

DOA
6-6-08

United States District Court

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA

v.

Richard Steven Riess
A088 664 582

CRIMINAL COMPLAINT

CASE NUMBER: 08-7236M

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

Count 1

On October 31, 2007, in the district of Arizona, defendant Richard Steven Riess, falsely and willfully represents himself to be a citizen of the United States in the Immigration court in Eloy, Arizona, in violation of Title 18, United States Code, Section 911.

Count 2

That on October 31, 2007, in the district of Arizona, defendant Richard Steven Riess, having taken an oath before an Immigration Judge willfully and contrary to such oath made states which he does not believe to be true, in violation of Title 18, United States Code, Section 1621.

I further state that I am a Deportation Officer of the United States Immigration and Customs Enforcement and that this complaint is based on the following facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

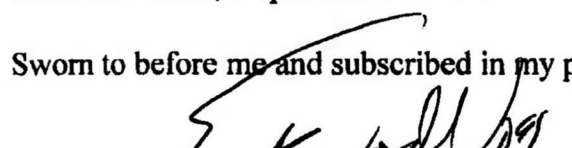
AUTHORIZED BY: AUSA Raymond Woo



Signature of Complainant

Keith E. Acosta, Deportation Officer

Sworn to before me and subscribed in my presence, June 6, 2008, at Phoenix, Arizona.



Signature of Judicial Officer

Edward C. Voss

United States Magistrate Judge

STATEMENT OF PROBABLE CAUSE

I, Keith E. Acosta, being duly sworn, do hereby depose and state as follows:

1. I am a Deportation Officer ("DO") with the Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), a successor agency to the United States Department of Justice, Immigration and Naturalization Service ("INS"). I have been employed as an Immigration Officer since 2002, and have been a DO since February 2008. I am currently assigned to the Eloy Detention Center ("EDC"), in Eloy, Arizona.
2. This statement is made in support of a criminal complaint charging defendant Richard Steven Riess ("Riess"), with violating Title 18, United States Code, Section 911, False Claim to United States Citizenship, and Title 18 United States Code Section 1621, Perjury.
3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from other ICE Officers. This affidavit is made for the sole purpose of demonstrating probable cause for the complaint and does not purport to set forth all of my knowledge of this investigation.
4. Whenever an alien comes into DHS's custody, he is assigned an alien number (A-number), an eight-digit number, and an alien file (A-file) is created for the alien. At the EDC, the DOs are assigned cases based on the last three numbers of the A-number. Prior to my employment at the EDC, DO Robert Cordero was responsible for all of the A-numbers ending in the 500s. Riess was assigned A-number A88-664-582.
5. On March 3, 2008, I assumed the upper half of the 500 docket (550-599) from DO

Cordero. Thereafter, DO Cordero informed me that I was responsible for RIESS's case, and that Riess was claiming to be a United States citizen (USC). DO Cordero also told me that he gave Riess numerous opportunities to cooperate and provide documentation to support his USC claim. DO Cordero's request to Riess resulted in Reiss' non-compliance.

6. On March 4, 2008, I reviewed Riess' A-file. Contained in the A-file was an interview sheet that Sheriff Officer Ryan Paschke completed during an interview with Riess on July 25, 2007, at 1440 hours, at the Maricopa County Jail. The DHS gave Officer Paschke the authority to make immigration apprehensions and detentions under section 287(g) of the Immigration and Nationality Act. Officer Paschke's interview sheet contained the following information:
 - a. Riess was born November 24, 1973 in Sudbury, Ontario, Canada.
 - b. Riess' citizenship/nationality is Canadian.
 - c. Riess' mother is Peggy Sampogna, a Canadian citizen born in Canada.
 - d. Riess' father is Steve Riess, a Canadian citizen, unknown birthplace assumed to be Canada.
 - e. Riess last entered the United States by crossing the border between the United States and Canada at the Blaine, Washington Port of Entry, on or about January 1, 1997, in an automobile.
 - f. Riess stated to Officer Paschke that he had legal authorization and legal documentation to be in the United States.

- g. Following the question, "what type of documents do you have," Officer Paschke wrote the following information: "PHX P.D. Det. Renfro obtains passport."
- h. Sheriff Officer Paschke placed an Immigration Detainer-Notice of Action (Form I-247) on Riess.
7. Riess' A-file also contained the Record of Deportable/ Inadmissible Alien (Form I-213) bearing the name, "Riess, Richard Steven," and A-number, "A88 664 582," which was created by ICE Immigration Enforcement Agent ("IEA") Jason Martin on September 25, 2007. The Form I-213 contained the following information:
- a. Riess is not a citizen or national of the United States.
 - b. Riess is a citizen and national of Canada.
 - c. Riess was born on November 24, 1973, in Sudbury, Ontario, Canada.
 - d. Riess' mother is Peggy Sampogna, a citizen of Canada.
 - e. Riess' father is Steve Riess, a citizen of Canada.
 - f. Riess last entered the United States at or near Blaine, Washington, on or about January 1, 1997, as a nonimmigrant visitor for pleasure with authorization to remain in the United States for a temporary period not to exceed six months, ending on June 6, 1997.
 - g. Riess remained in the United States beyond June 6, 1997.
 - h. Riess told Agent Martin that he was born in the United States. However, Agent Martin ran a record check through the National Crime Information Center ("NCIC"), which revealed that Riess' place of birth was Canada. Agent Martin noted that during an

interview with Riess on July 25, 2007, Riess told Officer Paschke that he was born in Sudbury, Ontario, Canada.

8. On October 31, 2007, Riess appeared before Immigration Judge Sean H. Keenan at the EDC for a removal hearing in immigration proceedings. I have reviewed the court tapes for that hearing and the court tapes contain the following relevant information:
 - a. Immigration Judge Keenan placed Riess under oath and Riess swore to tell the truth.
 - b. Thereafter, Riess stated to Judge Keenan that he was a United States citizen.
 - c. Riess stated his mother was born in Massachusetts.
 - d. Riess stated his father was not listed on his birth certificate.
 - e. Riess stated that he was born in Ontario, California.
 - f. Riess stated that he was a United States citizen based on his birth in the United States.
9. On February 10, 2008, I ran a NCIC printout of Riess' criminal history. Riess' criminal history report indicated that the Phoenix Police Department arrested Riess on April 1, 2007, for Forgery. Based on this information, on February 26, 2008, I contacted Detective Lisa Muller at the Phoenix Police Department to request a copy of the police report for this arrest. Detective Muller faxed the police report, case number 2007 7066 8889, that same day. In reviewing the police report, which had been completed by Phoenix Police Officers O. Cor and P. Kunka, I learned that one of the items taken from Riess when he was arrested was a Canadian passport bearing the name "Richard Riess," date birth "November 24, 1973." Thereafter I contacted Detective Muller and requested her permission to take custody of Riess' Canadian passport.

10. On February 27, 2008, I drove from Eloy, Arizona, to the Phoenix Police Evidence Unit located in Phoenix, Arizona, and I took custody of Riess' Canadian passport. Riess' passport contained the following information:
- a. The name was "Richard Riess."
 - b. The nationality was "Canadian."
 - c. The date of birth was "November 24, 1973."
 - d. The place of birth was "Sudbury, Canada."
 - e. The passport had a picture of Riess.
 - f. The passport number was "LJ368618."
 - g. The issuing date was "December 18, 2003."
 - h. The expiration date was "December 18, 2008."
11. On April 22, 2008, I contacted Eric Lubaszka from the Royal Canadian Mounted Police (RCMP), Toronto West Detachment, Federal Enforcement Section. I made an official request to Mr. Lubaszka to obtain confirmation on Riess' identity. I requested a certified copy of Riess' birth certificate. On May 23, 2008, I received a certified Canadian Birth Certificate from the Province of Ontario for Ricky Steven Reiss from Mr. Lubaszka. Riess' birth certificate contained the following information:
- a. The birth certificate number was "111484."
 - b. The place of birth was "Sudbury," at the "General Hospital."
 - c. The name of the birth certificate was "Riess, Ricky Steven."
 - d. The date of birth was "November 24, 1973."

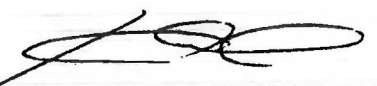
e. The sex was "Male."

f. The mother was "Married."

g. The father was "Riess, Steven John, age 20, place of birth ONT., citizenship Canadian."

h. The mother was "Pepin, Peggy Susan, age 18, place of birth ONT., citizenship Canadian."

12. For these reasons, the affiant has probable cause to believe that on October 31, 2007, at the Eloy Detention Center in Eloy, Arizona, Richard Steven Riess violated Title 18, United States Code Section 911, False Claim to United States Citizenship, and Title 18 United States Code Section 1621, Perjury.


Keith Acosta, Deportation Officer
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 6th day of June, 2008.


Edward C. Voss
United States Magistrate Judge