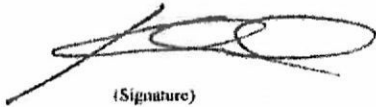




U.S. Immigration and Customs Enforcement
Department of Homeland Security

REPORT OF INVESTIGATION

Title UNITED STATES v Richard Steven RIESS	File Number A 88-664-582	Date September 4, 2008
		Report Number 08-7236M
Keith E. Acosta Deportation Officer  (Signature)		Office ICE/DRO/EAZ
Approved by: (Name and Title)		office

FACTS

On or about July 25, 2007, Richard Steven RIESS was interviewed by Officer Ryan Paschke, a Deputy with the Maricopa County Sheriff's Office ("MCSO") who is authorized under section 287(g) of the Immigration and Nationality Act ("INA") to make immigration apprehensions and detentions. This interview occurred after the MCSO arrested RIESS for Forgery and Theft-Means of Transportation, in violation of Arizona law. During this interview, RIESS told Officer Paschke that he was a native and citizen of Canada. Once Officer Paschke established RIESS's alienage, he placed a Form I-247, Immigration Detainer-Notice of Action, on RIESS for transfer into the custody of the United States Immigration and Customs Enforcement ("ICE")

On or about September 25, 2007, RIESS came into ICE's custody from the MCSO. On that day, Immigration Enforcement Agent (IEA), Jason Martin, served RIESS with a Notice of Custody

Determination (Form I-286) and a Notice to Appear ("NTA") (Form I-862). The NTA charged RIESS with violating section 237(a)(1)(B) of the Immigration and Nationality Act ("INA"), an alien who, after admission as a nonimmigrant under Section 101(a)(15) of the Act, remained in the United States for a time longer than permitted, in violation of this Act or any other law of the United States. Agent Martin also created a Form I-213, Record of Deportable/Inadmissible Alien, based on the information RIESS provided to Officer Paschke.

On or about September 27, 2007, RIESS arrived at the Eloy Detention Center ("EDC"). Upon his arrival, Deportation Officer ("DO") Robert Cordero interviewed RIESS. During this initial interview, RIESS told DO Cordero that he was a United States citizen, by virtue of his birth in Ontario, California. Because RIESS's NTA and the I-213 indicated that RIESS was born in Sudbury, Ontario, Canada, DO Cordero asked RIESS if he had any documentation, such as a birth certificate or passport, that would assist DO Cordero in verifying RIESS's citizenship claim. RIESS stated that he would have a friend overnight his birth certificate to the EDC. RIESS also told DO Cordero that he would have been released from the MCSO's custody had it not been for an immigration detainer placed on him on or about July 25, 2007. DO Cordero then asked RIESS why he had not produced his United States birth certificate or passport at the time the detainer was placed on him in order to avoid transfer into ICE custody. RIESS did not respond to DO Cordero's question.

On or about September 28, 2007, DO Cordero followed up with RIESS to see if his birth certificate had arrived at the EDC. It had not arrived, so DO Cordero gathered additional biographical data from RIESS to forward to the San Bernardino County, California, Vital Records Department, in order to ascertain whether a birth certificate existed for RIESS. In doing so, DO Cordero asked RIESS to provide the name of the hospital at which he was born. RIESS responded by saying, "I am not going to do your job for you. You find out."

In addition to obtaining additional biographic information from RIESS, DO Cordero also contacted Myra Pastyr-Lutul at the Canadian Consulate in Los Angeles, California, to determine if the Consulate had any records of RIESS. Ms. Pastyr-Lutul indicated to DO Cordero that in

order to do a birth record search, he would have to send a Birth Record Request to the province in which the subject was born. In this case, DO Cordero would need to send such a request to the provincial government in Ontario, Canada.

On or about October 4, 2007, DO Cordero provided RIESS with birth certificate applications for San Bernardino County, California, and Ontario, Canada. Although RIESS completed the California application, he refused to complete the Canadian application. Once RIESS completed the California application, DO Cordero noticed that the "mother's" name on this application was different than the name he gave to Officer Paschke during the initial interview on July 25, 2007. DO Cordero also questioned RIESS on the alleged birth certificate that RIESS's friend was sending to the EDC. RIESS insisted that his birth certificate was in the mail and should be arriving any day. To date, ICE is not aware that a birth certificate was ever sent to the EDC, and RIESS has not provided such birth certificate.

Up to this point, all documentation in RIESS's Alien-file ("A-file") indicated that he was a Canadian citizen. This documentation includes the National Crime Information Center (NCIC) printout, indicating RIESS's birthplace was Canada; a Treasury Enforcement and Customs System (TECS) record, indicating that RIESS was refused entry into the United States at a preflight inspection at Vancouver, British Columbia, Canada, on or about January 31, 1996; a INS Secondary Referrals (IO95) print-out from TECS indicating that RIESS had purchased a one-way ticket to the United States, RIESS was going to work in the United States for one month, RIESS sold his business, gave up his apartment, and shipped his goods to California, RIESS had rented a truck and an apartment in California, RIESS had bought apartment furnishings, a phone, and a pager, RIESS claimed it was cheaper to do it this way; and a Canadian Police Information Center (CPIC) printout, indicating that "Richard Steve Riess," previously known as "Ricky Steve Riess," was arrested in Toronto, Ontario, Canada, on November 27, 1992 for extortion, and an outstanding warrant exists that is associated with this arrest.

Between October 4, 2007 and October 31, 2007, DO Cordero spoke with RIESS on several occasions, inquiring into whether RIESS's birth certificate arrived at the EDC. RIESS told DO Cordero that his birth certificate arrived on October 23, 2007, but Corrections Corporation of America ("CCA"), the organization who owns and runs the EDC, allegedly returned the birth certificate to its sender. DO Cordero checked with the CCA mailroom staff, who told him that a package arrived but did not contain a birth certificate. Because the package contained tobacco, a prohibited item, the package was returned to its sender.

On October 31, 2007, RIESS appeared before Immigration Judge Sean H. Keenan at the EDC for a hearing in RIESS's immigration removal proceedings. Immigration proceedings are recorded on audio tapes. Copies of the tapes recorded at RIESS's removal hearings are attached hereto as Exhibit "A," and are incorporated herein by reference. I have reviewed Exhibit "A" for the October 31st hearing, and the court tapes contain the following relevant information:

- a. Immigration Judge Keenan administered a pre-recorded group rights advisal tape, informing the group of detainees of their rights in immigration proceedings.
- b. Thereafter, Judge Keenan personally placed the entire group, which included RIESS, under oath and RIESS, along with everyone in the group, swore to tell the truth.
- c. Thereafter, during his individual hearing that followed, RIESS told Judge Keenan that he was a United States citizen.
- d. RIESS told Judge Keenan that was born in the United States, specifically, in Ontario, California.
- e. RIESS told Judge Keenan that his mother was born in Massachusetts.
- f. RIESS told Judge Keenan that his father was not listed on his birth certificate.

Additionally, during this hearing, ICE Assistant Chief Counsel, Jennifer Wiles, was present, representing ICE in the removal hearing. Because RIESS had made a claim to United States citizenship, the immigration court reset the case for ICE to establish RIESS's alienage.

On or about November 8, 2007, DO Cordero forwarded the birth certificate application that RIESS completed to San Bernardino County, California, for verification of whether a birth certificate existed in California for RIESS. On that same date, DO Cordero received a letter from

RIESS indicating that a birth record under the name "Richard Steven RIESS" would not be found. RIESS indicated that "Richard Steven RIESS" was not his birth name because he had his name legally changed to "Richard Steven RIESS" in 1995. RIESS would not provide his birth name to DO Cordero.

On or about November 15, 2007, DO Cordero received a letter from the San Bernardino Auditor/Controller indicating that the request for a birth certificate could not be processed without a \$17.00 fee, and a notarized statement from RIESS. RIESS would not provide DO Cordero with his alleged different birth name and a notarized statement to allow DO Cordero to re-submit the application to San Bernardino.

On or about December 6, 2007, the immigration court resumed RIESS's removal hearing. RIESS had requested a bond hearing, so the court reset the case to February 6, 2008 for the court to hold a bond hearing and for the Department to prove its case.

On or about January 11, 2007, the immigration held a bond hearing, setting RIESS's bond at \$5,000. Both parties waived appeal.

On or about January 28, 2008, DO Cordero contacted Supervisory Border Patrol Agent ("SBPA") Dante Moreno in Lynden, Washington. SBPA Moreno is the supervisor for the Integrated Border Enforcement Team. DO Cordero contacted SBPA Moreno for assistance in obtaining information from the Canadian Border Services Agency (CBSA) regarding RIESS's citizenship and identity. Upon investigation, SBPA Moreno received verbal confirmation from CBSA indicating that a current passport was issued under the name of Richard Steven RIESS, indicating birth in Sudbury, Ontario, Canada, on November 24, 1973. On or about February 5, 2008, SBPA Moreno indicated that he was still awaiting a written confirmation from CBSA for this information.

On or about February 6, 2008, over RIESS's objection, the immigration court granted the Department's request for a continuance. The court reset the case until May 5, 2008.

On or about February 19, 2008, I entered on duty at the EDC as a Deportation Officer. Upon my arrival, DO Cordero was assigned as my training officer. While undergoing training, DO Cordero gave me instructions on how to manage a docket. During the time period of February 19, 2008 to March 3, 2008, I shadowed DO Cordero and assisted him with his docket.

On or about March 3, 2008, I assumed the upper half of the 500 docket (alien numbers ending in 550 to 599) from DO Cordero. Because RIESS's alien number (A 88-664-582) ends in the upper 500s, DO Cordero informed me that I was responsible for RIESS's case, although he would continue to assist me with the case. He told me that RIESS was claiming to be a United States citizen (USC), but the information in the file, which included the information RIESS gave to Officer Paschke, indicated that RIESS was a native and citizen of Canada. DO Cordero also informed me that he gave RIESS numerous opportunities to cooperate and provide documentation to support his USC claim. This request resulted in RIESS's non-compliance.

On or about March 4, 2008, I reviewed RIESS's A-file. Contained in the A-file was an interview sheet that Officer Paschke completed during his interview with RIESS on July 25, 2007, at 1440 hours, at the Maricopa County Jail. A copy of the report is attached hereto as Exhibit "B," and is incorporated herein by reference. After reviewing Exhibit "B," I learned the following relevant information:

- a. RIESS was born November 24, 1973 in Sudbury, Ontario, Canada.
- b. RIESS's citizenship/nationality is Canadian.
- c. RIESS's mother is Peggy Sampogna, a Canadian citizen born in Canada.
- d. RIESS's 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.

RIESS's 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." As noted above, ICE IEA Jason Martin created this I-213 on September 25, 2007, based on the information provided by Officer Paschke. A copy of the report is attached hereto as Exhibit "C," and is incorporated herein by reference. Exhibit "C" contains the following relevant information:

- a. RIESS is not a citizen or national of the United States.
- b. RIESS is a native and citizen 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's 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.

On or about March 10, 2008, I ran a NCIC printout of RIESS's criminal history. RIESS's criminal history report indicated that the Phoenix Police Department arrested RIESS on or about July 24, 2007, for Forgery and Theft-Means of Transportation committed on or about April 4, 2008.

On or about March 26, 2008, DO Cordero and I listened to RIESS's phone conversations obtained from CCA. A copy of the recoding is attached hereto as Exhibit "D," and is

incorporated herein by reference. After listening to Exhibit "D," I learned the following relevant information:

- a. RIESS was talking to Liz Muñoz, who is the caretaker of his son.
- b. During that conversation, RIESS expressed concern that his criminal defense attorney should not be contacted regarding his immigration case, as he know the truth about his immigration status.

Based on this information, DO Cordero contacted RIESS's criminal defense attorney, and I continued to look into RIESS's criminal history. Using the NCIC printout from on or about March 10, 2008, I determined that RIESS's last arrest was made by the Phoenix Police Department for forgery.

On or about March 26, 2008, DO Cordero contacted the Maricopa County Public Defender's Office, and was forwarded to RIESS's public defender. That individual stated that he did not have RIESS's file, but he remembered seeing either a property receipt or an annotation in the police report indicating that the Phoenix Police Department was in possession of RIESS's Canadian passport.

On or about March 26, 2008, I called the Phoenix Police Department, requesting their assistance in obtaining the police report for RIESS's forgery arrest. The officer who answered the phone instructed me to call Detective Lisa Mueller. Thereafter, I contacted Detective Muller and requested a copy of the police report for this arrest. Detective Muller faxed the police report, case number 2007 7066 8889, to me. 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 of birth "November 24, 1973." Based on this information, I contacted Detective Muller again, requesting her permission to take custody of RIESS's Canadian passport.

On or about March 27, 2008, I drove from Eloy, Arizona, to the Phoenix Police Evidence Unit located in Phoenix, Arizona, and I took custody of RIESS's Canadian passport. A copy of the

passport is attached hereto as Exhibit "E," and is incorporated herein by reference. Exhibit "E" contains 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."

On or about April 1, 2008, I requested assistance from the ICE attaché in Canada to request information on RIESS. I was seeking verification of RIESS's identity by Canadian authorities.

On or about April 15, 2008, I contacted the Assistant United States Attorney's office in Phoenix, Arizona to request prosecution of RIESS based on RIESS's false claim to United States Citizenship. I was told that in order for them to accept the case, I would have to acquire RIESS's Canadian Birth Certificate to determine if he may have derived United States citizenship through his parents. A review of Central Index System (CIS) revealed that RIESS's parents had not become naturalized United States citizens. Thus, I concluded that RIESS could not have derived United States citizenship status through his parents. As such, we needed the birth certificate to ensure that RIESS's parents were not born in the United States and that RIESS did not acquire United States citizenship.

On or about April 15, 2008, I faxed a request to the Canadian Passport Security Department to validate the Canadian Passport.

On or about April 15, 2008, I contacted the Canadian Consulate in Los Angeles California. I spoke to Consular Officer Myra Pastyr-Lutul and requested her assistance in obtaining RIESS's birth certificate. I explained that I was going to use the certificate as evidence in a criminal

prosecution for false claim to United States Citizenship. Ms. Pastyr-Lutul told me that she was not inclined to help me because her position was designed to assist Canadians, not help prosecute them. She stated that I needed to contact the Canadian law enforcement authorities to obtain their assistance.

On or about 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's identity. I also requested a certified copy of RIESS's birth certificate.

On or about May 5, 2008, the immigration court at the EDC held resumed removal proceedings for RIESS. Because Judge Keenan had been transferred to a different court, the case was transferred to Immigration Judge Stephen Ruhle. Assistant Chief Counsel Jennifer Wiles was present at the hearing, representing the Department. At that hearing, RIESS denied having been born in Canada, and reasserted that he was born in the United States. The Department submitted a copy of RIESS's passport to the court and to RIESS. At one point in the hearing, RIESS asked Judge Ruhle if he could admit to the allegations, including that he was not a citizen or national of the United States and he was a native and citizen of Canada, and be deported. Judge Ruhle told RIESS that he could admit the allegations in a written statement. However, Judge Ruhle warned RIESS that he had made his assertion that he was born in the United States under oath, and to change his admissions, admitting that he was not a United States citizen and is a native and citizen of Canada, would be evidence that he committed perjury. Because RIESS stated that the passport was not his, Judge Ruhle reset the case for the Department to verify that the passport was, in fact, RIESS's passport.

On or about May 5, 2008, I contacted the Toronto Police Service to verify if there was still an active warrant for RIESS. I spoke to Detective Clark and he was able to confirm that RIESS was still wanted in Toronto Canada for Extortion. I asked him to send me RIESS's biographical information to confirm RIESS's identity. On that same day, Detective Clark faxed me a print-out of the Toronto Police Department Mug Shot Form for RIESS and a computer generated printout

containing fingerprint identifiers. The print-out indicated the identifiers for "Richard Riess," also known as "Ricky Riess," "Rick Steven Riess," and "Rick Steven Chosack."

On or about May 8, 2008, I sent RIESS's passport, several writing samples from RIESS, two fingerprint cards containing RIESS's fingerprints, and the Canadian printout with RIESS's fingerprint identifiers to the Department of Homeland Security Forensic Document Lab (FDL). The purpose of sending the passport was to have it examined and authenticated as a valid Canadian passport. The writing samples were sent to compare RIESS's signature on those samples against RIESS's signature on the passport. The fingerprints were sent to positively identify RIESS as the person wanted in Canada.

On or about May 13, 2008, FDL returned the results of the fingerprint comparison. A copy of that report is attached hereto as Exhibit "G," and is incorporated herein by reference. Exhibit "G" indicates that the fingerprints from the Toronto Police Department matched RIESS's fingerprints. The fingerprint comparison was conducted by Senior Fingerprint Specialist, Thomas L. Liszkiewicz.

On or about May 23, 2008, I received a Certified True Photostatic Print of Record numbered P750412, from the Office of the Registrar General, Ontario, Canada. The photostatic print of the record was that of a Birth Certificate from the Province of Ontario for "Ricky Steven Reiss." A copy of the birth certificate is attached hereto as Exhibit "F," and is incorporated herein by reference. Exhibit "F" contains 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."

On or about May 27, 2008, I received an original declaration from Steve Jacob with the Canada Border Service Agency. That declaration states that Ricky Steve RIESS was born on November 24, 1973 in Sudbury Ontario, Canada to Steve John Riess and Peggy Susan Pepin. Officer Jacob further declared that Canadian passport # LJ368618 was issued to Richard RIESS, with a date of birth of 224 November 1973, with place of birth being Sudbury, Ontario, Canada. Officer Jacob declared that he was "therefore satisfied that the passport is genuine and that RIESS was born in Canada and would have the right to return to Canada. I have therefore closed my investigation."

On or about June 4, 2008, FDL returned the results of the writing sample and the authentication of the passport. A copy of the report is attached hereto as Exhibit "H," and is incorporated herein by reference. Exhibit "H" indicates that the individual who prepared the Exhibits 1.3 (the Department's Fingerprint Card bearing known Richard Riess signature) and 1.4 signatures (K1-K20) (30 pages of writing samples bearing known Richard Riess signatures) probably prepared the Exhibit 1.1 stylized signature (Q-1) (Canadian Passport bearing questioned Richard Riess signature). The Report also indicated that the passport was genuine. This report was completed by Forensic Document Examiner, George Virgin.

On or about August 18, 2008, I sent a request for a Certificate of Nonexistence of Record to United States Citizenship and Immigration Services (CIS). On or about August 19, 2008, I received the certificate from Acting Field Office Director, Jeanne M. Kent of CIS. A copy of the Certificate of Nonexistence of Record is attached hereto as Exhibit "I," and is incorporated herein by reference. Exhibit "I" states that there was no record of RIESS found within CIS's databases.

On or about August 20, 2008, I realized that the dates on paragraph 9 on the statement of probable cause were incorrect. Below is paragraph 9 with the corrected dates.

On or about March 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 or about March 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 of birth "November 24, 1973." Thereafter I contacted Detective Muller and requested her permission to take custody of Riess' Canadian passport.

A criminal complaint with the United States District Court, District of Arizona was filed against Richard Steven RIESS on or about June 12, 2008. The Court found that probable cause existed to detain RIESS pending trial for violating Title 18, United States Code, Section 911, False Claim to United States Citizenship and Title 18, United States Code, Section 1621, Perjury. On July 2, 2008, the Grand Jury returned an indictment against RIESS.

VIOLATION

Richard Steven RIESS is being charged with the following:

1. Violation of Title 18, United States Code, Section 911, False Claim to United States Citizenship
2. Violation of Title 18, United States Code, Section 1621, Perjury.

DEFENDANT

Richard Steven RIESS is a 34-year-old male, born on November 24, 1973, in Sudbury, Ontario, Canada, and is a citizen and national of Canada.

IMMIGRATION STATUS

Richard Steven RIESS claims to be citizen of the United States of America by virtue of being born in the United States. However, RIESS is a citizen of Canada. RIESS is present in the United States after having overstayed his nonimmigrant visa. RIESS is currently in the custody of the United States Marshals Service, pending conclusion of any criminal proceedings against him, and final determination of removability from the United States.

CRIMINAL HISTORY

RIESS's name and date of birth were queried in the National Crime Information Center (NCIC), and it revealed the following.

- a. Arrested on 02/19/2002 for DUI alcohol/drugs, DUI alcohol/ .08 percent, and driving while license suspended.
- b. Arrested on 03/13/2003 for DUI alcohol/drugs, and driving while license suspended.
- c. Arrested on 07/24/2007 for Theft by means of transportation, and Forgery.

DETENTION STATUS

Richard Steven RIESS had his initial appearance before United States Magistrate Judge Edward C. Voss on June 6, 2008. The defendant was ordered detained and remanded to the custody of the United States Marshal Service.

EVIDENCE EXHIBITS

Exhibit A. Taped recordings of RIESS's Immigration court hearing before Immigration Judge Keenan on October 31, 2008.

Exhibit B. Sheriff Officer Ryan Paschke Interview Sheet.

Exhibit C. Form I-213, Record of Deportable/ Inadmissible Alien written by Jason Martin.

Exhibit D. Recordings of RIESS's phone conversation provided by CCA.

Exhibit E. RIESS's Canadian Passport

Exhibit F. RIESS's Canadian Birth Certificate.

Exhibit G. FDL Report FDL-08-04978 written by Thomas L. Liszkiewicz.

Exhibit H. FDL Report FDL-08-04978 written by George Virgin.

Exhibit I. Certificate of Nonexistence of Record written by Jeanne M. Kent.

WITNESSES

DO Keith E. Acosta, Case Agent, can attest to the facts of the case.

DO Robert Cordero, Case Agent, can attest to the facts of the case.

IEA Jason Martin can attest to the facts of the case.

Sheriff's Deputy Ryan Paschke can attest to the facts of the case.

ICE Assistant Chief Counsel Jennifer Wiles can attest to the facts of the case.

Immigration Judge Sean Keenan can attest to the facts of the case.

Immigration Judge Stephen Ruhle can attest to the facts of the case.

Exhibit A

Taped recordings of RIESS' Immigration
court hearing before Immigration Judge
Keenan on October 31, 2008.

Exhibit B

Sheriff Officer Ryan Paschke Interview Sheet.

TO BE COMPLETED AT THE BOOKING PROCESS PRIOR TO PTS AND I/A

DATE AND TIME OF INTERVIEW: 07/25/2007 @ 1440

OFFICER CONDUCTING INTERVIEW/SERIAL NUMBER: PASCHKE A9184 /287(g)

INTERPRETER (IF USED)/SERIAL NUMBER: _____

ALIEN/SUSPECT

NAME: REINHOLD STEVE RIES

BOOKING # P318244

ALIAS: N/A

DOB: 11/29/1973 HEIGHT: 504 WEIGHT: 140

PLACE OF BIRTH (CITY, STATE, COUNTRY): SADDLEBURY, ONTARIO, CANADA

CITIZENSHIP/NATIONALITY: CANADA

DO YOU HAVE LEGAL AUTHORIZATION TO BE IN THE UNITED STATES? ☒ Y ☐ N

DO YOU HAVE LEGAL DOCUMENTS TO BE IN THE UNITED STATES? ☒ Y ☐ N

IF YES, WHAT TYPE OF DOCUMENTS DO YOU HAVE: PHD P.D. DET. RENSEL OBTAINS A PASSPORT

DO YOU HAVE ANY APPLICATIONS OR PETITIONS PENDING WITH US CIS? ☐ Y ☐ N

WHEN DID YOU ENTER THE UNITED STATES THE LAST TIME/ENTRY MANNER? 1997, Automobile

WHERE DID YOU ENTER THE UNITED STATES LAST TIME? I-5 SOUTH OF VANCOUVER, WASHINGTON BLVD

DID YOU PAY A SMUGGLING FEE? ☐ Y ☒ N If yes, How much? : \$ _____

NAME, POB, CITIZENSHIP, WHAT COUNTRY THEY CURRENTLY RESIDE IN (IF U.S. IMMIGRATION STATUS)

FATHER: Steve RIES, CANADA, CANADIAN, UNKNOWN (ASSUMES CANADA)

MOTHER: Phyllis SAMPOLINA, CANADA, CANADIAN

SPOUSE: ROBERT TOMLIN, FLORIDA, UNITED STATES, U.S.

NUMBER AND NATIONALITY OF MINOR CHILDREN: 1 U.S.

CRIMINAL CHARGE/FELONY OR MISD: TREASON, MURDER, FORGERY, ETC.

HAVE YOU BEEN REMOVED, DEPORTED, EXCLUDED, OR VOID BEFORE FROM THE US? ☐ Y ☒ N
IF YES, THROUGH WHERE, WHEN AND WHAT NAMES, DOB'S DID YOU USE?

IF ELIGIBLE WILL SUBJECT ACCEPT V.R. TO COUNTRY OF CITIZENSHIP (MEXICAN NATIONALS ONLY)? ☐ Y ☐ N

DATABASE QUERIES

IDENT: POS ☒ NEG FINS:

LO x	<input checked="" type="radio"/>	RC x	<input checked="" type="radio"/>	AR x	<input checked="" type="radio"/>
------	----------------------------------	------	----------------------------------	------	----------------------------------

CIS: POS ☒ NEG ALIEN NUMBER: _____

NCIC: POS ☒ NEG FBI #: _____ SID #: _____

MISC. NUMBERS (SSN#, PASSPORT #, ETC): _____

DETAINER PLACED BY: PASCHKE A9184/287(g)




Event Number: PHO 0707001217

Exhibit C

FORM I-213

Record of Deportable/ Inadmissible Alien

written by Jason Martin.

Family Name (CAPS) RIESS, Richard Steven		First Richard		Middle Steven	
Country of Citizenship CANADA	Passport Number and Country of Issue Case No. PRO6709801227 A086664582		File Number 720853VBS		
US Address DHS/ICE CUSTODY 2035 N CENTRAL AVE PHOENIX, ARIZONA, 85004.					
Date, Place, Type, and Manner of Last Entry 02/01/1997, Unknown Date, BIA, AUTOMOBILE			Port of Entry Phoenix, AZ		
Manner of Entry CLC 520.3					
Date of Birth 11/24/1973 Age: 33					
Date of Arrest 09/25/2007					
Location Code KPX/RHO					
City, Province (State) and Country of Birth EUROPE, ONTARIO, CANADA					
AR <input checked="" type="checkbox"/> Firms (Type and No.) Listed <input type="checkbox"/> Not Listed <input type="checkbox"/>					
NIV (Including Post and NIV Number)					
Social Security Account Name					
Date Visited					
Social Security Number					
Immigration Record NEGATIVE - See Narrative					
Criminal Record None Known					
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)					
Number and Nationality of Minor Children ONE (1) USC					
Father's Name, Nationality, and Address, if Known See Father info in Narrative					
Mother's Present and Maiden Name, Nationality, and Address, if Known SAMPOGNA, Peggy, CANADA					
Monetary Due/Property in U.S. Not in Immediate Possession None Claimed					
Fingerprinted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
System Check See Narrative					
Charge Code Worksheet N1B					
Name and Address of (Last) Current U.S. Employer					
Type of Employment					
Salary					
Employed Period					
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and mode of travel to interior.) FINS: 1065182293 Left Index fingerprint Right Index fingerprint					
					
					
					
FATHER NAME & ADDRESS Nationality: CANADA RIESS, Steve CANADA					
RECORDS CHECKED ... (CONTINUED ON I-831)					
Alien has been advised of communication privileges 09/25/07 (Date/Initials)					
JASON R. MARTIN IMMIGRATION ENFORCEMENT AGENT (Signature and Title of Immigration Officer)					
Distribution DETAINEE: 07/25/07 BOOKING: P318244 EXP: AZ19423913					
Received: (Subject and Document) (Report of Interview) OFFICER: JASON R. MARTIN on September 25, 2007 at 1015 (time) Division: Warrant of Arrest/Notice to Appear Examination Officer: KRISTINE BRISSON					

Alien's Name RIESS, Richard Steven	File Number A088664582 Event No: PH00709001237	Date 09/25/2007
CIS Neg NCIC Pos		
Record of Deportable/Excludable Alien: SUBJECT WAS GIVEN APPROPRIATE ADVICE IN ACCORDANCE WITH 8 C.F.R. 287.3		
IMMIGRATION HISTORY: Subject is not a citizen or national of the United States. Subject is a citizen or national of CANADA. Subject last entered the United States at or near Blaine, WA, on or about 01/01/1997 as a Visitor For Pleasure with an admission period not to exceed six months ending on 06/01/1997. Subject has since stayed beyond his period of admission.		
CRIMINAL HISTORY: Subject was turned over to Phoenix ICE by the Maricopa County Sheriff's Office on today's date after being arrested by the Phoenix Police Department for CNT 1- THEFT- MEANS OF TRANSPORTATION, CLS: FELONY 3, DSP: RLSB ON BAIL, and for CNT-2 FORGERY-OFFERS FORGED INSTRUM, CLS: FELONY 4, DSP: RLSB ON BAIL.		
Subject was processed for a NOTICE TO APPEAR on 09/25/2007 for violation of Section 237(a)(1)(B) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, you have remained in the United States for a time longer than permitted, in violation of this Act or any other law of the United States.		
Subject claims to be born in the United States, however a record check through NCIC states the subject's place of birth to be CANADA and an interview conducted 09/25/2007 while in custody by Officer Paschke (A5784) with the Maricopa County Sheriff's Office states the subject was born in Sudbury, Ontario, Canada.		
SQ11: NEG NN13: NEG		
Signature JASON R. MARTIN	Title IMMIGRATION ENFORCEMENT AGENT	

Exhibit D

Recordings of RIESS' phone conversation
provided by CCA.

Exhibit E

RIESS's Canadian Passport.

Exhibit F

RIESS's Canadian Birth Certificate.



Office of the Registrar General
Bureau du registraire général

Certified A True
Photostatic
Print of a Record

Photocopiée certifiée
conforme d'un document

on file at the
Office of the Registrar General
Ontario, Canada
se trouvant dans les dossiers du
Bureau du registraire général
(Ontario) Canada

Registration Number
Numéro d'enregistrement:

Certificate number: **P 750412**
Numéro du certificat:

Date issued:
Date de délivrance:

File number:
Numéro du dossier:

1973 111484

PAGE 1 of 1

May 14 2008

08049825-01-2

V.L.R. 1008
Form 2
SEE OTHER
SIDE FOR
INSTRUCTIONS

PROVINCE OF ONTARIO
THE VITAL STATISTICS ACT
STATEMENT OF BIRTH

111484

1. PLACE OF BIRTH:
City, town, village or township of Sudbury
Name and address of hospital or nursing home General Hospital
All births declared at birth, plus home births and EMERGENCY DEPARTMENT OF SUDBURY
County or municipal district of SUDBURY

2. PRINT NAME OF CHILD IN FULL
RIESS
RIESS STEVE

3. DATE OF BIRTH: November 24 73 4. SEX: MALE

5. RELEASE STATE IF MOTHER IS: Married, Widowed, Divorced or Single DIVORCED

6. FATHER (Print full name)
Riess
Steve JOHN
Age 20 Place of birth ONT.
Citizenship CANADIAN

7. MOTHER (Print full name)
Riess
Debra SUSAN
Age 19 Place of birth ONT.
Citizenship CANADIAN

8. Sex of child: MALE 9. Weight of child at birth: 8 lbs 10. Length of pregnancy in completed weeks: 39

11. Total number of children born to this parent: 2 12. Number born alive including this birth: 2 13. Number born dead after 20 weeks' pregnancy: NONE

14. Place of residence of child's mother at time of birth: 1173 ST. JOHN ST. SUDBURY ONT

15. Name of medical practitioner: D.R. CHENT
Address: SUDBURY CLINIC

16. Signature of medical practitioner: D.R. CHENT
Address: 1173 ST. JOHN ST. SUDBURY ONT

17. Signature of District Registrar: J. Hartman
Address: 3159 54th Ave

RECEIVED
DEC 6 - 1973
G.L.

Judith M. Hartman

Judith M. Hartman
Deputy Registrar General
Registraire générale adjointe
de l'état civil

—CERTIFIED COPY—
NOT VALID WITHOUT ALL PAGES



Exhibit G

FDL Report FDL-08-04978 written by

Thomas L. Liszkiewicz.



U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Office of Investigations
Forensic Document Laboratory (FDL)

May 13, 2008

FDL-08-04978

Deportation Officer Keith E. Acosta
U.S. Immigration and Customs Enforcement
1705 E. Hanna Road
Eloy, AZ 85231
520-464-3109
REF: A88664582

EXHIBIT(S):

- 1.2 Canadian Records Check printout with fingerprint identifiers.
- 1.3 FD-249, Fingerprint Card bearing fingerprint impressions and the name RICHARD STEVEN RIESS, A# 88 664 582, dated 09/25/07 by AZICE.
- 1.3.1 FD-249, Fingerprint Card bearing fingerprint impressions and the name RICHARD STEVE RIESS, A# 88 664 582 by AZICE.

FINDINGS:

The fingerprint impressions appearing on exhibits 1.3 and 1.3.1 were made by the same individual. The NCIC fingerprint classification for said fingerprint impressions are consistent with the classification appearing on exhibit 1.2. A definitive conclusion can only be determined with the submission of fingerprint impressions associated with said records check printout.

The fingerprint individualizations were established by a comparative analysis of the friction ridge detail for the fingerprint impressions in question.

REMARKS:

The exhibits were received by the Forensic Document Laboratory on May 12, 2008 and will be returned to the submitter by official courier.

The Forensic Document Laboratory requires that Project Code 0E7 for Fingerprint Examination be entered into Case Management by the assigned case agent.


Thomas L. Liszkiewicz
Senior Fingerprint Specialist



AN ASCLD/LAB-ACCREDITED LABORATORY SINCE FEBRUARY 2001



Exhibit H

FDL Report FDL-08-04978 written by
George Virgin.



U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Office of Investigations
Forensic Document Laboratory (FDL)

May 30, 2008

FDL-08-04978

Deportation Officer Keith E. Acosta
U.S. Immigration and Customs Enforcement
1705 E. Hanna Road
Eloy, AZ 85231
520-464-3109
REF: A88664582

EXHIBIT(S):

- 1.1 Canadian Passport bearing questioned Richard Riess signature (Q-1) on page 3.
- 1.1.1 Observation Label affixed to page five of Exhibit 1.1.
- 1.3 Fingerprint Card bearing known Richard Riess signature (K-20).
- 1.4 30 pages of writing samples bearing known Richard Riess signatures (K-1 through K19).

FINDINGS:

Microscopic, instrumental and comparative examination revealed the following findings:

The individual who prepared the Exhibits 1.3 and 1.4 known signatures (K-1 through K-20) probably prepared the Exhibit 1.1 stylized signature (Q-1). This finding, although less than totally definitive, demonstrates rather strongly that the signatures were prepared by the same person. Although it falls short of a virtually certain finding, the "probable" conclusion is used to express the weight of the complex corresponding stroke sequences in the questioned and known writing but also the limitations presented by the abbreviated formations in the questioned signature.

Exhibit 1.1 conforms to comparable genuine Canadian Passports on file in the FDL reference library and is determined to be genuine. No conclusive physical evidence of alteration was noted.

Exhibit 1.1.1 conforms to a comparable genuine Canadian Observation Label on file in the FDL reference library and is determined to be genuine. No conclusive physical evidence of alteration was noted.

REMARKS:

If in-person testimony in support of the above findings is required, the laboratory should receive at least ten days notice along with the return of the evidence.

The above referenced evidence was delivered to the FDL on 05/12/08 and will be returned by official courier.

The Forensic Document Laboratory requires that Project Code 0E6 for Forensic Examination be entered into Case Management by the assigned agent.



AN ASCLD/LAB ACCREDITED LABORATORY SINCE FEBRUARY 2001



May 30, 2008

George Virgin

George Virgin
Forensic Document Examiner



AN-ASCLD LAB® ACCREDITED LABORATORY SINCE FEBRUARY 2001



Exhibit I

Certificate of Nonexistence of Record

written by Jeanne M. Kent.



**U.S. Citizenship
and Immigration
Services**

Interoffice Memorandum

To: Senior Deportation Officer
USDHS/Immigration and Customs Enforcement
Eloy Deportation and Removal Office
Eloy, AZ

Attention: Keith E. Acosta
Deportation Officer
USDHS/ICE/DRO

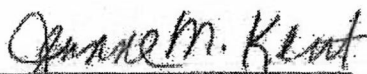
From: USCIS, Phoenix Field Office, District 25

Re: Certification Request(s) for 08/19/2008

Attached is (are) Certificate(s) of Nonexistence of Record(s) relating to the following subject(s):

<u>File Number</u>	<u>Subject</u>
A88664582	RIESS, Richard Steven

As a Field Office Director I am duly authorized to make such certification and to delegate such authority in my absence.


Jeanne M. Kent
Acting Field Office Director
District 25

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services

Certificate of Nonexistence of Record

HQORM-70/42.4 - C

08/19/2008

I, Jeanne M. Kent, certify to the following:

1. That I am the Acting Field Office Director, District 25, Citizenship and Immigration Services, United States Department of Homeland Security, and by virtue of the authority contained in Section 475(b)(1) of the Homeland Security Act of 2002, Section 290(d) of the Immigration and Nationality Act and 8 CFR 103.7(d)(4), I am authorized to certify the nonexistence of an official Service record.
2. That Citizenship and Immigration Services maintains centralized records relating to immigrant aliens who entered the United States on or after June 30, 1924, to nonimmigrant aliens who entered on or after June 30, 1948, and a centralized index of all persons naturalized on or after September 27, 1906.
3. That I, or an agency employee acting at my direction, performed a search for records relating to the subject identified below. Specifically this office searched Computer Linked Application Information Management System (CLAIMS), and the Central Index System (CIS).
4. That after a diligent search was performed in these database systems, no record was found to exist indicating that the subject listed below obtained consent at anytime prior to March 1, 2003, from the Attorney General of the United States, or at anytime after February 28, 2003 from the Secretary of the Department of Homeland Security, for re-admission in the United States in accordance with the 6 U.S.C. §§ 202(3) and (4) and U.S.C. § 557.

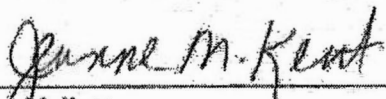
File No: A88664582

Subject: RIESS, Richard Steven

Also known As (AKA): NONE

Born on: 11/24/1973

Country of Birth: Canada



Jeanne M. Kent
Acting Field Office Director
District 25
United States Citizenship and Immigration Services
Phoenix, Arizona