

AFFIDAVIT

I, Matthew Palma, being duly sworn, state as follows:

1. I am a Border Patrol Agent (“BPA”) with the United States Department of Homeland Security, United States Border Patrol. I have been with the Border Patrol since September, 2008. I am currently assigned to the Newport Border Patrol Station located in Newport, Vermont.

2. This affidavit is offered to demonstrate that probable cause exists to believe that: (1) Hector **Ramon PEREZ-Alvarado**, knowing or in reckless disregard of the fact that an alien has come to or entered the United States in violation of law, transported and moved such alien within the United States by means of transportation or otherwise in violation of 8 USC 1324(a)(1)(A)(ii); and (2) **Noe PEREZ-Ramirez** and **Alberto ALVARADO-Castro**, both aliens and citizens of Mexico, were found in the United States after having both been previously removed or deported from the United States, while orders of deportation or removal were outstanding, and neither obtained consent from the Attorney General of the United States to reapply for admission into the United States in violation of 8 USC 1326(a).

3. I have not set forth all facts I know from my investigation into this matter. Rather, I have only included those facts which I believe establish probable cause to believe that PEREZ committed the foregoing offense. My knowledge comes from my own investigation and interviews in this matter, as well as from information I received from other agents.

4. On October 07, 2017, at approximately 6:30 p.m., Supervisory Border Patrol (“SBPA”) Agent Erik Lavallee observed a suspicious vehicle in the parking lot of the Four Seasons Motel in Derby, Vermont. The vehicle was described as a Nissan Quest silver in color bearing novelty (not valid) license yellowish plate with the letters “DGDG.COM,” which was

not affiliated with any particular state. At approximately 8:30 p.m. SBPA Lavalée observed this same vehicle in the immediate border area at the intersection of Beebe road and Darling Hill road in Derby, Vermont. This area has been used in the past for human and narcotic smuggling.

5. At approximately 8:40 p.m. the vehicle was observed by Border Patrol Agent Justin Gauthier returning to the parking lot of the Four Seasons Hotel. Agents began to conduct surveillance of the vehicle. Concurrently, Border Patrol Agent Trevin Moore located himself on foot in an area of woods to observe any illicit border activity in the vicinity of Lawson Road and Beebe Road, near where the vehicle had just traveled.

6. At approximately 12:00 a.m. on October 08, 2017, BPA Gauthier observed a male who he recognized as the individual, who was identified later as Hector Ramon PEREZ-Alvarado, exit the hotel and enter the suspect vehicle. The vehicle departed and the Agents began to follow it. While the vehicle was driving on Route 5 towards the Beebe Road in Derby, Vermont, BPA Moore heard multiple subjects running through the wooded area near the border he was watching.

7. The suspect vehicle turned north onto Beebe Road from Route 5 in Derby, Vermont. A north/south road that terminates at the U.S./Canadian international boundary. BPA Moore observed the suspect vehicle driving north on the Beebe Road into the immediate border area and turn west on Darling Hill Road. It then proceeded to quickly turn around and turn back onto the Beebe Road and travel back south.

8. The suspect vehicle was then monitored as it returned to the Four Seasons Hotel in Derby, Vermont. SBPA Lavalée observed the male driver and two passengers exit the vehicle and enter the hotel. Approximately five minutes later, the same driver, again disembarked

from the hotel parking lot in the same Nissan Quest and followed the same driving pattern of driving on Route 5, then proceeded northbound on the Beebe Road. During the period the suspect vehicle and driver were transiting along its previously traveled route, BPA Moore utilizing night vision equipment, observed, what appeared to be 5 males running south on the Beebe Road in the immediate border area towards Darling Hill Road. Several of the individuals were witnessed by BPA Moore utilizing cell phones during his observation. Again the suspect vehicle was witnessed by BPA Moore, making the same irregular, quick turnaround at the Darling Hill Road and then proceed to turn back onto the Beebe Road and drive south again.

9. The vehicle was again monitored returning back to the Four Seasons Hotel in Derby, Vermont. As the suspect vehicle entered the parking lot, BPA Justin Gauthier and BPA John Marquissee activated their emergency lights in their service unmarked vehicles and conducted a vehicle stop. They were joined by SBPA Lavallee, who was conducting surveillance near the hotel on foot. They identified themselves as United States Border Patrol Agents and questioned the occupants as to their citizenship. The driver was identified as Hector Ramon PEREZ Alvarado, a citizen and national of Honduras and he admitted to BPAs that he had no legal immigration status in the United States. Agents determined that the other six occupants, identified as Alberto ALVARADO-Castro, a citizen and national of Mexico, Gustavo Adolfo LOPEZ-Agustin, a citizen and national of Guatemala, Eri Orlando SOTO-Castellanos, a citizen and national of Guatemala, Walter Estuardo RAMIREZ-Ramirez, a citizen and national of Guatemala, Carlos Rene ZULETA-Guzman, a citizen and national of Guatemala and Selvin Estuardo LEMIS-Rodriguez, a citizen and national of Guatemala were all illegally present in the United States. According to the BPAs I spoke to, all of these subjects admitted that they were

illegally present in the United States and had just recently illegally crossed the border from Canada into the United States.

10. Based upon the observations made, Agents believed that there may be additional suspects located in a hotel room. The room was identified as room "205". BPAs Trevin Moore, Darren Elwell and Benjamin Wheeler knocked and identified themselves as United States Border Patrol Agents. There was no response at the hotel room. The driver, Hector Ramon PEREZ-Alvarado then gave Agents his room key and requested they enter the room to recover personal belongings. When the Agents entered the room, they discovered nine additional subjects, identified as Noe PEREZ-Ramirez, a citizen and national of Mexico, Alex Humberto GARCIA-Godoy, a citizen and national of Guatemala, Felix Gudiel MEJIA-Jacinto, a citizen and national of Guatemala, Edin Leonel LOPEZ-Arriaza, a citizen and national of Guatemala, Bran Fernando SULA-Chiquito, a citizen and national of Guatemala, Florentin CARRERA-Vasquez, a citizen and national of Guatemala, Bernardo CALEL-Calel, a citizen and national of Guatemala, Floriberta SALAZAR-Vasquez a citizen and national of Mexico and a 4 year old accompanied juvenile. According to the BPAs I spoke to all of these subjects admitted that they were illegally present in the United States and had just recently illegally crossed the border from Canada into the United States. Floriberta SALAZAR-Vasquez also stated she was eight-months pregnant.

11. At the station, all 16 individuals apprehended (including the driver) were enrolled into the IDENT and IAFIS database in order to search both immigration and criminal records. These are government maintained data bases. None of the 16 had legal status to be in the United States. Noe PEREZ-Ramirez was found to have been removed from the United States three times prior, with the most recent removal from the United States occurring on February 11, 2016. Alberto ALVARADO-Castro was also found to have several removals from the United States.

The most recent occurring on May 16, 2013. The records show that the prior removals referenced above occurred while an order of removal or deportation was outstanding.

12. Record checks conducted on Alberto ALVARADO-Castro also revealed a criminal record to include the following convictions within the United States:

- (1) 11/13/2012 Illegal Re-Entry; convicted and sentenced to 180 days.
- (2) 6/16/2011 Burglary; convicted and sentenced to 2 years.
- (3) 4/05/2010 Burglary; convicted and sentenced to 1 year and 4 months.
- (4) 4/01/2010 Burglary; convicted and sentenced to 4 years.
- (5) 12/28/2009 Burglary; convicted.

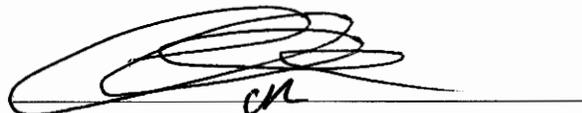
13. Based on the foregoing, there is probable cause to believe that Hector Ramon PEREZ-Alvarado violated 8 USC 1324(a)(1)(A)(ii); Noe PEREZ-Ramirez violated 8 USC 1326(a); and that Alberto ALVARADO-Castro violated 8 USC 1326(a).

Dated at Burlington, in the District of Vermont on this 9th day of October, 2017.



MATTHEW PALMA
Border Patrol Agent
Department of Homeland Security

Sworn to and subscribed before me this 9th day of October, 2017.



CHRISTINA M. REISS

Chief Judge

UNITED STATES DISTRICT COURT