

CONTINUATION OF CRIMINAL COMPLAINT

I, Niklas P. Green, declare the following under penalty of perjury:

1. I am a Border Patrol Agent with the United States Department of Homeland Security, United States Border Patrol (USBP). I have been employed in this capacity since August 2009. Currently, I am assigned to the Sault Sainte Marie Border Patrol Station. In such capacity, I investigate criminal immigration violations, which requires me to identify, locate, apprehend, and remove aliens who are in violation of the Immigration and Nationality Act (INA).
2. The information set forth below is for the limited purpose of establishing probable cause. Therefore, this affidavit does not necessarily contain all of the information collected during my investigation.
3. The facts and evidence developed in this case establish probable cause to believe that Martires Enrique MARTEL, a/k/a Martel MARTIRES-ENRIQUE, a citizen of Honduras who has previously been removed from the United States, was found in the United States without having obtained the express prior consent of the Attorney General or the Secretary of Homeland Security to return or reapply for admission, in violation of 8 U.S.C. § 1326(a).
4. On August 28, 2005, MARTEL was arrested by the United States Border Patrol in Texas for unlawfully entering the United States from Mexico. MARTEL was issued a Warrant of Arrest/Notice to Appear. MARTEL did not attend his scheduled court appearance and was order removed in absentia by an Immigration Judge. On January 16, 2008, MARTEL was issued a Final Order of Removal from an Immigration Judge in Miami, Florida under section 212(a)(6)(A)(i) of the INA. MARTEL was not removed due to his physical absence during his immigration hearing.
5. On October 3, 2009, MARTEL was encountered by Immigration and Customs Enforcement while incarcerated for a traffic violation in Houston, Texas. Immigration and Customs Enforcement notified the United States Border Patrol and MARTEL was subsequently arrested by Border Patrol Agents after his release from the Houston Police Department. Due to MARTEL's absence for his initial immigration hearing in 2005, United States Border Patrol Agents executed the Final Order of Removal dated January 16, 2008. MARTEL departed the United States on November 16, 2009 through Houston, Texas to his native country of Honduras.
6. MARTEL's Alien File showed that, on June 24, 2010, MARTEL was arrested by the United States Border Patrol in Texas for unlawfully entering the

United States from Mexico. Under section 212(a)(9)(A)(ii) of the INA, MARTEL was issued a Reinstatement of his Final Order of Removal. On July 14, 2010, MARTEL departed the United States through Harlingen, Texas to his native country of Honduras.

7. Further review of MARTEL's Alien File showed that, on September 05, 2013, MARTEL was arrested by the United States Border Patrol in Texas for unlawfully entering the United States from Mexico. MARTEL was processed under the name of Martel MARTIRES-ENRIQUE throughout the entire post arrest process. Under section 212(a)(9)(A)(ii) of the INA, MARTEL was issued a Reinstatement of his Final Order of Removal. This order of removal notified MARTEL that he could not enter the United States for a period of twenty (20) years without the prior permission of the Attorney General or the Secretary of Homeland Security. In conjunction with receiving the Reinstatement of his Final Order of Removal, MARTEL was prosecuted for 1325(a)(1). On September 6, 2013, MARTEL was found guilty of 1325(a)(1) in the Southern District of Texas. The name on the Judgement that was returned on September 6, 2013 for 1325(a)(1) was Martel MARTIRES-ENRIQUE. On September 11, 2013, MARTEL departed the United States through Harlingen, Texas to his native country of Honduras.
8. Since August 2017, United States Border Patrol Agents from the Sault Sainte Marie Station have been conducting investigations into out-of-state construction companies that are constructing Family Dollar and Dollar General stores in the norther part of the Lower Peninsula of Michigan and throughout the Upper Peninsula of Michigan. One company in particular is Montoya Erectors. Montoya Erectors' headquarters is located in Houston, Texas. Over the course of these investigations, Sault Ste. Marie Border Patrol Agents have arrested multiple illegal aliens employed by Montoya Erectors for violations of the INA. These arrests have occurred in the norther part of the Lower Peninsula of Michigan.
9. On October 12, 2017 Agents from the Sault Ste. Marie Border Patrol Station received information of possible illegal aliens building a new Dollar General store in Cedarville, Michigan. Agents conducted surveillance on the job location and observed a white 2008 Chevy Silverado with a Texas license plate of XXXXX12 at the job location. This vehicle is registered to one of the executives of Montoya Erectors. The white 2008 Chevy Silverado located on the job site in Cedarville, Michigan, is the same vehicle that was stopped by Agents from the Sault Ste. Marie Border Patrol Station on September 25, 2017, which resulted in the arrest of four illegal aliens.



10. After the white 2008 Chevy Silverado vacated the job site, Border Patrol Agents performed a vehicle stop on the aforementioned vehicle near the Central Savings Bank on M-134 in Cedarville, Michigan. Prior to the white 2008 Chevy Silverado coming to a complete stop near the Central Savings Bank on M-134, one of the occupants, later identified as Martires Enrique MARTEL, exited the vehicle and proceeded to run towards the wooded area north of the Central Savings Bank in an effort to evade arrest. While pursuing the subject into the wooded area, Agents identified themselves and ordered the male subject to stop running. Multiple commands were given and ignored by MARTEL. After chasing MARTEL for approximately 100 yards, Agents gave an additional command to stop running, to which he complied. MARTEL turned and faced the Agents. Agents ordered MARTEL to the ground, to which he complied. MARTEL was detained and questioned as to why he ran. MARTEL stated that he is not supposed to be working in the United States. MARTEL was escorted back to the location of the traffic stop near the Central Savings Bank on M-134. Agent Smith asked MARTEL what country he was a citizen of and MARTEL stated that he was a citizen of Honduras. Agent Smith asked MARTEL if he was in possession of any immigration documents that would allow him to be in or remain in the United States legally to which MARTEL stated "No". Agent Smith asked MARTEL if he was present in the United States illegally, MARTEL freely admitted to being in the United States illegally.
11. Once at the Sault Sainte Marie Border Patrol Station, MARTEL's fingerprints and photograph were obtained and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results show that MARTEL is a citizen and a national of Honduras who received one (1) Warrant of Arrest/Notice to Appear, which resulted in a Final Order of Removal from the United States and two (2) Reinstatements of the Final Order of Removal. Records Checks revealed that MARTEL possessed an Alien Number of XXX XXX 544.
12. Due to Martires Enrique MARTEL being processed under the incorrect name of Martel MARTIRES-ENRIQUE during his 2013 arrest and conviction for 1325(a)(1), a finger print comparison was conducted between the prints obtained during his September 5, 2013 arrest and the prints obtained during his arrest on October 12, 2017. The print comparison was conducted by James C. McNutt of the Department of Homeland Security, U.S. Customs and Border Protection, Laboratories and Scientific Services Directorate in Houston, Texas. The lab results confirmed that the fingerprints obtained during those separate events were made by the same person.

13. During processing at the United States Border Patrol Station in Sault Sainte Marie, Agents obtained documents from the previous immigration arrests of MARTEL. One document in particular was Form I-215B "Record of Sworn Statement in Affidavit Form," which was dated June 24, 2010. During that 2010 interview, MARTEL admitted to being Martires Enrique MARTEL. MARTEL also admitted to being a citizen and national of Honduras and to having been previously removed from the United States. MARTEL signed and initialed the I-215B interview paperwork from the arrest on June 24, 2010. MARTEL also initialed various forms that were completed during his arrest by the United States Border Patrol at the Sault Sainte Marie Station on October 12, 2017. The two sets of signatures were compared by Agents and were found to be nearly identical.
14. Agents involved in the current investigation have verified that MARTEL has not obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security to enter or reapply for admission into the United States. Agents have also verified that MARTEL was provided a copy of form I-294, "Warning to Alien Order Removed or Deported," during his arrests and removals in 2008, 2010, and 2013 by the United States Border Patrol in Texas. This form specifically advised MARTEL of the requirements necessary to re-enter the United States, such as obtaining permission from the Attorney General of the United States to re-enter the United States.
15. I respectfully submit that the aforementioned facts establish probable cause to believe that Martires Enrique MARTEL, a/k/a Martel MARTIRES-ENRIQUE, being an alien who had previously been removed, was found in the United States without having obtained the express prior consent of the Attorney General or the Secretary of Homeland Security to return or reapply for admission, in violation of 8 U.S.C. § 1326(a).