

# **DOES STEPHEN MILLER KNOW PAM BONDI IS HARBORING CRIMINAL ALIENS?**

The magistrate judge who presided over a detention hearing for Kilmar Abrego Garcia (KAG) last week, Barbara Holmes, has ruled that the government is not entitled to further review of his detention, but even if they were, they would not meet the standard under the Bail Reform Act to keep him jailed pre-trial.

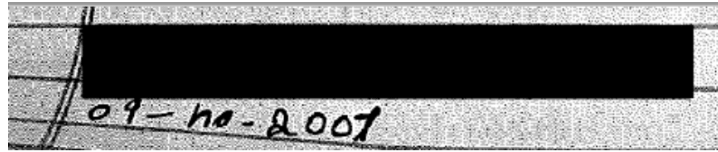
The takeaway of her ruling is that the government's attempt to claim the alleged presence of minors in the van he drove made his alleged crime – transporting undocumented migrants – serious enough to merit detention failed. The evidence didn't pass the sniff test.

But the ruling is important because it documents just how shitty the case against KAG is, which (as far as I saw), just Adam Klasfeld and Katelyn Polantz attempted to do before this.

## **The alleged kid in the van**

There were two main problems with the evidence. First, the evidence that one of the guys in the van KAG was driving through Tennessee when he was stopped back in November 2022 was a minor is based on hearsay after hearsay.

The TN State Trooper who stopped KAG passed around a piece of paper and asked everyone in the van to write down their name and date of birth. The government introduced this part of the roster, claiming it showed that one guy was born in 2007, and so would have been 15 at the time. That was the primary basis of their claim that KAG's alleged crime involved a minor.



But the direct witness to that would be the guy in question, and the government hasn't tracked him down.

The next most direct witness would have been the Trooper, who (Holmes noted) could have described whether he thought that guy looked young. But for some unstated reason, the government didn't call him as a witness. Instead, everything came in through the government's sole witness, whom Holmes describes as ICE HSI Special Agent Peter Joseph.

Note, I've seen other people say Joseph is an FBI Agent; if he really is HSI, it would make another of these politicized cases that don't involve the FBI. Thus far, the sole exception is the Hannah Dugan case.

The Trooper's own body cam got purged; what was presented was his partner's. And while *that* body cam footage corroborates the hearsay claim that the Trooper got the roster, it doesn't capture the guys filling it out.

While the body camera footage – which is itself hearsay – includes the passing around of a piece of paper among the vehicle occupants at the direction of a THP trooper on the scene, the detail of the roster is visible only briefly in the body camera footage.

The Trooper claims that he photographed the passports and saw no entry stamps. But those photos can't be found. And the body cam footage that exists doesn't show him taking photos.

However, even though the photograph of the roster was produced, the photographs of the passports cannot be located, according to Special Agent Joseph's testimony. 17

17 According to Special Agent Joseph, THP Trooper Foster also stated he is almost 100% certain that none of the vehicle occupants' passports had stamps from port of entry. However, the body camera footage, which the Court fully reviewed, does not show THP Trooper Foster taking any passport photographs or even that he was provided with passports. The Court recognizes that the footage is not from THP Trooper Foster's body camera. The footage does, however, appear to show THP Trooper Foster's entire interaction with the vehicle occupants.

And all that's before you look at the number, which (KAG's lawyers pointed out in the hearing) looks like it could have been overwritten, and even if it weren't, Holmes observes, 1s and 7s are numbers that can be confused.

So Holmes found that that allegation was not credible enough to win the government a further detention hearing.

## The criminal aliens Pam Bondi wants to free

The other primary claims about KAG go through three familially-related cooperating witnesses. As I noted when I unpacked the indictment, this entire case rests on their credibility.

As Holmes described it, this was double (or triple) hearsay testimony of three witnesses all of whom hope to remain in the country, *two of whom are felons* the government will or already has freed. And the testimony of those guys as to whether KAG brought his special needs kids with him is not remotely credible just as a matter of logistics.

Special Agent Joseph testified that the first and second (male) cooperators testified or stated in interviews that

Abrego typically took his children with him on trips during which he was allegedly smuggling undocumented people from one place to another. The first female cooperator testified to also having knowledge of this alleged conduct. Importantly, each cooperating witness upon whose statements the government's argument for detention rests stands to gain something from their testimony in this case.

The first cooperator, who provided interview statements and grand jury testimony, has two prior felony convictions, has previously been deported five times, and was released early from a 30-month federal prison sentence for human smuggling as part of his cooperation in this case. He is the purported domestic leader of the human smuggling organization in which Abrego is accused of participating. He has been granted deferred action on deportation in exchange for his testimony. Special Agent Joseph acknowledged on cross-examination that the first cooperator will likely be granted work release as part of the conditions of the halfway house in which he currently resides following his early release from prison.

The second cooperator is also an avowed member of the human smuggling organization and is presently in custody charged with a federal crime for which he hopes to be released in exchange for his cooperating grand jury testimony. He has also been previously deported and has requested deferred action on deportation in exchange for his cooperation. The second cooperator is a closely related family member of the first cooperator.

The first female cooperator is also closely related to the first and second

male cooperators. She testified before a federal grand jury in Texas about the investigation of Abrego and has requested deferred action on deportation in exchange for her cooperation. Special Agent Joseph did not personally interview this first female cooperator.

The Court gives little weight to this hearsay testimony – double hearsay through Special Agent Joseph’s testimony – of the first male cooperator, a two-time, previously-deported felon, and acknowledged ringleader of a human smuggling operation, who has now obtained for himself an early release from federal prison and delay of a sixth deportation by providing information to the government. Nor do the hearsay statements of the second male cooperator on this issue fare any better, as his requested release from jail and delay of another deportation depends on providing information the government finds useful. Even without discounting the weight of the testimony of the first and second male cooperators for the multiple layers of hearsay, their testimony and statements defy common sense.

Both male cooperators stated that, other than three or four trips total without his children, Abrego typically took his children with him during the alleged smuggling trips from Maryland to Houston and back, some 2,900 miles round-trip, as often as three or four times per week. The sheer number of hours that would be required to maintain this schedule, which would consistently be more than 120 hours per week of driving time, approach physical impossibility. For that additional reason, the Court finds that the statements of the first and second male cooperators are not reliable to establish that this case “involves a minor victim.”

The problems with these guys' testimony goes further still. The claims that KAG at one point transported guns goes through them – which raises the question why the repeat felon has never been charged for having them.

The first cooperator, the leader of the human smuggling operation, in a changed statement from his initial interview, stated that he was a collector and buyer and seller of guns, that he would regularly give guns to his drivers, and that he gave one or two to Abrego, who took them back to Maryland during transports.<sup>29</sup> The second cooperator made similar statements about witnessing Abrego purchase and transport guns.

If truthful, these circumstances are concerning. However, the reliability of the evidence is questionable, which detracts from the weight it will be given. The first cooperator only provided this information in a second interview, described in Special Agent Joseph's testimony as "different or evolved" from the first interview. Further, there is no other evidence of Abrego possessing firearms.

<sup>29</sup> The first cooperator's admitted prior criminal history at least suggests that he might be prohibited from possessing firearms. If so, it is unclear whether the first cooperator is receiving immunity from prosecution or some other concession for this information.

Worse still, the first guy – the repeat felon – debunked the second guy's claim that KAG was an MS-13 member.

Contrary to the statements of the second cooperator and NV, the first male cooperator told Special Agent Joseph that, in ten years of acquaintance with Abrego, there were no signs or markings,

including tattoos, indicating that Abrego is an MS-13 member. This statement specifically repudiates any outward indicia that Abrego belongs to MS-13, in stark contrast to the non-specific second cooperator's and N.V.'s feelings that Abrego may belong to MS-13.

Your star witness, Attorney General Bondi, says the President is a liar.

In a footnote, Holmes basically says, "this is all you've got on this gang claim?"

25 Given the volume of resources committed to the government's investigation of Abrego since April 2025, according to Special Agent Joseph, the Court supposes that if timely, more specific, concrete evidence exists of Abrego's alleged MS-13 gang membership or a consistent pattern of intentional conduct designed to threaten or intimidate specific individuals, the government would have offered that evidence at the detention hearing.

Perhaps she also saw that ABC interview?

The one other witness (who has been paid for her cooperation in the past) implicating KAG with MS-13 membership, offered a vague, unsworn description from five years ago, when she was a teenager, and. *her* family has ties to 18 Barrio gang, the gang against which KAG was found to have credible fear of retaliation in his immigration proceedings.

Some of this evidence would get stronger at trial, where all these avowed human smugglers would have to testify under oath themselves.

But you still have the patently obvious case where Pam Bondi's DOJ is larding on benefits for the kind of people that Stephen Miller likes to disappear to CECOT, and they're doing so

primarily so they can send KAG to CECOT instead of them.

Pam Bondi went on TV and talked about how dangerous all this is (accusing him of human trafficking, with which Hughes notes, he was not charged), implicating that KAG was grooming children but she was prosecuting and convicting them.

These facts demonstrate Abrego Garcia is a danger to our community.

[snip]

Co-conspirators allege that and we were clear to say that he is charged with, it's not, only very serious charges of smuggling. And again, there were children involved in that. Human trafficking, not only in our country but in our world is very, very real. It's very dangerous. And as you saw recently in Virginia, the arrest we made of the MS-13 member, unrelated to this, we learned at that press conference, that's where they bring young children into our country and they start grooming them at middle school age to become MS-13, full-fledged members commit violent crimes throughout our country. It is highly organized, it is very dangerous, and they are living throughout our country. But no more because they are being arrested. They are being prosecuted and being convicted and deported when appropriate.

Except not her star witnesses, whose testimony conflicts, and who were the guys allegedly directing KAG to do what he did.

Pam Bondi is going to free those guys into the United States – maybe even let them stay.

Does Stephen Miller know about this? Because this is the kind of thing he accuses Democratic politicians of doing, threatening to arrest them



for doing so.

The government has already appealed this decision, and everyone involved admits KAG may simply be snapped up in immigration detention if he is freed. But for now, a judge has debunked much of the inflated claims DOJ made.