

## Arizona Man Looks to Law in Bid to Retrieve Ranch

The New York Times

May 28, 2011 Saturday, Late Edition - Final

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**Section:** Section A; Column 0; National Desk; Pg. 14

**Length:** 705 words

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### **Body**

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PHOENIX -- An Arizona border activist is seeking to take advantage of a new state law restricting court awards to illegal immigrants to avoid paying nearly a million dollars that a Texas judge ruled he owes two Salvadoran migrants he detained in 2003.

The activist, Casey J. Nethercott, a former leader of the border-watching group Ranch Rescue, has already been forced to turn over his border ranch to the migrants, Edwin Alfredo Mancía Gonzales and Fatima del Socorro Leiva Medina. They sold the 60-acre property near Douglas, Ariz., for \$45,000, and their lawyers at the Southern Poverty Law Center continue to seek the rest of the \$850,000 judgment against Mr. Nethercott.

Mr. Nethercott, a onetime bounty hunter who is acting as his own lawyer, is seeking the return of the ranch, where he had a shooting range, observation tower and armored vehicles, and he indicated in court papers that he wants the entire judgment against him thrown out.

"It is now, in 2011, a crime and a violation of the canons and ethics of the court to take such action against an American citizen of Arizona, and to allow this type of conduct in court," said Mr. Nethercott, who was released in 2009 from a Texas prison where he served a sentence for being a felon in possession of a firearm.

Mr. Nethercott has a string of assault and weapons convictions, and was once mentioned in Congressional testimony on abuses by bounty hunters for detaining at gunpoint two Southern California high school students on their way home from a football game.

Arizona voters, outraged that illegal immigrants were winning court judgments against American citizens, approved a constitutional amendment in 2006 banning undocumented immigrants from collecting punitive damages in the state. The ballot measure was written explicitly to aid another rancher, Roger Barnett, who was compelled to give \$60,000 to 16 illegal immigrants he detained on his ranch in 2004. But the amendment was not retroactive and did nothing to aid either Mr. Barnett or Mr. Nethercott.

So the Legislature, citing the cases of the two ranchers, introduced a measure this year intended to make the ban on punitive judgments for illegal immigrants retroactive to 2004. In April, Gov. Jan Brewer signed the provision into law, indicating at the time that it was "outrageous" that a rancher could be forced to pay for detaining someone trespassing on private property.

But whether the law, which Democratic lawmakers in Arizona complained was unconstitutional, will aid the two ranchers remains to be seen. Mr. Barnett's case came through the federal courts and the United States Court of Appeals for the Ninth Circuit has already refused an effort by Mr. Barnett's lawyer to overturn the verdict.

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And on Friday, lawyers for the two migrants in the Nethercott case argued in court papers filed in Cochise County that the new state law violated both the state and federal Constitutions and did not apply to the judgment against Mr. Nethercott because it was ordered by a Texas court.

"However much certain members of the Legislature of Arizona may be interested in assisting Mr. Nethercott, Arizona may not make law for the State of Texas and is bound to give full faith and credit to the judgment of its sister state," the lawyers argue.

The lawyers also said that the state law banned punitive damages to illegal immigrants while the judgment against Mr. Nethercott was for compensatory damages. Arizona's law also applies to causes of action that took place after Jan. 1, 2004, but Mr. Nethercott was found to have detained the migrants in his case the year before.

"This is a vigilante thug who beat up people and sicced his Rottweiler on them and the Arizona Legislature is trying to help him," said Mary Bauer, the legal director for the Southern Poverty Law Center, which is based in Montgomery, Ala.

Mr. Nethercott denied that he struck one of the migrants with his pistol when he detained them on a ranch in Hebronville, Tex., in March 2003. A Texas jury deadlocked on that charge. Besides the \$850,000 judgment that the two migrants received from Mr. Nethercott, they settled for \$100,000 from another man who was present, and received a \$500,000 judgment from the owner of the Texas ranch.

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## Graphic

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PHOTOS: A worker in 2005 on the former Nethercott ranch said the old windmill tower had been used to look out for illegal immigrants. (PHOTOGRAPH BY DAVID BOWSER FOR THE NEW YORK TIMES)

Fatima del Socorro Leiva Medina and Edwin Alfredo Mancía Gonzales were awarded the ranch. (PHOTOGRAPH BY GERMAN GARCIA/THE MONITOR, VIA ASSOCIATED PRESS)

Casey J. Nethercott is trying to regain his Arizona ranch. (PHOTOGRAPH BY GERMAN GARCIA/THE MONITOR, VIA A.P.)

## Classification

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Language: ENGLISH

Publication-Type: Newspaper

**Subject:** DECISIONS & RULINGS (92%); LAW COURTS & TRIBUNALS (91%); IMMIGRATION (90%); ILLEGAL IMMIGRANTS (90%); LITIGATION (90%); APPEALS (89%); CRIMINAL TRESPASS (89%); LEGISLATION (89%); POLITICAL DETAINEES (89%); JUDGES (89%); US STATE GOVERNMENT (89%); LAWYERS (89%); PUNITIVE DAMAGES (89%); SENTENCING (78%); APPELLATE DECISIONS (78%); CRIMINAL CONVICTIONS (78%); ETHICS (78%); LEGISLATIVE BODIES (78%); VERDICTS (78%); ILLEGAL WEAPONS (78%); CONSTITUTIONAL LAW (78%); DAMAGES (78%); FELONIES (78%); CIVIL TRESPASS (75%); SHOOTING SPORTS (74%); APPEALS COURTS (73%); TESTIMONY (73%); CONSTITUTIONAL AMENDMENTS (69%);

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REFERENDUMS (68%); VOTERS & VOTING (68%); BALLOTS (63%); POVERTY & HOMELESSNESS (55%); STUDENTS & STUDENT LIFE (50%); HIGH SCHOOLS (50%)

**Company:** SOUTHERN POVERTY LAW CENTER (71%)

**Organization:** SOUTHERN POVERTY LAW CENTER (57%)

**Industry:** LAWYERS (89%); HIGH SCHOOLS (50%)

**Person:** JAN BREWER (58%)

**Geographic:** ARIZONA, USA (94%); CALIFORNIA, USA (79%); UNITED STATES (93%)

**Load-Date:** May 28, 2011