

OA091 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA
V.
JUAN CARLOS GUERRERO-ESPINOZA,

CRIMINAL COMPLAINT

Case Number: 08-MJ-275

(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, aiding and abetting the possession and use of fraudulent identification documents and aiding and abetting aggravated identity theft,

in violation of Titles 8 United States Code, Section(s) 1324(a)
18 U.S.C. 1546(a)
18 U.S.C. 1028A
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

Signature of Complainant (Handwritten signature)

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

Signature of Judge (Handwritten signature)

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, including the office of Subject A. 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 May 29, 2008, Source 1 testified in the grand jury. A transcript of Source 1's grand jury testimony is not yet available. Prior to testifying in the grand jury, Source 1 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 Source 1 before the grand jury, that his/her testimony was consistent with Source 1's interview.

7. Your affiant showed Source 1 copies of the documents seized from the offices in the human resources department of Agriprocessors during the execution of the search warrants. Source 1 stated that he/she recognized several of the photographs on the seized documents as employees of the beef kill department at Agriprocessors. According to documents seized from Agriprocessors, Juan

Carlos Guerrero-Espinoza supervises four departments at Agriprocessors in Postville including the Beef Kill department. According to the same documents, Guerrero-Espinoza reports directly to one of two plant Operations Managers.

8. After the execution of the search warrants on May 12, 2008, your affiant was present for interviews with Source 4. Source 4 is a former employee of Agriprocessors and was previously working in the human resources department. He/She was responsible for hiring procedures to include the completion and verification of the Form I-9, Employment Eligibility Form.

9. Source 4 stated that, on occasion, Juan Carlos Guerrero-Espinoza would bring him/her resident alien cards for new job applicants at Agriprocessors who were to be hired in his beef kill department.

10. On or about May 28, 2008, Subject K testified in the grand jury. A transcript of Subject K'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 K in the grand jury.

11. Subject K is an undocumented alien. He/she testified that on the Thursday or Friday before the execution of the search warrants at Agriprocessors, Juan Carlos Guerrero-Espinoza told a group of his department employees, including Subject K, that they needed new IDs and social security numbers to continue working at the company. Subject K stated that Guerrero-Espinoza told him/her that he/she needed to provide a photograph of him/herself and \$200.00 to Guerrero-Espinoza.

12. On the Friday before the execution of the search warrants, Subject K went to Guerrero-Espinoza's office at Agriprocessors after his/her shift and gave him a photograph of him/herself and \$200.00. Subject K also provided Guerrero-Espinoza the fake name that he/she wanted to use for his/her new identity to continue employment at Agriprocessors.

13. Subject K stated that, on the Sunday before the execution of the search warrants, he/she and others from the shift met with Guerrero-Espinoza after their shift. During this meeting, Subject A provided Subject K and the others with new application packets. Subject K stated that the new application packets, including his/hers, had a new fraudulent resident alien card attached to the paperwork. Subject K signed the new application packet and returned the packet, including the attached fraudulent resident alien card, to Subject A who placed the packet in his/her human resources office.

14. The fraudulent permanent resident alien cards seized from the office of Subject A on May 12, 2008 included a fraudulent resident alien card bearing the photograph of Subject K. The card bearing Subject K's photograph also bore an alien registration number which was then assigned to another person.

15. Subject K was arrested during the execution of the search warrants on May 12, 2008 as he/she attempted to enter Agriprocessors.

16. On or about May 29, 2008, Subject L testified in the grand jury. A transcript of Subject L'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 L in the grand jury.

17. Subject L is an undocumented alien. He/she testified that on the Wednesday before the execution of the search warrants at Agriprocessors, he/she and other employees met with Juan Carlos Guerrero-Espinoza who told Subject L and others that they needed new IDs and social security numbers to continue working at the company. Subject L stated that Guerrero-Espinoza told him/her that he/she needed to provide a photograph of him/herself and \$220.00 to Guerrero-Espinoza.

18. Subject L gave Guerrero-Espinoza a photograph of him/herself and \$220.00. Guerrero-Espinoza told Subject L that \$20.00 was for gas.

19. Subject L stated that, on the Sunday before the execution of the search warrants, he/she met with Subject A who provided Subject L and the others with new application packets. Subject L stated that the new application packets, including his/hers, had a new fraudulent resident alien card attached to the paperwork. Subject L signed the new application packet and returned the packet, including the attached fraudulent resident alien card, to Subject A.

20. The fraudulent permanent resident alien cards seized from the office of Subject A on May 12, 2008 included a fraudulent resident alien card bearing the photograph of Subject L. The card bearing Subject L's photograph also bore an alien registration number which was then assigned to another person.

21. On or about June 24, 2008, Subject M testified in the grand jury. A transcript of Subject M's grand jury testimony is not yet available. Prior to testifying in the grand jury, Subject M 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 M before the grand jury, that his/her testimony was consistent with Subject M's interview.

22. Subject M is an undocumented alien. He/she testified that on the Friday before the execution of the search warrants at Agriprocessors, he/she gave a photograph of him/herself and \$220.00 to Subject N for the purpose of obtaining fraudulent identification documents to gain employment at Agriprocessors. Subject M stated that Subject N told him/her that Subject N would give the photograph and money to Juan Carlos Guerrero-Espinoza. Subject N told Subject M that he/she would then get his/her new identification documents from Agriprocessors.

23. On the Sunday before the execution of the search warrants, Subject M went to Agriprocessors and met with Subject A at the human resources department. Subject A gave Subject M his/her application packet, with a new fraudulent permanent resident alien card attached. Subject M stated that the fraudulent permanent resident alien card displayed Subject M's name and photograph. Subject M stated that he/she left the application packet and fraudulent card with Subject A and was told by Subject A to return for work the following day.

24. The fraudulent permanent resident alien cards seized from the office of Subject A on May 12, 2008 included a fraudulent resident alien card bearing the name and photo of Subject M. Subject M was shown a copy of the seized documents and verified that the document shown to him/her was the same as the one Subject M saw attached to the application packet the Sunday before the

execution of the warrants. Subject M also identified the copy of another fraudulent permanent resident alien card seized from the office of Subject A as bearing the photograph of Subject N. The cards bearing Subjects M and N's photographs each bore alien registration numbers which were then assigned to other persons.

25. On or about June 24, 2008, Subject O testified in the grand jury. A transcript of Subject O'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 O in the grand jury.

26. Subject O is an undocumented alien. He/she testified that prior to the execution of the search warrants at Agriprocessors, he/she heard from friends at Agriprocessors that Subject O needed to pay Juan Carlos Guerrero-Espinoza for the purpose of obtaining new identification.

27. On the Thursday before the execution of the search warrants, Subject O spoke to Guerrero-Espinoza at Agriprocessors and gave Guerrero-Espinoza \$200.00 for the new identification. Subject O testified that he/she provided Guerrero-Espinoza with a new name for his/her new identity and that Guerrero-Espinoza wrote the new name down. Guerrero-Espinoza told Subject O that his commission was \$20.00.

28. After Subject O's shift on the Sunday before the execution of the search warrants, Subject O met with Subject A in his/her human resources office at Agriprocessors. Subject O received his/her new fraudulent permanent resident alien card and paperwork from Subject A. Subject O left the fraudulent card and



paperwork with Subject A in his/her office.

29. After leaving his/her paperwork and document with Subject A, Subject O gave his/her building proximity card to Subject P.

30. The fraudulent permanent resident alien cards seized from the office of Subject A on May 12, 2008 included a fraudulent resident alien card bearing the photo of Subject O. The card bearing Subject O's photograph also bore an alien registration number which was then assigned to another person.

31. On or about June 24, 2008, Subject Q testified in the grand jury. A transcript of Subject Q'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 Q in the grand jury.

32. Subject Q is an undocumented alien. Subject Q testified that he/she was employed at Agriprocessors since 1998 and was a foreman at the company at the time of the execution of the search warrants.

33. On the Wednesday before the execution of the search warrants, Guerrero-Espinoza held a meeting with employees from his department. Subject Q was not present for this meeting but heard from others that Guerrero-Espinoza told the employees that they needed to get new IDs with new names. Guerrero-Espinoza also stated that the social security numbers previously used by the employees were reported by the Internal Revenue Service as being bad.

34. Subject Q stated he knew that company officials were concerned about ICE agents in Waterloo.

35. Subject Q testified that he/she gave Guerrero-Espinoza a photograph of him/herself and \$220.00 for new identification. Guerrero-Espinoza told Subject Q that \$20.00 was for gas.

36. On the Sunday before the execution of the search warrants, Subject Q received his/her new fraudulent identification from Guerrero-Espinoza which he/she then gave to Subject A. Subject Q also stated that he/she gave his/her building proximity card to Subject P.

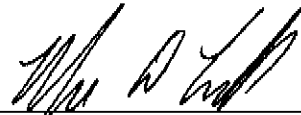
37. The fraudulent permanent resident alien cards seized from the office of Subject A on May 12, 2008 included a fraudulent resident alien card bearing the photo of Subject Q. The card bearing Subject Q's photograph also bore an alien registration number which was then assigned to another person.

38. 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. Under Title 18, United States Code, Section 1028A, and Title 18, United States Code, Section 2, it is an additional criminal offense to aid and abet the transfer, possession, or use, without lawful authority, of a means of identification of

another person in relation to certain felony offenses, including Title 8, United States Code, Section 1324(a), and Title 18, United States Code, Section 1546(a). Based on these facts, and your affiant's training and experience, your affiant believes the defendant, Juan Carlos Guerrero-Espinoza, has violated Title 8, United States Code, Section 1324(a), Title 18, United States Code, Section 1546(a), Title 18, United States Code, Section 1028A, and Title 18, United States Code, Section 2.

39. 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