

1:25-mj-29-PAS

AFFIDAVIT OF ICE DEPORTATION OFFICER EDWARD DONAGHY

I, Edward Donaghy, a Deportation Officer with Immigration and Customs Enforcement, being duly sworn, do hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint and issuance of an arrest warrant for Miguel Tamup-Tamup ("TAMUP") (D.O.B. 02/02/1997), who is also known as "Miguel US Tamup" (with a D.O.B. 1/21/1997), for assault, resisting, and impeding a law enforcement officer in the performance of official duties, in violation of 18 U.S.C. § 111(a).

2. I also make this affidavit in support of a warrant to search 149 Eastwood Avenue, Apartment 2, Providence, Rhode Island 02909 for the person of TAMUP. A photograph of the front of the multi-family building that is 147-149 Eastwood Avenue is attached as Exhibit 1. Entry to Apartment 2 is through the door on the first floor landing with the number 149 appearing to the left of the door. That Apartment 2 is on the second floor is indicated by the door to the porch on the second floor. That second floor door also has the number 149 appear to the left of the door.

3. I am a Deportation Officer assigned to the District of Rhode Island and have been with Immigration and Customs Enforcement ("ICE") since 2006. My primary assignment is the apprehension of at-large criminal aliens. I work in conjunction with members of other federal, state and local law enforcement agencies, and am authorized to obtain and execute federal arrest and search warrants.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officials. This affidavit is intended to enable assessment of the existence of probable cause and does not, therefore, set forth the entirety of my knowledge about this matter.

PROBABLE CAUSE

5. According to a Providence Police arrest reporting, on April 19, 2025, Providence Police officers arrested and detained a male, who they identified as "Miguel US Tamup" (DOB 1/21/1997), for driving under the influence. The report details that during the early morning hours, the male drove a 2007 Toyota Rav 4 (bearing registration 1YN438) into a police cruiser; he appeared wobbly when standing and walking; he had bloodshot and watery eyes; and he smelled of alcohol. At approximately 2:13 am he was read his rights in Spanish, agreed to a preliminary breath test, and declined a field sobriety test. The preliminary breath test indicated a blood alcohol level of .243%. He was subsequently taken to the Providence Central Station and agreed, in Spanish, to submit to a breath test. At 3:02 am, he submitted a breath sample that indicated a .246% blood alcohol level. A second sample taken at 3:05 am indicated a blood alcohol level of .254%. According to the report, the male resided at 50 Moorefield Street in Providence, Rhode Island. In his time with police, Tamup was fingerprinted. Tamup was subsequently released.

6. On April 21, 2025, ICE's Enforcement and Removal Operations office in Boston received an Immigration Alien Response ("IAR") from an automated biometric fingerprint match after Providence police's fingerprinting of the male, "Miguel US

Tamup." The Providence police fingerprint of the male matched the ICE fingerprint belong to TAMUP. The ICE fingerprint was catalogued under file number FINS1311395948.

7. ICE records indicate that TAMUP is a Guatemalan national who is illegally present in the United States. On August 1, 2021, United States Border Patrol ("USBP") arrested TAMUP near the Sasabe, Arizona point of entry into the United States. TAMUP was photographed by USBP. USBP learned from TAMUP that he was a citizen and national of Guatemala and did not have authorization to be in the United States. On August 1, 2021, USBP expelled TAMUP to Mexico. There are no additional ICE records of TAMUP entering the United States. I interfere from TAMUP's arrest by Providence Police that on some date subsequent to the expulsion, TAMUP re-entered the United States without admission or inspection by an immigration official.

8. On April 30, 2025, Deportation Officer W.M. along with Homeland Security Special Agent R.R. and M.A. (collectively, "Officers") sought to arrest TAMUP pursuant to an I-200 Warrant for Arrest of Alien. The Officers saw a male consistent in appearance with a photograph of TAMUP in ICE's database departing the residence at 50 Moorefield Street in Providence, Rhode Island in a car.

9. The Officers stopped the car and approached wearing clothing bearing visible law enforcement patches. On contacting TAMUP, the officers displayed their law enforcement badges. Officer W.M. asked TAMUP for identification, and he presented a Rhode Island Driver's License identifying himself as "Miguel Alfredo US Tamup" with D.O.B. 1/21/1997. The address on the driver's license Officer W.M. asked TAMUP to

step out of the vehicle. TAMUP refused. Officer W.M. then said, in English, "I'm an immigration officer, you are under arrest." TAMUP responded, in English, "No, I'm fine." Officer W.M. asked TAMUP if he had any immigration paperwork, and TAMUP said, in English, "No." Officer W.M. then ordered TAMUP to exit the vehicle, and TAMUP refused.

10. To effectuate arrest, Officer W.M. opened the car door and with the assistance of the agents guided TAMUP out of the car and placed him against the car. TAMUP pulled his hands away and trapped them between the vehicle and his body. The Officers attempted to gain control TAMUP's hands, and simultaneously TAMUP moved to pull away from the Officers. TAMUP threw his shoulders and upper body against the Officers. The Officers momentarily gained control of one of TAMUP's arms and attempted handcuff TAMUP. TAMUP pushed against the Officers and was able to break their hold. TAMUP flailed his arms against officers and made his way toward the back of the car, and there the Officers attempted to apprehend TAMUP.

11. TAMUP continued to flail his arms at the Officers. As a result of the flailing, Agent R.R. fell to the ground and twisted her ankle. She later learned that her leg was fractured. TAMUP slipped out of his shirt as the Officers attempted to apprehend him. He fled down the street. Officer W.M. and Agent M.A. attended to Agent R.R. and did not pursue TAMUP.

12. U.S. Postal Inspectors conducted an address verification for TAMUP. The inspectors queried postal business records, and those records showed that on April 30, 2025, a Change of Address ("COA") was submitted on behalf of TAMUP. The COA is

slated to begin May 20, 2025, and re-routes US Mails from 50 Moorefield Street, Apartment #2, Providence, Rhode Island 02909 to 149 Eastwood Avenue, Apartment 2, Providence, Rhode Island 02909.

13. On May 2, 2025, HSI Providence provided legal service to Rhode Island Energy, for the address of 50 Moorefield Street, Providence, Rhode Island. Rhode Island Energy provided customer information for 50 Moorefield Street, Apartment 2, Providence, Rhode Island. The customer name of Miguel Alfredo Pamup with a phone number of 401-259-9453 was provided. The driver's license associated with TAMUP showed a full name of "Miguel Alfredo US TAMUP." Based on the similarity of names, it is believed that TAMUP is the customer associated with the Rhode Island Energy account for 50 Moorefield Street, Apartment 2, Providence, Rhode Island. Furthermore, this account was terminated on April 30, 2025, the date on which TAMUP avoided arrest by the Officers and fled. On May 1, 2025, the utilities for Apartment 2 were transferred to another individual.

14. An administrative subpoena for tolls and subscriber information was issued for 401-259-9453. Tolls were later provided, but subscriber information returned without any information.

15. Law enforcement agents attempted to apprehend TAMUP on April 30, 2025 at approximately 06:40 am. Special Agent M.A. reviewed the tolls and found that on April 30, 2025 there was no activity from approximately 02:45am to 10:56am. At 12:00 pm, 401-259-9453 contacted 401-536-3400. Open source checks of this phone number

show it is associated with Benildo Lux Santos of 149 Eastwood Ave, Providence RI and Rosa Veronica Perez of 149 Eastwood Ave, Floor 2, Providence, Rhode Island.

16. On May 5, 2025, Special Agent B.J. conduct surveillance at 149 Eastwood Ave. On May 5, 2025, at approximately 1535 hours Agent B.J. arrived at 149 Eastwood Ave Providence, RI 02909. Agent B.J. saw several vehicles parked in the back behind residence, including a Honda Civic (RI/CK479); Honda Civic RI/1QR246) and an older model black Toyota RAV4. This RAV4 had black wheels, no license plate attached and had a "University of New Hampshire" sticker on the rear windshield. Agent B.J. noted that a few of the letters from "University" were missing. Both vehicles (CK479 and 1QR246) are registered to Benildo Lux Santos at 149 Eastwood Ave, Fl. 2, Providence, Rhode Island. Agent B.J. is aware that on April 30, 2025, when law enforcement attempted to take TAMUP into custody, he was operating a 2007 black Toyota RAV4 (RI/1YN438) matching the same features of the RAV4 that Agent B.J. located behind 149 Eastwood Ave. Agent B.J. sent photos of the RAV4 located behind the residence to Agent M.A., and he indicated that he believed this was the same vehicle TAMUP was driving on April 30, 2025 but that the license plate had been removed. Agent M.A. said that he believed it was the same because of the university sticker and because of the vehicle's black rims. Agent B.J. departed the area.

17. Later that same day, at approximately 6:05 pm, Agent B.J. arrived back in the vicinity of 149 Eastwood Ave to conduct surveillance. He saw two additional vehicles parked at the residence: a dark colored Nissan SUV (RI/IG870) and a blue Honda Odyssey (RI/GB530). Checks of these vehicles showed the Nissan SUV is

registered to Benildo Lux Santos of 149 Eastwood Ave, Floor 2, Providence, Rhode Island, and Isais Suar Ventura of 41 Bancroft Street, Floor 3, Providence, RI. At approximately 7 pm a silver Honda Civic (MA/3MBK83) arrived being operated by a young Hispanic male believed to be Samuel Ventura Suar (DOB: 08/02/1997). This male walked down the left side of the residence and disappeared. At approximately 7:45 pm this same male entered the Honda Civic and departed the area. Surveillance was terminated.

18. Based and on the above facts, I respectfully submit that probable cause exists to believe that on April 30, 2025, in the District of Rhode Island, defendant TAMUP did forcibly resist, oppose, impede and interfere with federal law enforcement officers while engaged in the performance of official duties, in violation of 18 U.S.C. § 111(a) and that there is probable cause to believe that TAMUP is presently residing at 149 East Wood Avenue, Apartment 2, Providence, Rhode Island.

Respectfully submitted,



Edward Donaghy
Deportation Officer
Enforcement and Removal Operations

Attested to by the applicant in accordance with the requirements of Fed.

R. Crim. P. 4.1 by Telephone **Sworn telephonically and signed electronically**

May 7, 2025

Date

Judge's signature

Providence, Rhode Island

City and State

Patricia A. Sullivan, USMJ

Patricia A. Sullivan, U.S. Magistrate