

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Date of Arrest: October 23, 2023

UNITED STATES OF AMERICA
Plaintiff,

Vs.

Antonio VARELA-Verdugo
YOB: 1988
Mexican Citizen

Gilberto VILLALVA,
YOB: 2001
United States Citizen

Defendants.

) Magistrate's Case No. **23-02657MJ**
)
) COMPLAINT FOR VIOLATION OF
) Title 8, United States Code,
) 1324(a)(1)(A)(v)(I),
) (a)(1)(A)(ii) and (a)(1)(B)(i)
) (Conspiracy to Transport Illegal
) Aliens for Profit)
) Count One
)
)
)
)

I, Alondra Prieto the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

COUNT ONE

Beginning on an unknown date and continuing through on or about October 23, 2023, in the District of Arizona and elsewhere, the defendants, Antonio VARELA-Verdugo and Gilberto VILLALVA, did knowingly and intentionally combine, conspire, confederate, and agree with persons known and unknown to the grand jury to transport and move within the United States, and attempt to do the same, aliens who had come to, entered, and remained in the United States in violation of law, by means of transportation and otherwise, and in furtherance of such violation of law, for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii)(felony).

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And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Authorized by: AUSA Louie Uhl

Louie Uhl

Alondra Prieto

Alondra Prieto
Border Patrol Agent
United States Customs and Border
Protection

Sworn to me telephonically, October 25, 2023, at Yuma, Arizona.

James F. Metcalf

James F. Metcalf
United States Magistrate Judge

UNITED STATES OF AMERICA

v.

Antonio VARELA-Verdugo and Gilberto VILLALVA

STATEMENT OF FACTS

I, Alondra Prieto, being duly sworn, do state the following:

1. SITE OF ARREST.

The following events occurred in Yuma County, Arizona, within the District of Arizona, in and around the vicinity of the intersection of 8th Street and Avenue A, Yuma, Arizona 85364.

2. WATER TRUCK.

For several weeks, Yuma Sector Border Agents had suspected that a white water truck bearing California license plate 8E75894, seen often in and around Yuma and the surrounding area, had been used by alien smugglers to transport multiple loads of illegal aliens. Unlike similar water trucks operating in the area, this particular water truck did not feature insignia, signage or lettering indicating its owner or its company of affiliation. On October 23, 2023, Border Patrol agents observed the suspicious water truck and began monitoring its travel.

3. INTERDICTION OF THE WATER TRUCK.

Department of Homeland Security (DHS) record checks confirmed that, on October 23, 2023, at approximately 0549 hours, Gilberto VILLALVA (VILLALVA) lawfully entered the United States through the Calexico West Port of Entry (POE) in a black Honda Civic bearing Arizona license plate 5VA9LG. VILLALVA was accompanied by Jose Ramon PEREZ-Soto. Both VILLALVA and PEREZ-Soto were verified as U.S. citizens.

At approximately 0723 hours, the black Honda Civic was observed at 909 South 1st Avenue, Yuma, Arizona 85364 (Yuma residence), where the afore-mentioned white water-truck was parked. Shortly after, the Honda Civic was observed leaving the residence and driving north on 1st Avenue. At approximately 0729 hours, the Honda Civic was observed merging onto Interstate 8 (I-8) West and driving towards Andrade, California (the site of a small port of entry between Imperial County, California and Baja California, Mexico, approximately two thirds of a mile west of California/Arizona state border). At approximately 0734 hours, the Honda Civic was observed

parking in the Quechan Casino parking lot, a popular casino in Winterhaven, California, less than two miles from the border between California and Mexico.

At approximately 0748 hours, a Small Unmanned Aircraft System (SUAS) operated by Border Patrol was conducting surveillance at the Yuma residence. The SAUS observed an individual wearing a red shirt and blue jeans at the Yuma residence.

At approximately 0748 hours, the SUAS advised that the water truck was departing the Yuma residence. At approximately 0749 hours, the water truck pulled into the parking lot of a nearby Circle K, located on 4th Avenue and 1st Street in Yuma, Arizona. At approximately 0758 hours, Yuma Air Branch (YAB) was able to gain visual of the water truck and maintained surveillance by utilizing a long-range camera lens, which offers recording features. The driver was identified as PEREZ-Soto. The air observer communicated with agents on the ground via service radio. At approximately 0836 hours, YAB observed the water truck park at the Chevron Gas Station, located on Sidewinder Road and I-8 (in California, close to the Arizona border). A male subject wearing a red shirt and blue jeans was observed exiting the water truck and entering the Chevron.

At approximately 0913 hours, the Honda Civic was observed leaving the Quechan Casino parking lot and traveling south on Andrade Road, towards the Andrade, California Port of Entry (Andrade POE). The vehicle was observed parking in the temporary parking lot, north of the Andrade POE.

At approximately 0941 hours, the water truck was observed departing the Chevron and entering I-8 West, driving towards the Sand Dunes Rest Area, located on I-8 near the Buttercup Ranger Station. At approximately 1002 hours, the water truck parked at the Sand Dunes Rest Area, where the male subject wearing a red shirt and blue jeans was observed exiting the vehicle and opening the hood. At approximately 1211 hours, the water truck was observed leaving the rest area and entering I-8 East. The water truck took the first exit and drove towards the Buttercup Ranger Station. The water truck drove east on an all-weather road, south of I-8. At approximately 1227 hours, the water truck came to a complete stop at the International Boundary Wall. BPAs observed multiple individuals boarding the water truck. After the water truck was loaded, the male subject wearing a red shirt and blue jeans was left behind and was observed walking south towards the International Boundary Wall.

The water truck drove eastbound along the Border Road toward the Andrade POE's temporary parking lot. At approximately 1235

hours, the water truck was observed driving north on Andrade Road towards I-8. At the same time, the black Honda Civic was seen exiting the Andrade POE's temporary parking lot and traveling north on Andrade Road, behind the water truck. At approximately 1245 hours, the water truck was observed entering Yuma City Limits.

At approximately 1308 hours, the water truck was seen turning east on 4th Street from 4th Avenue, in Yuma. The water truck then turned south on 1st Avenue, where it came to a complete stop at 909 South 1st Avenue, Yuma, Arizona 85364. The black Honda Civic was parked across the street from the residence. VILLALVA was seen exiting the Honda Civic and meeting with the driver of the water truck. Once the water truck backed into the residence, an older female, later identified as Kimberly Ann MEDINA, was observed by YAB exiting the residence and meeting with VILLALVA in the driveway. At approximately 1316 hours, VILLALVA and MEDINA were seen entering the black Honda Civic.

The water truck and the Honda Civic left the residence, traveling south on 1st Avenue towards 10th Street. Both vehicles turned west onto 10th street, then north onto 4th Avenue. At that time, agents from the Special Operations Detachment (SOD) established a security perimeter around the residence, while other agents from the Sector Intelligence (SIU), Mobile Response Team (MRT), and Yuma Station Field Intelligence Team (FIT) positioned themselves to conduct a traffic stop on both vehicles. At approximately 1321 hours, a traffic stop was conducted on both vehicles at the intersection of 8th Street and Avenue A in Yuma, Arizona.

Border Patrol Agents (BPAs) Matt Taynton (Taynton) and Brandon Tijerina (Tijerina) conducted the traffic stop of the water truck. BPAs Taynton and Tijerina assisted the driver, Antonio VARELA-Verdugo (VARELA), out of the driver seat and placed him in handcuffs. BPA Alex Gutierrez (Gutierrez) initiated the traffic stop of the black Honda Civic. The driver, VILLALVA, and the passenger, MEDINA, were arrested. Three individuals, later identified as Catalina OCOMPO-Vargas, Lizbeth PALANCARES-Cruz, and Aylin LEMUS-Gonzalez, were observed laying on the floorboard in the cab of the water truck. None were wearing seatbelts. Upon further search of the vehicle, BPAs discovered 19 other individuals inside of the water tank. All 22 individuals and the driver of the water truck confirmed that they were citizens of Mexico without proper documentation to be or remain in the United States legally, and relevant searches of law enforcement databases confirmed same.

All subjects were transported to the Yuma Border Patrol Station for further processing.

4. STATEMENT OF DEFENDANT ANTONIO VARELA-VERDUGO.

On October 23, 2023, at approximately 1530 hours, Border Patrol Agent-Intelligence Victor Hernandez and Border Patrol Agent-Intelligence Francisco Mejia obtained a sworn statement of VARELA regarding his role in the instant alien-smuggling event. During the recorded interview, VARELA admitted that he did not have any documents to allow him to be in the United States legally and that he was a citizen of Mexico. VARELA stated that he was born in Guanajuato, Mexico.

VARELA explained that he was approached in Mexicali, Baja California, Mexico by an unknown male who asked if he wanted to illegally enter the United States. VARELA further explained that he had been residing in Mexicali, Mexico, for over a year and had attempted to enter the United States without success on several occasions. VARELA stated that his destination was Phoenix, Arizona. VARELA claimed that he crossed into the United States on the morning of October 23, 2023.

VARELA stated that before illegally entering the United States, the group was asked by three armed men if any of them knew how to drive a large truck. When VARELA responded that he did, the armed men told him that he would be driving the water truck that would eventually pick up the entire group and transport them further into the United States. VARELA claimed that he was essentially forced to drive the water truck at gunpoint.

VARELA stated that the entire group jumped into the water truck when it arrived. He said that he was told by the driver to jump into the driver's seat and put on the driver's sunglasses and construction gloves. VARELA said that he sat in the driver's seat and two or three females sat in the front cabin with him. VARELA told agents that he was communicating via cell phone with an unknown male who was guiding him out from the border, until reaching the exit point where the driver of a black sedan waved him down to follow the sedan.

VARELA stated the black sedan guided him to a gas station where he was to wait until they drove to an unknown house. VARELA stated that, at this residence, he was told by the black sedan's driver that they could not remain at this residence. VARELA concluded by saying that the group was arrested at this point.

VARELA was shown a six-pack photo line-up at approximately 1600 hours. VARELA identified number four as the driver of the water truck to the border. VARELA added that this individual went back south into Mexico.

The interview was concluded at 1609 hours.

5. STATEMENT OF DEFENDANT GILBERTO VILLALVA.

On October 23, 2023, at approximately 1544 hours, Border Patrol Agent-Intelligence Jorge Garibay and Border Patrol Agent-Intelligence Juan Garcia obtained a sworn statement of VILLALVA regarding his role in the instant alien smuggling event. This interview was recorded.

VILLALVA, U.S. citizen, stated that he was born in Long Beach, California, but currently lives in Mexicali, Baja California. VILLALVA was asked if he knew why he was speaking with the agents. VILLALVA admitted to BPAs that he was an accomplice to the "pollos" he was with. VILLALVA further explained that the Spanish word "pollos" is used to describe smuggle aliens.

VILLALVA initially stated he had a female friend who he met in Mexicali, Baja California, Mexico approximately three weeks prior. VILLALVA said that he did not know his female friend's name, but agreed to pick her up and help her find work after she illegally entered the United States. VILLALVA stated that his female friend was going to pay him an unknown amount. VILLALVA explained that his female friend called him on October 23, 2023, at approximately 0000 hours and told him (VILLALVA) that she was going to cross into the United States later that day but added that she was not sure when. VILLALVA said that his female friend told him (VILLALVA) that she was going to send him a phone number. VILLALVA said that he was sent a location of where he was supposed to pick her up. As the interview continued, VILLALVA changed his statement to the following summary.

VILLALVA stated that he met a male whom he identified as Gerardo GARCIA (GARCIA) in Mexicali, Baja California, approximately one week ago. VILLALVA said that GARCIA told him that he was going to illegally enter the United States to pick people up. VILLALVA told BPAs that he did not know how many people GARCIA was going to pick up. VILLALVA said that he coordinated with GARCIA to be a lookout for a water truck that was supposed to be transporting people. VILLALVA described the water truck as white with no markings. VILLALVA also stated that he was going to get paid an unknown sum to be a lookout.

VILLALVA said that, on October 23, 2023, he crossed the border in his black Honda Civic with a friend of his, whom he knew by the name of Ramon Perez (identified by law enforcement as PEREZ-Soto). VILLALVA said that he dropped PEREZ off in Calexico, California and proceeded to the Quechan Casino. VILLALVA said that he arrived at the casino at approximately 0700 and remained for about an hour and a half before he drove to his grandparents' house at 1949 S. Madison Ave, Yuma Arizona, 85364. VILLALVA said that, at approximately 1200 hours, he received a text message of an address from an unknown sender. VILLALVA said that he was supposed to drive to the address. He added that he was also to be a guide and a lookout for the water truck transporting aliens.

VILLALVA told agents that he first saw the water truck bearing near the Chevron gas station located at 100 S 4th Ave, Yuma, AZ 85364. VILLALVA said that he proceeded to lead the water truck to Yuma residence. VILLALVA said that, once he arrived, he witnessed the water truck reverse onto the property and crash into a carport outside of the home. He added that a female then walked outside of the residence and sat in VILLALVA'S front passenger seat. He said that the female received a phone call and was given a new address to deliver the aliens to, because the damage to the carport removed cover for the aliens.

VILLALVA said that, after he received the new location, he told the driver of the water truck to follow him. VILLALVA added that he was arrested before this could happen. VILLALVA described the water truck's driver as thin with tattoos on his arms. VILLALVA added that he did not know the driver's name but stated he heard him referred to as "Varela".

At approximately 1624 hours, VILLALVA was presented with a photographic line up in order to identify anyone else involved in today's smuggling event. VILLALVA immediately identified #5 (PEREZ-Soto) in the photographic line-up. VILLALVA added that PEREZ-Soto also works as a scout driver for human smuggling events.

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6. AFFIRMATION.

To the best of my knowledge and belief, the following is a list of all Border Patrol law enforcement personnel present during interviews, statements, and questioning of the Defendant and smuggle aliens in this matter, from initial contact to the writing of this document: BPAS Brandon Jimenez, Victor Hernandez, Matt Taynton, Francisco Mejia, Jorge Garibay, and Juan Garcia.

To the best of my knowledge and belief, the following is a list of all Border Patrol law enforcement personnel not already mentioned above who were present and/or took part in other parts of this investigation (e.g., arrest, search, seizure, proactive investigation, surveillance, etc.) from initial field contact through the writing of this document: BPAS Brandon Tijerina and Alex Gutierrez.

Based on the foregoing, there is probable cause to believe that Defendants Antonio VARELA-Verdugo and Gilberto VILLALVA, violated the statutes as alleged in the attached complaint.

Alondra Prieto

Alondra Prieto
Border Patrol Agent
United States Customs and Border
Protection

Sworn to before me and subscribed in my presence, October 25, 2023, at Yuma, Arizona.

J F Metcalf

James F. Metcalf
United States Magistrate Judge