

UNITED STATES DISTRICT COURT
for the
District of New Mexico

United States of America
v.

Juventino Darinel Reyes-Fuentes
Jose Maria Reyes-Fuentes

Defendant(s)

Case No.

23-1314 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.
On or about the dates of August 21, 2023, in the county of Doña Ana in the District of New Mexico, the defendant(s)
violated:

Code Section

Offense Description

18 U.S.C. § 111

Assaulting, resisting, or impeding certain officers or employees

This criminal complaint is based on these facts:

See Affidavit attached hereto and incorporated herein.

☒ Continued on the attached sheet.



Complainant's signature

Jacob J vanBrandwijk, Special Agent

Printed name and title

Attested to by the complainant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
submitted electronically and sworn telephonically (specify reliable electronic means).

Date: 8/22/23



Judge's signature

City and state: Las Cruces, New Mexico

Gregory J. Fouratt, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Jacob vanBrandwijk, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a complaint charging Juventino Darinel Reyes Fuentes and Jose Maria Reyes Fuentes for violation of 18 U.S.C. § 111 (Assaulting, resisting, or impeding certain officers or employees).
2. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been since March, 2017. While employed by the FBI, I have investigated federal criminal violations related to assaults. I have gained experience through training and everyday work relating to conducting these types of investigations. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. § 111, and I am authorized by the Attorney General to request an arrest warrant.
3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The information contained in this affidavit is personally known to me based on my training and experience, was gathered or revealed to me personally during the course of this investigation, or was gathered or revealed to other sworn law enforcement officers during the course of this investigation and subsequently communicated to me.
4. Based on the information set forth herein, there is probable cause to believe that violations of 18 U.S.C. § 111 were committed by Juventino Darinel Reyes Fuentes and Jose Maria Reyes Fuentes.

PROBABLE CAUSE

Acts Under Investigation

5. On August 20, 2023, at approximately 9:47 pm, I received information from the Albuquerque FBI operations center which indicated that Supervisory Border Patrol Agent Staulters had reported a shooting incident involving a Border Patrol Agent near the Santa Teresa Border Patrol Station. I contacted Agent Staulters and learned that he was reporting the incident to the FBI as an assault on Border Patrol Agent Carlos Humberto Lara.

6. I traveled to the Santa Teresa Border Patrol Station and interviewed Agent Lara with his attorney present. Lara stated the following:
- a. At approximately 7:30pm, Lara had been on patrol in his marked vehicle when he had seen a group of five to seven “migrants” cross the road in front of him. Lara parked his marked vehicle and pursued these persons off road on his Border Patrol all terrain vehicle (ATV). After a brief search, Lara located one of the individuals, whom he described as a male wearing a blue shirt with black pants and weighing approximately 220 pounds, concealed beneath brush. I was later, as described herein, able to identify this individual as Juventino Darinel Reyes Fuentes, and refer to him as such hereafter for clarity.
 - b. Lara asked Juventino Darinel Reyes Fuentes to come out and surrender, but Juventino Darinel Reyes Fuentes did not cooperate. Lara pulled Juventino Darinel Reyes Fuentes out of the bush, and then began to handcuff him. After Lara had placed the first handcuff on Juventino Darinel Reyes Fuentes, but before Lara had completed securing him, Juventino Darinel Reyes Fuentes became resistive, and eventually stood up and sat on Lara’s ATV as though to ride it. Lara threw Juventino Darinel Reyes Fuentes from the ATV, and continued to struggle with him. Juventino Darinel Reyes Fuentes yelled “vete, pelate,” which Lara understood to mean “leave, scram!”
 - c. After Juventino Darinel Reyes Fuentes’ shout, a second male, whom Lara described as slender and wearing a black shirt with a logo and black pants, rose up approximately 20 yards from Lara. I was later, as described herein, able to identify this individual as Jose Maria Reyes Fuentes. Jose Maria Reyes Fuentes ran a short while away, and then began to run towards Lara with a stick. Lara disengaged from Juventino Darinel Reyes Fuentes, drew his duty weapon, a Glock 47 semi-automatic handgun, and said approximately “stop or I will shoot,” in Spanish, directed at Jose Maria Reyes Fuentes.
 - d. Juventino Darinel Reyes Fuentes then tackled Lara and assumed a position on top of him. Lara felt blows to his head, and believed these blows were caused by Jose Maria Reyes Fuentes’ kicks to his head. Lara felt Juventino Darinel Reyes Fuentes reaching for his weapon, and said, again in Spanish, “I’m going to shoot!” Lara then fired a single round at Juventino Darinel Reyes

Fuentes' leg, from an approximate distance of two to three inches. Lara knew his weapon did not properly cycle the spent cartridge and load a fresh cartridge because he could feel that the trigger remained in the "fired" position. The struggle continued, and Lara lost control of his weapon.

- e. After Lara shot, Juventino Darinel Reyes Fuentes disengaged from Lara and stood. Jose Maria Reyes Fuentes pointed Lara's weapon at Lara, and made a motion which Lara described as an attempt to press the trigger. Lara's weapon did not discharge, and Jose Maria Reyes Fuentes tossed the weapon away. Juventino Darinel Reyes Fuentes and Jose Maria Reyes Fuentes then mounted Lara's ATV, with Juventino Darinel Reyes Fuentes in the driver's position, and drove into the desert. Lara retrieved his weapon, performed a manual ejection of the spent cartridge to make his weapon ready for firing again, holstered his weapon, and radioed for assistance.

7. I learned from Supervisory Border Patrol Agent Staulters that one of the Agents who responded to Lara's call for assistance was Border Patrol Agent Stuart Burleson. Burleson tracked the ATV through the use of ATAK, an application which I know from my training and experience to be commonly used by law enforcement to provide situational awareness and location reporting. Burleson located the ATV at the bottom of a mesa. At approximately the same time, a Border Patrol helicopter radioed that there were two individuals on top of the mesa.

8. Burleson and his partner climbed the side of the mesa and located two individuals, one of whom was wearing a single hand cuff and had what Burleson described as a powder burn and hole on his pant leg. Burleson located a phone which appeared to have been shot, and a wallet with a bullet lodged in it in the individual's pocket. Burleson identified the individual with the hand cuff as Juventino Darinel Reyes Fuentes, and the other individual as Jose Maria Reyes Fuentes. Burleson then showed pictures of these individuals to Lara, who confirmed that these were the same individuals he had confronted earlier. Both individuals were arrested and booked into the holding facility at the Santa Teresa Border Patrol Station. Lara later pointed these individuals out to me in the holding facility.

9. I interviewed, through an interpreter, one of the individuals Lara pointed out to me, who identified himself as Juventino Darinel Reyes Fuentes. After being advised of his rights, including the right not

to make any statement and the right to have an attorney present, Juventino Darinel Reyes Fuentes made the following statement:

- a. Juventino Darinel Reyes Fuentes had been crossing the border when he saw Border Patrol and began running. Juventino Darinel Reyes Fuentes could not run very far, so he jumped into the brush, where he was found by one of the agents. The agent pulled him out of the brush, knocked him to the ground, and punched him in the back. Juventino Darinel Reyes Fuentes turned around and grabbed the agent by his neck. Juventino Darinel Reyes Fuentes was on top of the agent. The agent then drew his gun and shot Juventino Darinel Reyes Fuentes in the leg.
- b. Juventino Darinel Reyes Fuentes then got up after being shot. Jose Maria Reyes Fuentes heard the shot and approached within approximately one meter of the agent. Jose Maria Reyes Fuentes was carrying a stick. The agent then pointed his gun at Jose Maria Reyes Fuentes. Juventino Darinel Reyes Fuentes tackled the agent. Both Juventino Darinel Reyes Fuentes and Jose Maria Reyes Fuentes were then on top of the agent. Juventino Darinel Reyes Fuentes broke the agent's grip on the gun, and Jose Maria Reyes Fuentes took the agent's gun and threw it. Jose Maria Reyes Fuentes never pointed the gun at the agent.

10. I interviewed, through an interpreter, the other individual Lara pointed out to me, who identified himself as Jose Maria Reyes Fuentes. After being advised of his rights, including the right not to make any statement and the right to have an attorney present, Jose Maria Reyes Fuentes made the following statement:

- a. Jose Maria Reyes Fuentes and his brother had been hiding when the Border Patrol agent showed up. The agent took out his baton and put one handcuff on his brother. The agent then pointed a gun at Jose Maria Reyes Fuentes, who was hiding in some brush. His brother then tackled the agent, and Jose Maria Reyes Fuentes ran forward and picked up a stick. Jose Maria Reyes Fuentes moved towards the agent and broke the stick over his knee.
- b. Jose Maria Reyes Fuentes' brother yelled for him to run, which he did. Then Jose Maria Reyes Fuentes heard a shot, and ran back to get between his brother and the agent. Jose Maria Reyes Fuentes struck the agent with his leg when trying to disarm him, but he wasn't sure where on the

agent's body he struck. Jose Maria then picked up the agent's gun, moved approximately three meters, and threw the agent's weapon.

- c. Jose Maria Reyes Fuentes and his brother mounted the ATV and drove it through the desert, eventually abandoning the vehicle near some railroad tracks at the base of a hill. They climbed the hill and rested, as his brother was too injured to go on.

CONCLUSION

11. Based on the aforementioned information and investigation, I submit that probable cause exists that Juventino Darinel Reyes Fuentes and Jose Maria Reyes Fuentes committed violations of 18 U.S.C. § 111 (Assaulting, resisting, or impeding certain officers or employees). AUSA Sarah Davenport was presented with these facts and accepted prosecution of Juventino Darinel Reyes Fuentes and Jose Maria Reyes Fuentes as charged herein.

Respectfully submitted,



Jacob J vanBrandwijk
Special Agent
Federal Bureau of Investigation

Submitted electronically and sworn telephonically to me on August 22d, 2023



HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE