

CSA
5/4/21

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

1
2
3 UNITED STATES OF AMERICA,

Case No.: '21 MJ1579

4 Plaintiff,

COMPLAINT FOR VIOLATION OF

5
6 v.

Title 8, U.S.C., Section 1324

7 ANTONIO HURTADO,

(a)(1)(A)(i) Attempted Bringing in of
Aliens at Other Than a Port of Entry

8 Defendant.

(Felony); and

Title 18 U.S.C § 111(a)(1): Assault on a
Federal Officer (Felony)

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11 The undersigned complainant being duly sworn states:

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13 COUNT 1

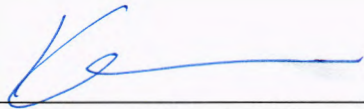
14 On or about May 2, 2021, within the Southern District of California, defendant
15 ANTONIO HURTADO, with the intent to violate the immigration laws of the United States,
16 knowing that certain individuals, namely, Everardo AMAYA-Lopez, Francisco
17 CARRENO-Cruz, Ramon CUELLAR-Guzman, Salvador PEREZ-Cuellar, L.M.H.H,
18 Hector SANCHEZ-Hernandez, Javier PALAFOX-Cruz, Juana ROJAS-Angel, Isaac
19 GARCIA-Orozco, Fernando TAPIA-Torres, Fabian RAMIREZ-Fernandez, Fidel
20 HERNANDEZ-Martinez, Jose GOMEZ-Hernandez, Ivan JUAREZ-Hernandez, Julio
21 ZUNIGA, Luz SANCHEZ-Hernandez, R.I.D.G, Maricela VALENTIN-Bangel, Jose
22 GARCIA-Isidro, Eberardo VILLALVA-Vasquez, Isaac MARTINEZ-Rodriguez, Maria
23 ISIDRO-Garcia, Florentino MARTINEZ-Gomez, Edgar AVALOS-Enriquez, Deyaneira
24 MIRON-Avelar, David MIRON-Lopez, Amilcar NATUL-Mateo, an unidentified individual
25 herein referred to as John DOE, Eduardo HERNANDEZ-Martinez, Maricela
26 HERNANDEZ-Sanchez (deceased), Victor PEREZ-Degollado (deceased), and Maria
27 Eugenia CHAVEZ-Segovia (deceased), are aliens, did attempt to bring to the United States
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1 said aliens, at a place other than a designated port of entry or at a place other than as
2 designated by the Commissioner; in violation of Title 8, United States Code, Section
3 1324(a)(1)(A)(i).

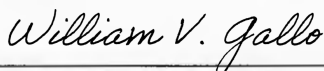
4 Count 2

5 On or about May 2, 2021, within the Southern District of California, defendant
6 Antonio HURTADO, did forcibly assault a person designated in Title 18, United States
7 Code, Section 1114, to wit, United States Border Patrol Agent Xalick J. Castorena, while he
8 was engaged in and on account of the performance of his official duties, and in commission
9 of such act, made physical contact with and inflicted bodily injury upon Agent Castorena;
10 in violation of 18 U.S.C. § 111(a) and (b).

11
12 The complainant states that this complaint is based on the attached Statement of Facts
13 incorporated herein by reference.

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15 _____
Special Agent Kerstyn Kowalski
Homeland Security Investigations

16 Sworn and attested to under oath by telephone, in accordance with Federal Rule of Criminal
17 Procedure 4.1, this 4th of May 2021.

18 
19 _____
WILLIAM V. GALLO
U.S. MAGISTRATE JUDGE

STATEMENT OF FACTS

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2 On May 2, 2021, at approximately 10:00 a.m., the United States Coast Guard
3 received a report of a vessel run aground approximately 50 yards from the shore near
4 Point Loma, California. Shortly thereafter, it was reported that multiple individuals
5 were in the water needing assistance. At approximately 10:33 a.m., the United States
6 Coast Guard and other law-enforcement entities commenced a multi-agency, mass
7 rescue operation. At the conclusion of this operation, 33 individuals were pulled out
8 of the water. Three individuals were determined to be deceased. The remaining 30
9 individuals were transported by emergency medical personnel to nearby hospitals
10 for evaluation and treatment.

11 The United States Border Patrol identified the 30 rescued individuals as:
12 Antonio HURTADO (Defendant); Everardo AMAYA Lopez (Material Witness 1);
13 Francisco CARRENO Cruz (Material Witness 2); Ramon CUELLAR Guzman
14 (Material Witness 3); Salvador PEREZ Cuellar (Material Witness 4), L.M.H.H.; a
15 juvenile (Material Witness 5); Hector SANCHEZ Hernandez (Material Witness 6);
16 Javier PALAFOX Cruz (Material Witness 7); Juana ROJAS Angel (Material
17 Witness 8); Isaac GARCIA Orozco (Material Witness 9); Fernando TAPIA Torres
18 (Material Witness 10); Fabian RAMIREZ Fernandez (Material Witness 11); Fidel
19 HERNANDEZ Martinez (Material Witness 12); Jose GOMEZ Hernandez (Material
20 Witness 13); Ivan JUAREZ Hernandez (Material Witness 14); Julio ZUNIGA
21 (Material Witness 15); Luz SANCHEZ Hernandez (Material Witness 16); R.I.D.G.
22 (Material Witness 17); Maricela VALENTIN Bangel (Material Witness 18); Jose
23 GARCIA Isidro (Material Witness 19); Eberardo VILLALVA Vasquez (Material
24 Witness 20); Isaac MARTINEZ Rodriguez (Material Witness 21); Maria ISIDRO
25 Garcia (Material Witness 22); Florentino MARTINEZ Gomez (Material Witness
26 23); Edgar AVALOS Enriquez (Material Witness 24); Deyaneira MIRON Avelar
27 (Material Witness 25); David MIRON Lopez (Material Witness 26); Amilcar
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1 NATUL Mateo (Material Witness 27); an unidentified individual herein referred to
2 as John DOE (Material Witness 28); and Eduardo HERNANDEZ Martinez
3 (Material Witness 29). Fingerprints were taken from the three deceased individuals,
4 and by comparison with immigration records and identification found on the
5 individuals, agents determined their identities to be Maricela HERNANDEZ
6 Sanchez (deceased), Victor PEREZ Degollado (deceased), and Maria Eugenia
7 CHAVEZ Segovia (deceased), all of whom were Mexican citizens without legal
8 right to enter or remain in the United States.

9 After being released from various hospitals, agents conducted interviews of
10 Material Witnesses (MW) 1-26, each of whom admitted to being a citizen of Mexico.
11 MWs 27 and 28 are still in the hospital and receiving medical attention, and thus
12 could not be interviewed by federal agents; however, MW27 reportedly advised
13 hospital staff that he is a citizen of Guatemala. MW 29 was released from the
14 hospital and currently is not in federal custody. All interviewed MWs admitted that
15 they lacked lawful documents to enter or reside in the United States. The
16 complainant states that MW 1-27 are citizens of a country other than the United
17 States; that said aliens have admitted they are deportable; that their testimony is
18 material; that it is impractical to secure their attendance at trial by subpoena; and
19 that they are material witnesses in relation to these criminal charges and should be
20 held or admitted to bail as prescribed in Title 18 United States Code, Section 3144.
21 MW 28 is in critical condition and has not been interviewed by federal agents or
22 hospital staff, but based upon the circumstances of his apprehension, the undersigned
23 believes the same to be true of MW 28.

24 During their statements, MW 1-25 and 27 admitted that they were paying
25 between \$15,000 and \$18,500 to be smuggled into the United States. These material
26 witnesses were shown a six-pack photograph line-up with Defendant's picture and
27 MW 1-7, MW 9-14, MW 17-20, and MW 22-25 identified Defendant as the captain
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1 and the individual who piloted the vessel from Mexico into United States territorial
2 waters. MW 8, MW 15, MW 16, and MW 21 failed to identify anyone depicted in
3 the photographic lineup as the captain. MW 26 declined to provide a statement. No
4 material witnesses identified anyone else depicted in the photographic lineup as the
5 captain of the vessel.

6 While at the Imperial Beach Border Patrol Station, United States Border
7 Patrol Agents were attempting to place leg shackles on HURTADO's right ankle
8 when HURTADO deliberately struck United States Border Patrol Agent Xalick J.
9 Castorena in the head with his knee. Agent Castorena suffered slight redness on his
10 forehead and a burning sensation.

11 HURTADO was placed under arrest for violation of 8 U.S.C. § 1324 and 18
12 U.S.C. § 111.
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