

Criminal Case Tracker Deep Dive

United States v. Hurtado-Cariaco

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CRIMINAL
JUSTICE

Bailey Owen, NACDL Member

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United States v. Hurtado-Cariaco

United States v. Hurtado-Cariaco arose from the June 17, 2025 arrest of Gabriel Hurtado-Cariaco by masked agents with the Federal Bureau of Investigation (FBI) and Homeland Security Investigations (HSI), who were attempting to execute an immigration warrant. The government filed a complaint the following day. (See ECF No. 1). According to the affidavit sworn by HSI Special Agent Craig Allrich, after agents initiated a traffic stop, Mr. Hurtado exited his vehicle with his hands raised but violently resisted when the agents attempted to arrest him. Mr. Hurtado allegedly “threw [the HSI agent] off him,” causing her head to strike the pavement. On this basis, the complaint accused Hurtado of forcibly resisting arrest in violation of 18 U.S.C § 111(a)(1).

The very next day, the government filed an amended complaint, which instead accused Mr. Hurtado of assault of a federal officer resulting bodily injury in violation of 18 U.S.C. § 111(b)(1) and attempted murder of a federal officer in violation of 18 U.S.C. § 1114(a). (See ECF No. 4). The accompanying affidavit, also written by Special Agent Allrich, alleged that Mr. Hurtado did not merely throw the HSI agent off him, rather he “violently threw himself against [her], launching [her] into the air and causing [her] head to smack harshly into the ground.” Special Agent Allrich added that, at that point, rather than flee, Mr. Hurtado attempted to use deadly force by placing the HSI agent into a chokehold while the two struggled on the ground. In response, the FBI agent placed Mr. Hurtado in a chokehold, and he wrestled free and fled. Mr. Hurtado was later taken into custody without incident.

At Mr. Hurtado’s June 24, 2025 preliminary and detention hearing, HSI Tactical Instructor Matthew Johnson recounted the narrative from the amended complaint. (See ECF No. 25). Additionally, he speculated that Mr. Hurtado had attempted to remove the HSI agent’s chest plate from her tactical vest to use as a blunt instrument with which to strike her—an allegation not contained in the amended complaint. HSI Special Agent Laura McCord testified that, while transporting Mr. Hurtado from the county jail to his initial appearance, Mr. Hurtado admitted that he had placed the agent in a chokehold. According to Special Agent McCord, she explained the chokehold technique, and Mr. Hurtado responded, “I know exactly what you’re talking about,” and stated that he “just did it out of being frightened.” Although Magistrate Judge Ryan Carson expressed reservations about whether the government could ultimately prove the intent required for attempted murder, calling the issue “a close call,” the court found probable cause and ordered Mr. Hurtado detained pending trial.

In mid-July, bystander videos of the June 17 arrest surfaced on social media. The videos capture most of the struggle, including the entire period that Mr. Hurtado and the HSI agent

were on the ground—the moment that the government alleges Mr. Hurtado placed her in a chokehold. However, the videos show that Mr. Hurtado did not choke either agent at that time, and that in fact, *both* agents had placed *him* into a chokehold. The videos also show that the HSI agent’s chest plate fell out of her tactical vest as she gave chase. Mr. Hurtado had not, as Tactical Instructor Johnson had speculated, removed the plate to use it as a weapon.

Special Agent McCord’s conversation with Mr. Hurtado was also recorded. Mr. Hurtado insisted that he had not fought the agents, denied having placed the HSI agent into a chokehold, and stated that the agents had his hands behind his back. At no point did Mr. Hurtado say, as Special Agent McCord testified, “I know exactly what you’re talking about.” When Special Agent McCord asked if he had been trained to use chokeholds during his Venezuelan military service, he answered, “No, no not at all. I’ve never learned anything. Because I was scared, you know.” Special Agent McCord mischaracterized the statement “because I was scared” as an admission to using a chokehold, which was far from clear. Mr. Hurtado later explained that “because I was scared” referred to his resistance and flight.

Nevertheless, the prosecution pressed on, and a grand jury returned an indictment charging one count of attempted murder of a federal officer, one count of assault on a federal officer inflicting bodily injury, and one count of forcibly resisting arrest. (See ECF No. 32). Nearly four months later, however, the government abandoned the attempted murder charge and filed a superseding indictment replacing it with a novel charge: providing material support to a designated foreign terrorist organization. (See ECF No. 45). Under the government’s theory, by resisting arrest, Mr. Hurtado had provided material support to Tren de Aragua (TdA) in the form of personnel—himself—and by assaulting a federal officer. Special Agent McCord had testified at his detention hearing that several factors indicated that Mr. Hurtado may be affiliated with the Venezuelan gang. First, that Guatemalan immigration officials encountered Mr. Hurtado at the Honduras-Guatemala border with a group of men with attire and tattoos “consistent with” TdA membership. Special Agent McCord did not recall the clothing that the group was wearing, but Assistant United States Attorney Lesley Woods’s questioning suggested that it was Chicago Bulls merchandise. Second, that Mr. Hurtado himself has a tattoo bearing a “TdA design.” In fact, Mr. Hurtado’s tattoo depicts a man and child walking hand in hand in the foreground, with a clock set to the birth time of Mr. Hurtado’s son in the background, and his son’s birth date below. Third, that Mr. Hurtado previously lived in Denver, Colorado, a city where many Venezuelan asylum-seekers—including suspected TdA affiliates—have settled.

Mr. Hurtado filed a motion to dismiss arguing that the material support count was duplicitous, failed to state a claim, contained prejudicial surplusage, and lacked specificity. (See ECF No. 55). The superseding indictment alleged that Mr. Hurtado “did knowingly attempt to provide and did provide material support and resources, to wit, himself as personnel and by assaulting a federal officer, to a foreign terrorist organization, that is Tren De Aragua” Assault on a federal officer is not a form of material support enumerated by the statutory definition. But to the extent that both provision of personnel and assault on a federal officer constitute material support, this count was duplicitous, as it alleged two means of accomplishing a single offense. At the very least, the assault language was prejudicial surplusage that confused the issue before the jury. Finally, the allegation of material support through provision of personnel lacked specificity, as the government did not define or attempt to define how Mr. Hurtado “knowingly provided, attempted to provide, or conspired to provide” personnel to TdA. The government merely alleged that he is a member.

Shortly before the government’s deadline to respond to Mr. Hurtado’s motion to dismiss, the parties reached a plea agreement. Mr. Hurtado pleaded guilty to a single count of forcibly resisting a federal officer in violation of 18 U.S.C. § 111(a)(1), and the government dismissed the remaining counts, including the material support charge. Notably, the factual basis supporting the plea agreement omitted any allegation that Mr. Hurtado had placed an agent in a chokehold. (See ECF No. 66). The plea agreement stated that after exiting his car with his hands up, Mr. Hurtado forcibly resisted arrest by the HSI agent and fled. Both agents caught up to Mr. Hurtado and again attempted to arrest him. It was at this point that both agents placed Mr. Hurtado in a chokehold, which the plea agreement omitted. Mr. Hurtado struggled against the agents, broke free, and again took off running. The HSI agent again caught up to Mr. Hurtado and grabbed the waistband of his pants. Mr. Hurtado continued to run, causing the HSI agent to fall and hit her head on the pavement. He did not, as the original and amended complaints alleged, throw the agent off him or throw himself against her. Mr. Hurtado ran into his house, where he was later arrested without resistance.

At sentencing, Chief Judge Robert F. Rossiter, Jr. expressed serious concern regarding the government’s original allegations, describing them as “at worst a misrepresentation, ... and at best, complete negligence.” The court sentenced Mr. Hurtado to 14 months of imprisonment, followed by one year of supervised release and a special assessment. As Mr. Hurtado had already spent nearly 13 months in custody, he received what was effectively a sentence of time served.

ABOUT THIS PROJECT

About this Project

Since January 2025, federal criminal law enforcement has undergone profound and rapid change. To help defense counsel navigate this evolving landscape, NACDL launched the NACDL Criminal Case Tracker, a curated resource designed to identify, follow, and analyze select federal prosecutions that depart from traditional enforcement norms.

The Criminal Case Tracker focuses on unusual, novel, or expansive applications of federal criminal law, distinguishing these cases from routine prosecutions that fall within long-standing enforcement patterns.

The Criminal Case Tracker is led by NACDL Member Steven M. Salky. The project is supported by volunteer curators.



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