




U.S. Department of Homeland Security

Subject ID: [REDACTED]

Record of Deportable/Inadmissible Alien

Family Name (CAPS) AVILA-LUCAS, FLORENTIN		First	Middle	Sex M	Hair BRO	Eyes BRO	Complexion MED
Country of Citizenship GUATEMALA	Passport Number and Country of Issue [REDACTED]	File Number [REDACTED]		Height 65	Weight 180	Occupation LABORER	
U.S. Address [REDACTED]				Scars and Marks NONE VISIBLE			
Date, Place, Time, and Manner of Last Entry Unknown Date, Unknown Time, 0 mile(s) of UNK, A FOOT			Passenger Boarded at				
Number, Street, City, Province (State) and Country of Permanent Residence GUATEMALA				F.B.I. Number [REDACTED]			
Date of Birth [REDACTED] Age: 40				Date of Action 03/20/2019		Location Code SWB/BVB	
City, Province (State) and Country of Birth LA ESPERANZA, QUETZALTENANGO, GUATEMALA			Form: (Type and No.) <input checked="" type="checkbox"/> AR <input type="checkbox"/> Form: (Type and No.) <input type="checkbox"/> Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>				
NIV Issuing Post and NIV Number			Social Security Account Name				
Date Visa Issued			Social Security Number				
Immigration Record NEGATIVE				Criminal Record None Known			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) See Narrative						Number and Nationality of Minor Children 4 GUATEMALA	
Father's Name, Nationality, and Address, if Known See Narrative				Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative			
Monies Due/Property in U.S. Not in Immediate Possession None Claimed			Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Systems Checks See Narrative		Charge Code Word(s) I6A
Name and Address of (Last)(Current) U.S. Employer			Type of Employment		Salary		Employed from/to Hr
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 route of travel to interior.) FINS # : [REDACTED]							
							
		Left Index Print			Right Index Print		
ARREST COORDINATES: ----- Latitude: 43.6423 Longitude: -72.2518							
CONSEQUENCE DELIVERY SYSTEM: ----- Classification: SOTA							
Alien has been advised of communication privileges				JEREMY FORKEY Border Patrol Agent (Signature and Title of Immigration Officer)			
Distribution: A File Chief INTEL				Received: (Subject and Documents) (Report of Interview) JEREMY FORKEY on: March 20, 2019 at 1847 (time) Disposition: Warrant of Arrest/Notice to Appear Examining Officer: CHARLES SNO			
				Form I-213 (Rev. 08/01/07) Y			

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Alien's Name AVILA-LUCAS, FLORENTIN	File Number [REDACTED]	Date 03/20/2019
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OTHER ALIASES KNOWN BY:

AVILA-LUCAS, CARLOS [REDACTED]

SPOUSE NAME AND ADDRESS:

[REDACTED]

FATHER NAME AND ADDRESS:

[REDACTED]

MOTHER NAME AND ADDRESS:

[REDACTED]

FUNDS IN POSSESSION:

United States Dollar 382.00 *FLORENTIN AVILA*

RECORDS CHECKED:

- CLAIM Negative
- ABIS Negative
- IAFIS Positive
- NCIC Negative

NARRATIVE:

ENCOUNTER/ARREST:

On March 20, 2019, Border Patrol Agents (BPA) James Loomis and BPA Brendan Burns were conducting roving patrols in the West Lebanon, New Hampshire area. BPA Loomis and BPA Burns were utilizing an unmarked service vehicle and plain clothes with no badges or weapons visible. At approximately 12:30 p.m., BPA Loomis ran records on a white Chevrolet Suburban bearing New Hampshire license plate [REDACTED]. The plate returned to a 2003 Chevrolet Suburban registered to a LUCAS, Florentin from Claremont, New Hampshire. Further analysis revealed no valid social security associated to the registered owner of the

Signature <i>JEREMY [Signature]</i>	Title Border Patrol Agent
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the vehicle. BPA Loomis and BPA Burns continued to follow the vehicle until it pulled into Listen Thrift store in West Lebanon, NH. BPA Loomis and BPA Burns pulled into a parking lot across the street from the thrift store and continued to surveil the vehicle and its occupants. Moments later, BPA Loomis and BPA Burns observed two males who appeared to be of Hispanic decent exit the vehicle and enter the thrift store.

After the two subjects were inside the store for approximately five minutes, BPA Loomis entered the store to further observe them and potentially engage in a consensual encounter. BPA Loomis observed the two subjects he had seen exit the Chevrolet Suburban inside the thrift store browsing at electronics. BPA Loomis also began browsing electronics near the subjects and eventually asked one of the man (later identified as AVILA-Lucas, Florentin), "How are you today", AVILA responded in broken English, "Good, thank you". BPA Loomis then responded to the subject saying, "They have some good stuff in here don't they", AVILA appeared confused as if he didn't quite understand what BPA Loomis had said. AVILA appeared uninterested with conversing with BPA Loomis so the conversation ended.

BPA Loomis then moved over to the area that the second subject (later identified as BATZ-Tzul, Miguel Antonio) who had been seen exiting the Chevrolet Suburban was browsing. After a few moments, BPA Loomis observed BATZ pick up a small speaker. BPA Loomis asked Batz, "Hey sir, is that a speaker?" Batz replied in very broken English, "Yes, this speaks." as he motioned his hand to imply a mouth talking. BPA Loomis then asked BATZ, "I'm looking for a microwave, do you know where they keep those?" BATZ looked confused and stated, "No speak English." BPA Loomis then ask BATZ, "You don't speak English, what language do you speak?" BATZ replied, "Spanish." BPA Loomis then asked BATZ, "Where are you from?" BATZ replied, "Guatemala." At this time BPA Loomis left the area that the two subjects were browsing and eventually left the store, returning to the unmarked service vehicle operated by BPA Burns.

At this time, it was suspected by BPA Loomis and BPA Burns that the two subjects in the thrift store who had occupied the Chevrolet Suburban may be undocumented immigrants. The suspicion was due to the record checks that indicated the registered owner of the vehicle may not have a valid social security number and the consensual encounter that BPA Loomis had with the subjects inside the thrift store. During this encounter both subject exhibited difficulty with the English language and with BATZ' admission that he did not speak English and that he was from Guatemala.

At the time of this encounter, approximately 1:10 p.m., the thrift store was busy with numerous customers inside. Due to this, BPA Loomis and BPA Burns decided to continue surveillance of the Chevrolet Suburban and AVILA and BATZ and wait until they exited the thrift store, so the business was not interrupted. BPA Loomis and BPA Burns waited until approximately 1:35 p.m. for the subject to exit the store but they did not. At this time BPA Loomis and BPA Burns decided to enter the thrift store and approached the subjects and identified themselves as law enforcement and ask AVILA and BATZ to exit the store and speak to them outside. AVILA and BATZ consented and exited the store, following BPA Loomis and BPA Burns to their service vehicle.

Once outside at the vehicle, BPA Loomis and BPA Burns identified themselves as Border Patrol Agents and separated the subjects with BPA Burns speaking to AVILA and BPA Loomis

Signature JEREMY FORKEY	Title Border Patrol Agent
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<p>speaking to BATZ. BPA Burns through questioning was able to determine that AVILA was a citizen and national of Guatemala and did not have any legal immigration documents that would allow him to be in or remain in the United States legally. AVILA was placed under arrest and transported to the Beecher Falls Border Patrol Station for processing.</p> <p>ALIENAGE: Once at the Beecher Falls Border Patrol Station, AVILA's fingerprints and biographical information was entered into the IAFIS/IDENT systems and revealed no valid immigration status in the United States.</p> <p>ENTRY DATA: AVILA claimed to have last entered the United States illegally by crossing through the desert in 2002.</p> <p>IMMIGRATION HISTORY: Subject has one previous apprehension in 2002 by the US Border Patrol in Hidalgo, TX. At that time AVILA gave an alias name of AVILA-Lucas, Carlos DOB: [REDACTED]</p> <p>CRIMINAL HISTORY: Subject has no criminal history.</p> <p>DERIVATIVE CITIZENSHIP DATA: Subject stated that his father was born in Guatemala, was a citizen of Guatemala, and had never attempted to attain U.S. Citizenship or legal status. Subject stated that his mother was born in Guatemala, is a citizen of Guatemala, and has never attempted to attain U.S. Citizenship or legal status. Subject has no claim to derivative status in the United States.</p> <p>PENDING PETITIONS: A search of CIS and CLAIMS databases show no pending petitions for Subject. Subject has no known petitions pending nor have any been filed on his behalf.</p> <p>CREDIBLE/REASONABLE FEAR: Subject stated he does not fear returning to his native country.</p> <p>CONSULATE RIGHTS/NOTIFICATION: Subject requested to contact the Guatemala Consulate in New York at 10:00 pm.</p> <p>ADMINISTRATIVE RIGHTS: Subject was advised of his administrative rights as per Service Form I-826, I-862 and I-286.</p> <p>PROPERTY: G-589: 3575597, 3575596 and I-77 7200385</p> <p>HEALTH/MEDICAL HISTORY: Subject claims no adverse medical conditions. Subject appears to be in good general health at this time. Subject was evaluated by a Border Patrol EMT's for minor injuries sustained</p>		
Signature JEREMY FORKEY	Title Border Patrol Agent	

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while being arrested. Medical clearance/evaluation form is in the file.

LEGAL SERVICES:

Subject was given a copy of free legal service providers in the area.

DISPOSITION:

Subject was processed as a "Warrant of Arrest/Notice to Appear"

Supervisory Detention and Deportation Officer (SDDO) Tim Stevens was contacted regarding this arrest. After being advised of the facts of this case, and the subject's criminal record, SDDO Stevens authorized detention space at the Strafford County Jail in Dover, NH.

Signature

JEREMY FORKEY



Title

Border Patrol Agent

Event No: BVB190300007

U.S. Department of Homeland Security

MEMORANDUM OF INVESTIGATION

File Number	Title: Primary Subject: BATZ-TZUL MIGUEL A	Control Office SWB/BVB
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Memorandum of Investigation

On Wednesday, March 20, 2019, I, Border Patrol Agent (BPA) Brendan Burns was performing roving patrol operations in Lebanon, NH, while assigned to the Beecher Falls Station. At approximately 1330 hours, BPA James Loomis informed me that he had engaged in a consensual encounter with two (2) adult males (later identified as AVILA-Lucas, Florentin [REDACTED] and BATZ-Tzul, Miguel Antonio [REDACTED] inside a thrift store located at 387 Miracle Mile Road. BPA Loomis informed me that during this encounter, one of the subjects had told him that he was from Guatemala and that he did not speak English. Based on this information, and information that BPA Loomis had discovered while running records checks on the vehicle that the subjects had been riding in, we decided to perform immigration inspections on both subjects.

BPA Loomis and I entered the thrift store and made contact with the subjects. We asked the subjects to accompany us outside into the parking lot because the store was busy. I identified myself as a U.S. Border Patrol agent and spoke with AVILA while BPA Loomis spoke with BATZ. While speaking with AVILA, he informed me that he was a citizen of Guatemala and that he had a work visa allowing him to be in the United States. I then asked AVILA to produce his immigration documents, at which time he retrieved a black zippered case from his vehicle. When AVILA opened the case, I could see a Guatemalan passport inside. AVILA attempted to conceal the passport with other papers inside the case, and instead handed me an international driver's license. I told AVILA that I saw his passport and I asked him for it. A review of his passport revealed no U.S. visas or stamps granting him any privilege to enter, pass through, or remain in the United States. At this time, having probable cause to believe that AVILA was unlawfully present in the United States, I ordered him to place his hands on the hood of my service vehicle, and I told him that I would be placing him in handcuffs. By this time, BPA Loomis had completed his immigration inspection with BATZ and had informed him that he was under arrest. I believe that AVILA had overheard this, because I was standing next to him and I overheard it.

AVILA walked to the front of our service vehicle and initially complied by placing his hands on the hood. When I produced handcuffs, AVILA said "no" and began to walk away from me. I again informed AVILA that he was under arrest and ordered him to place his hands on the truck. AVILA kept saying "no" and continued to walk to the driver side of our service vehicle. I then attempted to control AVILA's wrists in order to place him in handcuffs while giving him verbal commands to place his hands on the truck. AVILA repeatedly pulled his arms away from me and attempted to push my hands off of his wrists. During this exchange, AVILA turned away from me, and in doing so, pushed my chest with either his hand or forearm. At this time, I grabbed AVILA by the upper body and pulled him to the ground. AVILA continued to resist by pushing my hands away and by attempting to keep his hands between his body and the ground. I continued to give AVILA commands to place his hands behind his back, while AVILA continued to say "no". After a short time, I was able to place handcuffs on AVILA. BPA Loomis and I then assisted AVILA to his feet and into our service vehicle.

Throughout the sequence of AVILA's arrest and resistance, BATZ continuously implored AVILA to calm down and to be compliant.

At no time were any strikes or intermediate force devices deployed.

After a short time in the service vehicle, AVILA had calmed down enough to talk to. While speaking with AVILA, he admitted to me that he had illegally entered the United States by walking across the border from Mexico in 2001, and that he was currently unlawfully present in the United States.

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Investigator
BORDER PATROL AGENT


BRENDAN BURNS

Date
March 20, 2019

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G166C


Alien's Name
Primary Subject: BATZ-TZUL MIGUEL A

File Number
[REDACTED]

Date
March 20, 2019

BPA Loomis and I turned both subjects over to other agents who transported them to the Beecher Falls Station for processing.

Signature


BRENDAN BURNS

Title

BORDER PATROL AGENT

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AFFIDAVIT OF FLORENTIN AVILA LUCAS, A#216-436-221

I, Florentin Avila Lucas, hereby swear and state as follows:

1. My name is Florentin Avila Lucas. My alien number is [REDACTED]. I currently being detained by Immigration and Customs Enforcement ("ICE") at Plymouth County House of Corrections at 26 Long Pond Rd, Plymouth, MA 02360.
2. I write this affidavit in support of my Motion to Suppress before the Immigration Court. On March 20, 2019 I was arrested by Customs and Border Patrol ("CBP") and detained by Immigration and Customs Enforcement ("ICE").
3. On that day I had just finished working and I went directly to the thrift store with my co-worker and brother-in-law of my brother, Miguel Antonio Batz. He and I went to the store together. I called him and asked if he wanted to go to the store. I asked him if he wanted to go eat because it was his birthday. My schedule at work is 4:30a.m. -11:30am and then 2:45pm-8:00pm. Miguel and I work at a local dairy farm. We work six days a week. I called him around 11:30am. We left the house around 12:00pm.
4. I picked Miguel up at his house which was about one (1) minute away. We went directly to the store called LISTEN Thrift Store & Donation Center in Lebanon, NH. It is a second-hand store where I am a regular shopper. Miguel wanted to go to buy working clothes before we ate. I like going to this store. I usually go there every Saturday without issues. This was a Wednesday. We like the store because they have lots of clothing that are good quality and I buy boxes of things to send to my family including nephews and my immediate family.
5. When we pulled into the store I did not notice any CBP, ICE, or police officers following me or looking at me. I was a regular at the store and everything seemed the same as normal. I did not notice anything. Inside the store Miguel and I shopped. I bought a microwave and told Miguel I was going to buy it and bring it out to my vehicle, but that he could continue shopping. Then I noticed a vehicle with a person inside looking at me. This vehicle was parked next to me. I did not notice any markings of police, CBP or notice that it was a law enforcement vehicle. I brought the microwave to my vehicle and locked it up. I went back inside the store. When I got inside, Miguel was not inside the electronics but in with the clothes.
6. I asked Miguel in Spanish if he was done looking at the clothes. I felt something touch my shoulder. The man said in Spanish, "Hola." I responded, "hola." Then the man walked in front of me. He said in Spanish, "Tu tienes la registracion mal de tu carro." (Your car registration is wrong). He also asked in Spanish, "¿Tue eres dueno dela suburban blanca?" (Is that your white suburban outside?) I said, "Yes," in Spanish. I did not know he was police or immigration. It was very strange because I thought maybe it was someone I knew because I am a regular at the store. He was dressed in jeans, t-shirt, beige jacket and a beige cap. I did not know who he was. He insisted twice that I should go outside to see my registration for my vehicle. He was very direct about the registration. I had just registered my car a week before, so I thought maybe there was a problem. I was very confused about what this was about. In Spanish I asked if he was a

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police officer, he said, in English, "No, no just go outside." He started to be very aggressive in his tone. I said, "no I am not going outside." The man touched my back and started to push me forward on my back. I had a white cap in my hand and needed to pay for it. I told the man I needed to buy the cap in my hand. We were near the registers. I felt embarrassed because I was a regular at the store and knew the cashiers. I let go of the cap and went outside with the man. The man followed behind me.

7. In a very aggressive manner when we got near my vehicle, he said, "Open the door, I need to see the papers for your car." I was saying "wait, wait." He stood right behind me when I opened my vehicle. I opened the console inside my car and took out a red and black bag where I had my registration folded up with other papers. I never attempted to hide any papers, but was looking for the registration that he had asked me about. My license was similar to a booklet and I put back the other papers in the bag so I could obtain my license and the registration he was asking for. He took a look at what I handed him and threw the registration on the ground. In English, he said this registration is not valid. I was on the second step of my truck and the man was behind me. I was holding the red and black bag. He said this is not a valid license, "where are your papers?" in English. Then he grabbed the black and red bag. He said, "Do you have a visa for work?" I said you are not asking for a visa." He did not identify himself as a law enforcement officer. I asked him, "Why are you asking so many questions?" Then I tried to get off he step from my vehicle to pick up the registration from the ground. Then I got mad because I did not understand what was happening. The man said, "the problem is that you do not have papers to be here."
8. I did not understand what was happening with all the anti-immigrant talk in the news, I thought it might be a random person harassing me because I am speaking Spanish and having brown skin. I had a bad experience before when I had a lady sold me a car and she put the insurance and registration in her name. After I paid everything for the car she refused to sign the papers over to me. She kept the car and threatened to call the police on me. I was thinking that this man was like her and was trying to pull a scam to take my vehicle away from me. This man did not identify himself and I did not understand what was going on.
9. As I reached for the registration on the ground, the man grabbed my hand and put it around my back and pushed me very hard to the ground. When I was on the ground he put one of my hands in the handcuffs and then he said, "Calm down, I am immigration" in English. I was in some shock when I was pushed to the ground and may have said, "no." I said to him, "You are hurting me." When I hit the ground I hit my face at the chin on the pavement. I still had one hand free and I tried to reach for my face because I could feel the pain. When I took my hand away I saw the blood. The officer then grabbed my free hand and put it in a handcuff behind my back. I told him my legs were hurting and he said that was not his problem.
10. When I got up my knees hurt and I noticed my jeans were ripped. Then I saw Miguel in handcuffs. He told me in Spanish to calm down its immigration. The man who had arrested me showed me his badge after I was in handcuffs. I never said anything to the man about what country I was from. I never told the officer I had a work visa. I never responded to his questions or said where I was working. I did not intentionally pull away from the officer, pull my arms

away or push the officer in any way. I never had a chance, because he pushed me to the ground before I could do anything.

11. When I was being taken off the ground by the man, the local police pulled up and asked if everything was okay. The man said yes and he showed them his badge and they said they were immigration. The police left. My handcuffs were tight and were hurting my arms I told the officers but they told me to go inside their vehicle. Miguel and I were placed in the vehicles and brought to another parking lot where there were 5-6 vehicles hidden behind the tractors in the lot. There were more men in these vehicles using binoculars looking in the direction of the store. They took Miguel and I out of their vehicle. Another officer told me that he was going to take the handcuffs off, but told me if I moved he would punch me. While he said this he was making a fist. He put my hands in front of me and re-cuffed me. Then they drove us to an immigration office. They asked me some questions and took my fingerprints. I refused to sign their paperwork. Later they took me to Strafford County House of Corrections and then to Plymouth County House of Corrections. I have been detained for over two months.
12. Thank you for your consideration of my case. If you need to know anything else, I am happy to answer questions in court concerning my affidavit.

May 21, 2019

Florentin Avila Lucas

Subscribed and sworn to this 21st day of May 2019.

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