

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of New Mexico

United States of America v.

Jose Cuyuch De Paz

Defendant(s)

Case No.

26-874 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 date(s) of February 25, 2026 in the county of Dona Ana in the District of New Mexico, the defendant(s) violated:

Code Section 18 U.S. C. 111(a)(2) Offense Description Assault on a Federal Officer

This criminal complaint is based on these facts:

Continued on the attached sheet.

- Sworn to before me and signed in my presence. Sworn to telephonically and signed electronically.

Date:

2/26/26

City and state:

LAS CANCELES NM

Complainant's signature

SA Larissa J. Montes

Printed name and title

Judge's signature

G. J. Fournart U.S. Mag. Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Larissa J. Montes, being first duly sworn, hereby depose and state as follows:

1. I make this affidavit in support of a criminal complaint against Jose Cuyuch De Paz, born in 2000, (De Paz) for Assault on a Federal Officer Involving Physical Contact, in violation of 18 U.S.C. 111(a)(2).¹

2. I am a Special Agent with the FBI and have been employed as such since July 2022. As a Special Agent, I am an “investigative or law enforcement officer of the United States” within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offense enumerated in 18 U.S.C. § 2516. I was previously assigned to the FBI Las Vegas Field Office’s Homeland Security Task Force Squad 3. Currently, I am assigned to the Albuquerque Field Office, Las Cruces Resident Homeland Security Task Force Squad 2. As part of my FBI duties, I investigate criminal enterprises, money laundering, and criminal violations of the Controlled Substances Act. My training and experience have involved among other things: (1) the debriefing of defendants, witnesses, informants, as well as others who have knowledge of the distribution and transportation of controlled substances and of the laundering and concealment of proceeds of drug trafficking and other illegal activities; (2) surveillance; (3) analysis of documentary and physical evidence; (4) the hand-to-hand purchase of controlled substances; and (5) the execution of search warrants.

¹ De Paz is charged with Reentry of a Removed Alien in a separate criminal complaint.

3. The information contained herein is based upon my own investigation 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 February 25, 2026, agents of the FBI Albuquerque Division Field Office, Las Cruces, Resident Agency, learned from a United States Border Patrol Agent supervisor that De Paz, an undocumented migrant, assaulted a Border Patrol agent (victim-agent) while the victim-agent was on duty in full uniform, near 505 McNutt Road, Sunland Park, New Mexico, within the vicinity of Santa Teresa, New Mexico. Based on the ongoing investigation, we learned the following:

5. On February 25, 2026, at approximately 0853 hours, around 505 McNutt Road Sunland Park, New Mexico, CBP agents observed two individuals moving northbound to McNutt Road. Approximately five CBP agents began to pursue the two individuals. Once the two individuals approached McNutt Road, one individual was apprehended by CBP Horse Patrol. The second individual began to run eastbound along McNutt Road behind several residences. CBP agents lost sight of the second individual behind a residence. The victim-agent began to search the backyard of residences for traces of footprints. Upon seeing footprints, the victim-agent jumped over a fence. The victim-agent observed De Paz running towards the front of one of the residences along McNutt Road. De Paz began to climb another fence. The victim-agent tried to grab De Paz as De Paz climbed the fence and the fence gave in, resulting in De Paz and the victim-agent falling forward. As the victim-agent attempted to gain control of De Paz, De Paz began to kick the victim-agent in the chest. As the victim-agent attempted to get up, the victim-agent saw a foot near his face and believed De Paz would kick the victim-agent in the

face. The victim-agent, believing De Paz would kick him in the face, struck De Paz with a closed hand on the right side of De Paz's face, approximately two to three times. A second CBP agent arrived and assisted the victim-agent by giving commands, apprehending, and handcuffing De Paz. The second agent observed the victim-agent and De Paz breathing heavily, dirty, and sweaty. After the apprehension, the victim-agent asked De Paz about his condition, and De Paz stated he was hungry.

6. FBI Special Agent Montes interviewed De Paz after advising De Paz of his *Miranda* Rights. De Paz stated he understood his rights and agreed to speak with Agent Montes. De Paz stated the following:

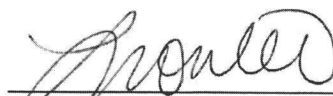
7. On February 25, 2026, De Paz crossed into Santa Teresa, New Mexico by foot. De Paz saw CBP officers in the area and began to run a short distance and hide behind a wall inside of a backyard. De Paz saw a CBP officer get closer and began to run again. The CBP agent grabbed De Paz and got on top of De Paz. De Paz said he felt the CBP agent strike him approximately five times in the face with a closed hand. De Paz said the CBP agent had gloves on, therefore, De Paz had what appeared to be a marking on the right side of his face. De Paz stated he had blood coming out of his mouth, but his teeth were undisturbed. De Paz stated his hands were on the ground and the CBP agent who struck him in the face was the one who put De Paz's hands behind his back and handcuffed him.

8. De Paz further stated a female CBP agent asked De Paz about his condition, to which De Paz said he was "fine," and he did not hit the CBP agent. De Paz told Agent Montes he did not strike or kick the CBP agent.

Conclusion

9. I submit that probable cause exists to believe that Jose Cuyuch De Paz violated Title 18 U.S.C. Section 111(a)(2), Assault on A Federal Officer Involving Physical Contact.

Respectfully Submitted,



Larissa Juanita Montes
FBI Special Agent

Electronically signed a telephonically sworn to on February 26, 2026



The Honorable Gregory J. Fouratt
United States Magistrate Judge