

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the Northern District of New York

UNITED STATES OF AMERICA

v.

Ignacio NUNEZ-Nunez, Carlos NUNEZ-Nunez, Adrian RUIZ-Perez,

Defendant.

Case No. 8:23-MJ-461 (GLF)

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 August 20, 2023 in the county of Clinton in the Northern District of New York the defendants violated:

Code Section

Offense Description

8 U.S.C. § 1325(a)(2)

The defendants, aliens and citizens of Mexico, unlawfully eluded examination and inspection by Immigration officials by entering the United States at a place not authorized for the entrance of immigrants (as to only Ignacio NUNEZ-Nunez, Carlos NUNEZ-Nunez)

18 U.S.C. § 111(a)(1)

Forcibly assaults, resists, opposes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties as a Law Enforcement Officer (as to all three defendants, Ignacio NUNEZ-Nunez, Carlos NUNEZ-Nunez, Adrian RUIZ-Perez)

*Continuation Sheet, United States v. NUNEZ-Nunez, NUNEZ-Nunez, and RUIZ-Perez.*

This criminal complaint is based on these facts:

Continued on the attached sheet.



*Complainant's signature*

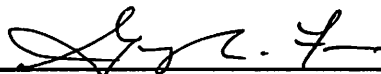
U.S. Border Patrol Agent Adam M. Matott

*Printed name and title*

Attested to by the Affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date:

August 24, 2023



*Judge's signature*

City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

*Printed name and title*

*Continuation Sheet, United States v. NUNEZ-Nunez, NUNEZ-Nunez, and RUIZ-Perez.*

This criminal complaint is based on the following facts:

On August 20, 2023, between approximately 3:28 and 3:37 a.m., Swanton Sector Radio Dispatch advised Burke Border Patrol Agents (BPAs), of multiple Buckeye camera images showing two different vehicles traveling on seasonal roads in the areas of Merchia Road, Whalen Road, and Lost Nation Road near Churubusco, NY. One of the vehicles was an SUV. Due to this area being an area with consistent illicit cross border activity on the International Boundary with Canada, BPAs acknowledged and responded in marked vehicles.

Near the area BPAs observed an SUV that matched the description from one of the earlier images. BPAs noticed the SUV was bearing North Carolina License plate KEY9268 and began to follow the vehicle as it traveled eastbound on State Route 11. Agents learned from license plate checks that the vehicle was a rental vehicle. BPAs commonly encounter rental vehicles used in human smuggling cases. BPAs observed what appeared to be silhouettes of multiple individuals inside the vehicle moving around. The SUV did not reduce its speed but began to slightly swerve back and forth, as it traveled down the road. Due to the Buckeye camera activations, time of day, location, the vehicle being identified as a rental, and the vehicle occupants' behavior, BPAs activated their overhead emergency equipment on their marked Border Patrol service vehicle, to initiate a traffic stop. The SUV stopped at the intersection of State Route 11, Ryan Road, and Lost Nation Road.

As agents approached the vehicle, BPAs observed a driver, a front seat passenger and three individuals in the rear seat. All persons in the rear seat remained still and stared forward. BPAs identified themselves and asked each vehicle occupant as to their citizenship and immigration status. The driver and front seat passenger claimed to be U.S. citizens. BPAs noticed two of the three male rear-seat passengers were wearing wet and muddy clothing, which is typical of someone who had just crossed the border illegally by traversing through the dense brush. BPAs asked the three rear-seat passengers where they were coming from. The driver answered "They don't speak English. That's my boyfriend and his family. I came to pick them up from Vermont."

BPAs then questioned the three rear-seat passengers, in Spanish, as to their citizenship and immigration status. All three subjects claimed to be Mexican citizens with no legal right to be in the U.S. Two of the subjects, whose clothing was wet and muddy, identified as freely admitted to just crossing the border illegally. The third rear-seat passenger, Adrian RUIZ-Perez, stated he has been in the U.S. illegally for a while.

At that time, all five subjects were arrested, and BPAs began removing the three subjects from the rear passenger seat one by one and placing them in the back seat of their marked Border Patrol vehicle. As Ignacio NUNEZ-Nunez and Carlos NUNEZ-Nunez were escorted to the agent's vehicle, each began to tense up and resist attempts to be searched, and further resisted being placed in the back of the BPA's service vehicle. Both were placed in the rear of an agents vehicle.

As the agent escorted the third rear passenger to the agents vehicle (Ignacio NUNEZ-Nunez), the other two subjects jumped out and knocked the BPA to the ground, as he opened the rear door. As the agent attempted to restrain the subjects, all three subjects simultaneously began to assault the BPA, striking him in the body and head several times. As other agents ran to assist the agent on the ground, the three subjects absconded on foot, southbound on Ryan Road. BPAs began to pursue Ignacio NUNEZ-Nunez and Carlos NUNEZ-Nunez, and who were apprehended nearby, after they had tripped and fell into fencing along the road. BPAs were unable to locate Adrian RUIZ-Perez at that time. The four remaining subjects were transported to the Burke Border Patrol Station for records checks, interviews, and processing.

At approximately 8:50 a.m., a New York State Police (NYSP) Trooper encountered a male subject walking on State Route 11, approximately five miles from the earlier encounter. The subject was wet, muddy, and matched

*Continuation Sheet, United States v. NUNEZ-Nunez, NUNEZ-Nunez, and RUIZ-Perez.*

the description of the outstanding subject provided to NYSP by BPAs. NYSP transported the subject to the Burke Border Patrol Station.

At the station, the subject was identified as Adrian RUIZ-Perez, and was positively identified by the agents as one of three subjects who had assaulted an agent and absconded.

At the station, biographical information and fingerprints were entered into Department of Homeland Security databases for all five subjects. Record checks revealed that the driver and front-seat passenger are U.S. citizens. Records checks revealed that the three rear-seat passengers are Mexican citizens with no legal right to be in the U.S.

The driver was read her *Miranda* rights, and agreed to answer questions without a lawyer present. In her interview, the driver stated she heard the struggle between the three subjects and the BPA but could not see it because she was still in the rental vehicle, facing forward, and the struggle was behind her. The driver also stated that Adrian was her boyfriend that she met in Springfield, Massachusetts approximately six months ago.

Nationals and Citizens of Mexico are required to apply for a visa if they seek to enter the United States. Mexican citizens who are issued a visa by the United States government are required to present the visa and the person's passport to an immigration official at a Port of Entry as he or she seeks admission into the United States. Ignacio NUNEZ-Nunez and Carlos NUNEZ-Nunez do not possess valid visas and records show that they have not applied for one. If NUNEZ-Nunez and NUNEZ-Nunez had presented themselves to a Port of Entry and asked permission to enter the United States, they would have been denied admission as they do not possess valid United States visas.