

UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

VIRGINIA

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

Cargill Meat Solutions, a Company
located at 135 Huffman Drive
Dayton, Virginia 22821

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

Case Number: 52 08M00010

I, Rosalie N. Quintanilla being duly sworn depose and say:

I am a(n) Immigration & Customs Enforcement Senior Special Agent and have reason to believe
Official Title

that on the property or premises known as (name, description and/or location)
Please see Attachment A for more information.

in the Western District of Virginia

there is now concealed a certain person or property, namely (describe the person or property to be seized)
Property to be seized, including but not limited to, instrumentalities, fruits, evidence of violations of Title 8 USC Section's
1324(a)(3)(A), 1324(a)(f)(1), 1324(a)(1)(A)(iv), 1324(a)(1)(A)(v), and 18 USC Section 1546(b), as outlined in Attachment B.

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)
(c) Persons or Property Subject to Search or Seizure. A warrant may be issued for any of the following: (1) evidence of a
crime; (2) contraband, fruits of crime, or other items illegally possessed; (3) property designed for use, intended use, or used
in committing a crime.

concerning a violation of Title 8 and 18 United States code, Section(s) 1324(a) violations and 1546(b)

The facts to support a finding of probable cause are as follows:
Please see Attachment C for more information.

Continued on the attached sheet and made a part hereof:

[X] Yes [ ] No
Signature of Affiant

Sworn to before me and subscribed in my presence,

3-10-08
Date

at Charlottesville, Virginia
City State

Hon. B. Waugh Crigler US Magistrate Judge
Name of Judge Title of Judge

Signature of Judge

ATTACHMENT C  
IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF  
STATE OF VIRGINIA:

*Rec'd w/  
Applic  
for SW  
3-10-08  
[Signature]*

IN THE MATTER OF THE }  
SEARCH OF: }  
Cargill Meat Solutions, a Company }  
Doing business as (d/b/a): }  
Cargill Farms-Turkey Division }  
Cargill Incorporated }  
Cargill Poultry Products }  
Cargill Turkey Productions LLC }  
Cargill Turkey Products Inc. }  
Cargill Turkey Products Realty, Inc. }  
Cargill Turkeys Inc. }  
Cargill, Incorporated }  
Cargill Inc. }  
135 Huffman Drive }  
Dayton, Virginia 22821 }

Case No.: 5:08M00010

A. AFFIDAVIT IN SUPPORT OF SEARCH WARRANT:

I, Rosalie N. Quintanilla, being duly sworn, depose and state:

1. I am a Special Agent with the United States Department of Homeland Security (DHS), Immigration & Customs Enforcement (ICE), assigned to the Resident Agent In Charge (RAC) in Harrisonburg, Virginia since March, 2003. Previously, I was employed by the Department Justice (DOJ), Immigration & Naturalization Service (INS) from July, 1988 through March, 2003. In March, 2003, INS was merged into the United States Department of Homeland Security (DHS), Immigration & Customs Enforcement (ICE).
2. I have successfully completed the Immigration Officers Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia. Subsequently, I have successfully completed various other Training courses related to my current position. As part of my daily

duties as a Special Agent, I investigate criminal and administrative violations relating to Immigration Laws, Customs Laws, and other violations of federal law. I have personally conducted or assisted in numerous inspections of businesses to detect violations of the Immigration Laws under Title 8 United States Code Section 1324a including surveillance relating to the unlawful employment of aliens who are in the United States without legal authority and of individuals who are subject to deportation proceedings. I have participated in, but not limited to, the execution of numerous administrative warrants ("Blackie's Warrants") for the purposes of inspecting commercial premises for illegal aliens, searched various companies for immigration violations, and in several criminal arrest warrants for the arrest of unauthorized aliens or other individuals suspected of fraud, smuggling, and other violations of federal law.

3. This Affidavit is made in support of an Application for a Warrant to Search the entire **SUBJECT PREMISES**: a company known as Cargill Meat Solutions, located at 135 Huffman Drive, Dayton, Virginia 22821. Hereafter, the company located at 135 Huffman Drive, Dayton, Virginia 22821 will be referred to as the **SUBJECT PREMISES**. The **SUBJECT PREMISES** to be searched is more particularly described as: a turkey processing and distribution complex comprising approximately of 279,985 square feet, more or less, which produces approximately 1,227,305 pounds of products per day. **SUBJECT PREMISES** is located on the eastern edge of the town of Dayton, Virginia. The property is bordered on the West by Virginia Route 42 with farmland adjacent to the plant on the North, East, and South. Huffman Drive bisects the property. The complex is made up of several buildings. Two large buildings, immediately adjacent to Route 42 are connected by an elevated enclosed walkway crossing Huffman Drive. The main entry into the facility is located off Huffman Drive. This entrance leads to a guard shack. Behind the guard shack is

the employee parking lot. The complex is surrounded by chain link fence around the North, West, South, and Northeast sides. According to company literature, this is the largest single turkey processing plant in the World. This company can be found within the County of Rockingham, in the Commonwealth of Virginia. Surveillance of this location was conducted from August 13, 2007 to the present. Photographs and floor plans of **SUBJECT PREMISES** are attached to the Affidavit for reference. The purpose of this Application is to seize evidence of violations of: Title 8 United States Code Section 1324(a)(3)(A), knowingly hiring for employment unauthorized and smuggled aliens; Title 8 United States Code Section 1324(a)(f)(1), pattern and practice of hiring unauthorized aliens; Title 8 United States Code Section 1324(a)(1)(A)(iv), encouraging aliens to come to or remain in the US; Title 8 United States Code Section 1324(a)(1)(A)(v), conspiring and aiding and abetting the commission of any provision of Section 1324(a); and Title 18 United States Code Section 1546(b), Satisfying INA 274A(b) (employment eligibility verification Form I-9) by using a fraudulent document. The items to be seized are documents, records, and computer and related peripherals, and computer media and other evidence as more particularly described in **Attachment B**.

4. I am familiar with the information contained in this Affidavit based upon the investigation I have conducted and based on my conversations with other law enforcement officers who have engaged in numerous investigations involving the hiring of unauthorized individuals in the United States. The terms unauthorized individuals and unauthorized aliens are used interchangeably throughout this Affidavit, terms defined in paragraph 14.

5. Because this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to

Mag 5:081100010

believe that evidence of violations of: Title 8 United States Code Section 1324(a)(3)(A), knowingly hiring for employment unauthorized and smuggled aliens; Title 8 United States Code Section 1324(a)(f)(1), pattern and practice of hiring unauthorized aliens; Title 8 United States Code Section 1324(a)(1)(A)(iv), encouraging aliens to come to or remain in the US; Title 8 United States Code Section 1324(a)(1)(A)(v), conspiring and aiding and abetting the commission of any provision of Section 1324(a); and Title 18 United States Code Section 1546(b), Satisfying INA 274A(b) (employment eligibility verification Form I-9) by using a fraudulent document are located at the **SUBJECT PREMISES** and within a computer and related peripherals, and computer media found at the **SUBJECT PREMISES**.

Where statements of others are set forth in this Affidavit, they are set forth in substance in part. Other Agencies and law enforcement officers assisting with the investigation to date are Special Agent Robin Blake of the Department of Labor (DOL), Office of Inspector General, Office of Labor Racketeering and Fraud Investigations and Special Agent Steve Vance of the Department of the Treasury, Internal Revenue Service (IRS), Criminal Investigation.

6. As a result of the instant investigation described more fully below, there is probable cause to believe that evidence, fruits, and instrumentalities of violations of federal law, including: Title 8 United States Code Section 1324(a)(3)(A), knowingly hiring for employment unauthorized and smuggled aliens; Title 8 United States Code Section 1324(a)(f)(1), pattern and practice of hiring unauthorized aliens; Title 8 United States Code Section 1324(a)(1)(A)(iv), encouraging aliens to come to or remain in the US; Title 8 United States Code Section 1324(a)(1)(A)(v), conspiring and aiding and abetting the commission of any provision of Section 1324(a); and Title 18 United States Code Section 1546(b), Satisfying INA 274A(b) (employment eligibility verification Form I-9)

by using a fraudulent document, are present at the SUBJECT PREMISES.

7. The investigation has revealed that a company known as Cargill Meat Solutions (SUBJECT PREMISES) has hired unauthorized individuals not authorized to be gainfully employed in the United States, from a certain group of individuals has specified what documents are to be presented for completion of the I-9 Form, ICE Form known as the Employment Eligibility Verification Form, and furthermore, has recruited and employed a certain specific group of individuals in order to satisfy the requirements of the Immigration & Nationality Act (I&NA) and in violation of Title 8 United States Code Section 1324(a)(3)(A), knowingly hiring for employment unauthorized and smuggled aliens; Title 8 United States Code Section 1324(a)(f)(1), pattern and practice of hiring unauthorized aliens; Title 8 United States Code Section 1324(a)(1)(A)(iv), encouraging aliens to come to or remain in the US; Title 8 United States Code Section 1324(a)(1)(A)(v), conspiring and aiding and abetting the commission of any provision of Section 1324(a); and Title 18 United States Code Section 1546(b), Satisfying INA 274A(b) (employment eligibility verification Form I-9) by using a fraudulent document,

**B. BACKGROUND OF THE INVESTIGATION:**

8. The Immigration & Nationality Act (also referred to as the I &NA or "The Act"), Title 8 United States Code Section 1101 et. seq., was passed by Congress as a means to restrict illegal immigration into the United States. Employment is often the magnet that attracts aliens to come to or stay in the United States illegally. Section 101 of the Immigration Reform and Control Act of 1986 (IRCA) created the employer sanctions provisions, found at Section 274A of the Act, to weaken the magnet by requiring employers to hire only citizens and nationals of the United States and aliens authorized to work. These

Mag 5:08400010

provisions changed with the passage of the Immigration Act of 1990 (IMMACT 90), the Higher Education Amendments Act of 1992, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1986 (IIRIRA). The Act grants agents of the United States Department of Homeland Security (DHS), Immigration & Customs Enforcement (ICE) (formerly known as U.S. Department of Justice (DOJ), Immigration & Naturalization Service (INS)) general powers to investigate violation of immigration laws. Those powers include, but not limited to, the authority to question aliens concerning their status and to arrest without a warrant aliens illegally in the United States. Title 8 United States Code Section 1357.

9. As required by the Act, any and all Employers in the United States must hire only persons who may legally work in the United States such as citizens and nationals of the United States and foreign nationals with employment authorization issued by the United States Department of Homeland Security (DHS). It is illegal for an employer to knowingly hire or knowingly continue to employ an unauthorized individual, or fail to comply with the employment eligibility verification requirements, with respect to employees hired after November 6, 1986. (Title 8 United States Code Section 1324a makes employment of unauthorized aliens unlawful and 1324a(f)(1), pattern and practice of employing illegal aliens).

10. The Act requires any and all Employers in the United States to verify the identity and employment eligibility of any individual they hire and complete and retain the I-9 Form, Employment Eligibility Verification Form, for everyone hired after November 6, 1986. Employers must treat all employees the same when completing the I-9 Form (Section 274A(b) and 8 C.F.R. 274a.2).

11. The Act, as amended, and Title VII of the Civil Rights Act of 1964, as amended,

Mag # 5.08100010

prohibits violations of discrimination against individuals on the basis of national origin or citizenship, or to require more or different documents from a particular individual.

Employers cannot set different employment eligibility verification standards or require that different documents be presented by different groups of employees, request that an employee present more or different documents than are required or refuse to honor documents which on their face reasonably appear to be genuine and to relate to the person presenting them, nor adopt a blanket policy of always preferring a qualified citizen over a qualified alien. Also, different procedures should not be established based on an individual's appearance, name, accent, or other factors (Anti-Discrimination Provisions of the Act, Section 274B {Title 8 United States Code Section 1324b}).

12. It is also unlawful for anyone, company, or a entity to knowingly to engage in any of the following activities to satisfy the requirements of the Act:

- a. To forge, counterfeit, alter, or falsely make any document;
- b. To use, attempt to use, possess, obtain, accept, or receive any forged, counterfeit, altered, or falsely made document;
- c. To use or attempt to use any document unlawfully issued to a person other than the possessor (including a deceased individual); or
- d. To accept or receive any document lawfully issued to a person other than the possessor (including a deceased individual) for the purpose of complying with the employment eligibility verification requirements;
- e. To prepare, file, or assist another in preparing or filing, any application For benefits under this Act, or any document required under this Act, or any document submitted in connection with such application or document, with knowledge or in reckless disregard of the fact that such application or document was falsely made or, in whole or in part, does not relate to the person on whose behalf it was or is being submitted or;
- f. To present before boarding a common carrier for the purpose of coming to the United States a document which relates to the alien's eligibility to

