

UNITED STATES DISTRICT COURT

for the
District of New Jersey

ORIGINAL FILED

OCT 14 2015

WILLIAM T. WASH, CLERK

United States of America)

v.)

Jose Amaya-Vasquez)

Case No.

15-MJ-5563 (KMW)

Defendant(s)

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(s) of 05/23/2015 - 05/26/2015 in the county of Camden in the
 District of New Jersey, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. §§ 1201 and 2
8 U.S.C. § 1326

Kidnapping, Aiding and Abetting
Illegal re-entry into the United States by an alien after removal

See Attachment A

This criminal complaint is based on these facts:

See Attachment B

Continued on the attached sheet.

Nicole Canales

Complainant's signature

Nicole Canales, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/14/2015

Karen M. Williams

Judge's signature

City and state: Camden, New Jersey

Karen M. Williams, U.S. Magistrate Judge

Printed name and title

ORIGINAL FILED
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WILLIAM T. WAH - HI CLERK

UNITED STATES DISTRICT COURT

Case No. 12-10000

U.S. District Court
Honorable Judge

U.S. District Court
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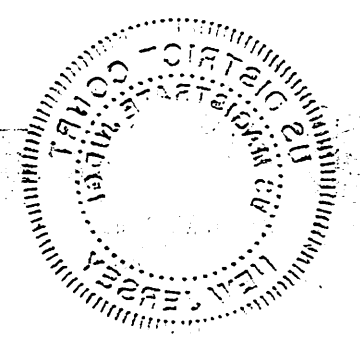
U.S. District Court
Honorable Judge

U.S. District Court
Honorable Judge

U.S. District Court
Honorable Judge

Handwritten signature

U.S. District Court
Honorable Judge



CONTENTS APPROVED

UNITED STATES ATTORNEY

By: 

Jason M. Richardson, AUSA

Date: October 13, 2015

Attachment A

Count 1

On or about May 23, 2015, in Kansas City, Missouri, in the Eastern District of Missouri and continuing until May 26, 2015, Camden County, in the District of New Jersey, the defendant,

Jose Amaya-Vasquez,

did unlawfully kidnap, abduct, seize, carry away, sexually assault and rape, M.S.D., and transport the victim in interstate commerce from Missouri to New Jersey, for ransom, reward and otherwise.

In violation of Title 18, United States Code, Section 1201, and Title 18, United States Code, Section 2.

Count 2

On or about May 26, 2015, in Camden County, in the District of New Jersey, the defendant,

Jose Amaya-Vasquez,

an alien who had been previously excluded and deported and had departed from the United States, did knowingly and willfully enter and was found in the United States without the express consent of the Secretary of Homeland Security to Jose Amaya-Vasquez's reapplying for admission.

In violation of Title 8, United States Code, Section 1326(a) and (b)(1).

ATTACHMENT B

COMPLAINT AFFIDAVIT

I, Nicole M. Canales, Special Agent with the Federal Bureau of Investigation (“FBI”), have knowledge of the following facts based on my own investigation and upon conversations with other individuals involved in this investigation. I have not included all of the facts known to me in this Affidavit, just those facts which I believe necessary to establish probable cause. Where the contents of statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. Where I assert that an event occurred on a particular date, I am asserting the event occurred on or about the date alleged:

1. Jose Amaya-Vasquez (“Vasquez”) is a native and citizen of Honduras.
2. A review of Vasquez’s Immigration file (known as an “A-file”) reveals that Vasquez attempted to illegally enter the United States on February 14, 2005 and was arrested by U.S. Customs and Border Protection (“CBP”). Vasquez was given a Notice to Appear in Immigration Court. On July 13, 2005, Vasquez failed to appear as ordered and was ordered removed by an Immigration Judge.
3. On June 7, 2014, Vasquez was arrested by the Kansas City, Missouri Police Department and charged with domestic assault M.D.S. (“the Victim”). Vasquez was turned over to Immigration and Customs Enforcement and was removed from the United States on July 4, 2014.
4. On September 9, 2014, a CBP agent arrested Vasquez after he illegally entered the United States from Mexico near Eagle Pass, Texas. On September 16, 2014, Vasquez pled guilty before the Honorable Collis White, United States Magistrate Judge for the Western District of Texas, Del Rio Division and was sentenced to 30 days’ incarceration. See USDCT – WDTX DR:14-M-09768(1) – CW. On October 22, 2014, Vasquez was removed from the United States.

According to the Warrant of Removal/Deportation, Vasquez was barred from reentering the United States for a period of 20 years.

5. Upon information and belief, neither the Attorney General nor the Secretary of Homeland Security authorized Vasquez's re-entry into the United States.

6. On May 23, 2015, Vasquez met the Victim in the parking lot of the Burlington Coat factory in Independence, Missouri.¹ Vasquez had their two year-old child in his vehicle. Vasquez entered the Victim's vehicle and threatened her, stating she had to decide that night if she wanted to live or die. Vasquez had a white-handled folding knife in his hand when he made the threat. Vasquez told the Victim that he was not kidding and poked her with the knife on the right thigh. Vasquez then duct-taped the Victim's wrists and ankles so she could not run. Vasquez also threatened to kill the Victim if she screamed. Vasquez told the Victim that he did not want to leave his vehicle in the Burlington Coat Factory parking lot, fearing it would be towed. Vasquez instructed the Victim to follow him, and that if she did not follow him, Vasquez threatened to hurt their baby and himself. The Victim agreed and Vasquez removed the duct tape so she could drive.

7. The Victim followed Vasquez to an abandoned house by the cross streets of 22nd Street and Banbuet Street in Kansas City, Missouri. Vasquez told the Victim they needed to rest because they were going to New York and she needed to do everything he told her to do because he was the one who gave orders. Vasquez told the Victim that she was here to be his woman. Vasquez threatened to kill the Victim's three children and her mother in Honduras.

¹ Vasquez and the Victim were previously involved in a romantic relationship that ended some time ago. Vasquez and the Victim have a child together who as of May 2015 was approximately 2 years old.

8. Vasquez told the Victim that she had to do everything he said. Vasquez then had sexual intercourse with the Victim without her consent. Afterward, Vasquez told the Victim that she was going to be with him until death and to get some rest because the next day they were going to New York. Approximately 20 to 25 minutes after the first sexual assault, he sexually assaulted her again.

9. When they woke up the next morning (May 24, 2015), the Victim asked Vasquez to let her go. In response, Vasquez tied up her hands with duct-tape and placed a blanket over her hands so no one could see. Vasquez then handed the Victim their child and walked the Victim to her car. Eventually, Vasquez drove the Victim and their child, against the Victim's will, out of Missouri heading towards New York.

10. On May 24, 2015, an individual walked into a police station in Kansas City, Missouri and reported that his friend, the Victim, sent him text messages at 1:30 p.m. which stated that she had been taken by her ex-boyfriend and father of her child and that she had been tied up and her leg was cut. The Victim also provided two addresses to which she had been taken. After the text messages, the witness spoke with the Victim and she told him that "she was tied up, her child was ok, and they were headed to an address on VanBurnt [which is in Kansas City]" and she asked for help. The witness provided law enforcement officers with descriptions of Vasquez's truck and the Victim's vehicle.

11. On May 25, 2015, at approximately midnight, Vasquez stopped at a Motel 6 in Englewood, Ohio. After the Victim put the baby to sleep, Vasquez approached her without any clothing on. The Victim begged him to stop but Vasquez raped her again.

12. Later on May 25, 2015, Vasquez, the Victim and their child left Ohio and continued traveling toward New York.

13. On May 25, 2015, at approximately 11:36 p.m., Vasquez stopped in Bellmawr, New Jersey. Vasquez checked in at the Super 8 Motel lobby and returned with a key to room 205. The Victim laid down next to her child after the child went to sleep. For a time, Vasquez laid down in the other bed. Eventually, Vasquez got up from his bed and approached the Victim with the knife in his hand. The Victim told Vasquez that she would scream if he tried to have sex with her again and she would not allow him to continue to assault her. Vasquez told her that he gives the orders while holding the knife in his hand. He took off her clothes while she was in bed with their child. Vasquez grabbed her by the wrists and kissed her breasts; he again sexually assaulted the Victim, penetrated her vagina with his penis and ejaculated inside of her.

14. On May 24, 2015, the Kansas City Police Department's Career Criminal Unit began tracking the Victim's cellphone. On May 25, 2015, at 10:25 p.m. and 10:43 p.m., the Career Criminal Unit was notified that the Victim's cellphone was located in the area of the New Jersey Turnpike and Route 168 near Bellmawr, New Jersey.

15. On May 25, 2015, at approximately 11:50 p.m., the Kansas City Police Department requested the assistance of the Bellmawr Police Department for a well-being check on the Victim. The Kansas City Police Department provided vehicle descriptions for Vasquez's vehicle and the Victim's vehicle.

16. On May 26, 2015, at approximately 1:50 a.m., the Bellmawr Police Department located the Victim's vehicle at the Super 8 Motel. Officers questioned the clerk at the Super 8 Motel regarding the vehicle and the clerk advised that a Hispanic male named "Benitez

Hondurena” checked into room 205 with what he believed was a woman and a child. A Bellmawr Police Officer knocked on the door of room 205 and received no response. The officers moved away from the room. Several minutes later the Victim, holding her child, emerged from room 205. The Victim and her child were escorted to a patrol car and room 205 was secured. The Victim explained that Vasquez stabbed her in Kansas City and held a knife to her while forcing her to have sex with him. Officers found no one else in Room 205 but did locate a folding knife when securing the room. The Victim advised that Vasquez went up into the ceiling when the police came to the door.

17. On May 26, 2015, at approximately 4:13 a.m., a Bellmawr Police Officer spotted Vasquez walking towards the Dunkin Donuts on the Black Horse Pike. The officer stopped Vasquez in the parking lot. Vasquez stated he was coming from the gas station across the street and was getting a coffee. When directed by the officer to sit down Vasquez ran behind the Dunkin Donuts, through the back yard of a home, into a wooded area and was located approximately 25 feet up a tree. Officers from Bellmawr Police Department and Mount Ephraim Police Department then surrounded the tree and ordered Vasquez to come down. Once Vasquez came down from the tree he was placed under arrest without incident.

18. As noted above, on May 26, 2015, Bellmawr Police officers found a chrome and ivory-colored folding knife with a 2 ½ - 3 inch blade in room 205 of the Super 8 Motel.

19. On May 26, 2015, the Victim provided written consent to search her vehicle. A detective from the Camden County Prosecutor’s Office searched the vehicle at the Bellmawr Police Department impound lot and found, among other things, one cellular telephone with a pink

and white case, one receipt for the Super 8 Motel in the name "Hondurena, Benitez," and one partial roll of gray duct-tape.