

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION**

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>WIE CRIMINAL NO. 19-CR-96</b>
<b>vs.</b>	:	
	:	<b>MDGA NO. 1:19-MJ-41 (LAG)</b>
<b>SAUL GARCIA,</b>	:	
<b>SAUL GARCIA, JR.,</b>	:	
<b>DANIEL GARCIA,</b>	:	
<b>CONSUELO GARCIA, and</b>	:	
<b>MARIA REMEDIOS GARCIA-OLALDE</b>	:	
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**GOVERNMENT’S PROFFER IN SUPPORT OF DETENTION**

COMES NOW the United States of America, by and through the undersigned United States Attorney, and respectfully submits this its proffer in support of detention, saying:

**1. STATEMENT OF PROPOSED CHARGES**

Garcia & Sons (G&S) and C&D Harvesting (C&D) were farm labor contracting businesses owned and operated by Saul Garcia and his family. In 2015 and 2016, the Garcias brought hundreds of Mexican nationals into the United States via H-2A visas to work on farms in the Moultrie, Georgia area. In violation of the H-2A visas, the Garcias brought workers to Wisconsin to work on farms in the Racine and Kenosha area in the summer and fall of 2015 and 2016. The Garcias gave the workers coming to Wisconsin fake names, made them fake green cards, and fake social security cards, and directed them to use their fake names while in Wisconsin. The Garcias also restricted the workers’ movements, withheld their passports, threatened deportation, and threatened serious financial harm while the Garcia workers were here in Wisconsin.

**2. STATEMENT OF FACTS:**

G&S and C&D defrauded the immigration system by submitting multiple false applications for H-2A nonimmigrant visas. The visa applications claim that prospective employees would come to the United States to work in the State of Georgia when, in fact, dozens to hundreds of these workers were sent to farms in the County of Racine in the Eastern District of Wisconsin in 2016. G&S was a Georgia domestic corporation in good standing as of 2016. Georgia Secretary of State public records list Saul GARCIA as CEO, Saul GARCIA as CFO and Consuelo GARCIA as Secretary with a business address of 108 Tallokas Trail, Moultrie, Georgia 31788. C&D is a Georgia domestic corporation in good standing as of 2016. Georgia Secretary of State public records list Daniel GARCIA as CEO, CFO and Registered Agent and Consuelo GARCIA as Secretary with a business address at 108 Tallokas Trail, Moultrie, Georgia 31788.

**H-2A Program:** Foreign nationals may obtain work authorization in the United States through a nonimmigrant visa petitioned for on their behalf by a qualifying sponsoring U.S.-based employer. A nonimmigrant visa allows a foreign national to enter the United States temporarily to fulfill a specific purpose. A foreign national may obtain authorization to work for pay in the United States is by obtaining an H-2A nonimmigrant visa through a U.S.-based agricultural employer. To apply for the H-2A visa, the prospective U.S.-based employer must submit information to the Department of Labor (“DOL”), Department of Homeland Security (“DHS”)/U.S. Citizenship and Immigration Services (“USCIS”), and, in most cases, Department of State (“DOS”). First, the prospective employer must file a DOL Form 970 Job Order (“Job Order”) with the State Workforce Agency in the area of intended employment, which lists the work hours and location where the intended H-2A workers will be employed. The employers themselves must also typically attempt their own recruitment efforts by posting newspaper advertisements for U.S. workers in a newspaper in the area of intended employment. These steps are performed to adequately test the local jobs market for domestic labor. Once recruitment efforts for U.S. workers are exhausted, the employer can submit a DOL Form 9142 Application for Temporary Employment Certification (“ATEC”) to the DOL. Before the certified ATEC can be forwarded on to the DHS for final approval, however, the U.S.-based employer under penalty of perjury must sign it. Once the ATEC is certified, the U.S.-based employer submits a DHS Form I-129 Petition for a Nonimmigrant Worker (“petition”) to USCIS for final adjudication. The Petition lists, among other things, the wage levels and specific work locations where the intending H-2A’s will be placed. The U.S.-based employer under penalty of perjury must also sign the petition. Upon receiving USCIS approval, the U.S.-based employer will be notified that their intending H-2A beneficiaries can present themselves in person to the nearest U.S. Embassy or Consulate for a visa interview by DOS officials. Although the foreign national does not have to sign the ATEC or Petition under penalties of perjury, they are required to provide a fingerprint certifying their visas are true and correct under penalties of perjury at the time of the visa interview abroad. Once approved, an H-2A visa is affixed to the foreign national’s passport, which the individual presents to U.S. officials for entry into the United States.

**Summary of Investigation:** In late October of 2016, law enforcement began investigating the use of G&S workers by Borzynski Farms and its affiliated entities in the Racine and Kenosha area located in the Eastern District of Wisconsin. In August of 2016, the Wisconsin Department of Workforce Development (“WDWD”), assisted by migrant worker advocates from United Migrant Opportunity Services (“UMOS”), visited the Riverside Inn (“Riverside”) in Racine based on a tip that hundreds of foreign national migrant workers were staying at the Riverside Inn and working at local farms. WDWD inspectors encountered Saul GARCIA, JR. (“GARCIA, JR.”), who purported to be in charge of the G&S crews. WDWD requested and GARCIA, JR. provided, a list of all G&S workers by name, as well as the migrant labor contracts for each worker. WDWD also learned during a phone call with Consuelo GARCIA, what roles each family member played in the business: Saul GARCIA signed migrant labor contracts; Daniel GARCIA did the paperwork for the company; and Consuelo “Connie” GARCIA was the point of contact for any further inquiries. Of additional note to inspectors during these initial visits was that G&S was paying for all rooms at the Riverside, and the GARCIA’s had arranged for a food truck for the workers. As a result, housing, transportation, communication, and food supplies were all controlled by G&S.

During another encounter around September 2016, UMOs advocates attempted to make contact with G&S workers at the Riverside to offer them food assistance vouchers. GARCIA, JR. attempted to obstruct access to his workers and stayed in close proximity while advocates attempted to address the workers. GARCIA, JR. appeared most intrusive when advocates asked about G&S workers' pay to verify eligibility for food voucher assistance. Due to these concerns, federal law enforcement was notified.

In October of 2016, law enforcement began surveillance of the Riverside. Four yellow school buses were used to transport dozens of migrant workers to BORZYNSKI sites beginning at 6:00 a.m. daily and returning to the Riverside around 6:00 p.m. On November 7, 2016, WDWD investigators stated that a G&S H-2A employee phoned WDWD seeking work. The G&S worker provided the name of J.R. to WDWD investigators, a name that was not on the list GARCIA, JR. provided to WDWD in August. J.R. stated to WDWD investigators that he met with a WDWD investigator around August or September of 2016 when they were at the Riverside. J.R. stated that he was residing with the other G&S workers at the Riverside at that time. WDWD notified federal law enforcement, who began vetting the list of G&S workers provided by GARCIA, JR. to WDWD in August. Federal case agents were unable to locate any consular, immigration, or work authorization for many of the purported G&S employee names. Case agents suspected a scheme involving out-of-state H-2A labor contractors providing labor in Wisconsin in violation of the geographic restrictions attested to on the ATEC and petition. In order to obfuscate the fact that H-2As are present in Wisconsin from outside of their required geographic work location, organizations involved in such schemes often provide their contracted H-2A workers with fraudulent names, dates of birth, and Social Security numbers, and compensate the H-2As under the fraudulent identifiers.

**November 10, 2016 Traffic Stop:** Between late evening on November 8, 2016 and early morning on November 9, 2016, three of the four G&S busses departed Racine, Wisconsin to a location unknown to law enforcement. This development, plus the fact that the Wisconsin harvest season was ending, led law enforcement to plan for an encounter with the last remaining G&S workers. During the afternoon of November 10, 2016, case agents conducted a traffic stop of the last remaining G&S school bus in Mount Pleasant, Wisconsin after it departed a BORZYNSKI property. During the traffic stop, agents encountered 23 workers on the bus, which was driven by an unlicensed worker among the group. Agents learned that the only female on the bus, who initially identified herself as Fernanda Casillas ("Casillas"), was the crew leader. Casillas admitted to federal law enforcement that every worker on the bus worked for BORZYNSKI and was undocumented. When asked to identify themselves, other passengers on the bus provided agents with what appeared to be fraudulent legal permanent resident cards, also known as "green cards." Despite presenting green cards, many passengers on the bus also told agents that they were present in the U.S. on H-2A agricultural worker visas. Upon being fingerprinted, the workers' identities came back to U.S. H-2A visa issuances overseas, and the identities on the H-2A visas did not match the identities on the fraudulent green cards in the workers' possession. After being properly identified, several workers provided voluntary statements to law enforcement during the evening of November 10, 2016. In summary, during the evening and night of November 10, 2016, dozens of workers related to federal law enforcement that they entered the U.S. on their H-2A visas to work in the Moultrie, Georgia area for C&D, a company run by GARCIA, and managed by

GARCIA, JR. Many of the workers possessed a white employee identification card bearing the letters C&D. These employee cards contained the workers' true names. These cards were used to punch in and out while the workers were working on farms in Georgia, and it was not until they prepared to come to Wisconsin that GARCIA, and GARCIA, JR. provided them with the fraudulent green cards and fraudulent social security cards. The workers also reported that the GARCIA's instructed them to use the fraudulent green cards to cash employee paychecks when they were working in Wisconsin. Upon being given these fraudulent green cards in Wisconsin, the workers were asked to hand over their passports to GARCIA JR. or Daniel GARCIA, which contained their H-2A visas and their true identities. The workers indicated that GARCIA, JR. was in charge of the C&D work crew in Wisconsin, but he had left Wisconsin two days earlier and returned to Georgia. Due to the trafficking factors identified during these initial interviews, law enforcement escorted the workers back to the Riverside and made arrangements for alternative lodging for them.

While the workers were being moved out of the Riverside, crew leader Fernanda Casillas approached case agents. Casillas provided law enforcement with her fraudulent green card and an accompanying fraudulent social security card and stated these items were given to her by her nephew, GARCIA, JR. to cash her paychecks while working in Wisconsin. Casillas then admitted that her true identity was Maria Remedios GARCIA-OLALDE ("GARCIA-OLALDE"), and she was here on an H-2A visa sponsored by C&D and she was present in Wisconsin illegally. GARCIA-OLALDE also gave law enforcement consent to search her phone, which had approximately 20 missed calls from GARCIA, and GARCIA, JR. beginning shortly after the traffic stop. Subsequent forensic analysis of GARCIA-OLALDE's phone revealed numerous communications with Consuelo GARCIA regarding the Wisconsin workers' hours and wages.

Later that day, case agents contacted Consuelo GARCIA via telephone to request that she accept service of a subpoena for records. Consuelo GARCIA told them that her ex-husband, GARCIA is the owner of G&S. Her son, GARCIA, Jr. helps GARCIA with business operations. Consuelo GARCIA's other son, Daniel GARCIA, runs C&D. C&D and G&S are essentially the same company. They both operate out of 108 Tallokas Trail, Moultrie Georgia, Consuelo GARCIA's home. Consuelo GARCIA has an office in the home, where she prepares payroll and other documentation for both G&S and C&D.

**Execution of Search Warrant at 108 Tallokas Trail:** On November 18, 2016, case agents executed a search warrant at 108 Tallokas Trail, the office of C&D and G&S. Connie GARCIA was present and declined to be interviewed by law enforcement, but spontaneously uttered while in the presence of federal agents that they (the GARCIA's) did not plan on transporting workers to Wisconsin, but did so anyway. She also admitted they "made a bad decision" and are going to "pay the consequences." Case agents seized a counterfeit I-551 green card with the name Reynaldo MOEDANO Hernandez. Review of thousands of documents seized revealed that the GARCIA's and specifically Connie GARCIA kept essentially two sets of books, that is, the worker's real name and real worker id number and then his worker id number for his fake identity in Wisconsin. For example, multiple excel spreadsheets recovered had an entry with Adult Victim (AV-1)'s true name, the real identification number he used for work in Georgia was 73115. His fake identity used in Wisconsin was "Alejandro Orduna" and his identification number for his fake identity was

6012. A spreadsheet recovered listed AV-1 in the first column, his true identification number, and his fake identification number. Review of the thousands of pages of physical evidence recovered, as well as thousands of pages of email records obtained via federal search warrants, revealed that Consuelo GARCIA was the bookkeeper, was aware of the use of the fraudulent documents and created the two sets of books used to keep track of the workers' hours, wages, and deductions for "taxes," while they worked illegally in Wisconsin in 2016.

**Victim Statements:** Of the 23 workers encountered on November 10, 2016, eleven decided to return to Mexico, and 12 decided to remain in Wisconsin. All eleven of the workers who returned to Mexico either testified before the grand jury or provided sworn affidavits prior to their departure.

**Adult Victim #1:** AV-1 stated that he was required to pay 5,000 Mexican pesos to a recruiter in Mexico to be placed on a potential hiring list with G&S. This payment did not guarantee an offer of employment with G&S, but simply got him on the list to potentially obtain an H-2A visa to work for the GARCIAs in the United States in Georgia. AV-1 ultimately obtained an H-2A visa to work for G&S in Georgia in 2016. During the harvest season of 2016 in Georgia, he was selected by G&S management for a harvest project in Wisconsin. A crew boss photographed him at the GARCIA residence, and GARCIA told him that once in Wisconsin, he would essentially be an undocumented worker. His true passport had been taken from him during his work in Georgia but was returned to him for the July 2016 bus trip to Wisconsin. When he arrived at the Riverside Inn in Racine, GARCIA, JR. was waiting to collect his passport again. GARCIA, JR. later gave him a fraudulent green card containing his photograph with the false name "Albaro Martinez Perez" and a false date of birth. GARCIA, JR. told him he would need this card to cash his paychecks. In Wisconsin, contrary to what had been promised, AV-1's paychecks had "taxes" taken out. GARCIA, JR. promised to reimburse everyone for the "taxes," minus expenses for the return trip to Georgia, once AV-1 and the other workers completed the Wisconsin project. AV-1 stated that he is still owed a reimbursement for the "taxes" taken out of at least 10 paychecks he obtained in Wisconsin. AV-1 stated that GARCIA, SR. ordered him and the other workers not to speak with anybody outside of the G&S workforce or management while working in Wisconsin in 2016. This prohibition regarding communication extended to employees of the farms on which they were working, and even the women who sold the crews their lunches. Failure to obey resulted in verbal threats from GARCIA, JR., which included being sent back to Georgia, which meant no more work given the weather conditions in Georgia at that time. Sometime during the 2016, the Wisconsin DOL came to the fields. GARCIA, JR. instructed AV-1 to say everything was good (which was untrue) and to use his fake identity during the interaction. GARCIA, JR. also told AV-1 to tell investigators that he was undocumented.

**Adult Victim #2:** AV-2 stated he was required to pay between 5,000 or 6,000 Mexican pesos to a recruiter each year between 2012 and 2015 to be placed on the G&S potential hiring lists. This payment did not guarantee an offer of employment but merely the opportunity to be considered. Once he was offered the seasonal position, he was annually coached to lie during the visa interview process at U.S. State Department. During the 2016 harvest season in Georgia, G&S management selected AV-2 and approximately 30 other workers he knew for a harvest project in Wisconsin. Since none of these workers were authorized to work in Wisconsin, GARCIA told

them that G&S management was creating false documents for them, and their photos for the fraudulent documents were taken by a GARCIA crew leader. AV-2 later received a fake green card bearing his photo, the false name "Samuel Marquez," and a false date of birth. Daniel GARCIA and GARCIA, JR. instructed AV-2 to provide the fraudulent green card to authorities if encountered by law enforcement while in Wisconsin. When he first arrived in Wisconsin in July 2016, AV-2 stated that he was housed with four other workers in a small two-bedroom house while they worked at a farm in Kenosha. He was prohibited from leaving the residence unless he was escorted by a GARCIA crew boss. Later, AV-2 stated he was transferred to the BORZYNSKI farm in Racine one week before law enforcement stopped the workers' bus. While working there, he was made to live in an overcrowded room at the RIVERSIDE, where multiple men slept in each bed, and someone would have to sleep on the floor. While on the harvest project in Wisconsin, AV-2 received paychecks with "taxes" taken out. GARCIA, SR. told the workers at a meeting at the RIVERSIDE that the "taxes," around \$500 each paycheck would be reimbursed once they completed the Wisconsin harvest and returned to Georgia. According to AV-2, the GARCIA, GARCIA Jr., Daniel GARCIA, and Connie GARCIA did not pay him or the other Wisconsin workers for the actual hours worked, but rather for a set number of hours that they coerced him to agree to. AV-2 said that, unlike in Georgia, the workers were not given breaks during the work day in Wisconsin, with the exception of a 30-minute lunch break. AV-2 recalled that on one occasion, the GARCIA crew bosses denied the employees water during a very hot day in the fields in Wisconsin as punishment because a worker had left a tap running the day before.

**Adult Victim #3:** AV-3 stated that he was required to pay \$600 dollars to a recruiter in Mexico to be placed on a potential hiring list for C&D. This payment did not guarantee an offer of employment, however, AV-3 was chosen and given instructions on how to apply for an H-2A visa. When AV-3 arrived in Georgia in April of 2016, he and a busload of G&S workers were taken to a house in Moultrie, Georgia owned by GARCIA. As soon as he and the other workers traveling with him arrived, Daniel GARCIA collected their passports. AV-3 did not want to give up his passport and asked other workers why they were being collected. Some told him it was so that they could not leave. AV-3 felt that he had no choice but to give Daniel GARCIA his passport because he did not want to lose out on the opportunity to work in the United States and make substantially more money than he could make in Mexico. AV-3 found the conditions in the fields in Georgia to be difficult, and on several occasions he saw workers faint due to extreme heat and long hours. If a worker took a break, the G&S crew bosses would yell at him. GARCIA himself was often in the fields making sure that no one was taking breaks. One day, AV-3 was working in the fields when a crew boss told him he and four other workers were being sent to work in Wisconsin. They were told this was an opportunity for additional work, since the harvest season in Georgia was winding down. They were taken to the GARCIA'S home where GARCIA returned their passports for the trip. Once AV-3 arrived in Wisconsin in July 2016, he was again forced to relinquish his passport, causing him to feel that he could not leave. While at the GARCIA'S home in Georgia, a crew boss used a camera phone to take a picture of him and that picture was used to create a fraudulent green card and fraudulent social security card for his use in Wisconsin with the name "Armando Gomez. GARCIA, JR. gave AV-3 the fraudulent green card and fraudulent social security card at a meeting a few weeks after his arrival in Wisconsin. GARCIA, JR. instructed the workers to use their fake green cards for cashing paychecks or any interactions with law enforcement in Wisconsin. After AV-3 had been working in Wisconsin for around two months,

GARCIA, JR. and GARCIA called a meeting of the workers. GARCIA, JR. told them that Department of Labor (DOL) was investigating the GARCIA'S and reiterated that the workers should not speak to anyone outside of C&D, and to provide their fraudulent green card to DOL if they were unable to avoid contact with the investigators.

While in working in Wisconsin, AV-3 confronted GARCIA, JR. during a meeting with 40-50 workers regarding the "taxes" that were being taken out of each of their paychecks in Wisconsin. GARCIA, JR. stepped out of the meeting and called GARCIA, SR. When he returned, he explained that the deductions were being made to cover the workers' anticipated travel expenses back to Georgia after the Wisconsin harvest was completed. GARCIA, JR. claimed that if there was any remaining money, they would be reimbursed when they finished the Wisconsin harvest completely and returned to Georgia. Ultimately, the GARCIA'S never reimbursed most of the withheld "taxes," and they failed to give him his last 2-3 paychecks before the anticipated return trip to Georgia. AV-3 stated that he believes this was done to coerce him to finish the Wisconsin contract and return with the group to Georgia.

**Adult Victim #4:** AV-4 stated that he was required to pay 6,000 Mexican pesos and hand over a title to a property located in Mexico to a recruiter in order to be put on a potential hiring list for C&D. AV-4 stated that he convinced his family to offer the title to his grandfather's land as collateral. To raise the money, his mother sold three sheep. Once AV-4 was offered the seasonal position with G&S, the recruiter who signed him coached him on what to say during the visa interview process. The recruiter told him to lie when asked if he had paid any money to work in the United States. Before traveling from Mexico to Georgia, AV-4 was required to pay an additional 6,000 Mexican pesos for the associated travel costs. As soon as he arrived in Georgia, the GARCIA'S held a meeting with all of the workers, and GARCIA, SR. collected their passports. While working in Georgia, a crew boss told AV-4 that he had been selected for a harvest project in Wisconsin because he was a hard worker. The next day, he was brought to the GARCIA'S home, where his picture was taken. GARCIA explained that AV-4 would be provided with a fraudulent green card to conceal his true identity while he worked in Wisconsin. GARCIA told AV-4 to provide the fraudulent green card to authorities if encountered by law enforcement in Wisconsin. GARCIA gave AV-4 his legitimate Mexican passport for the journey from Georgia to Wisconsin. However, upon arrival to Wisconsin, AV-4 was forced to relinquish the passport again to the GARCIA'S.

In Wisconsin, when AV-4 was not working he resided at a hotel with the other workers. AV-4 indicated that GARCIA, Jr. and GARCIA would become very angry if anyone left the hotel unaccompanied or spoke to anybody who was not associated with C&D. AV-4 stated that he once left the hotel on his own to go to a bar after work hours. When GARCIA, JR. found out, he was so angry that he almost sent AV-4 back to Georgia, which was a severe punishment because there was no work in Georgia at the time, and thus, no ability to earn money. AV-4 also stated that he was very concerned that they would see this as a breach of his contract and take possession of his grandfather's land. In addition, AV-4 was not allowed to have any visitors at the hotel. On one occasion, AV-4 recalled that UMOS conducted an outreach for the group of C&D workers. GARCIA did not allow any of the workers to talk to the UMOS representatives. AV-4 stated that he sometimes worked 13-14 hours in a day in Wisconsin but would only receive compensation for

8 hours a day. He also recalled that they were seldom provided with water while working. It angered GARCIA, JR. when workers asked to be taken to the hospital in Wisconsin for injuries or illness, and GARCIA, JR. would charge them \$120-150 to take them to the hospital or clinic. AV-4 recalled that he was once disciplined for not working fast enough by being made to sit on the bus for the entire shift and docked a day's pay. While on the harvest project in Wisconsin, additional "taxes" were taken out of his paychecks. GARCIA, SR. told him that the "taxes" would be reimbursed once he completed the Wisconsin harvest and returned to Georgia. AV-4 concluded that he had to continue working because GARCIA had his passport, he was owed reimbursement for the "taxes," and he did not want the title to his grandfather's land to be transferred if he quit. GARCIA and GARCIA, JR. threatened to report him to immigration authorities if he did not complete the Wisconsin harvest.

**Adult Victim #5:** AV-5 stated that he was required to pay 5,000 Mexican pesos and to turn over a title to a piece of property in Mexico as collateral to be placed on a potential hiring list for C&D. AV-5 did not have the money or any real property, so he used his newly purchased truck as collateral. A recruiter had AV-5 sign an employment contract that stipulated that failure to complete the seasonal employment would mean that he would lose his truck. The recruiter accompanied AV-5 during his H-2A visa interview. He had instructed AV-5 to lie and say he had not paid any fees in order to get the offer of employment. When AV-5 arrived in Georgia on April 22, 2016, he met GARCIA and Daniel GARCIA at their residence. Daniel GARCIA immediately asked AV-5 for his Mexican passport. Daniel GARCIA indicated he needed these documents to get AV-5 "checked in," but he never returned them. When AV-5 asked for his passport back, he was told that the GARCIAs needed to hang onto it "for safekeeping." While in Georgia in 2016, AV-5 was selected by C&D management for a harvest project in Wisconsin. The next day, AV-5 and other workers were brought to the GARCIAs' home, and a crew leader took a picture of AV-5 for a fraudulent green card. A fraudulent social security card was also created for him. These documents bore the name "Omar Ortega." His Mexican passport was returned to him for the trip, but when AV-5 arrived in Wisconsin, Daniel GARCIA took his passport again. Daniel GARCIA told AV-5 that he needed his passport to prevent AV-5 from leaving while he was working in Wisconsin. AV-5 felt uncomfortable because during his previous job in the United States, he always retained possession of his personal identity documents. AV-5 felt trapped. When AV-5 worked in Georgia, he received straight pay for the hours worked; there were no deductions in pay for any local, state, or federal taxes. In Wisconsin, however, the paychecks had "taxes" taken out. AV-5 asked what these deductions were for, and GARCIA, SR. explained that the "taxes" would be reimbursed once AV-5 completed his contract in Wisconsin and returned to Georgia.

While the workers were in Wisconsin, GARCIA, JR. frequently became angry with AV-5 and the other workers. He was angry with AV-5 for asking about the "taxes." He got mad if workers asked for more water. When AV-5 was injured on the job, GARCIA, JR. punished him by refusing to take him to the doctor, making him sit unpaid for a day, then forcing him to return to work before he was physically ready. When another worker became sick and had medicine delivered to the Riverside hotel, GARCIA, JR. found out and sent that worker back to Georgia as both a punishment to the worker and to set an example to the workers remaining in Wisconsin. On one occasion, UMOs representatives went to the fields to talk to some of the C&D workers. GARCIA, JR. told the workers that it was not a good idea to speak with UMOs representatives.



After UMOS left, GARCIA, JR. confiscated the business cards and flyers that UMOS had distributed to the workers.

**Adult Victim #6:** AV-6 stated that he paid a recruiter in Mexico \$600 dollars to be placed on the C&D potential hiring list. This payment did not guarantee an offer of employment but merely the opportunity to be considered. The recruiter instructed AV-6 and several other recruits who were with him to lie during their visa interviews in Mexico when asked during their H-2A visa interviews at the U.S. embassy in Monterrey Mexico if they had paid anyone to gain employment in the United States. Once AV-6 arrived in the United States, he had to give his passport to Daniel GARCIA. In July 2016, GARCIA approached AV-6 in the field and told him that he had been selected for a harvest project in Wisconsin. Shortly thereafter, AV-6 was taken to the GARCIA's home, where his photo was taken. GARCIA told him the photo would be used to create a fake identification card that he should use for cashing paychecks in Wisconsin. AV-6's passport was returned to him for the bus trip from Georgia to Wisconsin in case they were encountered by law enforcement or immigration officials, but GARCIA, JR. collected it from him again as soon as they arrived in Wisconsin. AV-6 stated that he was afraid that if he was found without his passport and in possession of a false identification card in Wisconsin, he would go to jail. GARCIA, JR. told AV-6 that if he encountered law enforcement in Wisconsin, he was to use his fake name, "Sergio Andrade." He warned AV-6 that if he used his real name, he would be deported. AV-6 was also under the impression that if he were deported, he would be banned from all future attempts to enter the United States as an H2-A visa worker, which would result in serious financial harm.

On one occasion, AV-6 recalled that DOL inspectors showed up at the Wisconsin worksite. AV-6 provided the fake name that was issued to him by GARCIA. During the interview with DOL, AV-6 was presented with an informational document that was in Spanish. The document explained that if AV-6 worked more than 45 hours per week, he was entitled to overtime compensation. GARCIA, JR. told AV-6 to sign the document but not to speak with the DOL inspector. AV-6 did not speak to the DOL inspectors because he was scared, but the truth was that he and the other workers were working 70 hours per week, but not being paid for all of those hours, and they never received overtime pay. On another occasion, UMOS visited the worksite. GARCIA, JR. told AV-6 not to speak with the UMOS representatives. AV-6 believes that GARCIA, JR. confiscated the meal vouchers that UMOS distributed and used them for himself. AV-6 described the daily work environment as hostile. AV-6 said it was not unusual for the crew leaders to scold the workers. A common threat was getting sent back to Mexico. Those who were injured or ill did not receive medical care. GARCIA, JR., disciplined one worker who had a doctor come to the hotel. While in Wisconsin, C&D deducted "taxes" from AV-6's paycheck that were to be reimbursed once he returned to Georgia. AV-6 is still owed his final three paychecks for work performed in Wisconsin as well as all of the "taxes" taken out of his paychecks in Wisconsin.

**Adult Victim #7:** AV-7 stated he had a cousin who had worked for GARCIA in 2015 who vouched for AV-7 and got him on the GARCIA's list to work in the United States via an H-2A visa. He says he did not have to pay any fees, but that his cousin would have been held responsible if AV-7 did not fulfill his contract. When AV-7 arrived in Georgia, Daniel GARCIA collected his passport. In May 2016, GARCIA, SR. approached AV-7 and said he was selected for a harvest

project in Wisconsin where he could earn more money. A female (believed to be Consuelo GARCIA) took a photo of AV-7 at the GARCIA's home in Moultrie to prepare a fraudulent green card and fraudulent social security card, and his passport was returned to him. After arriving in Wisconsin in July 2016, AV-7 had to relinquish his passport to GARCIA, JR. Eight days later, AV-7 received a fraudulent green card with his photo and the name "Guadalupe Arriaga." GARCIA instructed AV-7 to provide the fraudulent green card to authorities if encountered by law enforcement while in Wisconsin. In Wisconsin, he recalled that GARCIA, JR. constantly urged the workers to work faster. He would threaten to make them work extra hours or to call GARCIA, SR. if they did not speed things up.

Additionally, while working in Wisconsin, AV-7 developed an infection on both of his legs. Eventually, AV-7 received medical care at a local clinic and was examined by a physician. The physician concluded that AV-7 was having an allergic reaction to some of the chemicals used during the farm work and recommended one week of rest as part of the treatment plan. GARCIA JR. made negative comments about the physician's treatment plan and reportedly said it was not worth having AV-7 laying around for a week. When AV-7 heard that GARCIA's solution was to send him back to Georgia, AV-7 took some over-the-counter medication and returned to the harvest work the following day. AV-7 also was seen by a doctor for back pain while working in Wisconsin. GARCIA, JR. charged AV-7 \$100 to make the appointment for him and drive him to the appointment, in addition to the bill from the doctor. AV-7 was also required to use his fake identity when going to the doctor in Wisconsin. AV-7 also recalled another worker who had to keep working even after being told by a doctor to rest for a week because he was threatened that otherwise, he would be sent back to Georgia. He also recalled that GARCIA, JR. sent the worker who got a house call at the Riverside hotel back to Georgia as punishment and according AV-7, to send a message to the other workers in Wisconsin.

**Adult Victim #8:** AV-8 stated that he was required to pay a G&S recruiter 6,000 pesos in order to be put on a potential hiring list, and another 6,000 pesos for the bus ticket to the United States after being offered the job. AV-8 did not have 12,000 pesos and had to sell his car in Mexico to cover the expenses. After AV-8 made the required payments, he entered the United States on June 5, 2016. On the same day he arrived in Georgia, he was taken to GARCIA's residence. At the house, AV-8's photograph was taken. GARCIA also took AV-8's passport. AV-8 said that GARCIA confiscates passports from employees to prevent them from escaping and going to work for somebody else. GARCIA told AV-8 that three individuals had recently escaped and that he needed to prevent others from doing the same. During the 2016 Georgia harvest season, G&S management selected AV-8 for a harvest project in Wisconsin. GARCIA told AV-8 that he was not legally authorized to work in Wisconsin, so he would receive a fraudulent green card for use there. GARCIA returned AV-8's passport for the bus trip from Georgia to Wisconsin, but GARCIA, JR. collected his passport again once they arrived in Racine. Approximately one week after arriving in Wisconsin, AV-8 received a fraudulent green card with his picture and the name "Francisco Barrios." GARCIA, JR. instructed AV-8 to use it any time someone asked him for identification.

When AV-8 wanted to cash his check, he was transported and escorted by G&S crew leaders. While on the harvest project in Wisconsin, "taxes" were taken out of his paychecks.

GARCIA told AV-8 that the “taxes” would be reimbursed once AV-8 returned to Georgia at the completion of the Wisconsin harvest. AV-8 felt that he had to continue working in Wisconsin because GARCIA had his passport. Additionally, GARCIA had threatened to notify immigration authorities that AV-8 was “illegal” if he left before completing his contract. Near the end, G&S stopped paying AV-8 and still owes him for two weeks of work, plus the “taxes” that GARCIA took out of each paycheck in Wisconsin and promised to reimburse to them. AV-8 and the other G&S workers in Wisconsin were prohibited from speaking to anybody outside of G&S. GARCIA, JR. told them that G&S did not want anybody to know about the Wisconsin harvest project. On one occasion, UMOS, went to the fields and the Riverside hotel to talk to some of the workers from G&S. Following the UMOS visit, AV-8 and the other workers were told not to speak with anyone other than the G&S workers and not to speak to UMOS in the future.

**Adult Victim #9:** AV-9 met a C&D recruiter who required him to pay 7,000 Mexican pesos to be placed on a potential hiring list. The recruiter had doubts about AV-9’s ability because of his young age and required an additional guarantee that he would complete the work: a land deed, or a promissory note for 50,000 pesos. AV-9’s father offered the deed to their family’s home as the additional collateral. As AV-9 progressed in the hiring process, he was forced to pay somewhere between 150-300 Mexican pesos to attend a meeting with GARCIA in Mexico. At the meeting, AV-9 was informed that he must sign a contract, that the worksite was in Georgia, and that he would be paid ten dollars per hour.

After AV-9 arrived in the United States on April 22, 2016, Daniel GARCIA took AV-9’s passport without explaining why. While AV-9 worked in Georgia, he was not paid for the hours he actually worked, but rather for a lesser number of hours that the bosses said he had worked. AV-9 did not address this payroll issue with C&D management because he feared that management would send him back to Mexico if he complained. While in Georgia, AV-9 was selected by a crew boss to be part of the second wave of a harvest project in Wisconsin. He and the other workers who had been chosen were taken to the GARCIA’s home, where they waited on a bus for several hours before being summoned inside. They were led to an area where a photo of each worker was taken without explanation, and then they were returned to the bus with their passports. AV-9 stated that during the issuance of the fraudulent green cards, crew leaders, SAUL GARCIA and Consuelo GARCIA oversaw the process of making the fake green cards and explaining the process of using the fake green cards in Wisconsin. Upon arriving in Wisconsin, AV-9 had to give his passport to GARCIA, JR. The workers were housed four to a room in a hotel while working in Wisconsin. Several workers became ill or injured while working in Wisconsin, but were not properly treated. One worker fainted and was taken to the doctor when he did not quickly recover. It was rumored that he may have had a heart attack. Thereafter, when that worker took breaks, DANIEL GARCIA would yell at him, calling him weak and lazy. The worker was eventually sent back to Mexico as punishment and to set an example for the other workers.

AV-9 was not paid for the first week of work in Wisconsin. When AV-9 received his first paycheck for working in Wisconsin, he was also given a fraudulent green card with the name “Angel Armendariz.” AV-9 observed his photograph on the fraudulent green card and noticed that his paychecks had the same name as his fraudulent identification. GARCIA, JR. told AV-9 that he must use the fraudulent green card to cash the paycheck in Wisconsin. GARCIA, JR.

prohibited AV-9 and the other workers from speaking with anybody about the Wisconsin harvest job and instructed them to provide the fraudulent identification card if encountered by law enforcement. On one occasion, some people came to the field to speak with the workers and have them sign paperwork. GARCIA, JR. directed AV-9 to sign with his fake name.

**Adult Victim #10:** AV-10 stated that he paid a recruiter 7,000 Mexican pesos and turned over the deed to his parents' land to be placed on a potential hiring list for C&D. AV-10's grandfather had to sell his home in order to come up with the 7,000 pesos. This payment did not guarantee an offer of employment. AV-10 attended a meeting in March 2016 with GARCIA in Mexico regarding the H-2A work in Georgia. GARCIA said that workers would be paid \$10.59 per hour if hired. When AV-10 was offered the position, the Garcia recruiter coached him to say in his H-2A visa interview at the U.S. embassy in Monterrey, Mexico that he had not paid money for a job in the United States. As a final step of the hiring process, AV-10 was forced to review and sign an employment contract that was written in English. The contract said that if AV-10 failed to finish the work in the United States, the title for his parents' land would be forfeited.

Upon arriving in Georgia on April 8, 2016, AV-10 had to give his passport to GARCIA and sign three contracts in English that he did not understand. GARCIA told AV-10 that the reason for the passport confiscation was to prevent him from leaving. In July 2016, GARCIA selected AV-10 for a harvest project in Wisconsin and told him the working conditions would be better because it was cooler in Wisconsin. GARCIA took a photograph of AV-10 and later created a fraudulent green card for him with the name "Gustavo Portillo." GARCIA instructed AV-10 to provide the fraudulent card to authorities if encountered by law enforcement while in Wisconsin because his H-2A visa did not authorize work in Wisconsin, and thus, he was illegally there. GARCIA returned AV-10's passport when he left on the bus ride from Georgia to Wisconsin; however, GARCIA, JR. collected his passport again when AV-10 arrived in Wisconsin. AV-10 was reminded to avoid any communication with anyone other than the G&S workers while working in Wisconsin and advised that he may not discuss his employment contract. While in Wisconsin, AV-10 was paid in cash until he received his fraudulent identification. After that, paychecks were issued to AV-10's fictitious name. AV-10 noticed that additional "taxes" were taken out of his paychecks. Initially, AV-10 was being reimbursed for the additional "taxes" in cash. Later in the harvest season, the reimbursements ended, and eventually the paychecks stopped too. GARCIA, JR. told AV-10 that he would receive the delinquent paychecks and "taxes" once he completed the Wisconsin harvest project and returned to Georgia. AV-10 estimates that C&D still owes him for two weeks of labor, as well as reimbursement for approximately 11-12 weeks of "taxes" that were taken out of his paychecks while working in Wisconsin.

While working in Wisconsin, GARCIA, JR. and DANIEL GARCIA constantly screamed at the workers to work harder. They sent those they felt were not keeping up to sit on the bus without pay. Although the working conditions were difficult, AV-10 stated that he concluded that he had to continue working because he did not want to lose the collateral property by failing to complete his contract, and he did not have his passport. GARCIA also warned that an encounter with immigration authorities would make it impossible for AV-10 to ever return to the United States to work, which would have resulted in significant financial harm. When not working, AV-10 was transported with groups by designated C&D drivers for trips to Walmart or Mexican stores.

AV-10 stated that they were not allowed to leave the hotel or the farms without being escorted by a Garcia crew boss while working in Wisconsin. GARCIA, JR. frequently reminded the workers that they could only talk to people from the group.

**Adult Victim #11:** AV-11 stated that he was required to pay a recruiter for the Garcias 6,000 Mexican pesos to be placed on a potential hiring list for G&S. This payment did not guarantee an offer of employment. Since AV-11 did not have the required payment, he used the deed to a parcel of property in Mexico as collateral. In addition, AV-11 was required to pay 1,000 Mexican pesos for a letter of recommendation from the recruiter. AV-11 reported that if he failed to produce the money and collateral, the recruiter would move to the next person on the G&S hiring list. Upon arriving in Moultrie, Georgia, on April 8, 2016, AV-11 was required to surrender his passport to a Garcia crew leader. AV-11 traveled to Wisconsin in July 2016 for a harvest project. G&S provided AV-11 with a fraudulent green card with the name "Fernando Fuentes." The GARCIAs told AV-11 that he would need to use this card in order to cash his paychecks in Wisconsin. AV-11 and the other workers were discouraged from drinking water while working in Wisconsin so as to limit interruptions to their work and increase productivity. In addition, the G&S crew leaders discouraged AV-11 and the other workers from taking breaks to rest during the day while working in Wisconsin. As a result, it was not uncommon for workers to suffer heat emergencies, and some even fainted. Garcia crew leaders placed injured, ill, or incapacitated workers on the company bus. If workers had a medical emergency, fainted or became ill, they were sent to the bus for medical or disciplinary reasons, and they were not paid for that time. They were only paid for the time they had spent in the fields that day. AV-11 stated that while working in Wisconsin he and the other workers were prohibited from going anywhere at any time unless accompanied by a crew leader.

**Adult Victim #12:** AV-12 stated that he first came to work in the United States when he was 20 years old for C&D Harvesting. In 2015, he did not have to pay to get on the list but in 2016 he had to pay \$200 to a Garcia recruiter to be put on a list of workers wishing to come to the United States to work for C&D. AV-12 also had to provide a title to his parents' land to the recruiter to get on the list of Garcia workers. AV-12 stated that GARCIA JR. took his passport in both Georgia and Wisconsin. AV-12 recalled a lack of water in Georgia and Wisconsin. When someone passed out, the workers would put them in a shaded area until they woke up. The Garcia crew bosses would yell at workers that passed out. In one case, while AV-12 was helping move a passed out worker into the shade, DANIEL GARCIA yelled at him and told him to leave the guys that passed out laying there on the ground in the field. In 2016, AV-12 was selected to travel to Wisconsin. He went to GARCIA's house and there a crew leader took his photograph and GARCIA explained that the photo would go on a fraudulent identification document to be used in Wisconsin. DANIEL GARCIA was also there. Around 40 workers along with AV-12 loaded on a bus with a Garcia crew leader and departed for Wisconsin. They were provided with their real passports for the bus trip from Georgia to Wisconsin. In Wisconsin, the GARCIAs deducted "taxes" from their paychecks. GARCIA JR and DANIEL GARCIA told the workers that they would return the "tax" money to the workers when they returned to Georgia at the end of the Wisconsin season. AV-12 stated that he was not paid for his last three paychecks of work and his passport was taken by GARCIAs while he worked in Wisconsin. In Wisconsin, GARCIA JR instructed the workers that they could not go out on the street or travel anywhere without permission. GARCIA JR became

upset with some guys that left the Riverside hotel to play soccer on the weekend without being escorted by a GARCIA crew boss or receiving permission. GARCIA JR was angry because a bus came for workers at the Riverside to take them to the farms to work and some workers were not there. The workers who had left the hotel unaccompanied by a GARCIA crew leader were punished and had to stay home from work for two to three days. GARCIA JR also threatened that if you did not work hard he would send you back to Georgia or Mexico. When UMOS came to the Riverside to help the workers with food vouchers, GARCIA JR instructed the workers not to say anything. GARCIA JR also told him to sign using his fake name on a contract that was being provided to the DOL investigators in Wisconsin.

**Adult Victim #13:** AV-13 came to the United States to work for the GARCIAs on H-2A visas in 2015, 2016, and 2018. In 2015 and 2016, he went through a Garcia recruiter. The first time they met, the recruiter told AV-13 that in order to get a job offer from G&S, AV-13 would need to be recommended by someone currently working for them. In exchange for his recommendation, the recruiter demanded the deed to AV-13's land in Mexico. The recruiter told AV-13 that he would only get the deed back if AV-13 completed his entire contract working for the GARCIAs in the United States. The recruiter also asked for 6,000 pesos in order to add AV-13 to the list of potential workers. AV-13 turned over the deed to his home in Mexico and the money. AV-13 later attended a large G&S workers' meeting presented by the recruiter and GARCIA in Mexico.

AV-13 first arrived in Georgia in March or April of 2015. At the end of the Georgia harvest season, AV-13 was told about the work in Wisconsin and GARCIA told him that he could not work in Wisconsin legally and he would have to use a fake green card. GARCIA had a fake green card made for AV-13 with the name "Pablo Gomez." Shortly before the workers departed for Wisconsin in 2015, the GARCIAs had a meeting at their home where the workers' passports were returned to them for the bus trip to Wisconsin, and fake green cards were passed out to everyone by members of the GARCIA family. GARCIA, SR. instructed them to always use their fake identities while in Wisconsin. When AV-13 arrived in Racine, GARCIA, JR., who was in charge of the crews in Wisconsin, collected AV-13's passport again. AV-13 recalled working in the fields in Wisconsin from 5:30 a.m. until 5:30 p.m. or 6:00 p.m. each day. Sometimes he would do additional work in the packing shed after working in the fields until 8:00 p.m. or 9:00 p.m. He worked six to seven days per week and was rarely given breaks. Garcia crew bosses often pushed the workers to work faster and sometimes threatened to send someone back to Georgia if he did not work hard or had a bad attitude. Even when AV-13 was sick, he did not take any days off because he wanted to be paid. These conditions were the same in 2015 and 2016 while working in Wisconsin for the GARCIAs.

When AV-13 came to work in 2018, the company's name had been changed from G&S to G&H. AV-13 did not know why, but he still saw GARCIA regularly watching the crews in the fields, and he still considered GARCIA to be the boss. That year, the recruiter contacted AV-13 to say he had returned AV-13's deed to his wife before the contract was complete. This call coincided with AV-13 being interviewed by federal investigators in September of 2018 in Georgia. After AV-13 was interviewed by federal agents in Georgia in September of 2018, the Garcia recruiter called him, told him that his land deed had been returned to his wife and asked AV-13

lots of questions about the interview by federal agents. Approximately two weeks later, in September of 2018, GARCIA gathered the workers together in the barracks in Georgia and had the crew bosses pass around a document for everyone to sign. The bosses told the workers that GARCIA would find out if they refused to sign. The document said that AV-13 had not been charged any money or put up any collateral for this employment opportunity in the United States. In fact, AV-13 had paid a total of 16,000 pesos from 2015-2018 to work for the GARCIA's in the United States and each year had to put up a deed to his land in Mexico as collateral. AV-13 contacted federal agents and related to them that he had not felt comfortable being completely forthcoming to them during the interview in Georgia in September of 2018 because the GARCIA's still had the deed to his land in Mexico. After the deed was returned, he felt he could speak freely to law enforcement.

In October 2018, AV-13 had to travel from Georgia to Wisconsin to testify before a Grand Jury in this case. Although a taxi had been arranged to take AV-13 to the airport, GARCIA appeared unannounced around 3:30 a.m. to pick AV-13 up from the barracks where he was working in Georgia. AV-13 had never personally met GARCIA before as he was the "boss." GARCIA drove AV-13 to the taxi meeting point. During the drive, GARCIA told AV-13, "I didn't put that fake green card in your hand," and advised AV-13 that his attorneys would find out what he said to federal agents.

**Adult Victim #14:** AV-14 was looking for work in the United States in 2015, and someone gave him a phone number for C&D. When he called, he was instructed to send a copy of his passport by email and to deposit 3,000 pesos into a particular bank account. After depositing the money, he was directed to travel to Monterrey and to bring an additional 6,000 pesos for a recruiter there. When AV-14 arrived in Monterrey, he attended a meeting with approximately 50 other recruits. The recruiter told them that if anyone at the consulate asked them in their H-2A visa interviews about paying fees for their employment, they were to say they had not paid anything. In 2015, AV-14 was transported by bus to Omega, Georgia, where he worked a harvest season for C&D. Near the end of the season, GARCIA invited AV-14 and several other workers to complete an additional harvest project in Wisconsin. GARCIA told AV-14 the work would be hard and long, but he would be paid for all of his hours. After AV-14 agreed, GARCIA told all of the workers that they would have to work under false identities in Wisconsin. One of the crew bosses took his photo using a cell phone, and he was brought to GARCIA's home to receive a fake green card. GARCIA, JR. was in charge of the crews in Wisconsin. When the crews arrived, GARCIA, JR. collected everyone's passports. He instructed everyone not to go anywhere unsupervised and that they should not have contact with anyone other than each other. Group outings were limited to the farms where they were working and Walmart and a Mexican store where they cashed their paychecks using their fraudulent identification documents. This was different from how they were treated in Georgia. AV-14 worked 10 to 12 hours per day while in Wisconsin but was never paid overtime or paid for all of the hours worked. While in Wisconsin, "taxes" were deducted from AV-14's paychecks; sometimes they were reimbursed to him a week or two later and other times he never received a reimbursement for the "taxes" being withheld from each paycheck.

AV-14 returned to work for C&D in 2016, and the procedure was much the same. GARCIA gave AV-14 the same fake green card that he had given him in 2015. This time, however,

AV-14 returned to Georgia early because the weather turned cold. Afterwards, AV-14 heard that a bus full of workers had been stopped in Wisconsin. GARCIA told the workers in Georgia that if anyone asked, everything was going well, and everyone had permission to return to Mexico if they wanted to. AV-14 did not work for C&D in 2017. In 2018, AV-14 signed on to come to the United States with a company called G&H that he later learned was being run by GARCIA, SR., even though someone else (Fernando Hernandez) was nominally the owner. He did not have to pay any recruitment fees this time, but his movements in Georgia were restricted as they had been previously in Wisconsin. In September of 2018, case agents traveled to Georgia to interview various victims and witnesses and case agents interviewed AV-14 regarding his work in Wisconsin during the 2015 and 2016 harvest seasons and served him with a grand jury subpoena for testimony in the Eastern District of Wisconsin on October 14, 2018. In October 2018, AV-14 stated that he was working in the packing shed in Georgia when GARCIA called a meeting of all of the workers. GARCIA read aloud a letter to all of the workers saying that everyone had been reimbursed for all of their out-of-pocket expenses associated with their travel to work in the United States and instructed everyone to sign. AV-14 felt that the statement was not true, but everyone present signed because GARCIA told them to, and although nominally he was not the owner of the company, he was in charge of the G&H crews working in Georgia in 2018.

The week before he was supposed to come to Wisconsin to testify before the Grand Jury, the G&H crew bosses began treating him differently. Maria Remedios GARCIA-OLALDE accused him of making mistakes in the packing shed (which he had not made), threatened to fire him, and sent him to sit in the hot bus without pay that day. Shortly thereafter, she attempted to force him to sign a statement saying he had quit and was returning to Mexico voluntarily, a few days before he was scheduled to testify in Wisconsin; but AV-14 refused to sign the document and refused to quit. Instead, he wrote two copies of a letter documenting what had actually happened. AV-14 did not want to be perceived as breaking his contract, because he wanted to leave open the possibility of future employment in the United States. AV-14 appealed to GARCIA, and GARCIA did not fire him, but reassigned him to work in the fields, which was a worse assignment than working in the packing shed.

The weekend before AV-14 was supposed to testify in Wisconsin, GARCIA came to see him at the barracks in Georgia and asked him what he was going to say to the Grand Jury. AV-14 said he was going to tell the truth. GARCIA then told AV-14 to testify that he got his fake green card and social security card at a second-hand store in Wisconsin, or from anywhere he wanted. GARCIA advised AV-14 that he had attorneys and that whatever AV-14 said, he would find out. AV-14 felt threatened. On the morning when AV-14 was set to travel to Wisconsin to testify, it was GARCIA who appeared unannounced around 3:30 a.m. and picked AV-14 up from the barracks to drive him to the taxi meeting point. GARCIA repeated that AV-14 should say GARCIA had not given him the fake green card and that GARCIA would know through his lawyers what everyone testified to.

Based upon witness statements, document review, including documents recovered from the search warrant at 108 Tallokas Trail, and workers' pay stubs recovered during the investigation, federal case agents calculated that the GARCIA failed to pay the workers illegally brought to Wisconsin in 2015 and 2016 at least \$850,000. Case agents further determined that there was no



legitimate purpose for taking out “taxes” from the workers’ wages in Wisconsin. Case agents were unable to locate any documentation that the GARCIAAs paid any type of taxes, either state or federal, related to their work in Wisconsin in 2016. In fact, U.S.-based employers using H-2A workers for work in the United States are exempt from paying social security taxes, also known as FICA, or Medicare taxes. Finally, typically employers do not promise “reimbursement” of legitimate tax payments taken out of employees’ paychecks; rather, legitimate taxes are paid over to the appropriate state and/or federal authorities.

RESPECTFULLY SUBMITTED, this 22<sup>nd</sup> day of May, 2019.

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**CERTIFICATE OF SERVICE**

I, Jim Crane, Assistant United States Attorney, hereby certify that I electronically filed the within and foregoing *Government's Proffer in Support of Detention* by electronically filing the within and foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to opposing counsel.

This this 23<sup>rd</sup> day of May, 2019.

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