

OA091 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA
V.
MARTIN DE LA ROSA-LOERA,

CRIMINAL COMPLAINT

Case Number: 08-MJ-276

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about April and May 2008 in Allamakee County, in the Northern District of Iowa defendant(s) did,

(Track Statutory Language of Offense)

encouraging aliens to reside in the United States in violation of law, and aiding and abetting the possession and use of fraudulent identification documents

in violation of Titles 8 United States Code, Section(s) 1324(a)
18 U.S.C. 1546(a)
18 U.S.C. 2

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:
Official Title

See attached affidavit.

Continued on the attached sheet and made a part of this complaint:

[X] Yes [] No

[Handwritten Signature]
Signature of Complainant

Michael D. Fischels
Printed Name of Complainant

Sworn to before me and signed in my presence.

July 2, 2008
Date

at

Cedar Rapids IA
City State

Jon S. Scoles Magistrate
Name of Judge Title of Judge

[Handwritten Signature]
Signature of Judge

STATE OF IOWA]

] ss:

AFFIDAVIT

COUNTY OF LINN]

Your Affiant, Michael Fischels, being duly sworn, does depose and state:

1. I, Michael D. Fischels, am a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement (hereinafter "ICE") (previously the Department of Justice, Immigration and Naturalization Service). I have been employed with this agency since July 7, 1996. ICE agents are authorized to investigate violations of the Immigration and Nationality Act (INA), as well as offenses found in Title 8, 18 and Title 19 (Customs) of the United States Code.

2. I am aware of the information set forth below through personal investigation, as well as from discussions with others persons involved in this investigation.

3. On May 12, 2008, ICE Agents executed two federal search warrants at Agriprocessors, Incorporated, in Postville, Iowa (hereinafter "Agriprocessors"). Agriprocessors is a slaughterhouse and meat processing facility. During the execution of the warrants, ICE Agents encountered approximately 389 undocumented aliens who were working at the plant. None of the undocumented alien workers were in possession of documents allowing them to work or reside in the United States legally.

4. During the execution of the warrants, agents discovered and seized dozens of fraudulent permanent resident alien cards from offices within the human

resources department at Agriprocessors. Most of the cards were attached to application paperwork dated May 11 or May 12, 2008. Additional resident alien cards were grouped in stacks and not attached to any paperwork. Based upon common features, ICE agents determined that the vast majority of the fraudulent resident alien cards came from the same manufacturer. Out of approximately 96 fraudulent resident alien cards, approximately 90 exhibited alien registration numbers which were then assigned to other actual persons.

5. Approximately thirteen of the fraudulent resident alien cards exhibited photographs of persons who were determined to have been working at Agriprocessors prior to May 11, 2008. All but two of those cards exhibited names which were different than the names the employees had been working under.

6. On or about June 10, 2008, Source 3 testified in the grand jury. A transcript of Source 3's grand jury testimony is not yet available. The following information is based upon the undersigned's best understanding of his/her testimony as related to your affiant by the Assistant United States Attorney who questioned Source 3 in grand jury.

7. Source 3 is an undocumented alien. Source 3 testified that, approximately 15 days prior to the execution of the search warrant, on a Friday, he/she was told by his/her supervisor, Martin De La Rosa-Loera, that he/she could no longer work at Agriprocessors because his/her social security number was bad. According to documents seized from Agriprocessors, Martin De La Rosa-Loera supervises four departments at Agriprocessors in Postville including the Poultry Kill department. According to the same documents, De La Rosa-Loera reports directly

to one of two plant Operations Managers.

8. Source 3 testified that his/her immediate supervisor, Subject C, told him/her that said the decision was coming from the company.

9. After Source 3 was told he/she was being terminated, Source 3 traveled to Des Moines, Iowa with several Agriprocessors' employees to purchase new fraudulent IDs. The employees included Subject C, Subject D, Subject E, and Subject G.

10. On the following Sunday or Monday, Source 3 called De La Rosa-Loera. De La Rosa-Loera told Source 3 that it was OK and that Source 3 could return to work at Agriprocessors using the same name he/she had previously used for employment.

11. Source 3 testified that De La Rosa-Loera allowed him/her to return to work on Monday without changing his/her name or presenting a new ID.

12. On or about June 24, 2008, Subject C testified in the grand jury. A transcript of Subject C's grand jury testimony is not yet available. Prior to testifying in the grand jury, Subject C was interviewed by your affiant. The following information is based upon the undersigned's recollection of that interview. Your affiant understands, from the Assistant United States Attorney who questioned Subject C before the grand jury, that his/her testimony was consistent with Subject C's interview.

13. Subject C is an undocumented alien. Subject C testified that, between April 20th and April 25th of 2008, prior to the execution of the search warrants, he/she was told by his/her supervisor, Martin De La Rosa-Loera, that

he/she needed to get new documents with a new name to continue his/her employment at Agriprocessors. De La Rosa-Loera told Subject C that he/she had two weeks to get new documentation. Subject C stated that he/she continued to work at Agriprocessors for one week after being told by De La Rosa-Loera that he/she needed new documents and a new name.

14. Approximately one week after Subject C was told he/she needed new documents, Subject C traveled to Des Moines, Iowa with several other Agriprocessors' employees to purchase new fraudulent IDs. The employees included Source 3, Subject D, Subject E, and Subject G.

15. Upon Subject C's return from Des Moines, Iowa, he/she gave the new fraudulent identification to De La Rosa-Loera. De La Rosa-Loera contacted the company's front office by telephone and told Subject C that the front office said the new identification was not needed. De La Rosa-Loera returned the identification to Subject C and Subject C was allowed to continue employment at Agriprocessors.

16. Subject C stated that Martin De La Rosa-Loera knew Subject C was an illegal alien.

17. On or about June 24, 2008, Subject D testified in the grand jury. A transcript of Subject D's grand jury testimony is not yet available. The following information is based upon the undersigned's best understanding of his/her testimony as related to your affiant by the Assistant United States Attorney who questioned Subject D in the grand jury.

18. Subject D is an undocumented alien. Subject D testified that, prior to the execution of the search warrants, he/she was told by his/her supervisor,

Martin De La Rosa-Loera, that he/she needed to get a new ID to continue his/her employment at Agriprocessors.

19. Subject D then traveled to Des Moines, Iowa with several Agriprocessors' employees to purchase new fraudulent IDs. The employees included Subject C.

20. Upon Subject D's return from Des Moines, Iowa, he/she gave the new fraudulent identification to De La Rosa-Loera. De La Rosa-Loera returned the identification to Subject D saying it was no longer needed. Subject D was allowed to continue employment at Agriprocessors.

21. On or about June 24, 2008, Subject E testified in the grand jury. A transcript of Subject E's grand jury testimony is not yet available. Prior to testifying in the grand jury, Subject E was interviewed by your affiant. The following information is based upon the undersigned's recollection of that interview. Your affiant understands, from the Assistant United States Attorney who questioned Subject E before the grand jury, that his/her testimony was consistent with Subject E's interview.

22. Subject E is an undocumented alien. He/she testified that, prior to the execution of the search warrants, he/she was told by his/her supervisor, Martin De La Rosa-Loera, that he/she needed to get new documents with a new name and everything to continue his/her employment at Agriprocessors.

23. Subject E testified that he/she traveled to Des Moines, Iowa with several Agriprocessors' employees to purchase new fraudulent IDs. The employees included Source 3 and Subject C.

24. Upon Subject E's return from Des Moines, Iowa, he/she gave the new fraudulent identification to De La Rosa-Loera. De La Rosa-Loera immediately gave the identification back to Subject E and he/she was allowed to continue employment at Agriprocessors. Subject E was not required to complete a new application.

25. On or about June 24, 2008, Subject F testified in the grand jury. A transcript of Subject F's grand jury testimony is not yet available. Prior to testifying in the grand jury, Subject F was interviewed by your affiant. The following information is based upon the undersigned's recollection of that interview. Your affiant understands, from the Assistant United States Attorney who questioned Subject F before the grand jury, that his/her testimony was consistent with Subject F's interview.

26. Subject F is an undocumented alien. In the weeks prior to May 12, 2008, Subject F's supervisors, Martin De La Rosa-Loera and Subject C, told Subject F he/she would be terminated because his/her papers were not in order. Subject F was told by his/her supervisors that he/she needed to get new documents to continue his/her employment at Agriprocessors. Subject F spoke with an unknown employee at Agriprocessors and arranged to travel out of state with several other Agriprocessors employees to obtain new fraudulent identification documentation.

27. Subject F gave his/her new fraudulent identification to Martin De La Rosa-Loera who returned the IDs to Subject F. Subject F was allowed to continue employment at Agriprocessors.

28. Under Title 8, United States Code, Section 1324(a), it is a criminal offense

to encourage or induce an alien to reside in the United States, knowing or in reckless disregard of the fact that such residence is in violation of law. It is also a violation of Section 1324(a) to engage in a conspiracy to do the same. Section 1324(a)(1)(B) provides for enhanced penalties where the offense was done for the purpose of commercial advantage or private financial gain. Under Title 18, United States Code, Section 1546(a) and Title 18, United States Code, Section 2, it is a criminal offense to aid and abet the possession and use of fraudulent identification documents including those used to establish employment eligibility in the United States. Based on these facts, and your affiant's training and experience, your affiant believes the defendant, Martin De La Rosa-Loera, has violated Title 8, United States Code, Section 1324(a) and Title 18, United States Code, Sections 1546(a) and 2.

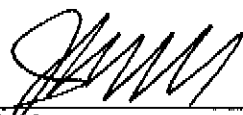
I declare under the penalty of perjury that the foregoing facts and circumstances are true and correct to the best of my knowledge and belief.

Executed this 2nd day of July, 2008.



Michael D. Fischels
Special Agent
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence this 2nd day of July, 2008.



Jon S. Scoles
Magistrate Judge
United States District Court