported, excluded, or removed from the United States?

A - NO

Q - Do you have any fear of persecution or torture should be you be removed from the United States?

A - No

Q - Have you ever been arrested or convicted by any law enforcement agency within the United States or in your country?

A - No - Not in ~~USA~~ Mexico - Yes - U.S.

Q - Were you convicted New Hanover County in Wilmington
for Assault on Female sentenced to 100 days
incarceration

A - Yes..

Record of Sworn Statement in Affidavit Form - (Continued)

- Is there anything you would like to say at this time?

- No.

I have read (or have had read to me) the foregoing statement consisting of 2 pages. I affirm the answers attributed to me herein are true and correct to the best of my knowledge and belief and that this statement is a full, true, and correct record of my questioning by the above named officer of the Department of Homeland Security, Bureau of Immigration and Customs Enforcement.

I have initialed each page of this statement (and any corrections).

Signature of Alien:

Mark Lytle

Subscribed and sworn before me at:

Neuse CI - Goldsboro, N.C. on 9/2/08

SE. Laucetta

(Signature of ICE Officer)

(Signature of Witness)

EXHIBIT C

Record of Deportable/Inadmissible Alien

IJSTRKOL Name (Last, First, Middle) Thomas, Jose (AKA) Mark Lytle ^{Daniel}					Aliases Jose Thomas				
Date of Birth 8/2/77		Marital Status <input type="checkbox"/> Widowed <input type="checkbox"/> Single <input type="checkbox"/> Separated <input type="checkbox"/> Divorced		File Number			Name of Last/Current U.S. Employer		
Sex M	Hair None	Eyes BR	Complexion	Height	Weight lbs	Scars or Marks	Address of U.S. Employer		
U.S. Address Harritage Care 100 Timberman Drive					Type of Employment Elizabeth City 27909				
Alien's Telephone #		Date of Action 9/2/08		Location Code			Salary	From	To
City, Province (State) and Country of Birth Mexico				Country of Citizenship		Passport Number and Country of Issue			
Date, Place, Time, and Manner of Last Entry 1980 UNKNOWN				Status at Entry		Length of Time Legally in U.S.		Status When Found	
Foreign Address/Residence (Number, Street, City, Province (State), Country)						Arrived From/Boarded at			
Method of Location/Apprehension			At/Near		Date/Hour		Apprehended by		
Visa # <input type="checkbox"/> NIV <input type="checkbox"/> IMM <input type="checkbox"/> None		Date of Visa Iss. Loc.		Name on Social Security Card		Social Security Number			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)						Number and Nationality of Minor Children			
Father's Name, Nationality, and Address, if Known Deceased -> Thomas Lytle					Mother's Present and Maiden Name, Nationality, and Address, if Known Jennie Lytle (Kentucky)				
Monies Due/Property in U.S. Not in immediate possession <input type="checkbox"/> None Claimed <input type="checkbox"/> See Form I-43			Record Checks Completed <input type="checkbox"/> CIS <input type="checkbox"/> OACS <input type="checkbox"/> NCIC <input type="checkbox"/> NIS <input type="checkbox"/> OASIS <input type="checkbox"/> STSC			E.F.I. No.			
Deportation Charge(s) 237 (a) () () () ; 237 (a) () () () () ; 237 (a) () () () () ()						Exclusion Ground(s) 212 (a) () () () () ; 212 (a) () () () ()			
Place a check on the appropriate box(es) if any of the following actions were completed: <input type="checkbox"/> Doc Lifted (No.) <input type="checkbox"/> Fingerprinted <input type="checkbox"/> Photographed <input type="checkbox"/> I-217 Executed							IDACS Citation(s)		
Special Programs: <input type="checkbox"/> Sanctions <input type="checkbox"/> SAVE		Fraudulent Documents <input type="checkbox"/> Sanctions <input type="checkbox"/> Other		Criminal Record: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> CA <input type="checkbox"/> CO <input type="checkbox"/> BR <input type="checkbox"/> AF		Immigration Record: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prior Deport <input type="checkbox"/> Prior XR			
Smuggled Alien: <input type="checkbox"/> Land <input type="checkbox"/> Water <input type="checkbox"/> Aerial		Assistance in Apprehension <input type="checkbox"/> Sencars <input type="checkbox"/> Observation Aerial		<input type="checkbox"/> K-9 Patrol <input type="checkbox"/> Horse Patrol		<input type="checkbox"/> All Terrain Vehicle <input type="checkbox"/> Other (Observatory Device (specify))			
Contraband: <input type="checkbox"/> Narcotics <input type="checkbox"/> Currency <input type="checkbox"/> Weapons <input type="checkbox"/> Other		Funds in Possession Alien Initial: _____ Date: _____		A list of free legal services has been provided: <input type="checkbox"/> Yes <input type="checkbox"/> No (Formal proceedings were not instituted)					
Alien has been advised of communication privileges pursuant to 8 CFR 242.2(g).					Initials: _____ Date: _____				
Narrative: Include details not shown above and whether or not eligible for special status program (e.g., TPS, etc.) Mental Illness - Bipolar S.C - name change Carolina									
Signature and Title of ICE Official									
Distribution FILE # _____ SCOPE: _____ FINIS: _____					Received (subject and documents, report of interview) from Office: _____ on _____ 20____ at _____ (time) Duration: _____ Reasoning: _____				

STIP

EXHIBIT D

Notice of Intent to Issue a Final Administrative Removal Order

In removal proceedings under section 238(b) of the Immigration and Nationality Act

FIN # 1080374611

Event No: RDU0809000041

File Number [REDACTED]

To: Mark Daniel LITTLE AKA: THOMAS, JOSE ; LITTLE, MARK DANIEL

Address: U.S. ICE 180 SPRING ST.S.W. ATLANTA GA UNITED STATES 30303

(Number, Street, City, State and ZIP Code)

Telephone:

(Area Code and Phone Number)

Pursuant to section 238(b) of the Immigration and Nationality Act (Act) as amended, 8 U.S.C. 1228(b), the Department of Homeland Security (Department) has determined that you are amenable to administrative removal proceedings. The determination is based on the following allegations:

1. You are not a citizen or national of the United States.
2. You are a native of MEXICO and a citizen of MEXICO
3. You entered the United States (at)(near) UNKNOWN PLACE on or about 1980
4. At that time you entered WITHOUT INSPECTION BY AN IMMIGRATION OFFICER
5. You are not lawfully admitted for permanent residence.
6. You were, on January 8th, 2003, convicted in the SMYTH COUNTY CIRCUIT Court MARION, VA for the offense of FELONIOUS ASSAULT in violation of 18.2-51 for which the term of imprisonment imposed was 36 MONTHS

(No PAC For Charge)

Charge:

You are deportable under section 237(a)(2)(A)(iii) of the Act, 8 U.S.C. 1227(a)(2)(A)(iii), as amended, because you have been convicted of an aggravated felony as defined in section 101(a)(43)(F) of the Act, 8 U.S.C. 1101(a)(43)(F).

Based upon section 238(b) of the Act, 8 U.S.C. 1228(b), the Department is serving upon you this NOTICE OF INTENT TO ISSUE A FINAL ADMINISTRATIVE REMOVAL ORDER ("Notice of Intent") without a hearing before an Immigration Judge.

Your Rights and Responsibilities:

You may be represented (at no expense to the United States government) by counsel, authorized to practice in this proceeding. If you wish legal advice and cannot afford it, you may contact legal counsel from the list of available free legal services provided to you.

You must respond to the above charges in writing to the Department address provided on the other side of this form within 10 calendar days of service of this notice (or 13 calendar days if service is by mail). The Department must RECEIVE your response within that time period.

In your response you may: request, for good cause, an extension of time; rebut the charges stated above (with supporting evidence); request an opportunity to review the government's evidence; admit deportability; designate the country to which you choose to be removed in the event that a final order of removal is issued (which designation the Department will honor only to the extent permitted under section 241 of the Act, 8 U.S.C. 1231); and/or, if you fear persecution in any specific country or countries on account of race, religion, nationality, membership in a particular social group, or political opinion or, if you fear torture in any specific country or countries, you may request withholding of removal under section 241(b)(3) of the Act, 8 U.S.C. 1231(b)(3), or withholding/deferral of removal under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (Convention Against Torture). A grant of withholding or deferral of removal would prohibit your return to a country or countries where you would be persecuted or tortured, but would not prevent your removal to a safe third country.

You have the right to remain in the United States for 14 calendar days so that you may file a petition for review of this order to the appropriate U.S. Circuit Court of Appeals as provided for in section 242 of the Act, 8 U.S.C. 1252. You may waive your right to remain in the United States for this 14-day period. If you do not file a petition for review within this 14-day period, you will still be allowed to file a petition from outside of the United States so long as that petition is filed with the appropriate U.S. Circuit Court of Appeals within 30 calendar days of the date of your final order of removal.

DEAN CAPUTO - [Signature]
(Signature and Title of Issuing Officer)

CARY, NC
(City and State of Issuance)

September 05, 2008 12:06
(Date and Time)

Certificate of Service

I served this Notice of Intent. I have determined that the person served with this document is the individual named on the other side of the form.

D. Faucette, D.O.
(Signature and Title of Officer)

PERSONAL
(Date and Manner of Service)

I explained and/or served this Notice of Intent to the alien in the ENGLISH/SPANISH language.

(Name of interpreter)

(Signature of interpreter)

Location/Employer:

I Acknowledge that I have Received this Notice of Intent to Issue a Final Administrative Removal Order.

Mark Lyttle
(Signature of Respondent)

9/8/08
(Date and Time)

The alien refused to acknowledge receipt of this document.

D. Faucette, D.O.
(Signature and Title of Officer)

9/8/08 @ 12:05 pm
(Date and Time)

I Wish to Contest and/or to Request Withholding of Removal

I contest my deportability because: (Attach any supporting documentation)

- I am a citizen or national of the United States.
- I am a lawful permanent resident of the United States.
- I was not convicted of the criminal offense described in allegation number 6 above.
- I am attaching documents in support of my rebuttal and request for further review.

I request withholding or deferral of removal to _____ [Name of Country or Countries]:

- Under section 241(b)(3) of the Act, 8 U.S.C. 1231(b)(3), because I fear persecution on account of my race, religion, nationality, membership in a particular social group, or political opinion in that country or those countries.
- Under the Convention Against Torture, because I fear torture in that country or those countries.

(Signature of Respondent)

(Printed Name of Respondent)

(Date and Time)

I Do Not Wish to Contest and/or to Request Withholding of Removal

I admit the allegations and charge in this Notice of Intent. I admit that I am deportable and acknowledge that I am not eligible for any form of relief from removal. I waive my right to rebut and contest the above charges. I do not wish to request withholding or deferral of removal. I wish to be removed to

Mexico

I understand that I have the right to remain in the United States for 14 calendar days in order to apply for judicial review. I do not wish this opportunity. I waive this right.

Mark Lyttle
(Signature of Respondent)

MARK LYTTLE
(Printed Name of Respondent)

9/8/08
(Date and Time)

D. Faucette
(Signature of Witness)

D. Faucette
(Printed Name of Witness)

9/8/08 @ 12:05
(Date and Time)

RETURN THIS FORM TO:
Department Of Homeland Security

DHS ICE

130 Spring St.

Atlanta, GA 30303

ATTENTION:

The Department office at the above address must **RECEIVE** your response within 10 calendar days from the date of service of this Notice of Intent (13 calendar days if service is by mail).

EXHIBIT E

File No: [Redacted]
Event No: RDU0809000041
Date: September 5, 2008

FINS #: 1080374611

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:
Mark Daniel LYTTLE AKA: THOMAS, JOSE ; LITTLE, MARK DANIEL

(Full name of alien)

Unknown Place

an alien who entered the United States at or near _____ on

(Port)

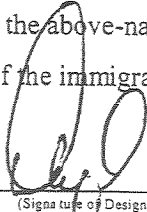
1980

(Date)

is within the country in violation of the immigration laws and is

therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.



(Signature of Designated Immigration Officer)

DEAN CAPUTO

(Print name of Designated Immigration Officer)

SDDO

(Title)

Certificate of Service

Served by me at Neuse CI on 9/8/08 at 12:10 pm.
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.



(Signature of officer serving warrant)

D.O.

(Title of officer serving warrant)

EXHIBIT F

Mark Daniel LYTTLE AKA: THOMAS, JOSE ; LITTLE, MARK DANIEL

Event No: RDU0809000041

File No: [REDACTED]

Date: 09/05/2008

FIN#: 1080374611

U.S. ICE
180 SPRING ST.S.W.
ATLANTA, GEORGIA 30303

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that pending a final determination by the immigration judge in your case, and in the event you are ordered removed from the United States, until you are taken into custody for removal, you shall be:

- detained in the custody of the Department of Homeland Security.
- released under bond in the amount of \$ _____
- released on your own recognizance.

- You may request a review of this determination by an immigration judge.
- You may not request a review of this determination by an immigration judge because the Immigration and Nationality Act prohibits your release from custody.

DEAN CAPUTO

(Signature of authorized officer)

SDDO

(Title of authorized officer)

CARY, NC

(Office location)

- I do do not request a redetermination of this custody decision by an immigration judge.
- I acknowledge receipt of this notification.

(Signature of respondent)

9/8/08

(Date)

RESULT OF CUSTODY REDETERMINATION

On _____, custody status/conditions for release were reconsidered by:

- Immigration Judge DHS Official Board of Immigration Appeals

The results of the redetermination/reconsideration are:

- No change - Original determination upheld. Release - Order of Recognizance
- Detain in custody of this Service. Release - Personal Recognizance
- Bond amount reset to _____ Other: _____

(Signature of officer)

EXHIBIT G

Subject ID : 276859939

Event No: RDU0809000041

File No. [REDACTED]

Date: September 5, 2008

TO: (Name and title of institution) N. C. DEPT OF CORRECTIONS COMBINED RECORDS 831 W. MORGAN ST. RALEIGH, NC 27603	From: (Office address) RALEIGH/DURHAM, NC, SUB-OFFICE 140 CENTREWEST COURT SUITE 100 CARY, NC 27513
--	--

Name of alien: LYTTLE, Mark Daniel AKA: THOMAS, JOSE ... (CONTINUED ON I-831)
State Criminal Number : NC1286050A

DOC# [REDACTED]

Date of birth: [REDACTED] 1977 Nationality: MEXICO Sex: M

You are advised that the action noted below has been taken by the U.S. Department of Homeland Security concerning the above-named inmate of your institution:

- Investigation has been initiated to determine whether this person is subject to removal from the United States.
- A Notice to Appear or other charging document initiating removal proceedings, a copy of which is attached, was served on _____ (Date)
- A warrant of arrest in removal proceedings, a copy of which is attached, was served on _____ (Date)
- Deportation or removal from the United States has been ordered.

It is requested that you:

Please accept this notice as a detainer. This is for notification purposes only and does not limit your discretion in any decision affecting the offender's classification, work, and quarters assignments, or other treatment which he or she would otherwise receive.

- Federal regulations (8 CFR 287.7) require that you detain the alien for a period not to exceed 48 hours (excluding Saturdays, Sunday's and Federal holidays) to provide adequate time for DHS to assume custody of the alien. You may notify DHS by calling 919-678-8807 during business hours or 802-872-6020 after hours in an emergency.
- Please complete and sign the bottom block of the duplicate of this form and return it to this office. A self-addressed stamped envelope is enclosed for your convenience. Please return a signed copy via facsimile to _____ (Area code and facsimile number)

Return fax to the attention of ROBERT KENDALL, at _____ (Name of officer handling case) _____ (Area code and phone number)

- Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- Notify this office in the event of the inmate's death or transfer to another institution.
- Please cancel the detainer previously placed by this Office on _____

ROBERT KENDALL Robert Kendall IEA
(Signature of Immigration Officer) (Title of Immigration Officer)

Receipt acknowledged:

Date of last conviction: _____ Latest conviction charge: _____
Estimated release date: _____
Signature and title of official: _____

Alien's Name LYTTLE, Mark Daniel	File Number [REDACTED] Event No: RDU0809000041	Date September 5, 2008
OTHER ALIASES KNOWN BY: ----- LITTLE, MARK DANIEL		
Signature ROBERT KENDALL	<i>Robert Kendall</i>	Title IEA

EXHIBIT H

U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536




U.S. Immigration
and Customs
Enforcement

NOV 06 2008

MEMORANDUM FOR:

Field Office Directors

FROM:


James T. Hayes, Jr.
Director

SUBJECT:

Superseding Guidance on Reporting and Investigating Claims
to United States Citizenship

This Memorandum supersedes the guidance issued on July 18, 2008, entitled "Superseding Guidance on Reporting and Investigation of Claims to United States Citizenship."

The Office of Detention and Removal Operations (DRO) is responsible for the enforcement of U.S. immigration laws. In the course of exercising authority under section 287 of the Immigration and Nationality Act, 8 U.S.C. § 1357, DRO officers may encounter individuals who either assert claims to U.S. citizenship or are unsure of their citizenship. Prior to making a warrantless arrest of such an individual, DRO officers must ensure that s/he has reason to believe that the individual to be arrested is in the United States in violation of a law or regulation governing the admission, exclusion, expulsion or removal of aliens.¹ Moreover, DRO officers must fully investigate all claims to U.S. citizenship immediately upon learning of the assertion of citizenship.

All officers who encounter an individual who they have reason to believe is in the United States in violation of law, as set forth in the preceding paragraph, but who claims U.S. citizenship, shall immediately notify the Field Office Director (FOD) through their chain of command. The FOD shall make the appropriate notification to DRO headquarters. Each FOD shall ensure that all affirmative claims to U.S. citizenship made by any individual

¹ Some U.S. courts have equated the "reason to believe" standard found in 8 U.S.C. § 1357(a)(2) with a "probable cause" standard. See U.S. v. Cantu, 1975, 519 F.2d 494 (7th Cir. 1975), cert. denied, 423 U.S. 1035 (1975); see also Babula v. INS, 665 F.3d 293 (3d Cir. 1981); Au Yi Lau v. INS, 445 F.2d 217 (D.C. Cir. 1971), cert. denied 404 U.S. 864 (1971).

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Subject: Superseding Guidance on Reporting and Investigating Claims to United States
Citizenship

encountered within their area of responsibility are appropriately reported and investigated.

Interviews with detainees making claims to U.S. citizenship shall be conducted by either a Supervisory Immigration Enforcement Agent (SIEA) or Deportation Officer. Interviews will be recorded as sworn statements and include all questions needed to complete all fields on a Form I-213. In addition, the sworn statement must include probative questions designed to elicit information sufficient to allow an investigation of the person's claim of citizenship. This investigation may include vital records searches, family interviews, and other appropriate investigative measures.

If an affirmative claim to U.S. citizenship is made by an individual prior to the commencement of removal proceedings, the FOD will, in consultation with DRO headquarters and local Office of Chief Counsel (OCC), determine whether sufficient evidence exists to place that individual into removal proceedings. If an affirmative claim to U.S. citizenship is made by an individual following the issuance of the Notice of Appear (NTA), each OCC, in consultation with the FOD, who where necessary, should consult with HQ DRO, will determine the most appropriate course of action with respect to the disposition of the NTA and termination of the case, while providing any necessary advice to the FOD as to changes to the individual's custody conditions.

FODs shall ensure that all DRO employees in their area of responsibility (inclusive of those state, local or tribal cross-trained 287(g) officers) who are under their control, understand and adhere to this policy. Questions regarding this policy should be directed to Christopher Shanahan, Acting Assistant Director, Enforcement.

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