

Husband contends that he paid the smuggling organization \$1,000 to smuggle his wife and child into the United States. They were then transported to the stash house in Fort Worth, where the Husband contends a member of the smuggling organization demanded he pay an additional \$23,000 before his family would be released.¹ The member also told the Husband “they would do things to his daughter he [would] not like” if he did not make this payment.

Law enforcement traced the telephone that communicated with the Husband to a vehicle driven by Rodrigo Napoles Briseno (“Briseno”). A traffic stop of that vehicle by law enforcement revealed Briseno was transporting three illegal aliens to a location within the United States. Briseno told officers the Husband’s family was in the Fort Worth stash house.

Law enforcement then raided the Fort Worth stash house, arrested codefendants Carlos Eduardo Plata-Ybarra (“Plata-Ybarra”) and Gonzalo Briseno Ramirez (“Ramirez”), discovered twenty illegal aliens awaiting transportation—including the Husband’s family and two other unaccompanied minors—as well as \$110,175 in cash.

The sentencing information indicates that those aliens who had not paid their smuggling fees in full were held by Defendants in the Fort Worth stash house until full payment was made. Additionally, the smuggling organization charged the aliens a \$100 per day fee for every additional day final payment was delayed. While awaiting final payment, the aliens were confined to the stash house and prohibited from leaving the house.

The illegal aliens discovered during the raid had been present in the Fort Worth stash house for as long as multiple weeks. The Fort Worth stash house processed at least 60–80 illegal aliens per month. Defendants’ role in the operation was to pick up new illegal aliens when notified that

¹ Based on all of the sentencing information, the reasonable inference is that Defendant Rodrigo Napoles Briseno was the individual communicating with the Husband.


a new “shipment” of illegal aliens was ready and to deliver cash proceeds to other members of the organization.

NOTICE

This was a large scale and sophisticated alien smuggling operation, connected to a Mexican drug cartel, which smuggled dozens of illegal migrants per month—including unaccompanied minor alien children. The organization deprived aliens of their freedom, sometimes for weeks on end, until the alien made the full smuggling payment. The smugglers’ tactics for extorting payment included threatening to “do things [the smuggled aliens’ family members would] not like.” Pending their release by the smuggling operation, the aliens were packed into a residential house in southeast Fort Worth.

The Guidelines do not *adequately* take into account these facts when recommending an appropriate prison range. The current prison Guideline calculation of 51–63 months fails to meet the requirement that any sentence provide adequate deterrence and just punishment. Accordingly, the parties are provided notice that the Court intends to vary upward from the applicable Guideline range so that they may address this at the time of sentencing.²

SO ORDERED on this **30th day** of **May, 2023**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE