

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT  
for the

United States of America  
v.  
Kervin Castellanos-Buroz  
Eduardo

Case No. 25-2791 MS

Defendant(s)

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 date(s) of July 11, 2025 in the county of Dona Ana in the  
District of New Mexico, the defendant(s) violated:

Code Section  
18 U.S.C 751

Escape from Custody

Offense Description

This criminal complaint is based on these facts:

☐ Continued on the attached sheet.

Lacey Chesser  
Complainant's signature

SA Lacey Chesser  
Printed name and title

Sworn to before me via phone and signed in my presence.

Date: 7/13/25

City and state: Las Cruces, NM

Damian L. Martinez  
Judge's signature

Damian L. Martinez, United States Magistrate Judge  
Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Lacey Chesser, being first duly sworn, hereby depose and state as follows:

1. I make this affidavit in support of a criminal complaint that Kervin Castellanos-Buroz, born in 2005, (hereafter "Buroz"), who was arrested by Customs and Border Patrol (CBP) for illegal entry into the United States (it later became known that Buroz and previously been removed from the United States and is being charged with 8 U.S.C 1326) attempted to escape from lawful custody or confinement prior to conviction for the felony offense of 8 U.S.C 1326, which is in violation of Title 18 U.S.C Section 751(a).

2. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been since October 2023. Prior to becoming a Special Agent, I was a Police officer in Charleston, South Carolina. I am currently assigned to the Albuquerque Field Office, Las Cruces Resident Agency, which is responsible for investigating a myriad of crimes, including violent crimes, drug trafficking, money laundering, and public corruption. As a Special Agent, I investigate criminal offences of federal law including violent crimes, public corruption, investigating designated terrorist organizations, and locating fugitives of justice. Through my training, experience, and discussions with other law enforcement officers who have extensive experience in similar investigations, I have become familiar with the tactics and methods used by criminals engaging in various violations of law. As a federal agent, I am authorized to investigate violation of laws of the United States, and as a law enforcement officer, I am authorized to execute warrants issued under the authority of the United States. My experience as an agent includes, but is not limited to conducting physical surveillance, writing affidavits for and executing search warrants, and issuance of federal grand jury subpoenas.

3. The information contained herein is based upon my own investigations as well as information supplied to me by other duly sworn law enforcement officers, and does not contain all information known by me, only facts for consideration of probable cause.

**Probable Cause**

4. On July 11, 2025, agents of the FBI Albuquerque Division Field Office, Las Cruces , Resident Agency, learned from a United States Border Patrol Agent (USBPA) supervisor that the subject, an undocumented migrant had escaped CBP custody after being detained by active Border Patrol agent while on duty in full uniform, near the Cristo Rey Mountain within the vicinity of Santa Teresa, New Mexico (NM). Based on the ongoing investigation, we learned the following:

5. On July 11, 2025, at approximately 5:30 AM in the area of Cristo Rey Mountain in Santa Teresa, New Mexico, CBP agents were called to the border wall regarding a group of 25 to 30 migrants attempting to illegally cross the border wall. When agents arrived at the location, they observed approximately 11 migrants had made it over the wall. When agents attempted to detain the migrants, the other migrants that were on the Mexico side of the wall began to throw rocks at the agents. Acting supervisor CPD Agent Christian Sanchez (from here on referred to as Sanchez) advised his agents to get quickly get the detained migrants into the CBP vehicles for safety reasons.

6. Once the agents reached a safe area down the mountain and close to the Rio Grand river, the agents stopped to identify the detainees. One of the CBP agents opened the door to a vehicle and the subject, later identified as Kervin Castellanos-Buroz (from here on referred

to as Buroz) was able to get past the agent, and he began to run toward the river. Agent Sanchez saw that Buroz had escaped custody, and he began to chase him. Agent Sanchez yelled at Buroz in Spanish to “stop”, and told him that he could drown in the river. When agent Sanchez saw Buroz go further into the river, he doffed his duty gear (duty belt and vest) and chased Buroz into the water. Buroz and agent Sanchez endured a physical altercation in the water until they reached a bank and a second CBP agent, Hector Covarrubilas, assisted agent Sanchez to detain Buroz.

7. FBI agent Chesser attempted a post Miranda interview with Buroz. Buroz did not wish to speak with agents, but he stated “I did it because I was scared and I did not see my mom”


Conclusion

8. I submit that probable cause exists to believe that Kervin Castellanos-Buroz violated Title 18 U.S.C. Section 751(a), which makes it a crime for any person to escape or attempt to escape custody or confinement prior to conviction on a felony on any offense, and exclusion or expulsion proceedings under the immigration laws.

Respectfully submitted,

Lacey Chesser  
Lacey Jane Chesser  
FBI Special Agent

Subscribed and sworn to before me on July 13, 2025:

  
The Honorable Damian L. Martinez  
United States Magistrate Judge