

CONTINUATION OF CRIMINAL COMPLAINT

I, Jeffrey W. Lembke, being duly sworn, depose and state the following:

1. I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE). I am assigned to the Grand Rapids Sub-Office located on 517 Ottawa Ave. NW, Grand Rapids, MI. This is a sub-office within the Detroit Field Office. I have served with ICE Enforcement and Removal Operations (ERO) since June of 2016. Prior to my current assignment, I was employed as a special agent with Homeland Security Investigations (HSI) and its' predecessor agencies, the United States Immigration and Naturalization Service and the United States Customs Service, since March of 1996, in Denver, Colorado. I have successfully completed the Immigration Special Agent Training Program and the Immigration Officers Basic Training Course at the Federal Law Enforcement Training Center in Brunswick, Georgia. My duties include conducting criminal investigations related to foreign nationals who have been removed from the United States and return unlawfully, as outlined in Title 8, United States Code, Section 1326(a). During the course of my employment, I have participated in numerous criminal arrests and prosecutions.
2. This affidavit is submitted in support of a finding of probable cause and is, therefore, a summary of facts known to me.
3. On or about December 15, 2016, a person identified as **Gustavo Alexis HERNANDEZ-PADILLA** was arrested by the Grand Rapids Police Department in the City of Grand Rapids which is located in Kent County, Western District of Michigan. This arrest was for operating a vehicle with no driver's license. A subsequent check of **HERNANDEZ-PADILLA**'s fingerprints through NCIC confirmed his identity as **Gustavo Alexis HERNANDEZ-PADILLA**, date of birth May 28, 1991, FBI number 416657KD6 and alien registration number A96331423. **HERNANDEZ-PADILLA** was released from the Kent County jail before ICE was notified.
4. On or about December 16, 2016, I conducted computerized Immigration record checks on **Gustavo Alexis HERNANDEZ-PADILLA**. These checks revealed that **HERNANDEZ-PADILLA** is a citizen and national of Honduras who was apprehended on April 14, 2003, by the United States Border Patrol (USBP) in Texas. **HERNANDEZ-PADILLA** was released from custody but failed to appear at his immigration removal hearing. On June 24, 2003, an Immigration Judge in San Antonio, Texas entered an Order of Removal against **HERNANDEZ-PADILLA** in absentia. **HERNANDEZ-PADILLA** was subsequently arrested in Grand Rapids, Michigan and removed to Honduras on February 10, 2012 via an ICE Air Flight originating in Louisiana.
5. **Gustavo Alexis HERNANDEZ-PADILLA** was arrested by the USBP in Texas on August 25, 2014 and his prior Order of Removal was reinstated. **HERNANDEZ-PADILLA** was removed to Honduras on August 29, 2014 on ICE Air Flight originating from Brownsville, Texas.
6. **Gustavo Alexis HERNANDEZ-PADILLA** was arrested by the USBP in Texas on October 10, 2014 and his prior Order of Removal was reinstated. **HERNANDEZ-PADILLA** was removed to Honduras on October 16, 2014 on ICE Air Flight originating

from Brownsville, Texas. No record exists in the related alien file or government databases that **Gustavo Alexis HERNANDEZ-PADILLA** ever obtained permission to reapply for admission to the United States after being removed, as required by law.

7. On January 11, 2017, **Gustavo Alexis HERNANDEZ-PADILLA** was arrested by ICE ERO Deportation Officers after he departed his residence in Grand Rapids, Michigan. **HERNANDEZ-PADILLA** was advised of his Miranda rights and signed a written waiver of those rights. During a sworn statement, **HERNANDEZ-PADILLA** admitted that he is a citizen of Honduras who has been previously removed from the United States. **HERNANDEZ-PADILLA** further admitted that he did not obtain the permission from the United States government to reapply for admission to the United States as required by law.
8. Based on my training and experience, I submit that there is probable cause to believe that **Gustavo Alexis HERNANDEZ-PADILLA** is a citizen of Honduras who was ordered removed from the United States and subsequently removed to Honduras on February 10, 2012, August 29, 2014, and October 16, 2014. Further, there is probable cause to believe that **Gustavo Alexis HERNANDEZ-PADILLA** re-entered the United States on an unknown date after October 16, 2014, without the permission of the Attorney General or Secretary of Homeland Security in violation of 8 U.S.C. 1326(a).