

MARIA MOÑOS OCAMPO CASE
REGISTER #19462

PACKED

APRIL 21

STANDARD DIVISION

May 30, 1979

Mr. Melvin Belli
722 Montgomery
San Francisco,
California

Dear Mr. Belli:

I am incarcerated at the Federal Correctional Institution at Pleasanton, California and am a United States Citizen, although I am of Spanish descent and my children are Mexican citizens.

After fourteen months of incarceration, having been charged originally with harboring an alien, never having had a prior criminal record, and never having the charge proven, I was still sentenced to this institution for five years.

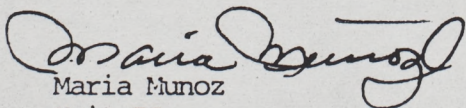
There have been many flagrant and erroneous incidents regarding this entire matter, and even at this time, after having served this amount of time, the parole commission has given me an additional seventeen months.

For a long time, I was unable to prove my innocence, but at this time have managed to get the backing that I have in the past needed, which includes individuals from the federal authorities in the Mexican government. At the time of my parole hearing, I was additionally charged with kidnapping, and have many issues on which I am certain I have grounds for a great suit against the government. This is not only the opinion of myself, but that of several attorneys from Tijuana, who will be happy to align themselves with me, and have advised me to contact an attorney of substantial reputation, and I have therefore decided to contact you with the hope that you will take my case for a suit I wish to initiate against the government in the amount of five million dollars, if such is considered feasible in your opinion.

I will gratefully appreciate hearing from you within the very near future regarding this matter, with the hope that an interview can be arranged with this possibility in mind.

Please keep in mind that this letter is being done with the help of English speaking persons, and that my own English is less than perfect.

Sincerely yours,



Maria Munoz
Unit II
P.O. Box 1000
Pleasanton,
California
94566

May 9, 1979

United States Parole Commission
Crocker Financial Building
330 Primrose Road
Burlingame, California
94010

Re: Maria Munoz-Ocampo
Reg. No. 19462-180

Gentlemen:

This letter comes separately from the Appeal of the Decision of the Parole Commission, and has to do with the flagrant abuse of my Constitutional rights.

Having been sentenced on May 30, 1978, I intentionally waived appearance before the August, 1978 Parole Board, feeling that it would be proper for me to bring a period of time to the Parole Commission before hearing.

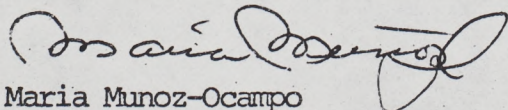
However, I also feel that the following months from August 1978 until the following March, 1979, when I finally did appear before the Commission, to be a situation of gross negligence on the part of those persons responsible for the arrangement of my appearance before the Board. I was not contacted from August 1978 and finally in January, 1979, approached the Unit case manager and case counselor to ask why I had not been placed on the calendar for appearance. At that time I was told that I was too late to see the January Parole Board, and given no excuse as to why all the months in between had passed without being scheduled for appearance.

I have been denied the right to see my PSI report in order to properly rebutt the seriousness of the charges against me, and furthermore, when finally appearing, was then charged with kidnapping additionally.

I have forwarded my Appeal to the Parole Commission, as well as having contacted the Attorney General of the United States with request for reason for the violation of the rights and due process of law withheld from my benefit.

I will appreciate your answer at your earliest convenience regarding this matter.

Yours respectfully,



Maria Munoz-Ocampo
Reg. No. 19462-180
P.O. Box 1000
Pleasanton,
California
94566

File

Congressman Ron Dellums
Senator Edward Kennedy
cc: National Appeal Board
Washington, D. C.
Attorney General
Washington, D. C.

PETITION FOR COMMUTATION OF SENTENCE

(Type or Print - This form may be modified for use in applying for remission of fine.)

THE PRESIDENT OF THE UNITED STATES:

PETITIONER, MARIA MUNOZ OCAMPO, Name: First Middle Last

a Federal prisoner, Reg. No. 19462 - 180, confined in the Federal Institution at PLEASANTON, CALIFORNIA, City

CALIFORNIA, in seeking a commutation of sentence, states that he is a citizen of U.S.A., State Country

born on 4-26-29, 19, and has Social Security No UNKNOWN. If not presently confined,

his address is: 655 Del Cardo San Diego California 92154, No. Street City State Zip Code

PETITIONER was convicted on a plea of GUILTY in the United States, guilty, not guilty, nolo contendere

District Court for the WESTERN District of CALIFORNIA at SAN DIEGO, Eastern, Western, etc. State City

of the crime of HARBORING AN ALIEN - VIOLATION 8 USC 1324, Describe specifically and accurately.

and was sentenced on MAY 30, 1978, 19, to imprisonment for Five Years 4205 (b) (2), length of sentence

and/or to pay a fine of \$ 0.

If conviction was appealed, complete the following paragraph:

PETITIONER appealed to the United States Court of Appeals, where the judgment was affirmed on

19. An appeal was, was not taken to the Supreme Court. The Supreme Court granted, denied a

petition for a writ of certiorari on 19. If certiorari was granted, the judgment was affirmed on 19.

PETITIONER began the service of his sentence on May 30, 1978. He was eligible for parole on 19, and his application for parole was denied. He will be released from confinement on August 18, 19 80.

PETITIONER'S criminal record, other than the instant offense, is as follows: (List every arrest by local, State or Federal authorities, whether resulting in a conviction or not, giving date, disposition of case and name and location of court.)

- 1. 3/17/74 - Alien Smuggling - Pros declined - no formal charge ever assigned -
2. 2/9/78 - Alien Smuggling - present charge confined to 5 years.

PETITIONER respectfully prays that he be granted clemency for the following reasons: _____
Her rights of due process of law have been abused, having been sentenced to 5 years on
May 30, 1978; then declined (waived) parole hearing on August parole hearing for purpose
of presenting some reasonable institutional record for proposed initial hearing. From
August, 1978 until January, 1979, applicant was not interviewed nor communicated with by
FCI Staff to schedule initial hearing. When applicant did apply for initial hearing in
January, 1979, she was then informed that it was too late for her appearance. Scheduling
was finally arranged in March, 1979. At that time, the applicant then had a period of
months served, with charge of harboring an alien, yet was further charged with kidnapping
and placed in the Greatest II severity guidelines, and sentenced to further time of
August, 1980. There is substantial evidence of there having been grievous abuse of app-
licants' Constitutional rights to due process of law, regarding both the charges and legal
proceedings, as well as further abuse of discretion by those responsible for scheduling
appearance with the United States Parole Commission. The applicant is a fifty year old
woman with religious background, having reared twelve children, ten of whom are suffering
greatly in her absence, with the eldest daughter responsible for their care. The daughter
herself in her early twenties, who has just discovered her health to be in jeopardy, either
with a tumor or possibly cancer and has her own young baby to care for as well. Attached
copies of the applicants' institutional record clearly indicate her to have an excellent
record within the confines. She also suffers from a heart condition, which has grown
progressively worse since her committment. Further copies attached are most certainly
self-explanatory with regard to character and a lifetime of community service to both
her church and neighbors. Your consideration of commutation of her sentence will be a
matter of great justice to both applicant and her family.

The statements made herein are true to the best of my knowledge and belief.

DATE 5-11-79

SIGNATURE OF PETITIONER

Marina Mungl

If space is insufficient, additional pages may be added. Letters in support of this application may be submitted with petition.

MARIA MUNOZ-OCAMPO
REG. NO. 19462-180

The Guidelines were incorrectly applied to my case as to the following reasons:

1. (a) Kidnapping (for ransom, terrorism, as hostage or harm to victim; as so quoted in the guidelines.
 - (a) I am not guilty of kidnapping in any sense of the word, nor am I charged with that count by the court. Having been charged with harboring an alien, these guidelines are therefore inapplicable to a great degree.

Having been placed in the guidelines of Greatest Severity for kidnapping, it is entirely without basis, since:
 - (b) There is no proof of same and the allegations against me have been confessed to as a conspiracy against me, and about which there are additional letters attached.
 - (c) The Parole Commissions rating of Greatest II severity has adversely affected opportunity for early parole, violating the governing laws of the Parole Commission and resulting in an arbitrary action without factual basis, and failure to follow mandate of sentencing judge as well as failure to recognize and depriving applicants rights to due process of law. Thereby violating applicants Constitutional Rights under Article Three of the Constitution. Also, such action resulting in failure to recognize 4205 (b) (2) sentencing and the applicants excellent institutional record.
 - (d) As well, the Parole Commission erred in their violation of Rule 11, Spanish Speaking Persons did not understand the proceedings. *Rizzo V US 516 F 2d. 789 (2nd Circuit 1975)*. *Torres V. US 505 F 2d. 957 (5th Circuit 1974)*; therefore, the Parole Commission gave the applicant no meaningful consideration at her hearing.
 - (e) Operations Memorandum 7500.46A, No. 5 (b) states: "This simply means that the court will fix parole eligibility date by imposing a minimum term not to exceed one-third of the maximum sentence imposed. Since the sentence called for in the correct guidelines for the sentence imposed by the court and by the guidelines of the Commission is 12-16 months with salient factor score of 11, then the Parole Commission is in violation of its' governing rules and regulations and is not supported by reasons or facts as stated in the Notice of Action.
 - (f) Operations Memorandum #49-79 (5050), Parole Commissions Proposed Rule: Preponderance Standard for Parole Hearing states: "The requirement means that the Commission must not take into consideration patently vague and improbable allegations". "If the applicant denies such information is true, the Commission would resolve that dispute with reference to the Preponderance Standard contained in the proposed rule".

3. The decision was based on flagrantly erroneous information while the actual facts justify a different decision:

The Court of Appeals, in Gratton V. Sigler, 525 2d. 329, (9th Circuit 1975) stated: It is clear that if the Commission violates either the letter or spirit of relevant statutes or its' own regulations promulgated pursuant to statute, an abuse of discretion occurs. See also Johnson V. Chairman of New York Board of Parole, 500 F 2d 925 (2nd Circuit 1974). In Shahid V Crawford, 430F. supp. 122, 131 (M.D. Ala 1977), the Parole Commissions refusal to consider the impact of a Section 4205 (b) (2) sentence is an abuse of discretion. See also: Kohlman, supra, 380F. Supp. 1075, the court condemned this process, whereby a decision is made without evidenciary support as "subverting the Parole Commissions' own guidelines and regulations, denying applicant the most elemental aspect of due process".

6. There was significant information in existence but not known at the time of the hearing.

(a) On (or about) May 31, 1978, to June 3, 1978, confession to the conspiracy against me was on television news and broadcast in San Diego. Confession was made by my cousin then in Federal Detention in Tijuana.

(b) Attached are letters from Francisco Delgrado, the Ministeria de Publico, Tijuana, and other letters which will substantiate the horrendous actions of my cousin, who conspired to commit this crime against me.

7. I have served one year of my life for charges against me that are totally without basis. I feel that I was never provided the real opportunity even for probation, although I have never had any prior criminal record, yet sent to prison, leaving my ten children to suffer grievously without me. The emotional hardship of caring for the entire family has been left to my daughter, who has her own child seriously ill. In my lifetime I have served many people in my church and in my community and have been a good mother and devout Christian rearing my children to be the same. The emotional scars my children bear will remain with them the rest of their lives. My children need me desperately and I have also just found that my daughter is with cancer. I believe that we have suffered deeply from the sentence of time I have served and from that which the Parole Commission has added to the sentence. On these grounds I compel the Board to render me my freedom and grant me justice and compassion.

December 27, 1979
655 Delcardo
San Diego, CA 92154

To Whom It May Concern:

I Raul J. Corona give my authorization to Herman Baca to release any information concerning Maria Munoz Ocampo Case Register # 19462.

I also urged Herman Baca of the committee on Chicano Rights of any aid and assistance they can give - for my mother's freedom.

I will appreciate it very much.

Thank you
Sincerely yours,

Raul J. Corona

Raul J Corona
655 Delcardo
San Diego, CA 92154

Herman Baca
1837 Highland Ave
National City, CA

EX BETT
Boone - 292-0901

Margarita Corona 690-2890

50,000.

18 USC - 371

8-1324

AKA PAZ CORONA (1)

DONA PAZ

575-RANSOM

A.P. & Betty

(2)

Grand Jury

Rudolf Corona

AKA - Rudy Heeler Corona

(3)

Manuel Hernandez Vargas

OSCAR CLARA Ocampo

Luz ALONZO FLORES

Eva ALONZO FLORES

Cecelia Rodriguez

— CONSPIRACY

B.P. Wallace H. ELLIOTT 12/16/77 —

(1) Asripina Marquez Pacheco - agreed to be smuggled
& son Jaime - \$350 —

(2) extra \$200 - Manuel H. for Sam

(3) Laura Castellanos Lara - train - SD - LA.

(4) 900 - from Castellanos See truck - missae