

Mexican immigration defendant could benefit from new "fast-track" program in Tulsa federal court

BY DAVID HARPER World Staff Writer

Wednesday, March 21, 2012

3/21/2012 8:01:11 AM

A Mexican man who pleaded guilty to an immigration crime Tuesday could become the first local defendant to benefit from a new program that is being implemented in federal court in Tulsa - and across the country - to expedite the handling of such cases.

Manuel Flores-Duran, 29, admitted that he was in Tulsa in December despite having been deported in January 2010.

Federal Public Defender Julia O'Connell said she anticipates that Flores-Duran will benefit from a sentencing break that is part of the program.

Scott Woodward, the U.S. attorney for the Northern District of Oklahoma, said the initiative began this month in U.S. District Court in Tulsa as part of a national effort to promote uniformity.

Woodward said the program "will allow our district to efficiently process immigration cases involving individuals with minimal criminal and immigration histories and focus our efforts on prosecuting dangerous repeat offenders to the fullest extent of the law."

Similar initiatives have been used in federal courts near the U.S.-Mexican border for quite some time, but on Jan. 31, the Department of Justice mandated that other districts establish their own "fast track" initiatives, he said.

According to the department, the development of such programs on a district-by-district basis resulted in similar defendants in different areas being charged and sentenced differently, which spurred legal challenges throughout the nation.

The basic idea behind the program is that within an expedited time frame, an eligible defendant who is willing to plead guilty and waive certain pretrial and post-conviction rights will receive a sentencing discount.

Assistant U.S. Attorney Ryan Souders said such cases will be handled in a more efficient way.

This will quicken the time between when defendants are charged and when they are deported while still ensuring that they are punished, he said.

Normally, a defendant in a Tulsa federal court criminal case of any type would wait at least 90 days to be sentenced after pleading guilty or being convicted at trial.

That delay allows the U.S. Probation Office to compile a presentence investigation report and for the parties to react to the findings in that document.

But in the "fast track" program, that time will be shortened, Souders said, although he noted that it is unclear at this point by how much.

In addition to the usual three-level reduction under federal sentencing guidelines for pleading guilty, those who participate in the program would receive an additional four-level reduction, Souders said.

Such decreases could lead, for example, to a defendant who would otherwise receive an eight- to 14-month prison sentence for an immigration offense being sentenced to between one and seven months behind bars.

O'Connell said she anticipates that Flores-Duran will qualify for the new seven-level reduction, and Assistant U.S. Attorney Dennis Fries said it appears that the case has none of the factors that would prohibit Flores-Duran's participation in the program.

Souders said a variety of factors can keep people from being eligible. Among them are other pending federal charges and a record of violent crimes, serious drug offenses, child pornography, human-trafficking, alien smuggling, aggravated identity theft or crimes involving terrorism or threats to national security, he said.

Typically about 30 criminal immigration cases are filed in federal court in Tulsa per year, Souders said. That number is about 16 percent of the 187 new federal criminal cases that were filed here in 2011. Souders estimated that about one-third of those immigration defendants would be eligible for the expedited program.

Nationally, immigration cases constituted 41.8 percent of the criminal cases filed in federal court in 2011, compared to only 6.96 percent in 1993, the Department of Justice reported.

Illegal re-entry offenses make up the "large majority" of immigration cases prosecuted in U.S. district courts, the numbers show.

According to the Justice Department, 2,574 immigration offenses were prosecuted nationally in federal court in 1993. By 1998, the number of felony immigration cases had nearly quadrupled to 10,080. By 2005, they had climbed to 18,147, and last year, 28,806 such felony cases were filed nationally.

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