

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

JOSE CRUZ NOGUEZ,  
aka "Jose Cruz"  
aka "Jose"

Defendant.

Case No. 21MJ8250

Title 8, U.S.C., Secs.  
1324(a)(1)(A)(i), (v)(I), and (B)(iii) –  
Conspiracy to Bring Aliens to the  
United States Outside a Port of Entry  
Causing Serious Bodily  
Injury/Placing a Life in Jeopardy;  
Title 8, U.S.C., Sec. 1324(a)(2)(B)(ii)  
– Bringing in Aliens Without  
Presentation for Financial Gain;  
Title 18 U.S.C., Sec. 2 – Aiding and  
Abetting

The undersigned complainant being duly sworn states:

Count 1

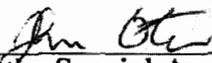
On or about March 2, 2021, within the Southern District of California and elsewhere, defendant, JOSE CRUZ NOGUEZ, aka "Jose Cruz," aka "Jose," knowing that Edgar Rene ZELADA Barrios is an alien, conspired with one or more individuals to bring to the United States said alien at a place other than a designated port of entry and place other than as designed by the Commissioner, during and in relation to which JOSE CRUZ NOGUEZ caused serious bodily injury to, and placed in jeopardy the life of, said alien, in violation of Title 8, United States Code, Sections 1324(a)(1)(A)(i), (v)(I) and (B)(iii).

Counts 2-4

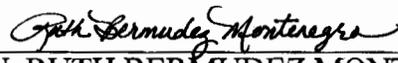
On or about March 2, 2021, within the Southern District of California, defendant, JOSE CRUZ NOGUEZ, aka "Jose Cruz," aka "Jose", knowing and in reckless disregard of the fact that aliens below, had not received prior official authorization to come to, enter, and reside in the United States, did bring to and attempted to bring to the United States, such aliens, regardless of any official action which may later be taken with respect to such aliens, for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii); and aided and abetted the bringing into the United States of said aliens, in violation of Title 18, United States Code, Section 2.

<u>Count</u>	<u>Name</u>
2	Jermin Miguel QUIROZ-Reyes
3	Hipolito Ramon MARTINEZ-Perez
4	Oyuqui Isabel ARIZMENDI-Perez

The complainant states that this complaint is based on the attached probable cause statement, which is incorporated herein by reference.

  
\_\_\_\_\_  
John Otis, Special Agent  
Homeland Security Investigations

Sworn and attested to under oath by telephone, in accordance with Federal Rule of Criminal Procedure 4.1, on this 30th day of March 2021.

  
\_\_\_\_\_  
HON. RUTH BERMUDEZ MONTENEGRO  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF CALIFORNIA

## PROBABLE CAUSE STATEMENT

I, John Otis, declare under penalty of perjury, the following is true and correct to the best of my knowledge:

On March 2, 2021, at approximately 5:56 a.m., Border Patrol Agents from the El Centro Border Patrol Station received a report from the California Highway Patrol of more than a dozen individuals running away from a burning GMC Yukon SUV and into the desert in Holtville, California. Border Patrol Agents were asked to respond to this suspected human smuggling event. At approximately 6:10 a.m., Border Patrol Agents responded to the area and extinguished the fire. Border Patrol Agents also followed foot tracks into the desert and apprehended 19 individuals hiding in the surrounding brush. These individuals, including Jermin Miguel QUIROZ-Reyes, Hipolito Ramon MARTINEZ-Perez, and Oyuqui Isabel ARIZMENDI-Perez, identified themselves as citizens of Mexico without lawful permission to be in the United States.

Separately, at approximately 6:05 a.m., a Remote Video Surveillance System (RVSS) operator at the Calexico Border Patrol Station spotted multiple vehicles and approximately 20 individuals gathered in a remote area just south of the United States/Mexico border. He also noticed that the border fence in the area had been breached and an approximate 10-foot section of it had been removed and lay on the ground in Mexico. Border Patrol Agents then reviewed video footage from the area and discovered that two vehicles had crossed through the fence at approximately 5:23 a.m. The two vehicles were identified as the GMC Yukon SUV and a Ford Expedition.

At 7:05 a.m., Border Patrol Agents at the Calexico Border Patrol Station received a request from the Calexico Police Department to assist with a mass-casualty vehicle crash in Holtville, California, due to the Calexico Police Department's limited resources. Border Patrol Agents responding to the crash identified one of the vehicles involved as the Ford Expedition that recently had breached the border fence. A total of 25 individuals had been in the Ford Expedition at the time of the crash. Subsequent inspection of the Ford Expedition revealed that all but the driver and front passenger seats had been removed, presumably to fit that large number of people.

Despite the best efforts of law enforcement and medical personnel, 12 individuals – including the suspected driver – died at the scene of the crash. Another individual died on the way to the hospital. The surviving 12 individuals were transported to various hospitals far and wide, including in San Diego, California. Many of the survivors were diagnosed with serious injuries, including Edgar Rene ZELADA Barrios who sustained broken ribs, a hurt/broken collarbone, and other serious injuries to his left hip and left leg, which required surgeries.

Given the mass casualty event and the involvement of other agencies from the Department of Homeland Security, Homeland Security Investigations (HSI) was requested to assist with investigating those responsible for the human smuggling

event. HSI Special Agents interviewed the 19 individuals who had been passengers in the GMC Yukon SUV. Several of them confirmed that they had contacted and paid smugglers to be smuggled into the United States. HSI Special Agents also interviewed the 12 survivors from the Ford Expedition crash as soon as their medical conditions allowed. All of those who were interviewed confirmed that they were citizens of another country without lawful permission to be in the United States. They also stated that they or their family members had made financial arrangements with smugglers in Mexico to be brought to the United States.

Based on additional interviews or records checks, HSI has since confirmed that each of the 44 individuals, including the deceased, identified as involved in the March 2, 2021, smuggling event are citizens of Mexico or Guatemala without permission to be in the United States.

On or about March 15, 2021, Border Patrol Agents from the El Campo Border Patrol Station arrested a driver, referred to herein as Source of Information (SOI 1), for human smuggling. SOI 1 is also himself a Mexican citizen without lawful permission to be in the United States. Post-arrest, SOI 1 told agents that he had been transporting individuals who are in the United States illegally for a man named "Jose" for several months. SOI 1 further stated that Jose was tied to the human smuggling event on March 2, 2021. SOI 1 later confirmed that "Jose" is Jose CRUZ Noguez and identified him from a photographic lineup.

SOI 1 further said that he had grown up in Mexicali, Mexico and had known CRUZ for several years. SOI 1 illegally entered the United States six months ago and started working for CRUZ who he described as a coordinator. CRUZ paid SOI 1 to drive individuals who are in the United States illegally from El Centro, California to Los Angeles, California. CRUZ also had SOI 1 harbor an individual who was illegally in the United States at his home in El Centro, California. In addition, CRUZ had SOI 1 scout areas near El Centro, California where CRUZ had groups of people illegally enter the United States. CRUZ also oversees the transportation of individuals who are in the United States illegally to stash houses, collects smuggling payments from family members or sponsors, recruits drivers, and scouts for the presence of law enforcement.

SOI 1 stated that two weeks prior to the March 2, 2021, smuggling event, CRUZ attempted to recruit SOI 1 to drive one of the smuggling vehicles north from Mexico into the United States through a section of the fence that CRUZ said would be breached. CRUZ told SOI 1 that there would be up to 20 people in the vehicle and that SOI 1 would be paid \$1,000 per person for the job. CRUZ also told SOI 1 that CRUZ would oversee the smuggling event and would arrange for the vehicles that crossed to go to a stash house in Holtville, California. SOI 1 claimed he declined CRUZ's offer. In connection with the event, CRUZ also asked SOI 1 to purchase cutting tools from a hardware store so that CRUZ could deliver the tools to an associate in Mexico.

On March 1, 2021, at approximately 11:00 p.m., CRUZ went to SOI 1's home in El Centro, California, to again recruit him for the March 2, 2021, event. CRUZ

arrived in what SOI 1 believed to be an older Ford Ranger, but was later determined to be a Toyota Tacoma. SOI 1 learned that CRUZ had used the Toyota Tacoma to scout the area where the vehicles would enter through the border fence on the following day. SOI 1 told law enforcement that CRUZ often parked his vehicles in the United States near the Calexico West, California Port of Entry and would cross through the pedestrian lanes. At this meeting, CRUZ asked SOI 1 to meet the vehicles after they crossed from Mexico into the United States and take the occupants to an unspecified address in Holtville, California. CRUZ offered SOI 1 \$100 per individual to assist in this way. SOI 1 told CRUZ that he would think about it.

On March 2, 2021, at approximately 6:33 a.m., CRUZ again went to SOI 1's home but did not meet with SOI 1. (A ring camera at the residence captured a picture of CRUZ.) Additionally, at approximately 8:00 a.m., CRUZ called SOI 1 to scout for the two vehicles that had breached the border fence after he lost contact with them. SOI 1 agreed but learned about the mass-casualty accident before he left his home.

Crossing records maintained by Customs and Border Protection corroborate that CRUZ frequently crosses into the United States from Mexico through the pedestrian lanes at the Calexico West Port of Entry. Additionally, on March 17, 2021, HSI Special Agents identified an older Toyota Tacoma parked approximately 0.5 miles from the Calexico West Port of Entry. SOI 1 was shown a picture of the vehicle and stated that it appears to be CRUZ's vehicle. Checkpoint cameras at the Interstate 8 checkpoint also captured a photograph of the driver of the Toyota Tacoma on March 11, 2021, and it appears to be CRUZ.

Law enforcement tools reflect that the Toyota Tacoma traveled eastbound on Interstate 8 on the night of March 1, 2021, within the vicinity of where the border fence was breached on March 2, 2021. It also traveled eastbound and westbound on Interstate 8 in the early morning hours of March 2, 2021.

Additionally, as part of their investigation, HSI Special Agents also received consent and/or search warrants to search the cellular telephones of the individuals involved in the March 2, 2021, smuggling event. One of the cellular telephones that has been searched contains a contact for a person named "Jose" at phone number (686) 184-xxxx. HSI Special Agents have determined that, at least as of September 2018, CRUZ was associated with the (686) 184-xxxx phone number as the payee of a MoneyGram transfer of \$1,000. The payee information for the transfer also included CRUZ's California driver's license number.

On March 26, 2021, SOI 1 participated in a recorded conversation with CRUZ, unbeknownst to CRUZ. In it, CRUZ confirmed his involvement in the March 2, 2021, event, including that his associates cut the border fence; that the vehicles were fully loaded and that he collected money for the event. Further, CRUZ stated there were 60 "Pollos" in the two vehicles and the driver was going to make \$28,000.