

CMR
1/6/25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Oscar Eduardo AUDELO-Rodriguez,
and
Francisco BRADO-Cota,

Defendants.

) Magistrate Docket No. '25 MJ045
)
)
) COMPLAINT FOR VIOLATION OF:
)
) Title 8, U.S.C. § 1324(a)(2)(B)(ii)
) Bringing In Illegal Aliens For Financial
) Gain; Title 18, USC, Sec. 2 Aiding and
) Abetting
)
)

The undersigned complainant, being duly sworn, states:

On or about January 5, 2025, within the Southern District of California, defendants Oscar Eduardo AUDELO-Rodriguez and Francisco BRADO-Cota, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that certain aliens, namely, Rosa ENRIQUEZ-Andalon, Angel Alejandro LOPEZ-Alvarez, and Alejandro SEVILLA-Ramirez, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii) and Title 18 United States Code, Section 2.

And the complainant further states that this complaint is based on the attached probable cause statement, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James T. Burns
Border Patrol Agent

SWORN AND ATTESTED TO UNDER OATH BY TELEPHONE, IN ACCORDANCE WITH FEDERAL RULE OF CRIMINAL PROCEDURE 4.1, ON JANUARY 6, 2024.

HON. KAREN S. CRAWFORD
United States Magistrate Judge

CONTINUATION OF COMPLAINT:

**Oscar Eduardo AUDELO-Rodriguez,
Francisco BRADO-Cota**

PROBABLE CAUSE STATEMENT

The complainant states that Rosa ENRIQUEZ-Andalon, Angel Alejandro LOPEZ-Alvarez and Alejandro SEVILLA-Ramirez, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 5, 2025, Border Patrol Agents (BPA) N. Ferguson and BPA H. Santana were performing assigned duties in the Imperial Beach Border Patrol Station's area of operations.

At 3:58 p.m., BPA Ferguson observed a vessel that appeared to match the description of a vessel believed to be involved in maritime smuggling. The vessel was traveling north in Mission Bay toward the Mission Bay Drive Bridge. BPA Ferguson observed two occupants in the vessel and several fishing poles in the vessel. There were more fishing poles than individuals observed on the vessel, and attempting to look like a typical fishing vessel is a common tactic used by smugglers. BPA Ferguson provided this information to BPA Santana who relayed it to the Joint Operations Center (JHOC) in case the vessel fled the area.

BPA Santana responded to Dana Landing and observed the vessel approach the boat launch. BPA Santana initially observed two individuals in the vessel and concealed himself near the public restroom. After a few seconds BPA Santana observed several individuals getting off the vessel and walk down the ramp. BPA approached the individuals and instructed them to sit down which they complied. BPA Santana then observed two male individuals near the vessel. BPA Santana gave them commands which they did not comply and got into the boat. BPA Santana relayed this information to JHOC. The boat began driving away from the dock. BPA Santana then conducted an immigration inspection on the four individuals, three of whom were later identified as material witnesses Rosa ENRIQUEZ-Andalon, Angel Alejandro LOPEZ-Alvarez, and Alejandro SEVILLA-Ramirez, that were being detained. All four individuals stated that they were citizens of Mexico without any immigration documents allowing them to enter or remain in the United States legally. At approximately 4:10 p.m., BPA Santana placed all four individuals under arrest.

At approximately 4:40 p.m., JHOC was able to direct the United States Coast Guard (USCG) to the location of the vessel. USCG activated their emergency lights and directed the vessel to stop. The vessel rammed into the USCG vessel, and the two occupants of the vessel began

CONTINUATION OF COMPLAINT:

**Oscar Eduardo AUDELO-Rodriguez,
Francisco BRADO-Cota**

throwing metal objects at the USCG boat and its occupants. USCG deemed these actions unsafe and responded by firing disabling rounds at the vessel's motors and deployed pepper ball projectiles at the two individuals, later identified as defendants Oscar Eduardo AUDELO-Rodriguez and Francisco BRADO-Cota. Defendants AUDELO and BRADO remained non-compliant, as a result, the USCG then boarded the vessel and utilized their OC spray to gain compliance. After being evaluate and monitored, AUDELO and BRADO were transported to Ballast Point at Naval Base Point Loma. After being medically cleared BPA Ferguson conducted an immigration inspection on both AUDELO and BRADO. Both stated that they are citizens of Mexico without any immigration documents allowing them to enter or remain in the United States legally. At approximately 5:26 p.m., BPA Ferguson placed AUDELO and BRADO under arrest.

Oscar Eduardo AUDELO-Rodriguez and Francisco BRADO-Cota were each read their Miranda rights and each stated that they understood their rights and were not willing to answer questions without a lawyer present.

Material witnesses Rosa ENRIQUEZ-Andalon, Angel Alejandro LOPEZ-Alvarez and Alejandro SEVILLA Ramirez stated that they were citizens of Mexico. All three material witnesses stated that smuggling arrangements were made prior to crossing into the United States. ENRIQUEZ and SEVILLA stated that they were to pay between \$7,000-16,000 USD if successfully smuggled into the United States. LOPEZ stated that he was to pay approximately \$400,000 MXN if successfully smuggled into the United States.

All three material witnesses stated that they were smuggled by boat. All three were shown photographic lineups. ENRIQUEZ identified defendant Oscar Eduardo AUDELO-Rodriguez as the captain of the boat for this smuggling event. Material witness LOPEZ identified AUDELO as the captain and defendant Francisco BRADO-Cota as the co-captain of the boat. Material witness SEVILLA also identified AUDELO as the captain and BRADO as the co-captain of the boat.