

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

UNITED STATES OF AMERICA)	
)	
v.)	Docket No. 2:26-CR-00019
)	
JOSE IGNACIO DE LA CRUZ DE LA ROSA,)	
a/k/a, "Nacho,")	
Defendant.)	

MOTION FOR DETENTION

The Government moves for the Defendant’s pretrial detention pursuant to 18 U.S.C. § 3142(e) and (f).

1. Eligibility for Detention. The Defendant is eligible for detention because he poses a serious risk of flight. *See* 18 U.S.C. § 3142(f)(2)(A). As set forth in greater detail below, the Defendant is an alien smuggler with years of experience moving people into, out of, and across the United States without detection. He is a Mexican national with no visa authorizing him to be in the United States, and he made a surreptitious trip to Mexico in 2022 during which he encountered Border Patrol. Call records, messages, and financial information also show that the Defendant maintains ties to Mexico, where law enforcement believes some of his family still resides. Further, the criminal conduct involved ties to associates in Canada, and to networks of people who obtain illegal identification documents. The Government also believes the Defendant has sufficient financial resources to abscond.

The Defendant, in other words, has the skills, experience, connections, and resources to flee prosecution. Such factors make him a serious risk of flight and therefore eligible for detention.

2. Reason For Detention. The Court should detain the Defendant because there are no conditions of release that will reasonably assure the Defendant’s appearance as required.

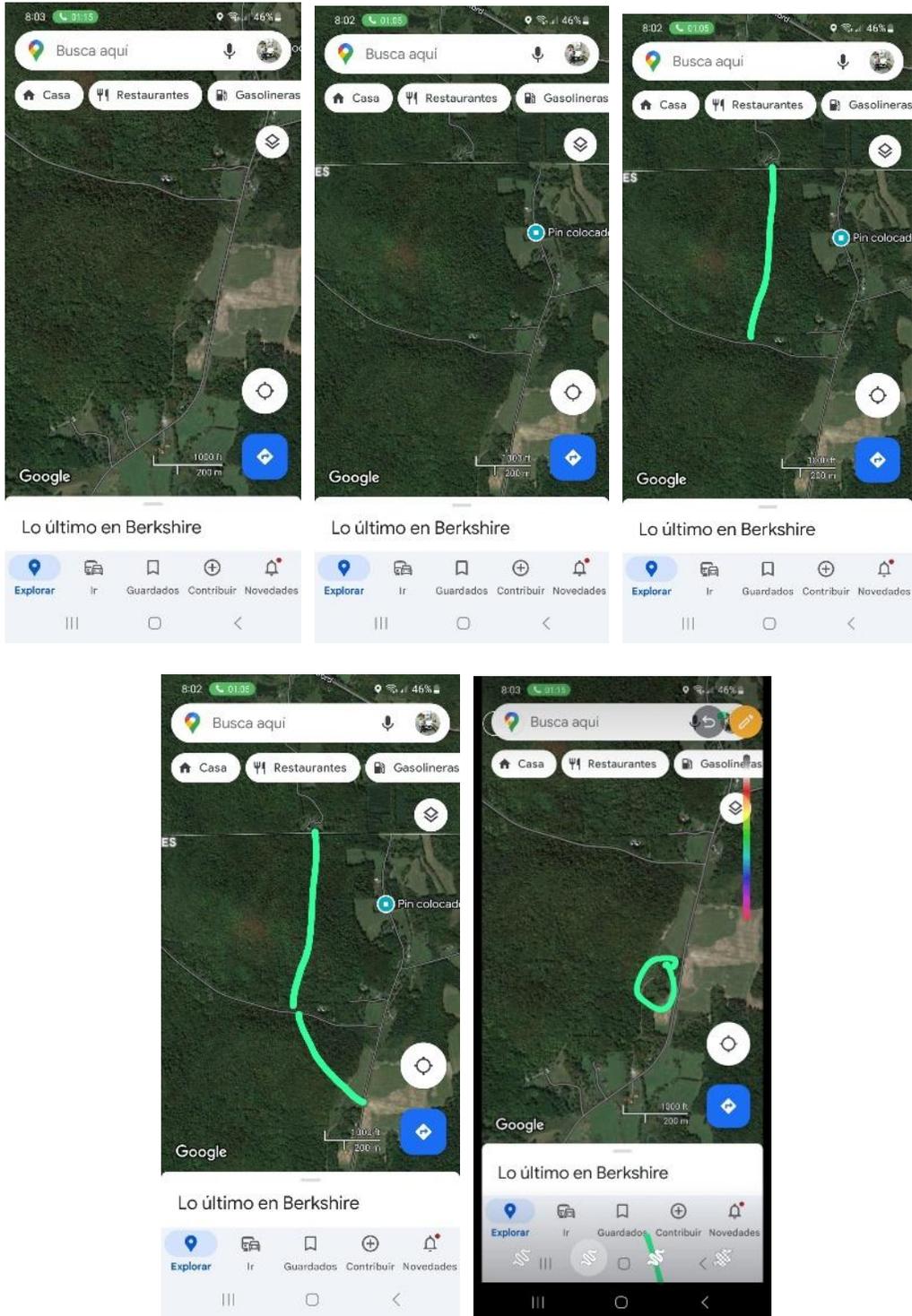
3. Rebuttable Presumption. In this case, there is no rebuttable presumption pursuant to 18 U.S.C. § 3142(e).

4. Time For Detention Hearing. The United States requests the Court conduct the detention hearing upon completion of the pretrial services report.

5. Discussion. The Defendant, a Mexican national without a visa to be in or authorization to work in the United States, poses a serious risk of flight and should be detained pending trial. He has strong incentives to flee given the penalties that he faces and the strength of the Government's case. Moreover, the Court could not impose a set of conditions that could reasonably assure the Defendant's appearance at trial given his ability to move people across international borders without being detected. He should therefore be detained pending trial.

First, the Defendant faces serious charges carrying stiff penalties, giving him an incentive to flee prosecution. As alleged in the indictment, the Defendant participated in multi-year conspiracies involving alien smuggling and the illegal production of identity documents. He is also charged with actually bringing aliens to the United States and producing those documents. These crimes are serious because they involve significant risks to the community and carry significant penalties. The Defendant's alien smuggling charges carry a three-year mandatory minimum sentence, *see* 8 U.S.C. § 1324(a)(2)(B)(ii), and the Defendant's documents productions charges carry a fifteen-year maximum sentence, *see* 18 U.S.C. § 1028(b)(1)(A)(ii). These stiff sentences give the Defendant an incentive to flee prosecution.

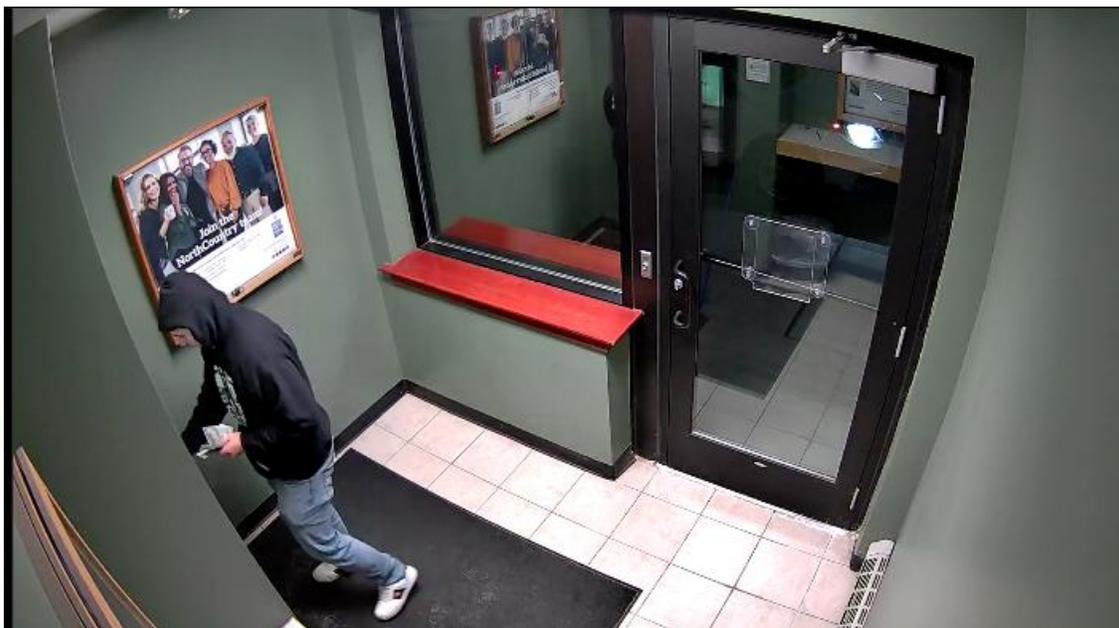
Moreover, the weight of the evidence against the Defendant provides further incentive to flee. Law enforcement searched the Defendant's cell phone pursuant to search warrants issued on June 20, 2025, and September 26, 2025. Law enforcement found a plethora of messages implicating the Defendant in alien smuggling events and illegal identity document production. For example, law enforcement recovered the following screenshots, sent between the Defendant and a coconspirator with a Canadian phone number regarding a smuggling event from around November 19, 2023, on the Defendant's phone:



All of the images show an area near the Canada-United States border. The coconspirator sent the first four images, thereby showing the Defendant a route from the border to a pick-up location

through the woods. The Defendant then replied with the last screen shot, which includes a drawn circle that the government's evidence indicates was the pick-up location. Other messages on the Defendant's phone show that the Defendant, in fact, picked up an alien around November 19, 2023. These screen shots and messages documenting the Defendant's alien smuggling activities are just a few of the many contained on the Defendant's phone.

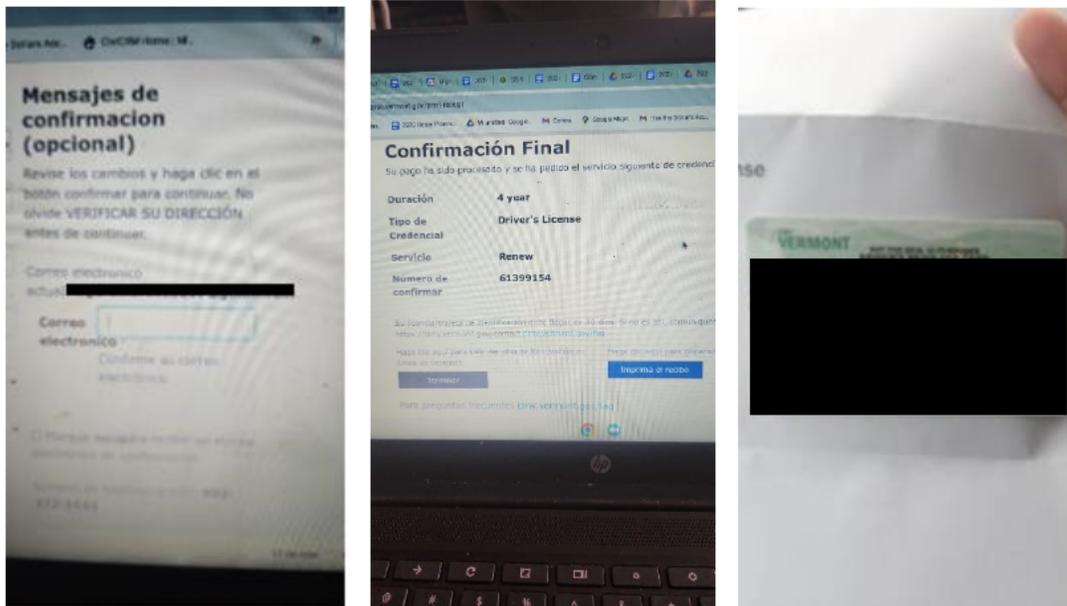
And the Defendant's phone extraction is not the only piece of evidence in this case. A phone extraction taken from a smuggled alien's phone, financial records, historical cell site location information, and law enforcement reports corroborate the Defendant's involvement in smuggling. For example, messages from between April 8 and April 19, 2025, show that a coconspirator was to meet the Defendant in New Hampshire and give the Defendant \$2,000 for the smuggled alien's trip. Historical cell-site location information corroborates the New Hampshire meeting, and records show that the Defendant deposited \$2,000 in cash shortly after that meeting, as seen in the following image:



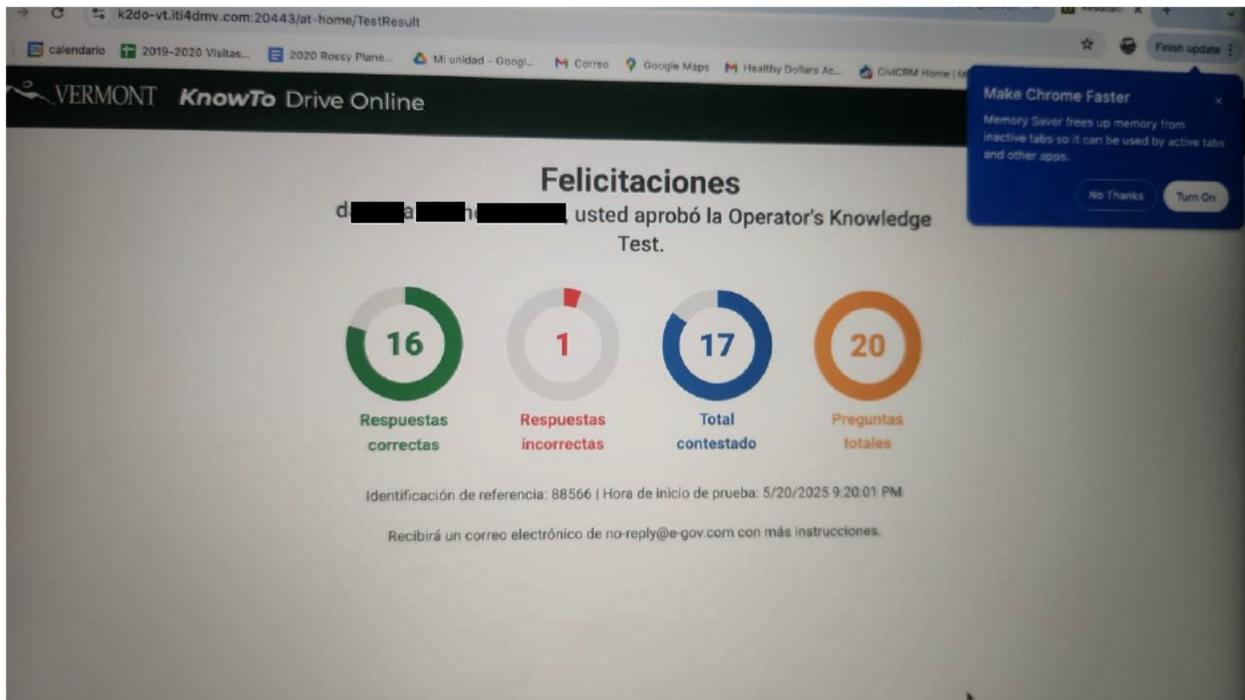
Additional financial records then demonstrate how the Defendant moved that money to facilitate the smuggling attempt. Messages on the smuggled alien's phone describe an initial, failed attempt to

cross into New York state and then the events leading up to the alien's unsuccessful attempt to cross on April 19, 2025.

The evidence supporting the identity documents charges is likewise very strong. In sum, the Defendant allegedly procured Vermont driver's privilege cards and learner's privilege cards for individuals who did not live in Vermont (a requirement of state law to be eligible for such cards), and, in the case of the learner's privilege cards, took online tests for the purported applicants. The Defendant documented his crime by reporting on his progress in messages and photographs found on his cell phone. For example, the Defendant's phone contains photographs sent to a coconspirator between March 17, 2024, and April 4, 2024, showing (on the left and in the middle below) confirmation that the Defendant was renewing the coconspirator's driver's privilege card, and (on the right below) confirmation that the Defendant had physical possession of the renewed card:



Evidence shows that this conspirator was, and had been, residing in Georgia when the Defendant renewed that card. The Defendant's phone likewise documents the Defendant's effort to complete online tests required for individuals to receive a learner's privilege card:



Financial records and messages on the Defendant's cell phone indicate that the Defendant was paid approximately \$500 for each card.

In addition to the strong incentive to flee provided by the seriousness of these charges and the weight of the evidence against the Defendant, the Defendant also has the resources, connections, and skills to successfully evade prosecution. The evidence described above illustrates the Defendant's connections to smuggling across the Canadian border. But he also has connections to smugglers working on the Mexican border. For example, the Defendant's phone contains a voice message sent to a coconspirator after the smuggling event that took place between April 8 and April 19, 2025. A translation of that message is attached to this motion as Exhibit 1. In the message, the Defendant states, while referring to the recently failed smuggling attempt, that he had not faced that type of "defeat" before and that the Defendant has connections that could help move someone across the Mexican border. This message, therefore, both increases the weight of the evidence against the Defendant and shows that he is capable of fleeing either north to Canada or south to Mexico.

The Defendant also has considerable ties to Mexico beyond alien smuggling. Based on messages in the Defendant's phone and other records, law enforcement believes that the Defendant has family in Mexico. Financial records also show that the Defendant transferred thousands of dollars to individuals in Mexico, including to suspected family members. Additionally, law enforcement knows that the Defendant left Vermont and travelled to Mexico in 2022, as the Defendant encountered Border Patrol when he attempted to reenter the United States. The Defendant thus appears to have ties to a foreign country, financial resources abroad, and connections that could take him there.

Although the Defendant has ties to Vermont, they are not so strong as to outweigh the risk he will flee. The Defendant arrived in Vermont sometime in 2016. Through March 6, 2026, he did not change his immigration status, obtain a visa, or gain work authorization.¹ Nevertheless, the Defendant has worked as a farm laborer and for New Frameworks, a construction company. Messages on the Defendant's phone, moreover, show that the Defendant's employment obligations did not prevent him from illegally transporting aliens. For example, messages from a coconspirator concerning a November 6, 2023, smuggling event include a message saying that another coconspirator will tell New Frameworks that the Defendant could not work because he was sick; evidence shows, however, that the Defendant was not sick and was instead driving aliens to New York and Ohio.

As for the Defendant's social ties to Vermont, the Defendant has a family here. Some of his family members lack legal status in the United States, however. Moreover, evidence on the Defendant's phone shows that the Defendant has been involved in procuring documents for his family to travel from Mexico to Canada. Given that information and the Defendant's connection to

¹ The Defendant submitted an asylum application on March 6, 2026. The Government has no further information about that application at this time.

alien smuggling along the Canadian border, the Defendant's family ties to Vermont are not strong enough to provide a reason to believe they will prevent his flight.

For all of the reasons set forth above, the Government respectfully requests that the Defendant be detained pursuant to 18 U.S.C. § 3142. The Defendant is eligible for detention because he poses a serious risk of flight, and the preponderance of the evidence supports a finding that no conditions or combination of conditions can reasonably assure his appearance as required.

Respectfully submitted,

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