

Dear Persons,

3/12/79

A number of concerned people have recently formed the Committee for the Defence of Hispanic Prisoner's Rights. This committee has met to discuss and act upon the plight of Mexican and Chicano prisoners in the California Youth Authority, Adult Authority, Federal, City, and County prisons and jails.

Since these prison systems discourage the public from gaining access to and information regarding inmates and conditions, the information we have shared has been incomplete. Yet from what we have discovered, some problems can be identified. Of primary concern is the plight of undocumented immigrants in prison. We have found it convenient to divide these problems into two categories:

1. Problems related to administrative, civil, and criminal court remedies.
 - A. Prisoners are often deported without hearings
 - B. Prisoners are often bribed with early release if they sign voluntary departure forms.
 - C. Legal representation at hearings is seldom available.
 - D. Prisoners are often sentenced to Federal Prison for 1 to 7 years simply for the crime of illegal entry.
 - E. Translation of hearing procedures is seldom available.
 - F. Immigration and Naturalization Service and Justice Department policies are very often racist and discriminatory.
2. The second problem area faced by Mexicanos and Chicanos is generally related to conditions within the prisons.
 - A. Mexicanos/Chicanos are over-represented in many prisons and this condition is becoming even more acute.
 - B. Because Mexican Nationals in prison are invariably given "holds" for deportation, they are classified as maximum security custody. This means that they are not allowed in minimum security units nor are they allowed the better prison jobs that require minimum security custody. Moreover, these prisoners are not allowed to enter programs that require minimum security custody, such as school and work release programs and community visitation privileges.

- C. Education and trade programs are offered only in English which make them unavailable for Spanish-speaking prisoners.
- D. Despite the Lau vs. Nichols Decision the California Youth Authority and Probation Department have refused to implement culturally relevant education programs and curriculum designed for educating Chicanos. Furthermore, these agencies have not fully applied for nor utilized program monies available for English as a Second Language, Bilingual Education, and Compensatory Education for Chicanos and Mexicans in these jails.
- E. Since very few staff and administrators speak Spanish and are unable to communicate with Spanish-speaking prisoners. This inability to communicate often results in disciplinary and other problems for inmates.
- F. Administration of Justice agencies at all levels are not effectively recruiting or promoting Chicano and bilingual staff.
- G. It has been proven that Chicanos serve longer sentences for the same offences than other ethnic groups. Chicanos also have higher recidivism rates than other races. Disciplinary procedures are taken against Chicanos more often than other ethnic groups. As a result, Adjustment Centers, Maximum security units and the hole are filled with a disproportionate number of Raza.
- H. Medical services are often dispensed on a discriminatory basis. Medical personnel often cannot effectively serve Spanish-speaking inmates because of the language barrier. Medical personnel often refuse medical treatment when they know that an inmate will be deported upon release.
- I. Prisoners who are being deported are not given release compensation as are other inmates. The California Adult Authority, for example, gives a minimum of \$200.00 and a suit of clothes to inmates upon release.
- J. Spanish language libraries are usually unavailable to the Mexican inmates. More importantly, Spanish translations of Immigration and Criminal law are unavailable.

These are but a few of the problems that we have discussed thus far. One must recognize the human suffering is attendant or a consequence of this neglect and discrimination. Prisoners cannot battle against

these conditions alone. They need and deserve people like ourselves to launch a concerted campaign of publicity to educate and organize the community regarding these problems. A secondary but also important struggle must be launched in the courts and political arena to begin to change these conditions.

We need your assistance to launch this campaign. Your level of commitment, capabilities, and time constraints may vary but you can help. Some of our work will include press conferences, class action suits, community conferences, prison conferences, fund raisers, etc..

Our next meeting is scheduled for March 30th, 1979 at 12 noon. This meeting will be held at Cal State University at Los Angeles in room 712 of Simpson Hall.

We have invited Richard Alatorre (D-Los Angeles) to speak with us at 2:00 P.M. about the issues that concern us. We will begin our meeting promptly at noon so that we can coordinate our presentation and brief new members to the committee. Be sure to call us at one of the numbers below to advise us if you can attend.

Fraternally,

Martin Cano 257-6695 (213)

Bert Corona 768-1171

MAILING LIST
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UNITED STATES DEPARTMENT OF JUSTICE
United States Parole Commission
Washington, D. C. 20537



ORDER

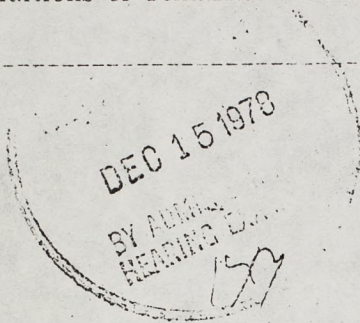
Name Valencia, Edward

Reg. Number 1057-101 Institution McDonough

In the case of the above-named, the Commission has carefully examined all the information at its disposal and the following action with regard to parole, parole status, or mandatory release status is hereby ordered:

Continue To Expiration

Conditions or remarks:



R. J. [Signature]

Date 12-15-78

Conditions or remarks:

(Date Notice sent)

(Region - specify)

National Appeals Board _____ (check)

National Commissioners _____ (check)

UNITED STATES PAROLE COMMISSION
HEARING SUMMARY

16389-W

Name VALENCIA-MIRANDA, Juan Hearing Type Initial
Reg. No. 01633-163 Projected M. R. Date 7-7-79
Institution McNeil Camp Full Term Date 10-23-79
Date 12-5-78 Panel Alex/Bowersox

OFFENSE/SENTENCE STRUCTURE:

Valencia was convicted on charges of Illegal Re-Entry and he has been serving the resultant 18 month regular adult term for the past 7 months, including 50 days jail time. On 2-26-78, he was arrested in Watsonville, California, and charged with the instant offense. He had been arrested and deported numerous times previously on the same offense behavior. He admits the offense and states that he continues to live and work in this country illegally because he has a family to support here.

PRIOR RECORD:

Valencia has a chronic record of illegally entering this country. He has been convicted and committed twice previously for illegal re-entry, having done a brief term in 1975, as well as an 18 month term to mandatory release at Lompoc in 1976. Actually, he has been arrested at least 10 previous times for being in this country without papers. He was not on probation or parole and no detainers are pending. He has also been arrested in this country on charges of drunken driving and disorderly conduct.

SOCIAL HISTORY:

Born 9-5-55, Valencia is 23 years of age. He has practically no formal education and has worked as a farm laborer all of his adult life. He claims to have a wife who is an American citizen and that he helps support her and her five children. There is no sign of drug or alcohol abuse.

INSTITUTIONAL ADJUSTMENT AND RELEASE PLANS:

We have no progress report as yet but Valencia appears to be doing well here. He works on the docks and shows a generally good attitude. However, he was cited on 11-13-78 for insolence toward a staff member, having used a most obscene Spanish phrase towards the staff member. He will be deported upon release and states that he will go to live in Michoacan, Mexico. However, it seems likely vis-a-vis his prior record that he will rapidly and illegally return to this country.

REPRESENTATIVE:

Waived.

EVALUATION:

This 23 year old Mexican national has a record of chronic illegal entry into the United States. He has been arrested and deported for this type of behavior on numerous occasions, as well as serving two previous sentences thereon. He was held to mandatory release at Lompoc on a previous sentence of the same length as he is now serving. Consequently the panel sees no reason to consider parole at this time. He will be in the low area of the guidelines at the time of his mandatory release.

RECOMMENDATION:

Continue to expiration.

I hereby certify that the notes taken by me
in the above case are included in the record
and that the summary is fully and correctly
prepared.

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in the above case are included in the record
and that the summary is fully and correctly
prepared.

Rebecca E. Fast

Rebecca E. Fast

December 7, 1978

Typed and mailed

Rebecca E. Fast

WESTERN REGION

DEC 8 1978

DOCK 3

NOTICE OF ACTION WORKSHEET

CASE NAME Kalencia-Miranda, Juan REGISTER NUMBER 01633

REASONS: (Circle and complete each applicable reason)

1. YOUR OFFENSE BEHAVIOR HAS BEEN RATED AS Low Moderate SEVERITY BECAUSE it involved the immigration violation illegal re-entry

YOU HAVE A SALIENT FACTOR SCORE OF 7 YOU HAVE BEEN IN CUSTODY A TOTAL OF 7 MONTHS. GUIDELINES ESTABLISHED BY THE COMMISSION FOR (ADULT) (YOUTH/NARA) CASES WHICH CONSIDER THE ABOVE FACTORS INDICATE A RANGE OF 12-16 MONTHS TO BE SERVED BEFORE RELEASE FOR CASES WITH GOOD INSTITUTIONAL PROGRAM PERFORMANCE AND ADJUSTMENT. AFTER REVIEW OF ALL RELEVANT FACTORS AND INFORMATION PRESENTED,

- a. A DECISION OUTSIDE THE GUIDELINES AT THIS CONSIDERATION IS NOT FOUND WARRANTED.
- b. A DECISION (ABOVE) (BELOW) THE GUIDELINES AT THIS CONSIDERATION APPEARS WARRANTED BECAUSE _____

c. IT IS FOUND THAT YOUR RELEASE AT THIS TIME WOULD DEPRECIATE THE SERIOUSNESS OF YOUR OFFENSE BEHAVIOR. COMMISSION GUIDELINES FOR GREATEST II SEVERITY CASES DO NOT SPECIFY A MAXIMUM LIMIT. THEREFORE, THE DECISION IN YOUR CASE IS BASED IN PART UPON A COMPARISON OF THE RELATIVE SEVERITY OF YOUR OFFENSE BEHAVIOR WITH THE OFFENSE BEHAVIORS AND TIME RANGES SPECIFIED IN THE GREATEST I SEVERITY CATEGORY.

- 2. OTHER _____
- 3. AS REQUIRED BY LAW, YOU HAVE ALSO BEEN SCHEDULED FOR A STATUTORY INTERIM HEARING (DURING _____) (AT THE COMPLETION OF THE MINIMUM TERM).
- 4. YOUR PRESUMPTIVE PAROLE DATE IS CONDITIONED UPON YOUR MAINTAINING GOOD INSTITUTIONAL CONDUCT AND THE DEVELOPMENT OF A SUITABLE RELEASE PLAN. PRIOR TO RELEASE YOUR CASE WILL BE SUBJECT TO REVIEW TO ASCERTAIN THAT THESE CONDITIONS HAVE BEEN FULFILLED.
- 5. IN NARA CASES, A PAROLE DATE IS ALSO CONTINGENT UPON CERTIFICATION OF RELEASE READINESS BY THE SURGEON GENERAL.

NOTES:

- a. Explain the severity rating for all Greatest II severity cases, all cases in which the offense behavior is not clearly listed on the guideline chart, and all cases in which the severity rating is increased or decreased due to aggravating or mitigating circumstances, giving specific facts.
- b. For Greatest II severity cases, if the applicant has not yet reached the lower limit of the guideline range, and the decision is to be within the guidelines, use reasons [1a+c]. If a decision below the guidelines is warranted, use reason [1b]. If the applicant has reached the lower limit of the guideline range, use reason [1c] and—where applicable—supplement with reason No. 2.
- c. Use the phrase "at the completion of the minimum term" in Item 3 only in those cases where the statutory interim hearing is to be deferred to the minimum term [See 28 C.F.R. 2.14 (a)(2)].

NOTICE OF ACTION - PART II - SALIENT FACTORS

Register Number _____ Name _____

ITEM A _____

- No prior convictions (adult or juvenile) = 3
- One prior conviction = 2
- Two or three prior convictions = 1
- Four or more prior convictions = 0

ITEM B _____

- No prior incarcerations (adult or juvenile) = 2
- One or two prior incarcerations = 1
- Three or more prior incarcerations = 0

ITEM C _____

- Age at first commitment (adult or juvenile):
- 26 or older = 2
- 18 - 25 = 1
- 17 or younger = 0

*ITEM D _____

- Commitment offense did not involve auto theft or checks (s) (forgery/larceny) = 1
- Commitment offense involved auto theft [X], or check (s) [Y], or both [Z] = 0

*ITEM E _____

- Never had parole revoked or been committed for a new offense while on parole, and not a probation violator this time = 1
- Has had parole revoked or been committed for a new offense while on parole [X], or is a probation violator this time [Y], or both [Z] = 0

ITEM F _____

- No history of heroin or opiate dependence = 1
- Otherwise = 0

ITEM G _____

- Verified employment (or full-time school attendance) for a total of at least 6 months during the last 2 years in the community = 1
- Otherwise = 0

TOTAL SCORE _____

* NOTE TO EXAMINERS:
If item D or E is scored 0, place the appropriate letter (X, Y or Z) on the line to the right of the box.

UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF PRISONS

CLASSIFICATION STUDY

November 24, 1978

Name: VALENCIA-MIRANDA, Juan
Reg. No.: 01633-163

Institution: FPC, McNeil Island
Date Classified: 09-26-78

D.O.B.: 09-05-5
Age: 23

STAFF SUMMARY

Current Offense and Prior Record: Valencia-Miranda was sentenced on June 13, 1978 in the District of Northern California to an 18-month regular adult term for Illegal Reentry. He has been a chronic violator of the U.S. Immigration laws with dispositions ranging from voluntary departures to sentences of confinement. There are no known pending charges and there is a deportation detainer lodged in this case.

Social Situation: Valencia-Miranda was born and raised in Mexico by a farm family. He has no formal education. He married an American citizen in 1974 and that marriage is still intact. It is noteworthy that his wife is approximately 21 years his senior. Reports indicate that this has been a rather rocky marriage marred by occasional domestic squabbles. His employment has been almost exclusively farm work. There is no record nor current indication of emotional problems. Records reflect that Valencia-Miranda has had his problems with alcohol.

Recommended Programs: No programs were established or recommended for Valencia-Miranda

Community Resources: His only community resource appears to be his American wife who is a resident of Watsonville, California. She is currently on welfare and in view of his deportable status and prior record, would appear to be a negligible resource.

S. M. Brockett, Senior Case Manager
FPC, McNeil Island, Washington

Frank B. Vasquez, U.S. Probation Officer
San Jose, California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SELECTIVE PRESENTENCE REPORT

NAME Juan Valencia-Miranda
aka: Manuel Avila Quesada
ADDRESS San Francisco County Jail

DATE May 19, 1976

DOCKET NO. CR76-182-SW

OFFENSE Title 18, U.S.C., Section 1326 -
Illegal Re-entry of Deported Alien

LEGAL RESIDENCE Calle Domingues #50
Tepaltepec, Mich. Mexico

AGE 20 DATE OF BIRTH 9/5/55

PENALTY 2 years and/or \$1,000

SEX Male RACE Mexican

PLEA Guilty, 4/26/76

CITIZENSHIP Mexico

VERDICT

EDUCATION None

MARITAL STATUS Married

CUSTODY San Francisco County Jail

DEPENDENTS 1 (Wife)

ASST. U.S. ATTY James Deffer

SOC. SEC. NO. None

DEFENSE COUNSEL Pat Trumbull
Federal Public Defender

FBI NO. 32 078 P 11

DETAINEES OR CHARGES PENDING: None

CODEFENDANTS (Disposition) None

This document is the CONFIDENTIAL property of the U. S. District Court and FOI Exempt. It was available for review by the defendant and his counsel prior to sentencing. Disclosure shall be only as provided by 18 USC 4208(b)(2).

DISPOSITION

DATE May 21, 1976

SENTENCING JUDGE Honorable Spencer Williams, U. S. District Judge

Official Version. The defendant was originally charged in a 3-Count Indictment for violation of Title 18, U.S.C., Section 1326 - Illegal Re-entry of Deported Alien; Title 8, U.S.C., Section 1325 - Entry without Inspection; and Title 18, U.S.C., Section 751 - Escape from Custody. Subsequently, he entered a plea of guilty to Count 1 - Illegal Re-entry of Deported Alien.

A review of the reports of the authorities indicates the following:

On February 17, 1976, the defendant claimed to arresting officers that he last entered the United States without inspection near Calxico, California on or about February 2, 1976. Previous to this occasion, he had been arrested six times at Stockton and six times at Salinas with immigration charges of illegal entry or entry without inspection. Subsequent to an arrest at Salinas on December 8, 1975, defendant was charged and pled guilty to Entry without Inspection. He was sentenced to time served on December 23, 1975 after which at El Centro, California he was granted voluntary departure to Mexico on January 6, 1976.

Immigration files indicate that subsequent to an arrest at Salinas on May 19, 1975, the defendant was deported to Mexico at Calxico, California on May 22, 1975. His immigration file does not indicate that he ever received permission of the Attorney General to re-apply for admission to the United States.

In February, 1976, the defendant was picked up by the Watsonville Police Department as a well known illegal alien and detained for the Border Patrol. On February 17, 1976, he was processed by the Border Patrol at Santa Cruz, California, and arrangements were made for filing a complaint for re-entry after deportation, a felony. On February 18, 1976, the defendant was being transported from the jail to the Salinas Border Patrol Station. During the process of unloading several illegal aliens from the detention vehicle, the defendant broke and ran, escaping custody.

Subsequent to the defendant's escape on February 18, 1976, a look-out was posted with various police agencies in the Salinas-Watsonville area indicating that an Immigration Warrant had been issued for the defendant's arrest. On March 19, 1976, the defendant was arrested when he was found under a bed at 124-C Ford Street, Watsonville, California. He was subsequently turned over to Border Patrol officers.

DEFENDANT'S VERSION OF OFFENSE:

The defendant's only statement relative to the offense is that he came into the United States due to his need for money.

PRIOR RECORD:

| <u>DATE</u> | <u>PLACE</u> | <u>OFFENSE</u> | <u>DISPOSITION</u> |
|-------------|--------------------------|--|--------------------|
| 10/14/75 | Hollister, California | Drunk driving & no driver's license | Unknown |

The defendant has been arrested six times at Stockton, California and six times at Salinas, California with immigration charges of illegal entry or entry without inspection. He has been previously convicted of violation of Title 18, U.S.C., Section 1325 - Illegal Entry of Alien on December 23, 1975 at which time he was sentenced to time served (16 days).

In addition, the defendant has been the subject of numerous complaints with the Watsonville Police Department as a result of fighting and domestic problems between he and his wife. At one point, his wife signed a complaint and made a citizen's arrest of the defendant on April 14, 1975 at Watsonville, California.

PERSONAL HISTORY:

The defendant was born September 5, 1955 to Pedro Valencia and Eva Miranda.

For the first 13 years of his life, he resided with his parents and worked on the land of the family in Tepaltepec, Mich., Mexico. Juan has no formal education and he is unable to read or write.

Approximately eight years ago, Juan's father passed away and after a period of one year Juan came to the United States and commenced employment as a farm laborer. With the exception of periods of time that he has been in Mexico due to action taken by the immigration authorities, he has remained in this country working as a farm laborer.

Approximately two years ago, Juan met Angelina Martinez, a United States citizen, and two months later on February 13, 1974, they were married in Reno, Nevada. Angelina was born October 1, 1936 and she resides at 124 Ford Street, Apt. C, Watsonville, California. No children have resulted from the marriage.

Angelina was previously married to Paul Avila, age 43, from whom she was divorced on December 5, 1973. Five children resulted from that marriage, two of whom, Sandra, 18, and Eric, 10, presently reside with Angelina.

In March, 1976, immigration authorities advised that no immigration papers have been filed for Juan. At this point it is alleged that papers have been filed; however, attempts to learn the status of same have been to no avail. It is Juan's contention that his wife is unable to handle completion of the process without the aid of an attorney and he was, therefore, advised to have his wife consult with legal aid.

Juan's last employment was with Driscoll Berries, Arcamas, California, and Angelina is presently receiving \$162 in food stamps and \$292 welfare per month.

PLEA AGREEMENT:

The office of the U. S. Attorney advises that Counts Two & Three of the original indictment are to be dismissed and it was placed upon the record that the U. S. Attorney's office would recommend a period of 6 months custody.

EVALUATIVE SUMMARY:

The defendant is a 20-year old, married, Mexican male who is appearing for judgment as a result of his having entered a plea of guilty to Illegal Re-entry of a Deported Alien.

Juan does not speak English and he is unable to read or write. For the past seven years, he has been in and out of the United States on an illegal basis working as a farm laborer.

The only resource Juan has in the United States is his wife and one would have to say that it is a questionable resource at best as Angelina is 19 years older than Juan, there have been periods of separation and there have been frequent complaints to the police relative to quarrels.

Finally, Juan has been treated leniently on frequent occasions in the past and he has had a period of two years during which his wife could have filed appropriate documents with the immigration authorities.

Respectfully submitted,

Dated: May 19, 1976
San Francisco, California

ARTHUR PIRELLI
U. S. Probation Officer

APPROVED:

Supervising U. S. Probation Officer

AP/ft

The Honorable Spencer Williams
United States District Judge

U.S. vs. Juan Valencia-Miranda
Docket No. CR76-182-SW
Due Date: May 21, 1976

SENTENCING AND PAROLE DATA

The Annual Report of the Director of the Administrative Office of the United States Courts for 1975 reflects that 1545 persons were convicted of Immigration laws violations

| | <u>Number</u> | <u>Percentage</u> |
|--------------------------------------|---------------|-------------------|
| 1. Received Probation: | <u>500</u> | <u>30.4</u> |
| 2. Split Sentence: | <u>315</u> | <u>19.1</u> |
| 3. Fine Only: | <u>20</u> | <u>1.2</u> |
| 4. Imprisonment: | <u>677</u> | <u>41.2</u> |
| a. 1 Yr. and 1 day or under | <u>420</u> | |
| b. Over 1 Yr. and 1 day or 3 Yrs. | <u>183</u> | |
| c. 3 Yrs. to 5 Yrs. | <u>43</u> | |
| d. 5 Yrs. and Over | <u>29</u> | |

The average sentence of imprisonment imposed was 10.7 months.

According to the U.S. Parole Commission's Guidelines for decision-making revised September 1975, the defendant with a salient factor score of 7 and sentenced as a Youth case (adult, youth or NARA) within this offense category, would serve on the average of 8 (months) to 12 months before being released; ~~as an Adult case would serve from 3 months to 12 months.~~

June 19, 1978

San Jose, CA.

MEMORANDUM:

The Honorable Spencer Williams
United States District Judge

Re: Juan VALENCIA-MIRANDA
aka Manuel Avila QUESADA
CR 78-231 SW (SJ)

REASON FOR HEARING

The defendant entered the United States on or about September 1977, by crossing the International Border near San Ysidro, California without being questioned after numerous prior illegal entries.

The defendant was arrested by local authorities on an outstanding traffic warrant and served four days at Santa Cruz County jail. He was released to Immigration authorities on April 24, 1978. The defendant was formally deported from the United States at Calexico on May 22nd, 1975 and has not received permission from the Attorney General to reapply for admission.

The defendant appeared before Your Honor on June 2nd, 1978 and pleaded guilty to the charge of Illegal Entry of A Deported Alien in violation of Title 8, USC, Section 1326.

DEFENDANT'S VERSION OF THE OFFENSE

The defendant relates that he reentered the United States on this occasion to work and be with his wife. He states that most of the illegal aliens who come to the United States have no ties here, however, he has his wife. He also claims he has filed Immigration papers with the consulate at Mexico City, Mexico.

This document is the CONFIDENTIAL property of the U. S. District Court and FOI Exempt. It was available for review by the defendant and his counsel prior to sentencing. Disclosure shall be only as provided by 18 USC 4208(b)(2).

The defendant is hopeful that the Court will only fine him and allow him to return to Mexico where he can continue to expedite his immigration papers. He asserts that he is tired of suffering in United States prisons and will not again return to the United States illegally.

PRIOR RECORD

In addition to the information reported in the attached presentence report dated May 19, 1976, the following additional criminal history is submitted.

| <u>Date,</u> | <u>Place</u> | <u>Offense</u> | <u>Disposition</u> |
|---------------------|---------------------|----------------|--------------------|
| 4-20-74 (age 18) | Watsonville, CA. | Battery | 5-22-74 Dismissed |

The defendant was involved in a domestic squabble with his wife.

| | | | |
|----------------------|---------------------|------------|------------------|
| 11-15-74 (age 19) | Watsonville, CA. | Auto Theft | No charges filed |
|----------------------|---------------------|------------|------------------|

The defendant was stopped by the Watsonville Police Department in a reportedly stolen vehicle. The defendant claimed to have a financial interest in the vehicle. The matter was transferred over to California Highway Patrol and the defendant was placed in custody. He was later released.

| | | | |
|---------------------|---------------------|-------------------------|---------------------|
| 4-14-75 (age 19) | Watsonville, CA. | Disturbing the Peace | See narrative below |
|---------------------|---------------------|-------------------------|---------------------|

The defendant originally received a \$65.00 fine. He was granted a couple of extensions and never paid the fine. On September 12, 1975 he was arrested on a warrant and received a three ^{day} county jail sentence in lieu of the fine.

| | | | |
|---------------------|------------------|------------------|---|
| 5-16-75 (age 19) | Watsonville, CA | Traffic Warrants | Released to Border Patrol |
| 9-12-75 (age 20) | Watsonville, CA. | Resisting Arrest | 11-10-75 90 days jail, 80 days suspended 2 years summary probation |

The defendant's vehicle was stopped by Border Patrol agents. The defendant presented a false identification card and was arrested. He resisted and took a swing at the officer. He pled guilty to Resisting Arrest.

EVALUATIVE SUMMARY

The defendant, a twenty-two year old, married, Mexican male, appears before the Court for sentencing after pleading guilty to the charge of Illegal Entry of a Deported Alien.

The defendant's wife is the only resource in the United States for the defendant. As stated in the previous presentence report submitted to the Court, the defendant's wife is 21 years older than the defendant and a questionable resource at best. The defendant also claims to have filed a relative immigrant visa petition and available documentation indicates this to be the case.

This is the defendant's fourth appearance before the Court on an Immigration related matter. He continues to ignore the laws of the United States. He has been formally deported on two occasions and according to Immigration records has been arrested by Border Patrol agents at least sixteen times. Further, he not only has Immigration-related offenses but also has been the subject of several local arrests in the Watsonville area.

In considering a disposition in this matter, it is felt the most salient factors in this case are deterrence to the defendant as well as others and proper accountability for repeated violation of Immigration laws.

Respectfully submitted,

Frank B. Vasquez
FRANK B. VASQUEZ
U.S. Probation Officer

FBV/mr

APPROVED BY:

Supervising U.S. Probation Officer

June 19, 1978
San Jose, California

PERSONAL HISTORY (Continued):

The defendant reported his assets as consisting of \$40 cash, miscellaneous furniture, and owning two Oldsmobile automobiles, vintages 1960 and 1968.

Respectfully submitted,

PAUL S. BOYER, Chief
U. S. Probation Officer

PSB:bg
November 18, 1975
Boise, Idaho