

Feds charge record number of immigration crimes

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Body

As Israel Gonzalez-Reyes recently stood before a San Jose judge for sentencing, his case had all the ingredients of the most common **crime** in the nation's **federal** courts over the past year.

The 39-year-old defendant had been deported to his native Mexico on eight separate occasions, repeatedly returning to the United States before winding up in jail, usually **charged** with a variety of state **crimes** ranging from burglary to drunken driving. **Federal** prosecutors had had enough this time around, Gonzalez-Reyes was **charged** under criminal **immigration** laws forbidding the illegal re-entry of a deported alien back into the United States.

More than ever, **federal** prosecutors are using such felony **charges** and the threat of serious **federal** prison time to make lawbreakers think twice before making another trip across the border. In 2009, the U.S. Justice Department filed nearly 92,000 **immigration**-related criminal cases in the **federal** courts. The **record**-breaking trend accounted for more than half of all new **federal** prosecutions in the country, according to Justice Department data maintained at Syracuse University.

As of October, the latest figures available, **federal** prosecutors had filed nearly 300 such cases in the Northern California **federal** courts, which include San Jose. Syracuse researchers projected that figure would reach nearly 400 by the end of the year, more than double the **number** filed in 2005. The Bay Area **federal** courts ranked 10th out of the country's 93 districts in such filings.

Spurred by the relentless surge of illegal **immigration** in border states such as Texas and Arizona, where **immigration** prosecutions total in the thousands, the **federal** government has concluded that simple deportation is no longer an adequate response to repeat offenders with criminal **records**. Experts attribute the steady rise in prosecutions to several factors, including an increase in **immigration** and border patrol agents during the Bush administration, and greater emphasis on prosecuting cases that are often easy to prove.

There is ample doubt that criminal enforcement can put much of a dent in the nation's illegal **immigration** problems. And critics worry that many routine **immigration** matters are being transformed into **federal** felony **charges** with increasingly lengthy sentences. There is also concern about a disproportionate impact on Mexican nationals. A Mercury News review of 52 **immigration** cases filed in the San Jose **federal** courts between January and October found every defendant was from Mexico.

"It's riding and walking while Hispanic," said Barry Portman, the Bay Area's **federal** public defender, whose office typically represents immigrants too poor to pay for their own lawyers.

Supporters of the tougher enforcement approach say the prosecutions are needed to target illegal immigrants with criminal backgrounds who keep re-entering the country. Indeed, the review of the San Jose cases shows these

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defendants are often unsympathetic. They have typically been deported numerous times, and they carry rap sheets that run the gamut from drug and robbery charges to domestic violence.

In some instances, they have even been prosecuted before in federal court, serving time for immigration crimes before being deported, only to return to the United States. One San Jose defendant charged this year, Esequiel Sandoval-Ramos, has been deported eight times and was convicted four separate times in San Diego federal court on illegal re-entry charges before his most recent arrest here, court records show.

Prosecutors say they must deter illegal immigration by those with criminal records, which is driving up the numbers.

"Does it always work? Of course not," said Brian Stretch, chief of the criminal division for the Bay Area U.S. attorney's office. "But it's important to keep trying."

Advocates for tighter immigration enforcement say such prosecutions are overdue, but they caution criminal charges are only part of dealing with the sprawling immigration issue.

"We need to have these prosecutions, but they are not the silver bullet," said Mark Krikorian, executive director of the Center for Immigration Studies, which advocates stricter measures such as curtailing the ability of illegal immigrants to secure jobs here.

For defendants such as Gonzalez-Reyes, the aggressive prosecutions mean a long prison stay before deportation. In October, a defense lawyer argued that Gonzalez-Reyes' sentence should only be about a year because he had returned to the U.S. this time to earn money for a prosthetic for a child who'd just lost a leg in an accident.

But Gonzalez-Reyes' record was too disturbing for U.S. District Judge James Ware, who sentenced the defendant to 37 months in prison. The question now, as with the tens of thousands of cases being prosecuted in the federal courts, is whether the system will see him again.

"It seems to me like we're putting a finger in the dike," said Kevin Johnson, a University of California-Davis law professor and immigration expert. "These prosecutions are more a gesture than a meaningful attempt to deal with the immigration problem."

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