

FILED

JUN 01 2018

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES DISTRICT COURT

for the

District of Montana

United States of America)
v.)
TOMAS ANDRES-GREGORIO)
)
)
)
)

Case No. MJ 18-26-M-JCL

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 31, 2018 in the county of Mineral in the Montana District of Montana, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 111(a)(1)	Assault on a federal officer
8 U.S.C. 1325(a)(2)	Eluding examination and inspection

This criminal complaint is based on these facts:
See attached affidavit, incorporated by reference herein.

Continued on the attached sheet.

Holly Langley
Complainant's signature

Holly Langley, Special Agent, HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: 6/1/2018

Jeremiah C. Lynch
Judge's signature

City and state: Missoula, MT

Jeremiah C. Lynch, U.S. Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT**

I, Holly C. Langley, being duly sworn, depose and state:

1. I am a Special Agent with United States Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) in Missoula, Montana. I have been employed with HSI since October 2009 and previously with the United States Secret Service since May 1998. As a Criminal Investigator for over 20 years, I have received specialized training and have conducted numerous investigations related to financial crimes, illegal narcotics, gun trafficking, import/export violations, national security investigations, and administrative and criminal immigration violations.

2. Currently my duties as a HSI Special Agent include investigating administrative and criminal violations of the Immigration and Nationality Act within Title 8 of the United States Code and criminal violations to within Title 18 of the United States Code. I have received extensive training related to these types of investigations, including but not limited to training in Title 8 and 18 of the United States Code.

3. This affidavit is submitted in support of a criminal complaint and arrest warrant charging Tomas Andres-Gregorio (hereafter referred to as Andres-Gregorio) for forcibly assaulting, resisting, or impeding certain officers or

employees while engaged in or on account of the performance of official duties, in violation of 18 U.S.C. § 111(a)(1), and eluding examination and inspection by an immigration officer, in violation of 8 U.S.C. § 1325(a)(2).

4. The facts and information contained in this affidavit are based upon my training and experience, participation in immigration investigations, personal knowledge, and observations during the course of this investigation, as well as the observations of other officers involved in this investigation. All observations not personally made by me were relayed to me by the individuals who made them or were conveyed to me by my review of records, documents, and other physical evidence obtained during the course of this investigation. This affidavit contains information necessary to support probable cause and is not intended to include each and every fact and matter observed by me or known to the government.

5. On or about May 31, 2018, Andres-Gregorio was arrested by HSI for forcibly assaulting HSI Special Agent (SA) Richard McManaway during the course of SA McManaway engaging in his official duties as a Special Agent and for eluding examination by an immigration official.

6. At approximately 0610 hours, on or about May 31, 2018, SA McManaway and other agents and officers were attempting to conduct interviews with individuals residing at the Quartz Flat Campground located in

the Lolo National Forest in Superior, MT 59872. SA McManaway was assaulted by Andres-Gregorio while he attempted to conduct an interview with Andres-Gregorio at the campground. This campground was designated for individuals who were visiting the Superior, MT area to commercially pick wild morel mushrooms. In the past several years many illegal/undocumented aliens have traveled to Montana to pick morel mushrooms for profit during the mushroom season. The United States Forest Service (USFS) requires mushroom harvesters obtain a permit to harvest these particular mushrooms. As part of the permit process the requestor must also possess a valid form of identification.

7. On or about May 24, 2018, agents had received information from the Mineral County Sheriff's Office (MCSO) and the USFS that several individuals staying at the campground may be illegally present within the United States.

8. MCSO had reported that their department had encountered two separate vehicles on two separate occasions in the previous week that contained individuals who were possibly illegally present within the United States. On one occasion two of the passengers in the vehicle presented MCSO with what MCSO believed to be forged Immigration Visas. MCSO believed these documents were forged because the writing was smeared and

the pictures appeared to be altered.

9. MCSO further reported on or about May 28, 2018, a stabbing had occurred at the campground. The victim of the stabbing was identified as a Guatemalan male named Fernando Edgar Hernandez Gregorio (Gregorio). When questioned by law enforcement, Gregorio was very evasive and only provided minimal information. Two suspects were identified as Walt (last name unknown - LNU) and Oscar (LNU). In a review of permits provided by USFS, two possible individuals were identified bearing the names Walt and Oscar and were believed to be possibly still residing at the Quartz Flat Campground.

10. Agents also met with the USFS, who had provided agents with copies of the current government forms which were submitted by the harvesters to obtain the necessary permits for harvesting in the Superior area. Review of the permit forms revealed several of the harvesters presented foreign identification with their forms, which was documented on each specific form by the USFS. Several forms documented that the harvesters presented Mexican or Guatemalan identification documents and not valid U.S. identification. This is a possible indicator that the individuals submitting these types of identification documents were not legally present in the U.S. and did not have U.S. identification.

11. On or about May 31, 2018, agents and officers from HSI, USFS, MCSO, and the United States Border Patrol arrived at the campground to conduct interviews with individuals residing at the campground in an attempt to locate Walt LNU and Oscar LNU, as well as determine if individuals residing in the camp possessed the proper permits and identification documents. USFS stated prior to the operation as a requirement to stay in the campground harvesters must possess a valid permit and valid identification.

12. SA McManaway, while engaged in the performance of his official duties, approached a blue and white tent at the campground at approximately 0610 hours. A Hispanic male, later identified as Andres-Gregorio, exited the tent. SA McManaway identified himself as working with Immigration. He was also wearing his law enforcement issued uniform clearly marked with police signage, to include his HSI vest and ICE raid jacket with badge and ICE written down the sleeve. After SA McManaway identified himself, Andres-Gregorio did not stop and tried to push past SA McManaway. SA McManaway asked Andres-Gregorio for his papers. Andres-Gregorio continued to push past SA McManaway at which point SA McManaway placed his hands on Andres-Gregorio and pushed him back to subdue him against a tree. SA McManaway attempted to detain Andres-Gregorio and place him in handcuffs. At this time, another male exited the

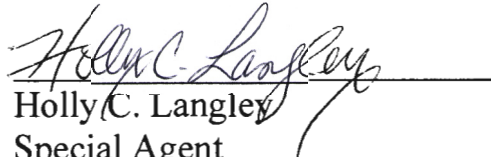
tent. Neither male complied with verbal commands to stop or cooperate with SA McManaway's requests to identify themselves.

13. SA McManaway was able to bring both men down to the ground in an attempt to detain them. Andres-Gregorio continued to struggle with SA McManaway and began to swing his hands closed fist at SA McManaway. SA McManaway received more than one closed fists blow to his right leg from Andres-Gregorio. Andres-Gregorio continued to punch and swing at SA McManaway. Enforcement Removal Operations Deportation Officer (DO) Paul Maple witnessed the incident and came over to assist SA McManaway. With DO Maple's assistance Andres-Gregorio was handcuffed and detained.

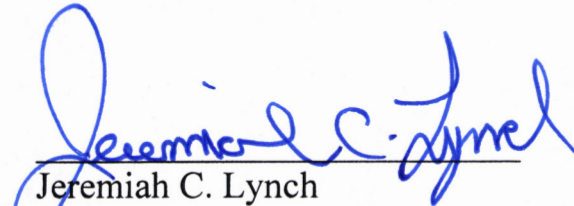
14. Once detained, Andres-Gregorio's identification documents were located. He possessed two forms of foreign identification, a Guatemalan National Registration Card and a Guatemalan passport. Andres-Gregorio was asked if he possessed documentation to be in the United States legally and he stated he did not possess any legal documentation.

15. While at the campground agents and officers apprehended a total of 10 individuals that were illegally present in the United States. Approximately 15 individuals fled the campground on foot as immigration agents approached the individual campsites.

16. On the basis of the facts above, I believe there is probable cause that Tomas Andres-Gregorio forcibly assaulted, resisted, and impeded an officer while engaged in the performance of their official duties, in violation of 18 U.S.C. § 111(a)(1). He also eluded examination and inspection by an immigration officer, in violation of 8 U.S.C. § 1325(a)(2).


Holly C. Langley
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me this 1st day of June, 2018, at Missoula,
Montana.


Jeremiah C. Lynch
United States Magistrate Judge
District of Montana

FILED

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Clerk, U.S. District Court
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UNITED STATES DISTRICT COURT

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United States of America)
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<i>Code Section</i>	<i>Offense Description</i>
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This criminal complaint is based on these facts:
See attached affidavit, incorporated by reference herein.

Continued on the attached sheet.

Holly Langley
Complainant's signature

Holly Langley, Special Agent, HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: 6/1/2018

Jeremiah C. Lynch
Judge's signature

City and state: Missoula, MT

Jeremiah C. Lynch, U.S. Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT**

I, Holly C. Langley, being duly sworn, depose and state:

1. I am a Special Agent with United States Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) in Missoula, Montana. I have been employed with HSI since October 2009 and previously with the United States Secret Service since May 1998. As a Criminal Investigator for over 20 years, I have received specialized training and have conducted numerous investigations related to financial crimes, illegal narcotics, gun trafficking, import/export violations, national security investigations, and administrative and criminal immigration violations.

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employees while engaged in or on account of the performance of official duties, in violation of 18 U.S.C. § 111(a)(1), and eluding examination and inspection by an immigration officer, in violation of 8 U.S.C. § 1325(a)(2).

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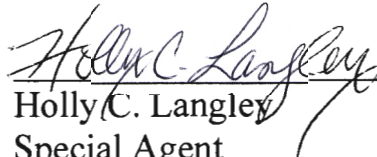
tent. Neither male complied with verbal commands to stop or cooperate with SA McManaway's requests to identify themselves.

13. SA McManaway was able to bring both men down to the ground in an attempt to detain them. Andres-Gregorio continued to struggle with SA McManaway and began to swing his hands closed fist at SA McManaway. SA McManaway received more than one closed fists blow to his right leg from Andres-Gregorio. Andres-Gregorio continued to punch and swing at SA McManaway. Enforcement Removal Operations Deportation Officer (DO) Paul Maple witnessed the incident and came over to assist SA McManaway. With DO Maple's assistance Andres-Gregorio was handcuffed and detained.

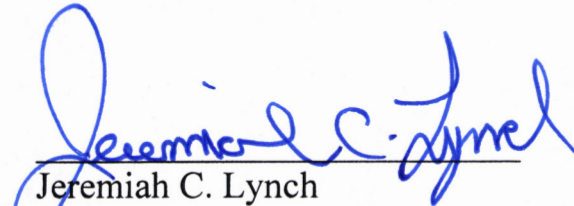
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16. On the basis of the facts above, I believe there is probable cause that Tomas Andres-Gregorio forcibly assaulted, resisted, and impeded an officer while engaged in the performance of their official duties, in violation of 18 U.S.C. § 111(a)(1). He also eluded examination and inspection by an immigration officer, in violation of 8 U.S.C. § 1325(a)(2).


Holly C. Langley
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me this 1st day of June, 2018, at Missoula,
Montana.


Jeremiah C. Lynch
United States Magistrate Judge
District of Montana

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TOMAS ANDRES GREGORIO,

Defendant.

MJ 18-26-M-JCL

ORDER

On June 1, 2018, Defendant Tomas Gregorio appeared before the Court for his initial appearance on the Criminal Complaint filed against him. The Court advised Defendant of his rights relative to the charges. Defendant indicated he would like to have a preliminary hearing, but he moved to continue the hearing. The Court granted the continuance.

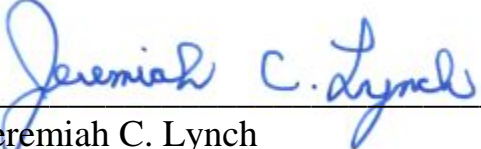
The United States requested Defendant be detained pending further proceedings in this matter. Defendant requested a detention hearing, but moved to continue the hearing. The Court granted the continuance.

If Defendant desires to have either the preliminary hearing or the detention hearing conducted, then he shall file a motion requesting either hearing.

Section 3142(f)(2), Title 18 U.S.C., requires that a Defendant be detained during a continuance of a detention hearing. Therefore, IT IS ORDERED the

Defendant is remanded to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 1st day of June, 2018.



Jeremiah C. Lynch
United States Magistrate Judge

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of Montana

FILED

JUN 05 2018

Clerk, U.S. District Court
District Of Montana
Missoula

United States of America)
v.)
Rogelio Jaimes Estrada)

Case No. MJ 18-27-M-JCL

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 31, 2018 in the county of Mineral in the
 District of Montana, the defendant(s) violated:

Code Section
8 U.S.C. 1326(a)

Offense Description
Illegal reentry of a deported alien

(Penalties: 2 years imprisonment, \$250,000 fine, one year of supervised release, \$100 special assessment)

This criminal complaint is based on these facts:
See attached affidavit, incorporated by reference herein.

Continued on the attached sheet.



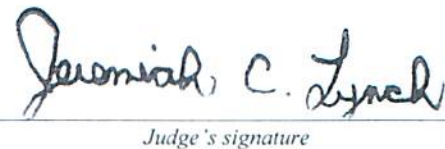
Complainant's signature

David Frischmann, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/05/2018



Judge's signature

City and state: Missoula, Montana

Jeremiah C. Lynch, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, David R. Frischmann, being duly sworn, depose and state:

1. I am a Deportation Officer with United States Immigration and Customs Enforcement (ICE) in Billings, Montana. I have been employed with ICE since November 2006. I was previously employed as a Customs and Border Protection Officer for U.S. Customs & Border Protection since August 2005. During that time, I received specialized training and conducted numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code.
2. My duties as a Deportation Officer with ICE include investigating administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code and seeking, when applicable, prosecution and removal of violators. I have received training in general law enforcement, including training in Title 8 and 18 of the United States Code.
3. This affidavit is submitted in support of a criminal complaint charging Rogelio Jaimes Estrada, (hereafter referred to as "Jaimes") for illegal reentry of a removed alien, in violation of Title 8 United States Code Section 1326(a).
4. The facts and information contained in this affidavit are based upon my training and experience, participation in immigration investigations, personal knowledge, and observations during the course of this investigation, as well as the observations of other officers involved in this investigation. All observations not personally made by me were relayed to

Case 9:18-mj-00027-JCL Document 1-1 Filed 06/05/18 Page 2 of 4
me by the individuals who made them or were conveyed to me by my
review of records, documents, and other physical evidence obtained during
the course of this investigation. This affidavit contains information
necessary to support probable cause and is not intended to include each and
every fact and matter observed by me or known to the Government.

5. On May 31, 2018, Jaimes was encountered by Homeland Security Investigations Special (HSI) Agents during an Operation near Superior, Montana. HSI turned Jaimes over to ICE Enforcement Removal Officer's (ERO), who then conducted an interview of Jaimes and were able to determine that Jaimes was in violation of immigration law. ERO Officers arrested Jaimes and transported him to the ICE ERO office in Helena for processing.


6. At the Helena ERO Sub-Station, Jaimes fingerprints were entered into IDENT, ABIS and NGI databases to establish his identity and to see if he had any prior encounters with immigration or law enforcement officers. Fingerprint comparisons confirmed that Jaimes had a prior arrest with Customs and Border Protection Officers on August 6, 2004, and he was subsequently removed from the United States the following day via the San Ysidro Port of Entry in California.

7. After conducting the records check, Jaimes was advised of his rights via ICE Service form 215-b. Jaimes declined to give a sworn statement and all questioning ceased immediately.

8. There is no indication in the files of DHS that Jaimes 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.

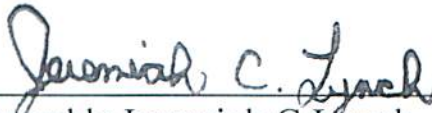
9. On the basis of the facts above, I believe there is probable cause that J a i m e s is an alien who, having been previously deported from the United States, has been found in the United States without the required permission, and is in violation of Title 8, United States Code, §§ 1326(a).

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David R. Frischmann
Deportation Officer
U.S. Department of Homeland
Security

Subscribed and sworn to before me this 5th day of June 2018, at
Missoula, Montana.



Honorable Jeremiah C Lynch
United States Magistrate Judge
District of Montana