

UNITED STATES DISTRICT COURT
for the
District of Massachusetts

United States of America
v.

Mario Lopez

Case No.

25-MJ-4142-DHH

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 March 24, 2024 in the county of Bristol in the
District of Massachusetts, the defendant(s) violated:

Code Section 8 USC §1326(a), b(1) Offense Description Unlawful reentry of a deported alien

This criminal complaint is based on these facts:

Please see attached Affidavit of Deportation Officer Christopher R. Jordan, ICE-ERO, attached hereto and incorporated herein.

Continued on the attached sheet.

Christopher R Jordan
Complainant's signature
Deportation Officer Christopher R. Jordan, ICE-ERO
Printed name and title

Attested to by the applicant by telephone in accordance with the requirements of Fed. Rule Crim. P. 4.1.

Date: 03/12/2025

City and state: Boston, Massachusetts

Hon. David H. Hennessy, S.M. Magistrate Judge
Printed name and title



**AFFIDAVIT OF DEPORTATION OFFICER CHRISTOPHER R. JORDAN IN
SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Christopher R. Jordan, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Deportation Officer with the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”), Enforcement and Removal Operations (“ERO”) and have been so employed since January 20, 2019. I have successfully completed training programs in conducting criminal and administrative investigations at the Federal Law Enforcement Training Center in Brunswick, Georgia. I have a graduate certificate and bachelor’s degree from the Southern New Hampshire University. I have served as a law enforcement officer for the last six years. My current duties as an ICE ERO Deportation Officer include conducting investigations involving foreign nationals who had previously been deported from the United States and are found unlawfully back in the United States. I know that it is a violation of Title 8, United States Code, Section 1326, to enter the United States after deportation without having received the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reenter.

2. The information contained in this affidavit is based upon information from my investigation, as well as information provided to me by other law enforcement agents and agencies, a review of criminal history records, and a review of documents from the Alien File #xxx-xxx-363 (“A-File”) associated with an individual named Mario LOPEZ, d/o/b: xx/xx/1989, a/k/a Mario LOPEZ SAJVIN, (“LOPEZ”).

3. This affidavit is submitted in support of a criminal complaint and arrest warrant charging LOPEZ with Unlawful Reentry of Deported Alien, in violation of Title 8, United States Code, Section 1326(a) and (b)(1). This affidavit is submitted for the limited purpose of

establishing probable cause to secure a criminal complaint and arrest warrant. In submitting this affidavit, I have not included each and every fact known to me and other law enforcement officers concerning this investigation. Instead, it only contains facts sufficient to establish probable cause in support of a criminal complaint and the issuance of an arrest warrant.

PROBABLE CAUSE

4. LOPEZ is a citizen/national of Guatemala.

5. At some point, LOPEZ entered the United States without inspection or permission. He was first found by immigration authorities on or about October 1, 2010 following a conviction in September 2010 in the District Court of Maryland for Prince George's County for Second Degree Assault. Based on court records, that offense arose from a fight with a roommate in July 2010 in which LOPEZ hit his roommate in the face with his fists and cut him in the hand with a small pocketknife. For that offense, LOPEZ was sentenced to one year incarceration, suspended except as to the 59 days already served. Immigration authorities met with LOPEZ on October 1, 2010 while he was in custody in the Prince George's County Detention Center in Maryland. LOPEZ was issued a Notice to Appear for removal proceedings.

6. On or about October 25, 2010, the Immigration Court in Baltimore issued an order to remove LOPEZ to his native Guatemala.

7. On or about December 8, 2010, LOPEZ was removed from the country. At the time of his removal, LOPEZ's fingerprint, photograph, and signature were obtained and affixed on an I-205, Warrant of Removal/Deportation.

8. Immigration authorities next encountered LOPEZ when he attempted to cross the U.S.-Mexico Border near Santa Teresa, NM on or about August 27, 2022. LOPEZ was denied

entry and returned to Mexico pursuant to 42 U.S.C. § 265 (allowing for the suspension of admissions during public health emergencies).

9. A few days later, on or about August 29, 2022, LOPEZ again attempted to enter the United States near Santa Teresa, NM, but he was denied entry and returned to Mexico pursuant to 42 U.S.C. § 265.

10. At some point, LOPEZ returned to the United States. ICE received notification that on or about November 25, 2023 LOPEZ was arrested by the Westport, Massachusetts Police Department on a warrant. ICE requested that LOPEZ be detained, but he was released from state custody without notification to ICE.

11. ICE became aware that LOPEZ was again arrested by local authorities on or about March 24, 2024, this time by the New Bedford, Massachusetts Police Department. This arrest resulted in charges in the New Bedford District Court for Unlicensed Operation of a Motor Vehicle, Open and Gross Lewdness, and open container violations. LOPEZ would receive a continuance without a finding and one year of probation for some of these charges on or about August 6, 2024.

12. I have reviewed court records involving LOPEZ that indicate that on or about May 23, 2024, LOPEZ was charged in New Bedford District Court for leaving the scene of property damage and unlicensed operation of a motor vehicle. These charges arose from an incident on May 11, 2024, when LOPEZ crashed into another car at an intersection and drove away. LOPEZ admitted to sufficient facts and received a continuance without a finding in this case on or about August 6, 2024.

13. ICE became aware of another arrest involving LOPEZ that occurred on or about December 29, 2024. This arrest resulted in charges in New Bedford District Court for Operating

Under the Influence of Liquor, Leaving the Scene of Property Damage, Negligent Operation, and other civil charges. This case is still pending. LOPEZ was released from local custody before an ICE action could be taken.

14. HSI's Forensic Laboratory compared the fingerprint of the person removed on December 8, 2010 and the fingerprint card for the individual arrested on March 24, 2024 in New Bedford. The prints have been determined to have come from the same person.

15. In addition, I have received photos of the person arrested on November 25, 2023, March 24, 2024, and December 29, 2024. I have compared them to each other and to the photographs of the person (i) removed on December 8, 2010 and (ii) the person encountered at the border and returned to Mexico on August 27 and 29, 2024. Based on this comparison, I believe them to all to be photos of the same person.

16. Based on the comparison of the photographs mentioned above, as well the Forensic Laboratory analysis of the March 24, 2004 prints compared to the December 8, 2010 print, I have probable cause to believe that the person removed on December 8, 2010 and the person arrested in Massachusetts in November 2023, March 2024, and December 2024 is the same person—LOPEZ.

17. I have reviewed the A-File associated with LOPEZ and confirmed, among other things, that LOPEZ is not a citizen of the United States and appears to be a citizen of Guatemala. The A-File also contains the removal verification documents referenced above. A review of these materials also revealed no evidence that he has ever received the express consent of the Attorney General or the Secretary of the Department of Homeland Security to enter the United States following any of his deportations.

CONCLUSION

18. Based on the foregoing facts, I submit there is probable cause to believe that on or about March 24, 2024, being an alien and having been excluded, removed, or deported from the United States on or about December 8, 2010, LOEPZ was thereafter found in the United States without having received the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a) and (b)(1).

Christopher R. Jordan

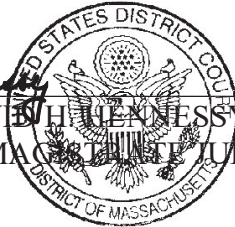
Christopher R. Jordan
Deportation Officer
U.S. Immigration & Customs Enforcement

SWORN to telephonically in accordance with Fed. R. Crim. P. 4.1 on this date of March 12, 2025.

4:05 p.m.

David H. Kennedy

HONORABLE DAVID H. KENNEDY
UNITED STATES MAGISTRATE JUDGE



Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: New Bedford, MA Category No. II Investigating Agency ICE-ERO

City New Bedford

Related Case Information:

County Bristol

Superseding Ind./ Inf. _____ Case No. _____

Same Defendant _____ New Defendant _____

Magistrate Judge Case Number 25-MJ-4142-DHH

Search Warrant Case Number _____

R 20/R 40 from District of _____

Defendant Information:

Is this case related to an existing criminal action pursuant to Rule 40.1(h)? If yes, case number _____ Yes No

Defendant Name Mario Lopez

Juvenile: Yes No

Is this person an attorney and/or a member of any state/federal bar: Yes No

Alias Name: _____

Address: _____

Birth date (Yr only): 1989 SSN (last 4#): _____ Sex: M Race _____ Nationality: Guatemala

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information

AUSA: John J. Reynolds III Bar Number if applicable: 672295

Interpreter: Yes No List language and/or dialect: Spanish

Victims: Yes No If yes, are there multiple crime victims under 18 USC§3771(d)(2) Yes No

Matter to be SEALED: Yes No

Warrant Requested Regular Process In Custody

Location Status: _____

Arrest Date: _____

Already in Federal Custody as of _____ in _____

Already in State Custody at _____ Serving Sentence Awaiting Trial

On Pretrial Release: Ordered by: _____ on _____

Charging Document: Complaint Information Indictment

Total # of Counts: Petty _____ Misdemeanor _____ Felony One

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 3/12/2025

Signature of AUSA: /s/ John J. Reynolds III

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant Mario Lopez

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	8 USC §1326(a), b(1)	Unlawful Reentry of a Removed Alien	one
Set 2	_____	_____	_____
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____

ADDITIONAL INFORMATION: