

CRIMINAL COMPLAINT

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| United States District Court | DISTRICT of ARIZONA |
| United States of America v. John Finlayson BOYD DOB: xx-xx-1978; United States Citizen; SS# xxx-xx-2664 | DOCKET NO. |
| | MAGISTRATE'S CASE NO. 08-3277M |
| Complaint for violation of Title 8 | United States Code §§ 1324(a)(1)(A)(ii); 1324(a)(1)(B)(i) |

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

On or about September 14, 2008, at or near Willcox, in the District of Arizona, John Finlayson BOYD, knowing and in reckless disregard of the fact that illegal aliens, including Francisco VAZQUEZ-Santiago, and Juan Carlos VAZQUEZ-Santiago, had come to, entered and remained in the United States in violation of law; did transport and move said aliens within the United States by means of transportation and otherwise in furtherance of such violation of law and did so for the purpose of private financial gain; in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i).

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

On or about September 14, 2008, at or near Willcox, Arizona, a white Ford pickup truck being driven by defendant John Finlayson BOYD stopped at the primary inspection area of a United States Border Patrol Checkpoint. At the primary inspection area, a Border Patrol K-9 alerted to the possible presence of illegal aliens in the bed of the truck. A primary inspection Agent approached the truck and saw an individual hiding under a piece of plywood in the bed of the truck. The Agent asked BOYD to turn off the engine and exit the truck. Inside the truck Agents found an unaccompanied 6 year old female juvenile in the passenger seat who was not wearing a seat belt, along with two other individuals laying on the floorboard behind the front seat. Agents also found two more individuals hiding under the piece of plywood in the bed of the truck. The four individuals all admitted that they were not citizens or nationals of the United States and that they did not have permission to be in the United States legally.

At the secondary inspection area, a Border Patrol K-9 also alerted to the possible presence of narcotics in the center console of the truck. Agents found two plastic bags that contained several rocks of crystal methamphetamine, four unopened syringes, a spoon with white residue and burn marks on the bottom, and three knives. A further search of the vehicle revealed a Beretta 22LR pistol loaded with eight rounds of ammunition and a spare magazine loaded with eight rounds of ammunition in a suitcase in the bed of the truck.

BASIS OF COMPLAINT CONTINUED ON REVERSE:

MATERIAL WITNESSES IN RELATION TO THE CHARGE:

Francisco VAZQUEZ-Santiago, and Juan Carlos VAZQUEZ-Santiago

Detention Requested

SIGNATURE OF COMPLAINANT
(official title)

OFFICIAL TITLE

Senior Agent, US Border Patrol

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.

AUTHORIZED BY: AUSA SKC 

Sworn to before me and subscribed in my presence.

SIGNATURE OF MAGISTRATE JUDGE¹⁾

DATE

September 15, 2008

¹⁾ See Federal rules of Criminal Procedure Rules 3 and 54

BASIS OF COMPLAINT CONTINUED:

It was determined that the 6 year old juvenile was not related to **BOYD** and that her parents had passed through the checkpoint prior to **BOYD**'s arrival. Agents were able to contact the girls' mother by using **BOYD**'s cell phone with his consent. One hour after the initial encounter, the parents returned to the checkpoint to pick up their daughter.

Material witnesses Francisco VAZQUEZ-Santiago, and Juan Carlos VAZQUEZ-Santiago were in the vehicle. The material witnesses stated that their group crossed into the United States by walking through the desert rather than through a Port of Entry. They walked to a trailer where they stayed for two days until they were picked up by the defendant, who told the group of aliens to get into the vehicle. Both of the material witnesses identified **BOYD** as the driver of the vehicle. The material witnesses were going to pay \$3000.00 each to be smuggled into the United States and transported to their final destination.

After *Miranda* warnings, the defendant admitted picking up the group in the desert and admitted knowing that the group had illegally entered the United States. **BOYD** stated that he instructed two of the aliens to get into the bed of the truck and the other two aliens to get into the cab of the truck behind the seat.