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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY: UNITED STATES DISTRICT COURT

DEPUTY

SOUTHERN DISTRICT OF CALIFORNIA

7	UNITED STATES OF AMERICA,	)	Case No. <b>'11 MJ 8854</b>
8		)	
8	Plaintiff,	)	<u>COMPLAINT FOR VIOLATION OF</u>
9		)	
9	v.	)	Title 8, U.S.C., Section
10		)	1324(a)(1)(A)(ii)
10	Marsha Jeanine DAU,	)	Illegal Transportation of Aliens
11		)	
11	Defendant.	)	
12	_____	)	


The undersigned complainant being duly sworn states:

On or about June 30, 2011, within the Southern District of California, defendant, Marsha Jeanine DAU, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Guillermo JUAREZ-Segura and Christian RAMIREZ-Alejandro, had come to, entered or remained in the United States in violation of law, did transport or move, said alien(s) within the United States in furtherance of such violation of law; in violation of title 8, United States Code, Section 1324(a)(1)(A)(ii).

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

  
 \_\_\_\_\_  
 EDGAR O. FLORES  
 Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1<sup>st</sup> DAY OF JULY 2011.

  
 \_\_\_\_\_  
 HON. PETER C. LEWIS  
 U.S. Magistrate Judge

DOA 6/30/11

1 UNITED STATES OF AMERICA

v.

2 Marsha Jeanine DAU

3 STATEMENT OF FACTS

4 The complainant states this complaint is based upon the  
5 investigative report by Border Patrol Agent (BPA) J. Bernhardsen,  
6 that Defendant Marsha Jeanine DAU (DAU), a United States citizen,  
7 was arrested on June 30, 2011, near Westmorland, California,  
8 while smuggling two undocumented aliens in violation of law in a  
9 blue 2009 Toyota Camry, bearing California license plate 6DAP492.

10 On June 30, 2011, at approximately 5:45 p.m., the Camry  
11 approached the United States Border Patrol Highway 86 Checkpoint.  
12 The Camry was driven by DAU. BPA D. Gonzalez's assigned  
13 Human/Narcotic Detector Dog alerted to the area around the trunk  
14 of the Camry. DAU gave BPA Bernhardsen consent to open the trunk  
15 of the vehicle. BPA Gonzalez observed two individuals, later  
16 identified as Guillermo JUAREZ-Segura (JUAREZ) and Christian  
17 RAMIREZ-Alejandro (RAMIREZ), concealed inside the trunk who were  
18 sweating profusely.

19 BPA Gonzalez questioned JUAREZ and RAMIREZ as to their  
20 citizenship. JUAREZ and RAMIREZ stated they were citizens of  
21 Mexico without the proper documents allowing them to live, work  
22 or be present in the United States legally. DAU, JUAREZ and  
23 RAMIREZ were placed under arrest. At the time of arrest, the  
24 temperature was 102 degrees with eight percent humidity in  
25 Westmorland.  
26  
27

1 A search of the vehicle revealed 0.7 grams of a white  
2 crystal-like substance. The substance was tested using a NIK  
3 Test Kit and tested positive for methamphetamine. DAU claimed  
4 the methamphetamine.

5 DAU was advised of her rights per Miranda. DAU stated she  
6 understood her rights and was willing to answer questions without  
7 the presence of an attorney. DAU stated she was recruited by a  
8 woman named "Noreen" to transport illegal aliens for money. DAU  
9 stated Noreen instructed her to drive a restaurant on Adams and  
10 Imperial Avenue. DAU stated at the restaurant she pulled down the  
11 rear seats of her vehicle and instructed two males to get into  
12 the trunk. DAU stated she closed the trunk compartment by raising  
13 the seats to their normal positions. DAU stated she was to be  
14 paid \$800.00 USD for transporting the illegal aliens.  
15

16 Material Witnesses JUAREZ and RAMIREZ stated they crossed  
17 into the United States near Calexico, California. JUAREZ and  
18 RAMIREZ stated after crossing they were taken to a restaurant  
19 where they were instructed to get into the trunk of a blue car.  
20 JUAREZ and RAMIREZ stated they were in the trunk for  
21 approximately forty minutes to one hour before being apprehended  
22 by BPAs. JUAREZ and RAMIREZ stated it was very hot inside of the  
23 trunk and there were no safety restraints or any mechanism for  
24 them to use if they needed to get out of the trunk.  
25

26 JUAREZ and RAMIREZ were presented with a six-pack  
27 photographic line-up and identified DAU as the driver.  
28

1 The complainant states the names of the Material Witnesses  
2 are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Guillermo JUAREZ-Segura	Mexico
Christian RAMIREZ-Alejandro	Mexico

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4  
5  
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8  
9 Further, complainant states that the Material Witnesses are  
10 citizens of a country other than the United States; that said  
11 aliens have admitted they are deportable; that their testimony is  
12 material, that it is impracticable to secure their attendance at  
13 the trial by subpoena; and they are material witnesses in  
14 relation to this criminal charge and should be held or admitted  
15 to bail pursuant to Title 18, United States Code, Section 3144.  
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