

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Thomas Nothhelfer, being duly sworn, depose and state:

I have been employed as a Border Patrol Agent (BPA) with the United States Border Patrol for over 8 years. Currently, I am assigned to the Havre Border Patrol Station in Havre, Montana. I am authorized by the Secretary of the United States Department of Homeland Security (DHS) to enforce the laws pertaining to the Immigration and Nationality Act.

1. In my capacity as a BPA, I have reviewed the official DHS records (A077661874) and DHS automated data relating to Jose Alex Ventura-Padilla, which attest to the following:
 - a. Ventura-Padilla is a forty one (41) year-old male, native and citizen of Honduras, who, according to his own admission, last re-entered the United States illegally by crossing the international border at or near Nogales, Arizona in 2015. Records checks obtained by using Ventura-Padilla's biographical information (including fingerprints) revealed that Ventura-Padilla had previously been ordered deported or removed.
2. On Thursday, September 27, 2018, Havre Sector Intelligence Unit received a call from a man who wished to remain anonymous. He said that there was a crew working on a large water tank in Havre, Montana. Twelve to 14 of the individuals on the crew were illegal. He had personal knowledge that there were a couple of people who have been deported multiple times and continue to come back to the United States. He said that he was sick of his

company losing bids to companies with illegal workers. He also said that the main contractor was Maguire Irons out of South Dakota and the subcontractor (with the illegal workers) was Bullins Enterprises or Bullins “something” out of North Carolina. Further information from the caller identified the water tank in question, it was located next to Patterson Park and Legion Ball Park in Havre, Montana.

3. Border Patrol surveillance of the water tank identified above revealed a large number of workers and four vehicles. Checks on the vehicles returned to Bullins Painting Inc., Eden, North Carolina, and to Donnie Weldon Bullins of Eden, North Carolina.
4. On October 2, 2018, at approximately 9:30 A.M., BPA Nothhelfer received a call from Sector Intel Unit Agent (SIUA) Shane Rice. SIUA Rice said that three subjects were about to leave the 4B’s restaurant in Havre. BPA Nothhelfer pulled into the parking lot of the 4B’s restaurant and saw a White Ford Super Duty truck with North Carolina plates. BPA Nothhelfer parked next to that truck. Three male subjects left the restaurant and walked toward the Ford truck. BPA Nothhelfer identified himself as a Border Patrol Agent. BPA Nothhelfer asked the three individuals if they were part of the crew that was working on the water tower. One of them stated “yes”, this individual later identified as Rodolfo Almaraz-Hernandez. Almaraz-Hernandez spoke with a heavy accent, appeared very nervous, and avoided eye contact. BPA Nothhelfer asked Almaraz-Hernandez where he was born. Almaraz-Hernandez said Mexico and provided a Permanent Resident card. BPA Nothhelfer then asked the other two individuals what country they were citizens. They both responded, “Mexico”. BPA Nothhelfer asked for

immigration documents. The second individual replied, “I don’t have any.” He was later identified as Jose Alex Ventura-Padilla, a citizen of Honduras. BPA Nothhelfer asked Ventura-Padilla if he was here illegally and he replied, “Yes”. The third subject later identified as Fernando Silva-Buelna provided a passport from Mexico that contained no proof of legal immigration. BPA Nothhelfer asked Silva-Buelna if he was here illegally and Silva-Buelna replied, “Yes”. Both Ventura and Silva-Buelna were placed under arrest and taken to the Havre station for processing.

5. At the Border Patrol Station, BPA George Gray took Ventura-Padilla’s fingerprints using the IDENT/IAFIS system. The IDENT/IAFIS system returned positive hits from several records checks systems for both criminal and immigration violations for Ventura-Padilla.
6. Ventura-Padilla’s criminal history, based on the record checks and receipt of the judgments in the federal convictions, included:
 - 10/01/2000 – Theft – Convicted in New Jersey: 81 days in jail, 36 months’ probation, \$205 fine.
 - 07/19/2003 – Use/Possession with Intent to Use Drugs – Dismissed in New Jersey: 34 days in jail.
 - 6/3/2008 arrest and 12/2/2008 conviction for Illegal Entry in violation of 8 USC § 1326 in the Western District of Texas, Del Rio Division, in case number CR-08-629(1)-AML – 8 months Bureau of Prisons with three years’ supervised release.
 - 6/24/2009 arrest and 11/23/2009 conviction for Reentry after Deportation in violation of 8 USC § 1326(a) and (b) in the Southern District of Texas, Holding Session in McAllen, in case number CR-

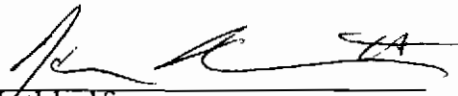
09-990 – 15 months Bureau of Prisons with two years' supervised release, concurrent with the revocation from his 6/3/2008 arrest.

7. Ventura-Padilla's immigration history, based on the record checks, included:

- 12/16/1999 – Ventura-Padilla was encountered and charged with 212a6Ai, Alien Present without Admission or Parole, Final Order Date: 08/29/2000, Removed on 08/29/2007 through New Orleans, LA.
- 03/13/2008 – Ventura-Padilla was encountered and his final order of removal was reinstated: 8 USC 1326, Re-Entry after Deportation, Final Order Date: 03/13/2008, Removed on 04/03/2008 through New Orleans, LA.
- 06/03/2008 – Ventura-Padilla was encountered and his final order of removal was reinstated: 8 USC 1325A1, Entry without Inspection, Time or Place not Designated, Final Order Date: 06/04/2008, Removed on 02/09/2009 through San Antonio, TX.
- 06/24/2009 – Ventura-Padilla was encountered and his final order of removal was reinstated: 8 USC 1325A1, Entry without Inspection, Time or Place not Designated, Final Order Date: 06/24/2009, Removed on 08/18/2010 through San Antonio, TX.

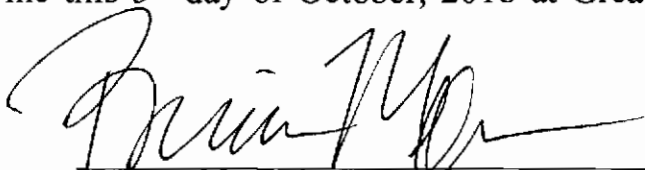
8. During processing at the Border Patrol Station, Ventura-Padilla claimed to be a citizen of Honduras. He was born in Siguatepeque, Honduras. Ventura-Padilla said he illegally entered the United States in 2015 near Nogales, Arizona. Ventura-Padilla said he lived in Eden, North Carolina.

9. Due to the all of the above information, BPA Gray cited Ventura-Padilla with violation of 8 U.S.C. 1326 (b) (1), Illegal Reentry. Ventura-Padilla was advised of his *Miranda* rights via form I-214 Warning as to Rights – Interview Log at approximately 12:35 p.m. on October 02, 2018, which he acknowledged by signing.
10. There is no indication in the files of DHS that Ventura-Padilla ever applied for or obtained the permission of the United States Attorney General or his successor the Secretary of the Department of Homeland Security to reenter the United States.
11. On the basis of the facts above, I believe there is probable cause that Ventura-Padilla is an alien who has illegally entered the United States, has been found in the United States without the required permission, and is in violation of Title 8, United States Code, Section 1326(a) and (b)(1) – Illegal Re-Entry After Deportation/Removal.



Thomas Nothhelfer
Border Patrol Agent
U.S. Department of Homeland Security
Havre, Montana

Subscribed and sworn to before me this 3rd day of October, 2018 at Great Falls, Montana.



Honorable Brian Morris
United States District Judge
District of Montana
Great Falls, Montana