

ABC NEWS

# Trucker To Be Resentenced For '03 Smuggling Deaths

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**HOUSTON** -- A truck driver was set to be resentenced in Texas on Monday after a federal appeals court last year overturned the multiple life sentences he received for his role in the country's deadliest human smuggling attempt, which resulted in the deaths of 19 illegal immigrants.

Tyrone Williams had faced possible death sentences for transporting illegal immigrants inside a sweltering tractor-trailer during the deadly May 2003 smuggling attempt.

But a jury in 2007 decided to sentence him to life in prison without parole on 19 counts of transporting illegal immigrants. However, the 5th U.S. Circuit Court of Appeals ruled Williams was not eligible for capital punishment. The court also said that U.S. District Judge Lee Rosenthal, who presided over the trial, should have sentenced Williams on those counts.

The smuggling attempt began in the South Texas city of Harlingen, where more than 70 immigrants from Mexico, Honduras, El Salvador, Nicaragua and the Dominican Republic were packed inside Williams' tractor-trailer. Williams was only supposed to take the immigrants about 120 miles north to Robstown. But during the trip, Williams was told to instead take them to Houston, which was more than 200 miles past Robstown.

During the more than three-hour trip, Williams never turned on the air conditioning in the airtight truck. As temperatures in the trailer skyrocketed to as high as 173 degrees Fahrenheit, the immigrants kicked walls, clawed at insulation, broke out tail lights and screamed for help. Despite stopping the vehicle twice during the trip and realizing that the immigrants were in danger, Williams didn't let them out.

Williams abandoned the trailer at a truck stop near Victoria, about 100 miles southwest of Houston. Williams, an immigrant from Jamaica who lived in Schenectady, N.Y., was later arrested in Houston. Seventeen people, including a 5-year-old boy, were found dead in the trailer. Two others died later. All the deaths were attributed to dehydration, overheating and suffocation.

Prosecutors are asking that Williams be resentenced to life imprisonment because of the number of deaths and his refusal to free the immigrants who were trapped in his trailer.

Williams' attorneys have asked to remove Rosenthal from the case, accusing her of being biased. The judge denied their request, saying she is not biased against Williams.

In total, Williams was convicted on 58 counts of conspiracy, harboring and transporting illegal immigrants. Prosecutors dismissed 19 harboring counts.

The appeals court upheld the sentences Williams was given by Rosenthal for 20 other counts: 20 years for each of 19 other transporting counts and nearly 34 years for the conspiracy count. All the sentences are running concurrently.

Besides Williams, 13 others were indicted in the case. Two had charges against them dismissed, one who cooperated with prosecutors was sentenced to the three days in jail she served after her arrest and the others were given sentences ranging from 14 months to 23 years in prison. Williams was the only one who faced a possible death sentence.