

UNITED STATES DISTRICT COURT

for the
District of New Mexico

11 JUL 29 AM 9:24

CLERK-LAS CRUCES

UNITED STATES OF AMERICA)

v.)

Mohamed Farooq HUSAIN)

Case No. **MJ 11-1949**

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 of 07/27/2011 in the county of Dona Ana in the State and District of New Mexico, the defendant violated, 18 U.S.C. § 1028(a)(7), 8 U.S.C § 1324 (a)(1)(A)(ii), and 18 U.S.C. § 1341, offenses described as follows:

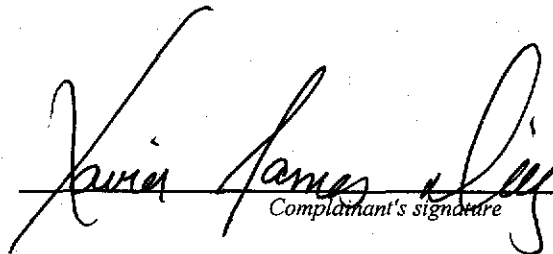
knowingly transfer or use, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law

did transport, or move, or attempt to transport or move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law

whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or attempting to do so, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier

This criminal complaint is based on these facts:

Continued on the attached sheet.


Complainant's signature


Xavier J. Diaz

Special Agent

Printed name and title

Sworn to before me and subscribed in my presence,

Date: 07/29/2011


Judge's signature

United States Magistrate Judge

Celeste F. Bremer

Printed name and title

City and state: Las Cruces NM

United States of America

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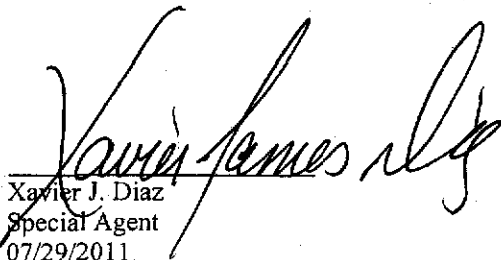
On July 27, 2011, Homeland Security Investigations (HSI) Special Agents were contacted by United States Border Patrol and were informed that Sabir SADDIQUI, later identified as Islam ALI, had been apprehended at the Department of Motor Vehicles after he had obtained a New Mexico driver's license. Border Patrol Agents had conducted an immigration inspection of ALI and had determined that he was present in the United States without proper immigration documentation to be in or remain in the United States legally. HSI Special Agents responded to the Border Patrol Station in Las Cruces, New Mexico for further investigation.

Border Patrol Agents stated to Special Agents Diaz and Cleveland that records checks revealed that ALI had used fraudulent documents with the name Sabir SADDIQUI to illegally re-enter the United States and that he had previously been removed from the United States. ALI also has a current outstanding order of deportation. Border Patrol Agents stated that ALI had been read his Miranda warnings and that he was willing to speak to the Special Agents concerning how he obtained the documents necessary to obtain a genuine New Mexico driver's license.

HSI Special Agents Xavier Diaz and Barry Cleveland obtained consent from ALI to search his cell phone. Special Agents Diaz and Cleveland noticed a contact with the name "Mohamed" in ALI's cell phone. Special Agents also noticed that there were several missed calls from contact "Mohamed" to ALI's cell phone from his time of detention to the time of initial interview. Special Agent Diaz asked ALI if the contact "Mohamed" was the person that was assisting him in obtaining the driver's license. ALI responded that the contact was the person that he had paid and still owed money to for the help obtaining a driver's license. Special Agent Diaz asked ALI if he would be willing to call Mohamed and ask him to pick him up at the Walgreens located next the Border Patrol Station. ALI agreed to make the phone call. ALI contacted Mohamed and asked him to pick him up at the Walgreens. ALI stated Mohamed would not pick him up at Walgreens, but would pick him up at the mall and the call was terminated. ALI, HSI Special Agents, Border Patrol Agents, and FBI Agent William Hasty traveled to the mall and waited for Mohamed. ALI and Mohamed continuously kept in cell phone contact. ALI stated that Mohamed drove a red mini van style vehicle with California license plates. ALI was instructed by Agents to walk to the J.C. Penny and when he saw Mohamed to walk towards him, call his name, and wave at him. Agents walked close to ALI and observed him wave and call out to an older male. The male called out to ALI and waved at him. At that time Special Agent Diaz approached the subject and asked him if his name was Mohamed to which he stated he was. Special Agent Diaz placed Mohamed in investigative detention at that time and Border Patrol Agents immediately read Mohamed his rights directly from form I-214 (Miranda Warnings). Mohamed and his red Nissan Pathfinder bearing California tags were transported to the Las Cruces Border Patrol Station for further investigation. At that time Mohamed was identified as Mohamed HUSAIN.



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At the Border Patrol Station, further interview was conducted of ALI. In a post-Miranda statement with Special Agent Diaz ALI stated that he is in the U.S. illegally and that he had asked several people in New York, where he currently lives, who could help him obtain a driver's license so that he could continue to work in the U.S. ALI stated that an acquaintance of his gave him a phone number to a person named Mohamed that could help him. ALI stated that he contacted Mohamed approximately two to three months ago and asked Mohamed if he could help him obtain a driver's license. ALI told Mohamed that all he had as identity was a tax identification number and an expired Pakistani passport and that he did not have immigration status in the U.S. which was why he needed help in obtaining a driver's license. Mohamed told him that was not a problem and he asked ALI to send him a money order in the amount of \$1,000 to his post office box to begin the process and the initial \$1,000 was so that Mohamed could obtain a rental agreement for him in New Mexico. ALI stated that he sent Mohamed the money order in the amount that he requested to a post office box and that Mohamed contacted him when he received it. ALI stated that at the time Mohamed asked ALI to send him via fax his personal information and copies of his documents. ALI stated that he complied and sent the requested information to Mohamed via fax.

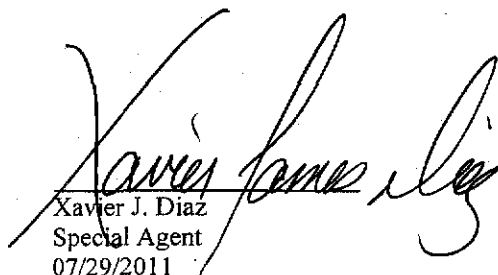
ALI stated that Mohamed contacted him approximately ten to fifteen days ago and told him that things were ready and he needed to fly to Albuquerque, New Mexico. ALI stated that he flew to Albuquerque from New York approximately two days ago. ALI stated that Mohamed had given him directions to an apartment to go to when he arrived in Albuquerque and that the key to the apartment would be above the door jam. ALI stated that when he arrived to Albuquerque he took a taxi to the address and walked to the apartment number that was provided to him by Mohamed. ALI stated that he key was above the door jam where Mohamed stated it would be. ALI stated that he walked into the apartment and that it was empty except for an air mattress and some blankets.

ALI stated that the following day he and Mohamed made arrangements for Mohamed to pick him up at the apartment. ALI stated that Mohamed picked him up at the apartment and requested an additional \$2,000 from ALI, which was paid at that time to Mohamed in cash. ALI stated that after he paid Mohamed, he was taken to a driving school to take a drivers test. ALI stated that Mohamed then drove him to Las Cruces, New Mexico and rented him a room at the La Quinta Inn, room 239. ALI stated that he stayed the night at the hotel.

ALI stated that the following day, July 27, 2011, Mohamed picked him up at the hotel and handed him a bank statement, a rental agreement, and a utility bill which Mohamed stated ALI would need to obtain the driver's license. At that time, ALI stated that Mohamed drove him to the Department of Motor Vehicles to obtain his driver's license. ALI stated that Mohamed told him to after he obtained his driver's license that he needed to take a taxi to Mesilla Valley Mall and meet up with him. ALI stated that he planned on flying back to New York in one to two days and never intended on living at the address that was provided to him by Mohamed. ALI stated that he still owed Mohamed \$3,000 that was due when the real driver's license arrived in the mail. ALI stated that he was to be contacted by Mohamed when the driver's license arrived. ALI stated that once Mohamed had the driver's license, Mohamed would mail it to him in New York after ALI had mailed him a money order for the outstanding \$3,000.



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On July 27, 2011 at approximately 1920 hours, Mohamed HUSAIN was interviewed by Homeland Security Investigations Special Agent Barry Cleveland, Federal Bureau of Investigations Special Agent William Hasty, and Border Patrol Agent Frank Gamboa. After being read Miranda rights, HUSAIN freely and voluntarily waived his rights.

In September 2010, HUSAIN was met in person in Alamogordo by an associate. The associate said he was helping people obtain NM DL's, and asked if HUSAIN would help drive clients. HUSAIN agreed, and was to be paid \$500 per ride. HUSAIN said he needed the money because he had recently lost his job and was having a hard time making ends meet.

In March, the person who had asked HUSAIN to drive clients was arrested. So, HUSAIN began making arrangements for people who wanted help obtaining NM DL's. HUSAIN said that the people he helped were all in the United States illegally, and most of them were of Indian nationality and citizenship. The undocumented immigrants traveled to NM from all different parts of the United States.

HUSAIN used the internet to make appointments for clients at the NM Motor Vehicle Department (MVD). HUSAIN would tell clients to fly into Albuquerque. Once in Albuquerque, HUSAIN took clients to an apartment complex and had them sign a month-to-month lease. HUSAIN always took clients to different apartment complexes. HUSAIN then took clients to a driving school in Albuquerque if they needed to pass driving tests. After driving tests, HUSAIN would drive the undocumented immigrants to the MVD for their DL appointment. If the DL appointment was in Las Cruces, HUSAIN would have the undocumented immigrants fly back to their actual hometown from El Paso International Airport in order to avoid the Border Patrol checkpoints on the way back to Albuquerque.

After the permanent DL's were mailed through the U.S. Postal Service to the apartment leased by the client, HUSAIN drove to the apartment complex and retrieved mail from the mailbox for the client. Once the permanent DL was received by HUSAIN from the mailbox, it was mailed to the client.

HUSAIN charged between \$3,000 to \$6,000 per person to help them obtain NM DL's. HUSAIN asked for 2 payments, the first half when the client arrived in Albuquerque, and the second half when the client received the DL. Clients usually paid with money orders or checks. HUSAIN only has one bank account, so payment was either cashed immediately, or deposited into that bank account.

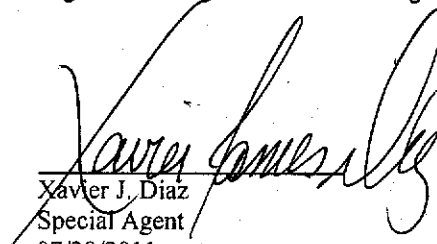
HUSAIN said that since March he has helped 1-2 people per month obtain NM DL's.

HUSAIN said that a friend from Albuquerque called and asked HUSAIN to help Islam ALI obtain a New Mexico (NM) driver's license (DL). HUSAIN met ALI in Albuquerque last week and helped ALI find an apartment to rent.

Assistant United States Attorney Richard Williams was contacted concerning the case. AUSA Williams agreed to present the case for federal prosecution.



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