



narcotics investigations since this time. However, I have also worked investigations in other areas, such as Fraud, General Smuggling and Money Laundering.

3. As a Special Agent with ICE, I am responsible for enforcing the wide variety of laws enforced by ICE in addition to the laws enforced by ICE on behalf of other law enforcement agencies. I worked investigations covered by the various laws under United States Code Titles 18, 19, 21, 22, 31, and 49. I have attended numerous courses and seminars on investigations and the handling of informants.

4. I was not aware of any of the killings described in the Plaintiffs' Complaint prior to the events taking place. Moreover, to my knowledge, no one at ICE or the United States Department of Justice was aware that the murders would take place prior to their occurrence. We only learned about the murders through interviews of Guillermo Eduardo Ramirez Peyro, a/k/a "Lalo," (hereinafter "Ramirez") after the fact.

5. I am familiar with Mr. Ramirez. During a period of time from in or around 2000 through March 2004, Ramirez provided information as a confidential informant to ICE concerning the narcotics trafficking activities of Heriberto Santillan-Tabares, his associates and other smuggling organizations. I have participated in several debriefings of Mr. Ramirez since 2001.

6. The Santillan investigation began in February 2003. I was Mr. Ramirez' handler at that time. As his handler, I was the primary person responsible for communications with him. I was removed as Mr. Ramirez' handler in late June 2003, and reinstated as his handler in mid-August 2003.

7. With regard to the allegations set forth in Plaintiffs' Complaint, I learned about the August 5, 2003 alleged murder of Fernando Reyes Aguado ("Reyes") at a debriefing of Ramirez

that took place on August 5, 2003. At that debriefing, which occurred several hours after the alleged murder, Ramirez denied knowing prior to the occurrence that the murders would take place, and initially believed that he was the intended victim. Ramirez informed us that Reyes had been murdered by two State Judicial police officers at a house located at 3633 Parsioneros in Ciudad Juarez, Chihuahua, Republic of Mexico.

8. The substance of Ramirez's statements on August 5, 2003 was reported up the chain of command at the El Paso ICE office, and was subsequently communicated to ICE headquarters. I was later reassigned to the source and instructed to continue the investigation, continue to use Ramirez as a confidential informant, and work on getting Santillan arrested and into the United States.

9. I and other ICE agents worked diligently with the prosecutor to gather evidence and prepare an indictment of Santillan so that we could get authorization to arrest Santillan in the United States.

10. Neither I nor anyone at ICE monitored any communications during the alleged time of the murder and did not hear the murder take place. Additionally, I am not aware of any monitored communications prior to August 5, 2003 that indicated that a murder was to take place or even identified Fernando Reyes Aguado as a potential victim. I learned on the evening of August 5 or the early morning hours of August 6 that Ramirez had taped the activities at the Parsioneros house on August 5, 2003, but did not know in advance that Ramirez would make a tape. I did not instruct him to record anything.

11. I did not know Mr. Reyes, nor did I ever have any reason to know that he would be killed by Santillan's associates.

---

12. As with Mr. Reyes' murder, I had no advance knowledge or reason to suspect that any of the victims named in the Complaint would be killed before they were killed. Whenever I received information from Mr. Ramirez, I communicated it to the case agent and my supervisors.

13. I repeatedly instructed Mr. Ramirez that he was prohibited from engaging in any illegal conduct. I further instructed him that he was not allowed to return to El Paso without the agency's specific permission in the summer of 2004. He was not given such permission by me, nor anyone else that I am aware of, to return to El Paso in August 2004.

14. During the time period encompassed in the Complaint, I adhered to and followed the laws of the United States, and the administrative requirements of ICE at all times. All actions that I took, and all action that I observed the other ICE agents and U.S. Department of Justice personnel take, concerning the incidents described above, were all done without malice, ill will or wrongful intent, and were in the scope of the discretionary authority of agents of ICE, employees of the U.S. Department of Justice, and employees of the United States Government. At all times I acted in good faith belief that all of my actions were legal and proper. At no time did I observe any actions by any other agent or employee of the United States Government act in bad faith or in violation of law or administrative procedures with regard to the incidents described above. In this case, I acted as any reasonable law enforcement agent would, given the

same circumstances and knowledge, wholly within the laws of the United States and the regulations imposed by ICE. I did not violate any clearly established law of the United States.

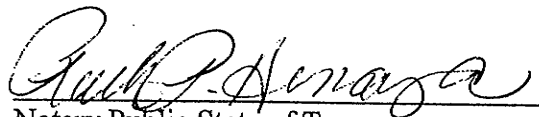
Signed on this, the 18<sup>th</sup> day of September 2006.

  
\_\_\_\_\_  
RAUL BENCOMO, Affiant

STATE OF TEXAS                    §  
   §  
COUNTY OF EL PASO           §

BEFORE ME, the undersigned authority on this 18<sup>th</sup> day of September, 2006, appeared RAUL BENCOMO, who after being by me duly sworn stated that he is the Affiant and that all matters of material fact set out herein are within his personal knowledge and are true and correct.

SWORN AND SUBSCRIBED to before me on September 18, 2006.

  
\_\_\_\_\_  
Notary Public State of Texas

My Commission Expires: 2-8-09



Smuggling, Money Laundering, and Narcotics Smuggling. Prior to my employment with the U.S. Customs Service I was a Police Officer with the City of Irving (Texas) for approximately two years. I received a bachelor's degree from North Texas State University in Business Administration in 1986.

3. As a Special Agent with ICE, I am responsible for enforcing the wide variety of laws enforced by ICE in addition to the laws enforced by ICE on behalf of other law enforcement agencies. I worked investigations covered by the various laws under United States Code Titles 18, 19, 21, 22, 31, and 49. In 2003, I received Title 8 training, and the certification for Title 8 authority. I now enforce the wide range of laws relating to Illegal Immigration and alien smuggling. I have attended numerous courses and seminars on investigations and the handling of informants, totaling several hundred hours of training.

4. In addition to working border-related narcotics seizures, I have worked long-term complex conspiracy investigations involving the indictment, arrest, and conviction of multiple defendants. These investigations focused on international and national smuggling organizations with the goal of the complete disruption and dismantling of entire organizations. These investigations targeted the smuggling and distribution of large quantities of narcotics, the laundering of the monetary proceeds, and identification and seizure of the assets gained through the group's illegal activities.

5. I was promoted in October 1999 to Group Supervisor and was assigned to a narcotics interdiction group. I began teaching and training Special Agents the methods and techniques I learned while assigned to the HIDTA Task Force and the experience I gained while conducting these types of investigations, including the handling of confidential informants and

sources of information. The group has been successful in conducting ten long-term investigations resulting in the indictment, arrest, and convictions of numerous defendants.

6. As a Group Supervisor, I have accumulated a wealth of experience with the use of various investigative techniques, including the use of electronic surveillance and confidential sources. Based on my experience, I have been certified through the El Paso U.S. Attorney's Office as an expert witness in the area of Title III (wiretap) investigations.

7. I received training on the guidelines at the two Customs academies, implemented that training in my 18 years as an agent, and trained new agents on the handling of confidential informants.

8. I have reviewed the allegations contained in the Plaintiffs' Complaint. I did not know any of the victims identified in the Complaint. I only learned their identities subsequent to learning about their alleged murders.

9. I was not aware of any of the killings described in the Plaintiffs' Complaint prior to the events taking place. Moreover, to my knowledge, no one at ICE or the United States Department of Justice was aware that the murders would take place prior to their occurrence. We only learned about the murders through interviews of Guillermo Eduardo Ramirez Peyro, a/k/a "Lalo," ("Ramirez") after the fact.

10. I am familiar with Mr. Ramirez. During a period of time from in or around 2000 through March 2004, Ramirez provided information as a confidential informant to ICE concerning the narcotics trafficking activities of Heriberto Santillan-Tabares ("Santillan") and his associates. I have participated in several debriefings of Mr. Ramirez since 2001.

11. The Santillan investigation began in February 2003 by agents under my supervision. Starting in March 2003, the investigation was transferred from my supervision to



the supervision of Group Supervisor Todd Johnson. My group had been re-designated as a National Security Investigative Group. In late July or early August 2003, my group was designated to play a supporting role in the Santillan investigation. My group's role was to assist Group Supervisor Johnson's team in the operation, and in particular, the court-authorized wiretap interceptions and administrative tasks.

12. With regard to the allegations set forth in Plaintiffs' Complaint, I learned about the August 5, 2003 alleged murder of Fernando Reyes Aguado ("Reyes") at a debriefing of Ramirez that took place on August 5, 2003. At that debriefing, which occurred several hours after the alleged murder, Ramirez denied knowing prior to the occurrence that the murders would take place, and initially believed that he was the intended victim. Ramirez informed us that Reyes had been murdered by two State Judicial police officers at a house located at 3633 Parsioneros in Ciudad Juarez, Chihuahua, Republic of Mexico.

13. The substance of Ramirez's statements on August 5, 2003 was reported up the chain of command at the El Paso ICE office, and was subsequently communicated to ICE headquarters. On or about August 6, 2003, I received instructions by supervisors at ICE in El Paso and at ICE headquarters in Washington, D.C. to instruct the case agents to continue the investigation, continue to use Ramirez as a confidential informant, and work on getting Santillan arrested and into the United States.

14. Additionally, I am aware that on or about August 5, 2003, Mexican authorities were made aware of the murder of Reyes, and that the Mexican authorities authorized our Attaché in Mexico to proceed with the investigation and to allow Ramirez to continue traveling to Mexico. (*See Exhibit E*).

15. Subsequent to August 6, 2003, ICE agents worked diligently with the prosecutor to gather evidence and prepare an indictment of Santillan so that we could get authorization to arrest Santillan in the United States.

16. Neither I nor anyone at ICE monitored any communications during the alleged time of the murder and did not hear the murder take place. Additionally, I am not aware of any monitored communications prior to August 5, 2003 that indicated that a murder was to take place or even identified Fernando Reyes Aguado as a potential victim. I learned on the evening of August 5 or the early morning hours of August 6 that Ramirez had taped the activities at the Parsioneros house on August 5, 2003, but did not know in advance that Ramirez would make a tape of the murder.

17. I did not know Mr. Reyes, nor did I ever have any reason to know that he would be killed by Santillan's associates.

18. On December 10, 2003, Santillan was indicted by a federal grand jury in El Paso, Texas on charges related to the importation and distribution of cocaine. Once we had the indictment, I worked with another ICE agent in preparing a memorandum to headquarters concerning the need to get Santillan into the United States and arrested. I informed the other law enforcement agents working on the Santillan case about the need to get Santillan arrested, and we agreed to work diligently to get Santillan into the United States and under arrest.

19. To arrest Santillan, we needed approvals from ICE headquarters, and I submitted all materials to get those approvals as expeditiously as possible. I was informed on several occasions, and knew from a reading of the administrative guidelines and the applicable statutes that we could not implement the arrest of Santillan, who was a Mexican citizen in Mexico,

without the necessary approval of individuals at ICE, the U.S. Department of Justice, the U.S. Department of State, and the Mexican country attaché.

20. On or about December 18, 2003, I met with ICE agents and the prosecutor, Juanita Fielden, to arrange for the arrest of Santillan and the relocation of Ramirez once the arrest took place. We wanted to make sure that once Santillan was arrested, none of his associates would try to find Ramirez and kill him. On or about December 23, 2003, I sent a copy of the memorandum requesting authorization to arrest Santillan in the United States to ICE officials in Mexico City, Mexico in order to ensure that Mexican officials were also aware of our plans.

21. On January 12, 2004, Ramirez informed ICE agents that three murders had taken place in Juarez on January 8, 2004. I learned about the debriefing of Ramirez from the case agents. That same day, I reported this information to my supervisor, ASAC Pete Gonzalez. I learned that, according to Ramirez, these individuals had been operating a cocaine smuggling and distribution organization in the Juarez, Mexico area without Santillan's permission. According to Ramirez, Santillan called him on January 8<sup>th</sup> and instructed him to open up the residence at Parsioneros. Upon arrival at that house, Ramirez observed the bodies of two dead individuals being transported to the house. They had been killed prior to Ramirez's arrival at the house. Ramirez learned that the third victim had been shot and left in the street. Ramirez stated that he did not know these individuals, and only learned about the murders from conversations with Santillan after the occurrence. Ramirez further stated that he had nothing to do with these killings, and that he only saw the two bodies after the fact.

22. On January 14, 2004, I learned from Todd Johnson that Ramirez had relayed to another ICE agent, Luis Rico, that Santillan had ordered the killing of three individuals, and that

those killings had taken place in Ciudad Juarez earlier in the day on January 14, 2004. It did not appear that Ramirez was in Ciudad Juarez at the time of those murders, and he did not participate in the murders. I did not learn any information at that time about the identities of the victims.

23. On or about January 15, 2006, we received the authorization to lure Santillan into the United States and effectuate his arrest. We immediately commenced the operation and within several hours of getting the approval, ICE agents arrested and detained Santillan in El Paso, Texas.

24. I did not know that the January 14 murder victim was identified as Luis Padilla until late January or early February, 2004. I did not know Mr. Padilla, was not investigating Mr. Padilla, did not know that he was going to be murdered, and learned the specific details of the killing from Ramirez only in March 2004, some two months after the killing.

25. With regard to the murder of David Castro, I did not know Mr. Castro or the circumstances of any alleged murder of him. I know that the Federal Bureau of Investigation ("FBI") conducted an investigation into an alleged kidnapping of Castro, and was told at one point that the FBI had closed its investigation. I do not know what happened to Mr. Castro, and do not know whether he was murdered, disappeared, or is currently living in the Republic of Mexico.

26. On or about March 10, 2004, Ramirez provided further details about the alleged murders that took place on January 14, 2004, in a debriefing in which I participated. According to Ramirez, Santillan had contacted him to open up the house at Parsioneros, as Humberto Portillo, a/k/a "Saddam," had ordered Santillan to kill three individuals who were responsible for the seizure of approximately 4,000 pounds of marijuana. Ramirez did not know the identities of any of these individuals.

27. On or about March 12, 2004, Ramirez was terminated as an informant for ICE (*See* Termination Letter, at Exhibit G). I believed that Ramirez was in San Antonio after assisting in relocating him there. I had no reason to believe that Ramirez had returned to the El Paso area, and other than a few telephone calls to obtain historical information in preparation for an upcoming trial, I had no contact with Ramirez subsequent to March 2004.

28. On August 26, 2004, at approximately 2:00 a.m., I was informed that Abraham Guzman had been murdered at a Whataburger restaurant in El Paso. Neither myself, nor anyone at ICE or the United States Department of Justice to my knowledge, was aware that the murder was to take place, that Ramirez was in the El Paso/Juarez area, or that Ramirez had any involvement with the deceased victim. We were not investigating Guzman, had no information concerning Guzman, and had no information linking him to Ramirez.

29. Other than the killing of Mr. Guzman, I believe that none of the events leading up to the murders occurred in the United States. Everything happened in Ciudad Juarez or its environs in Mexico. There were no precursor events in the United States. Moreover, I believe that none of the murdered individuals other than Guzman were citizens of the United States.

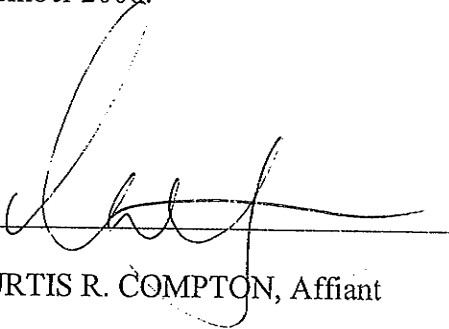
30. I was not in the Republic of Mexico during any of the time period alleged in the Complaint. In fact, I have conducted no business in, or had any personal trips to, the Republic of Mexico for at least the last eight years.

31. I am aware that Ramirez was provided an instruction form, in Spanish, that prohibited him from participating in any illegal activity (*See* Instructions for Confidential Sources Form, at Exhibit F (an identical form that we provided to English speaking informants is also attached at Exhibit F)). Ramirez was provided the instruction form on several occasions.

Ramirez was terminated after failing to follow those instructions and failing to be truthful with the ICE agents.

32. During the time period encompassed in the Complaint, I adhered to and followed the laws of the United States. All actions that I took, and all action that I observed the other ICE agents and U.S. Department of Justice personnel take, concerning the incidents described above, were all done without malice, ill will or wrongful intent, and were in the scope of the discretionary authority of agents of ICE, employees of the U.S. Department of Justice, and employees of the United States Government. At all times I acted in good faith belief that all of my actions were legal and proper. At no time did I observe any actions by any other agent or employee of the United States Government act in bad faith or in violation of law with regard to the incidents described above. In this case, I acted as any reasonable law enforcement agent would given the same circumstances and knowledge, wholly within the laws of the United States. I did not violate any clearly established law of the United States.

Signed on this, the 15 day of September 2006.

  
CURTIS R. COMPTON, Affiant

I

STATE OF Texas §  
COUNTY OF El Paso §

BEFORE ME, the undersigned authority on this 15<sup>th</sup> day of September, 2006, appeared CURTIS R. COMPTON, who after being by me duly sworn stated that he is the Affiant and that all matters of material fact set out herein are within his personal knowledge and are true and correct.

SWORN AND SUBSCRIBED to before me on September 15, 2006.



Julieta Rodriguez  
Notary Public State of Texas

My Commission Expires: 7-31-2010

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

JANET PADILLA, ET AL.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, ET AL.,

Defendants.

CIVIL ACTION NO. EP-05-CA-0478

JUDGE MONTALVO

**AFFIDAVIT OF GIOVANNI GAUDIOSO**

On this day, personally appeared to person known to me to be Giovanni Gaudio, who after having been duly sworn, stated upon oath as follows:

1. My name is Giovanni Gaudio, and I am over 21 years of age. I am competent to make an oath. I am familiar with the allegations set forth in the Complaint filed in the above-referenced matter. I have personal first hand knowledge of all facts and matters stated in this affidavit. All facts and matters set for the herein are true and accurate.

2. Since on or about June 2004, I have been on detail in Washington, D.C. as the Acting Deputy Assistant Director, Mission Support Division, Office of Investigations (OI), with the Department of Homeland Security, U.S. Immigration and Customs Enforcement ("ICE"). I have been employed with ICE and the former U. S. Customs Service for nearly 27 years.

3. I was promoted to the Special Agent in Charge (SAC) El Paso, Texas in July 2003. As the SAC El Paso, I was responsible for nearly 300 subordinate employees. I was responsible for ICE investigative and operational law enforcement activities pertaining to



contraband smuggling, money laundering and financial crimes, commercial fraud, national security, strategic crimes, human trafficking, alien smuggling, and identity and benefit fraud in 18 counties in the Western Judicial District of Texas and the entire District of New Mexico.

4. Prior to my selection as the SAC El Paso, I was the Associate Special Agent in Charge of the U.S. Customs Service in Tampa, Florida, where I was appointed to act as the SAC for one year. I was responsible for U.S. Customs Service investigative and operational law enforcement activities pertaining to drug smuggling, money laundering and financial crimes, and commercial fraud in the Middle and Northern Judicial Districts of Florida.

5. Prior to my selection as the Associate Special Agent in Charge in Tampa, I was the Director of the Investigative Services Division at U.S. Customs Service Headquarters in Washington, D.C., where I was responsible for Investigative Support Services, Asset Seizure and Forfeiture, Technical Surveillance Operations and Polygraph Operations for the U.S. Customs Service.

6. Prior to my selection as the Director of the Investigative Services Division, I was the Assistant Director of the Smuggling Investigations Division at U.S. Customs Service Headquarters, where I was responsible for program oversight of all investigations and operations involving the smuggling of illegal drugs, other contraband, commercial merchandise, and art and cultural artifacts.

7. Prior to my selection as the Assistant Director of the Smuggling Investigations Division, I was an Assistant Special Agent in Charge of the U.S. Customs Service in Tucson, Arizona, where I was responsible for drug smuggling and money laundering investigations and operations, and for administrative operations throughout the State of Arizona.

8. I also served as a Supervisory Special Agent and Senior Special Agent in Tucson, Arizona and Senior Special Agent and Special Agent in San Francisco, California. I received a Bachelor of Science degree in Criminal Justice from Northeastern University in Boston, Massachusetts.

9. As a Senior Executive, manager, supervisor and Special Agent, I have directed or conducted hundreds of investigations covered by the various laws under United States Code Titles 8, 18, 19, 21, 22, and 50. I have attended numerous courses and seminars on investigations, law enforcement operations, and the handling of informants, totaling more than one thousand hundred hours of training.

10. I have worked and directed long-term complex conspiracy investigations involving the indictment, arrest, and conviction of multiple defendants. These investigations focused on transnational smuggling, money laundering and other criminal organizations with the goal of the complete disruption and dismantling of these criminal organizations and the identification and seizure of the assets obtained through their illegal activities.

11. I have reviewed the allegations contained the Plaintiffs' Complaint. I did not know any of the victims identified in the Complaint. I only learned of some of their identities subsequent to learning about their alleged murders.

12. I was not aware of any of the killings described in the Plaintiffs' Complaint prior to the alleged events taking place. I only learned about the alleged murders after the fact.

13. With regard to the allegations set forth in Plaintiffs' Complaint, I learned about the August 5, 2003 murder of Fernando Reyes Aguado (hereinafter "Reyes") from subordinate managers, supervisors and agents after Guillermo Eduardo Ramirez Peyro, a/k/a "Lalo," (hereinafter "Ramirez") reported the murder after the fact on August 5, 2003. Ramirez denied

knowing prior to the occurrence that the murder would take place. Ramirez believed that Heriberto Santillan-Tabares (hereinafter "Santillan") wanted to murder him. Ramirez admitted that he purchased supplies, but denied participating in the murder of Reyes. Ramirez informed ICE agents that Reyes had been murdered by two State Judicial police officers and Alejandro Garcia Cardenas ("Garcia") at a house located in Ciudad Juarez, Chihuahua, Republic of Mexico.

14. In the late evening of August 5, 2003, I communicated the substance of Ramirez's statements to the United States Attorney's Office in El Paso, to ICE Headquarters, and to the ICE Attache in Mexico City, Mexico.

15. I did not monitor any communications during the alleged time of the murder of Reyes and I did not hear the murder take place. Additionally, I am not aware of any monitored communications prior to August 5, 2003 that indicated that a murder was to take place or even identified Reyes as a potential victim. I learned in the late evening of August 5, 2003 or early morning hours of August 6, 2003 that Ramirez had taped the activities in Ciudad Juarez and at the Parsioneros house on August 5, 2003, but did not know in advance that Ramirez would make an audiotape.

16. I was informed that on or about August 6, 2003, Mexican authorities were made aware of the alleged murder of Reyes, and subsequently I was informed that the Mexican authorities authorized the ICE Attaché in Mexico to proceed with the investigation and to allow Ramirez to continue traveling to Mexico.

17. Subsequent to being informed of alleged murder of Reyes, I instructed Associate SAC Patricia Kramer to have two independent law enforcement officers conduct an in-depth interview of Ramirez. Ramirez was debriefed and denied having prior knowledge of the murder and further denied being a willful participant in any murder.

18. Subsequently, I provided the ICE Attache in Mexico City, Mexico with additional details of the alleged murder of Reyes.

19. I did not know Mr. Reyes, nor did I ever have any reason to know that he would be killed by Santillan and his associates.

20. On or about January 14, 2004, I was informed that Ramirez reported to ICE agents that Santillan and his associates had allegedly killed three unknown individuals. I did not know that one of the murder victims was identified as Luis Padilla until well after the murder occurred. I did not know Mr. Padilla, ICE was not investigating Mr. Padilla, and did not know that he was going to be murdered.

21. With regard to Ramiro Ortiz, Oscar Rodriguez and David Castro, I did not know these individuals or the circumstances of any of their alleged murders. I do not know what happened to them, and do not know whether they were murdered, disappeared, or are currently living in the Republic of Mexico.

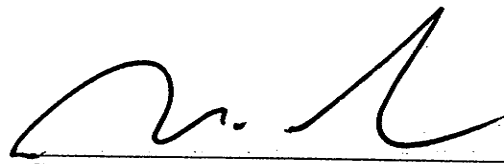
22. I was on detail to Washington, D.C. and not in charge of the ICE SAC El Paso office when Abraham Guzman was murdered at a Whataburger restaurant in El Paso. I was not aware that the murder was to take place, that Ramirez was in the El Paso/Juarez area, or that Ramirez had any involvement with the deceased victim.

23. Other than the killing of Mr. Guzman, I believe that none of the events leading up to the murders occurred in the United States. Everything happened in Ciudad Juarez or its environs in Mexico. There were no precursor events in the United States. Moreover, I believe that none of the murdered individuals other than Guzman were citizens of the United States.

24. I was not in the Republic of Mexico during any of the time period alleged in the Complaint. In fact, I have conducted no business in, or had any personal trips to, the Republic of Mexico since I was assigned to the SAC El Paso in July 2003.

25. During the time period encompassed in the Complaint, I adhered to and followed the laws of the United States, and the administrative requirements of ICE at all times. All actions that I took concerning the incidents described above, were all done without malice, ill will or wrongful intent, and were in the scope of the discretionary authority of agents of ICE, employees of the U.S. Department of Justice, and employees of the United States Government. At all times I acted in good faith belief that all of my actions were legal and proper. In this case, I acted as any reasonable law enforcement agent would, given the same circumstances and knowledge, wholly within the laws of the United States and the regulations imposed by ICE. I did not violate any clearly established law of the United States.

Signed this the 14 day of September, 2006.

  
\_\_\_\_\_  
GIOVANNI GAUDIOSO

District of Columbia

STATE OF \_\_\_\_\_ §  
Washington §  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned authority on this 14 day of September, 2006, appeared GIOVANNI GAUDIOSO, who after being by me duly sworn stated that he is the Affiant and that all matters of material fact set out herein are within his personal knowledge and are true and correct.

SWORN AND SUBSCRIBED to before me on 14 Sept., 2006.

Robin M. Fletcher

Notary Public State of \_\_\_\_\_

Robin M. Fletcher  
Notary Public, District of Columbia  
My Commission Expires 8-14-2009

My Commission Expires: \_\_\_\_\_

**U.S. CUSTOMS AND BORDER PROTECTION**  
**Department of Homeland Security**

Lic. Jorge Rosas García  
Titular Interino de la  
Subprocuraduría de Investigación Especializada  
en Delincuencia Organizada (SIEDO)  
Plaza de la República #43, Piso 3  
Col. Tabacalera  
México, D.F. CP 06200

15 de agosto del 2003

Estimado Lic. Rosas:

Por medio de la presente, quisiéramos informarle que una fuente de información del Departamento de Seguridad Interna de los Estados Unidos (Dept. of Homeland Security) viajó al estado de Chihuahua, México el día 3 de agosto del 2003 para reunirse con integrantes de la organización de contrabando de Vicente Carillo Fuentes para discutir el transporte de un cargamento de marijuana. El 5 de agosto del presente, la fuente de información fué testigo del asesinato del dueño de los estupefacientes.

De acuerdo a nuestra conversación con Usted del día 6 de agosto del 2003, acordamos que la fuente seguiría su trabajo en Chihuahua, México con la finalidad de obtener mayor información sobre la organización de narcotráfico Garrillo-Fuentes, así como tratar de obtener información sobre el paradero del cuerpo del sujeto supuestamente asesinado. En el momento en que el Departamento de Seguridad Interna de los EE.UU decida descontinuar este trabajo investigativo por motivos de seguridad o cualquier otro motivo, pondremos a su disposición a la fuente de información para tomarle sus declaraciones, junto con inteligencia de números de teléfono, nombres de las personas involucradas, etc. que le puedan ayudar a continuar con esta investigación del lado de las autoridades mexicanas.

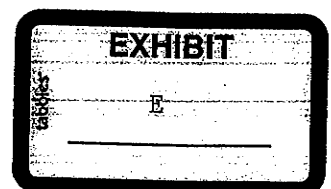
Sin más por el momento, aprovecho la ocasión para enviarle cordiales saludos, y quedo a su disposición para cualquier aclaración al respecto.



ATENTAMENTE

Luis Alvarez  
Agregado de Aduanas del  
Departamento de Seguridad Interna  
De los EE.UU.

*Vigilance* ★ *Service* ★ *Integrity*



U.S. CUSTOMS AND BORDER PROTECTION  
Department of Homeland Security

August 15<sup>th</sup>, 2003

Lic. Jorge Rosas García  
Interim Head of the Branch of Specialized Investigations  
on Organized Crime,  
Office of the Attorney General,  
Plaza de la República #43, 3<sup>rd</sup> Floor  
Col. Tabacalera  
Mexico, D.F. CP 06200

Dear Mr. Rosas:

We wish to hereby inform you that an informant from the U.S. Department of Homeland Security traveled to the State of Chihuahua, Mexico on August 3<sup>rd</sup>, 2003 to meet with members of the contraband organization of Vicente Carillo Fuentes to discuss the transport of a cargo of marijuana. On August 5<sup>th</sup> of this year, the informant was a witness to the assassination of the owner of the drugs.

According to the conversation we had with you on August 6<sup>th</sup> 2003, we agreed that the informant would continue with the work he/she was undertaking in Chihuahua, Mexico in order to obtain more information about the drug-trafficking organization of Carrillo-Fuentes, as well as trying to obtain information on the whereabouts of the body of the person who supposedly had been assassinated. As soon as the U.S. Department of Homeland Security decides to discontinue this investigative work for security reasons or for any other reason, we will make the informant available to you to take his/her statements and we will provide you with intelligence including telephone numbers, names of people involved, etc. that might help you to continue with this investigation together with the Mexican authorities.

With nothing further, I take this opportunity to send you my kindest regards and remain available for any further information you might need in this regard.

SINCERELY  
{Signature}  
Luis Alvarez  
Customs Attaché,  
U.S. Department of Homeland Security

Stamp:  
12:00  
August 15, 2003  
{illegible}  
Received by {illegible}

Vigilance \* Service \* Integrity



I hereby certify that this translation is true and correct to the best of my knowledge.

*IR*

**IRENE R. DE GAIR, CERTIFIED**

**TRANSLATOR BY THE STATES OF MARYLAND, VIRGINIA AND  
WASHINGTON, D.C. 8415 OVERLOOK ST. VIENNA, VA 22182(703) 698-9281**

DEPARTMENT OF THE TREASURY  
U.S. Customs Service  
Office of Investigations

INSTRUCCIONES PARA FUENTE CONFIDENCIAL

Este documento sera *leido y explicado* a todos individuos quienes estan trabajando como fuentes confidenciales o fuentes participantes. Este contenido debe ser presentado por el agente de control de la fuente y otro oficial. Se requiere que la forma se firme y sea fechada por la fuente, el agente de control, y el testigo. (CHAPTER 41.09.09)

- 1.) Usted NO es un empleado del Servicio de Aduana de los Estados Unidos.
- 2.) Usted NO es un Oficial de la Policia y NO se presentara como Oficial de la Policia a nadie.
- 3.) Usted NO esta permitido violar ninguna ley.
- 4.) Su documentacion como fuente confidencial NO quiere decir que tiene la autoridad estatutaria para cargar un arma.
- 5.) Usted NO esta permitido de poseer contrabando/evidencia SIN el conocimiento previo y consentimiento de su agente de control.
- 6.) Usted NO usara su asociacion con el Servicio de Aduana de los Estados Unidos para resolver problemas personales.
- 7.) Usted SEGUIRA las instrucciones de su agente de control a cualquier hora.
- 8.) A todo tiempo, usted dira la VERDAD SIEMPRE que proporcione informacion a los oficiales del Servicio de Aduana de Los Estados Unidos. Le podran EXIGIR que tome un examen con el aparato detector de mentira para VERIFICAR su informacion.
- 9.) Usted NO engañara deliberadamente ningun individuo que NO este de lo contrario PREDISPUUESTO a cometer un crimen.
- 10.) Usted NO debe revelar que usted proporciona un servicio al Servicio de Aduana de los Estados Unidos, SIN el consentimiento de su agente de control.
- 11.) La informacion que usted proporcione puede ser usada en un proceso criminal. Aunque el Servicio de Aduana de Los Estados Unidos use todos los medios legales para proteger su confidencialidad, esto NO se puede garantizar.

Firmando este pacto, yo confirmo que yo he leido y entiendo las condiciones antedichas y puestas ante mi.

JESUS CONTRERAS  
(SUPUESTO NOMBRE)/FECHA

JESUS CONTRERAS  
(SUPUESTO NOMBRE)/FECHA

JESUS CONTRERAS  
(SUPUESTO NOMBRE)/FECHA

[Signature] 2-6-02  
AGENTE DE CONTROL/FECHA

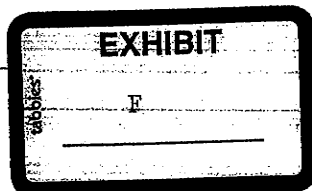
[Signature] 020602  
TESTIGO/FECHA

I have reviewed these instructions with the confidential source and have determined the source is suitable as defined in Chapter 41.04.04

[Signature] 2/6/02  
Supervisor/Fecha

I have reviewed and approve these Instructions to Source to be filed in the source file.

[Signature] 02-06-02  
Assistant SAIC (initials)



DEPARTMENT OF THE TREASURY  
U.S. Customs Service  
Office of Investigations

MV  
SH913EP

INSTRUCCIONES PARA FUENTE CONFIDENCIAL

Este documento sera *leido y explicado* a todos individuos quienes estan trabajando como fuentes confidenciales o fuentes participantes. Este contenido debe ser presentado por el agente de control de la fuente y otro oficial. Se requiere que la forma se firme y sea fechada por la fuente, el agente de control, y el testigo. (CHAPTER 41.09.09)

- 1.) Usted NO es un empleado del Servicio de Aduana de los Estados Unidos.
- 2.) Usted NO es un Oficial de la Policia y NO se presentara como Oficial de la Policia a nadie.
- 3.) Usted NO esta permitido violar ninguna ley.
- 4.) Su documentacion como fuente confidencial NO quiere decir que tiene la autoridad estatutaria para cargar un arma.
- 5.) Usted NO esta permitido de poseer contrabando/evidencia SIN el conocimiento previo y consentimiento de su agente de control.
- 6.) Usted NO usara su asociacion con el Servicio de Aduana de los Estados Unidos para resolver problemas personales.
- 7.) Usted SEGUIRA las instrucciones de su agente de control a cualquier hora.
- 8.) A todo tiempo, usted dira la VERDAD SIEMPRE que proporcione informacion a los oficiales del Servicio de Aduana de Los Estados Unidos. Le podran EXIGIR que tome un examen con el aparato detector de mentira para VERIFICAR su informacion.
- 9.) Usted NO engañara deliberadamente ningun individuo que NO este de lo contrario PREDISPUUESTO a cometer un crimen.
- 10.) Usted NO debe revelar que usted proporciona un servicio al Servicio de Aduana de los Estados Unidos, SIN el consentimiento de su agente de control.
- 11.) La informacion que usted proporcione puede ser usada en un proceso criminal. Aunque el Servicio de Aduana de Los Estados Unidos use todos los medios legales para proteger su confidencialidad, esto NO se puede garantizar.

Firmando este pacto, yo confirmo que yo he leido y entiendo las condiciones antedichas y puestas ante mi.

JESUS CONTRERAS 03/20/03  
(SUPUESTO NOMBRE)/FECHA

JESUS CONTRERAS 03/20/03  
(SUPUESTO NOMBRE)/FECHA

JESUS CONTRERAS 03/20/03  
(SUPUESTO NOMBRE)/FECHA

[Signature] 3/20/03  
AGENTE DE CONTROL/FECHA

[Signature] 3/20/03  
TESTIGO/FECHA

I have reviewed these instructions with the confidential source and have determined the source is suitable as defined in Chapter 41.04.04

[Signature] 3/20/03  
Supervisor/Fecha

I have reviewed and approve these Instructions to Source to be filed in the source file.

[Signature] 3/20/03  
Assistant SAIC (initials)

DEPARTMENT OF THE TREASURY  
U.S. Customs Service  
Office of Investigations

INSTRUCCIONES PARA FUENTE CONFIDENCIAL

Este documento sera *leido y explicado* a todos individuos quienes estan trabajando como fuentes confidenciales o fuentes participantes. Este contenido debe ser presentado por el agente de control de la fuente y otro oficial. Se requiere que la forma se firme y sea fechada por la fuente, el agente de control, y el testigo. (CHAPTER 41.09.09)

- 1.) Usted NO es un empleado del Servicio de la Aduana de los Estados Unidos.
- 2.) Usted NO es un Oficial de la Policia y NO se presentara como Oficial de la Policia a nadien.
- 3.) Usted NO esta permitido violar ninguna ley.
- 4.) Su documentacion como fuente confidencial NO quiere decir que tiene la autoridad estatutario para cargar una arma.
- 5.) Usted NO esta permitido de poseer contrabando/evidencia SIN el conocimiento previo y consentimiento de su agente de control
- 6.) Usted NO usara su asociacion con el Servicio de la Aduana de los Estados Unidos para resolver problemas personales.
- 7.) Usted SEGUIRA las instrucciones de su agente de control a cualquier hora.
- 8.) A todo tiempo, usted dira la VERDAD SIEMPRE que proporcione informacion a los oficiales del Servicio de la Aduana de Los Estados Unidos. Le podran EXIGIR que tome un examen con el aparato dectector de mentira para VERIFICAR su informacion.
- 9.) Usted NO enganara deliberadamente a ningun individuo que NO este de lo contrario PREDISPUUESTO a cometer un crimen.
- 10.) Usted NO debe revelar que usted proporciona un servicio al Servicio de la Aduana de los Estados Unidos, SIN el consentimiento de su agente de control.
- 11.) La informacion que usted proporcione puede ser usada en un proceso criminal. Aunque el Servicio de la Aduana de Los Estados Unidos use todos los medios legales para proteger su confidencialidad, esto NO se puede garantizar.

Firmando este pacto, yo confirmo que yo he leido y entiendo las condiciones antedichas y puestas ante mi.

JESUS CONTRERAS 07/02/03  
(SUPEUESTO NOMBRE)/FECHA

JESUS CONTRERAS 07/02/03  
(SUPUESTO NOMBRE)/FECHA

JESUS CONTRERAS 07/02/03  
(SUPUESTO NOMBRE)/FECHA

[Signature] 7/2/03  
AGENTE DE CONTROL/FECHA  
[Signature] 7-2-03  
TESTIGO/FECHA

I have reviewed these instructions with the confidential source and have determined the source is suitable as defined in Chapter 41.04.04

[Signature]  
SUPERVISOR/FECHA

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration & Customs Enforcement

INSTRUCTIONS TO CONFIDENTIAL SOURCE

This document is to be read and explained to all individuals who are working as confidential or participating sources. This reading must be witnessed by the controlling agent and another special agent. It is required to have the form signed and dated by the source, controlling agent and the witness.

- 1.) You are NOT an employee of the U.S. Immigration and Customs Enforcement.
- 2.) You are NOT a police officer and WILL NOT represent yourself as a police officer to anyone.
- 3.) You are NOT permitted to violate any laws and could be prosecuted for any unauthorized criminal activity in the past or any future unauthorized criminal conduct.
- 4.) Your status as a confidential source DOES NOT convey any statutory authority to carry a firearm. You WILL NOT carry a firearm when participating in authorized activity, even if state regulations would otherwise allow you to have one.
- 5.) You are NOT permitted to possess contraband/evidence WITHOUT the prior knowledge and consent of your controlling special agent.
- 6.) You are NOT to use your association with the U.S. Immigration and Customs Enforcement to resolve personal matters.
- 7.) You SHALL follow the directions/instructions of your controlling officer at ALL times and must not take or seek any independent action on behalf of the United States Government.
- 8.) At all times, you WILL be truthful when providing information to officers of U.S. Immigration and Customs Enforcement. You MAY be required to submit to a polygraph examination to verify your information.
- 9.) You WILL NOT deliberately entrap any individual, who would not otherwise be predisposed to commit a crime.
- 10.) You are NOT to disclose that you provide a service to U.S. Immigration and Customs Enforcement WITHOUT the approval of the contact special agent.
- 11.) The information you provide may be used in a criminal proceeding. Although U.S. Immigration and Customs Enforcement will use all lawful means to protect your confidentiality, this CANNOT be guaranteed.
- 12.) Your assistance and the statements you make to U.S. Immigration and Customs Enforcement are entirely voluntary.

By signing this agreement, I, confidential source, hereby state that I have read and understood the above conditions set out to me.

\_\_\_\_\_  
(ASSUMED NAME) Signature/Date

\_\_\_\_\_  
(ASSUMED NAME) Signature/Date

\_\_\_\_\_  
(ASSUMED NAME) Signature/Date

I have reviewed these instructions with the confidential source and have determined the source is suitable as defined in Chapter 41.04.04

\_\_\_\_\_  
Supervisor/Date

\_\_\_\_\_  
Controlling Agent/Date

\_\_\_\_\_  
Witness/Date

I have reviewed and approve these instructions to source to be filed in the source file.

\_\_\_\_\_  
Assistant SAIC (Initials)

Office of Investigations

U.S. Department of Homeland Security  
425 I Street, NW  
Washington, DC 20536



# U.S. Immigration and Customs Enforcement

MAR 12 2004

## ACTION

MEMORANDUM FOR: John P. Clark  
Director, Office of Investigations

FROM: Paul M. Kilcoyne *Paul M. Kilcoyne*  
Deputy Assistant Director, Investigative Services

SUBJECT: Deactivation of Confidential Informant SA-913-EP

This memorandum serves to inform you of the deactivation of Confidential Informant (CI) SA-913-EP. The SAC El Paso initially documented SA-913-EP on July 17, 2000, and has had a continuous relationship with the CI since that time. Under the direction of the SAC El Paso, SA-913-EP provided information concerning narcotics and cigarette smuggling from Mexico into the United States that resulted in numerous seizures and arrests. To date, the SAC El Paso has paid SA-913-EP monetary awards totaling \$224,650. (See attachment A for specific details concerning information provided by SA-913-EP and related payments).

On June 28, 2003, SA-913-EP was arrested for his/her involvement in the smuggling of one hundred and two pounds (102) of marijuana into the United States near Las Cruces, New Mexico. Prosecution of the case was declined by the United States Attorney's Office. On that same date, the case was presented to the Las Cruces, New Mexico, District Attorney's Office and SA-913-EP was arrested and booked into the Dona Ana County Jail for state narcotics violations. The charges remained pending until December, 2003, at which time they were dismissed as a result SA-913-EP's assistance in the instant investigation.

Although the Source remains a critical witness in a number of ICE cases, further and/or continued use of the Source is not anticipated at this time.

Based on the facts outlined above, I hereby recommend that the SAC El Paso deactivate SA-913-EP.

Approve *John P. Clark* Disapprove \_\_\_\_\_

Modify \_\_\_\_\_ Needs more discussion \_\_\_\_\_

Attachment

