

In the United States Court of Appeals
For the Fifth Circuit

No. 16-40926
Summary Calendar

FILED
August 1, 2017

United States of America,
Plaintiff-Appellee

v.

Sergio Cortes-Mendoza,
Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:16-MC-17

Before WIENER, DENNIS, and SOUTHWICK, Circuit
Judges.

PER CURIAM:*

In 1995, Defendant-Appellant Sergio Cortes-Mendoza pleaded guilty to knowingly and willfully aiding and abetting the illegal entry of aliens into the United States, in violation of 8 U.S.C. § 1325 and 18 U.S.C. § 2, and received a sentence of 30 days of imprisonment. In 2016, Cortes-Mendoza filed an application for a writ of error *coram nobis*, challenging his 1995 conviction. The district court denied the application as barred by laches.

*Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

We review the district court’s “factual findings for clear error, questions of law de novo, and the district court’s ultimate decision to deny the writ [of *coram nobis*] for abuse of discretion.” *Santos-Sanchez v. United States*, 548 F.3d 327, 330 (5th Cir. 2008), *vacated on other grounds*, 559 U.S. 1046 (2010). The writ of *coram nobis* is an extraordinary remedy available in the federal courts pursuant to the All Writs Act as an avenue of collateral attack for a prisoner who has completed his sentence and is no longer in custody for the purpose of seeking relief under 28 U.S.C. § 2255. *United States v. Dyer*, 136 F.3d 417, 422 (5th Cir. 1998); *see also* 28 U.S.C. § 1651(a). *Coram nobis* relief should be employed to correct only fundamental errors that result in a complete miscarriage of justice. *Dyer*, 136 F.3d at 422, 430.

Cortes-Mendoza has not shown that the district court abused its discretion in holding that laches applied. *See id.* at 430. Neither has he shown that the court abused its discretion by not ordering a hearing. *See Lujan v. United States*, 424 F.2d 1053, 1055 (5th Cir. 1970). Finally, because the district court did not abuse its discretion in denying Cortes-Mendoza’s application, we need not consider Cortes-Mendoza’s substantive arguments, which the district court did not consider. *See* U.S. CONST. art. III, § 2, cl. 1; *In re Talbott Big Foot, Inc.*, 924 F.2d 85, 87 (5th Cir. 1991).

The district court’s denial of Cortes-Mendoza’s application for a writ of *coram nobis* is AFFIRMED.

In the United States District Court
For the Southern District of Texas
Laredo Division

ENTERED

Case No. 5:16-MC-017
Sergio Cortes-Mendoza

June 13, 2016

v.
United States of America

MEMORANDUM AND ORDER

Pending before the Court is Sergio Cortes-Mendoza's Application for a writ of error *coram nobis* to vacate a 1995 guilty plea and resulting misdemeanor conviction. The Court ordered the Government to respond, which it did. (Dkt. 6). Among other arguments, the Government urged the bar of laches. Cortes-Mendoza anticipated this argument and addressed it in his application.

In 1995, Cortes-Mendoza was found guilty of knowingly and willfully aiding and abetting the illegal entry of aliens into the United States. After a deportation, Cortes-Mendoza returned to the United States in October 1996. In 2001, he completed immigration forms in an attempt to obtain a green card. In 2009, Cortes-Mendoza first applied for an adjustment of status.** That application was denied on July 28, 2011, when an Immigration Judge ruled that

**The record does not illuminate whether the 2001 immigration forms were related to the 2009 application for adjustment of status, nor does the record indicate why there was an eight-year gap between these two events.

he was an inadmissible alien due to his conviction. The Immigration Judge further ordered that Cortes-Mendoza be removed to Mexico. The Board of Immigration Appeals later dismissed an appeal.

The Fifth Circuit has recognized that the doctrine of laches may bar *coram nobis* relief. *United States v. Dyer*, 136 F.3d 417, 429 (5th Cir. 1998). The Court may apply laches to a *coram nobis* petition if the petitioner inexcusably delays asserting his claims and the government is prejudiced by the delay. *Telink, Inc. v. United States*, 24 F.3d 42, 47 (9th Cir. 1994) (cited favorably by *Dyer*, 136 F.3d at 427 n.22, 429). “[A] petitioner seeking *coram nobis* must exercise ‘reasonable diligence’ in seeking prompt relief.” *Dyer*, 136 F.3d at 427. If the movant delayed inexcusably, the Court should analyze prejudice by considering the effect that delay has both on the government’s ability to respond to the petition and the government’s ability to retry the case. *Telink*, 24 F.3d at 48.

Cortes-Mendoza brings this petition more than 20 years after his conviction. This is his first direct legal complaint about the conviction.^{***} In a signed declaration, Cortes-Mendoza explains that he waited to complain because “No body told me I could come back and fight that Laredo conviction,” including the immigration attorneys he paid before 2014. Cortes-Mendoza’s explanation fails

^{***}While not a direct attack, Cortes-Mendoza claimed that he was innocent of the crime during his application for an adjustment of immigration status.

to show the diligence required to justify a two-decade delay in filing a *coram nobis* application.

The Government argues that it is prejudiced by the fact that all material witnesses have since been deported and that their memories would have faded over the twenty-year period, even if they could be located. This alone is a significant prejudice created by the delay. *See Dyer*, 136 F.3d at 429–30 & n.26. The Government further claims prejudice, because the statute of limitations as to Cortes-Mendoza’s crime has long since passed. Cortes-Mendoza makes the especially curious argument that laches should not apply because re-prosecution would be barred by the statute of limitations. Cortes-Mendoza’s argument is completely unavailing. *See Langston v. United States*, No. 1:08CR3, 2016 WL 800210, at *14 (N.D. Miss. Feb. 29, 2016) (barring a *coram nobis* claim under the doctrine of laches because the applicant waited to assert the claim “until the statute of limitations ran on any other charges that could have arisen out of his corrupt actions”). Cortes-Mendoza also argues that he could not have been legally convicted in the first place because he only drove illegal aliens after their entry into the United States, but it is settled law in the Fifth Circuit that “transporting can be aiding entry where aliens were picked up after entry.” *Satnos-Sanchez v. Holder*, 744 F.3d 391, 394 (5th Cir. 2014) (citing *Matter of I—M—*, 7 I. & N. Dec. 389, 391 (B.I.A. 1957)).

The government is significantly prejudiced by Cortes-Mendoza’s inexcusably long delay in asking for this relief. The bar of laches applies.

Accordingly, Cortes-Mendoza's application for a writ of error *coram nobis* is DENIED.

DONE at Laredo, Texas, this 13th day of June, 2016.

/s/ George P. Kazen
George P. Kazen
Senior United States District Judge

In the United States District Court
For the Southern District of Texas
Laredo Division

ENTERED

April 18, 2016

Case No. 5:16-MC-017
Sergio Cortes-Mendoza,
Plaintiff,

v.

United States of America,
Defendant.

MEMORANDUM AND ORDER

Pending before the Court is Petitioner's Application for a writ of error *coram nobis* to vacate his guilty plea and resulting misdemeanor conviction in 1995 for knowingly and willfully aiding and abetting the illegal entry of aliens into the United States. Petitioner is only now bringing this petition because his misdemeanor conviction is preventing him from successfully applying for permanent legal status, and Petitioner also claims that he did not know of the *coram nobis* remedy until the middle of 2014.

The Government is thus DIRECTED to submit a response to the *coram nobis* petition no later than May 30, 2016.

DONE at Laredo, Texas, this 18th day of April, 2016.

/s/ George P. Kazen
George P. Kazen
Senior United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

United States of America

v.

Judgment in a Criminal Case

A [REDACTED] 101

Case Number: L-95-475M

Sergio Cortez-Mendoza

[REDACTED]

[REDACTED], Morales, Mexico

Attorney for Deft.: Waived Attorney

THE DEFENDANT ENTERED A PLEA OF: guilty

THERE WAS A: finding of guilty

THE DEFENDANT IS CONVICTED OF THE
OFFENSE(S) OF: knowingly and willfully aiding and
abetting the illegal entry of Mexican aliens Adriana
ZARAGOZA-Rico, Tiberio MEDINA-Aragon and five
others into the United States, in violation of Title 8,
United States Code, Section 1325 and Title 18, United
States Code, Section 2(a), as charged by Criminal
Complaint.

IT IS THE JUDGMENT OF THIS COURT THAT: the
defendant is hereby committed to the custody of the
Attorney General of the United States or his
authorized representative to be imprisoned for a term
of THIRTY (30) DAYS, with credit for time served.

In addition to any conditions of probation imposed
above, IT IS ORDERED that the conditions of
probation set out on the reverse of this judgment are
imposed.

CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall:

- (1) refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law-enforcement officer;
- (2) associate only with law-abiding persons and maintain reasonable hours;
- (3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. (When out of work notify your probation officer at once, and consult him prior to job changes);
- (4) not leave the judicial district without permission of the probation officer;
- (5) notify your probation officer immediately of any changes in your place of residence;
- (6) follow the probation officer's instructions and report as directed.

The court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within the maximum probation period of 5 years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

IT IS FURTHER ORDERED that the defendant shall pay a total special assessment of \$10.00 pursuant to Title 18, U.S.C. Section 3013.

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

IT IS FURTHER ORDERED that the clerk of the court deliver a certified copy of this judgment to the United States marshal of this district.

[] The Court ordered commitment to the custody of the Attorney General and recommends:

Date of Imposition of Sentence: June 23, 1995

/s/ Marcel C. Notzon
Signature of Judicial Officer

Marcel C. Notzon, U.S. Magistrate Judge
Name and Title of Judicial Officer

Date: June 23, 1995

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ date
to: _____ at _____, the
institution designated by the Attorney General, with
a certified copy of this Judgment in a Criminal Case.

United States Marshal
By: _____
Deputy Marshal

In the United States Court of Appeals
For the Fifth Circuit

FILED

No. 16-40926

September 5, 2017

United States of America,
Plaintiff-Appellee
v.
Sergio Cortes-Mendoza,
Defendant-Appellant

Appeal from the United States District Court for the
Southern District of Texas, Laredo

ON PETITION FOR REHEARING

Before WIENER, DENNIS, and SOUTHWICK, Circuit
Judges.

PER CURIAM:

IT IS ORDERED that the petition for rehearing is
DENIED.

ENTERED FOR THE COURT:

/s/ Jacques L. Wiener, Jr.
UNITED STATES CIRCUIT JUDGE

United States District Court
Southern District of Texas

United States of America	Criminal Complaint
v.	Case Number:
Sergio Cortez-Mendoza (27)	L-95-475M
[REDACTED]	
[REDACTED], Morelos, Mexico	

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 13, 1995 near Brownsville, Texas in Cameron county, in the Southern District of Texas defendant(s),

Sergio CORTEZ-Mendoza, an illegal Mexican alien, did knowingly and willfully aid and abet the illegal entry of Mexican aliens Adrian ZARAGOZA-Rico, Tiberio MEDINA-Aragón, and five (5) others by transporting them to further their entry into the United States in violation of Title 8 & 18 United States Code, Section(s) 1325 & 2(a) I further state that I am a(n) Senior Border Patrol Agent and that this complaint is based on the following facts: based on statements of the accused and records of the Immigration & Naturalization Service.

On June 13, 1995, Sergio CORTEZ-Mendoza was arrested by Border Patrol Agents near Hebbronville, Texas, after seven (7) illegal aliens from the Republic of Mexico were discovered in a 1975 International pick-up driven by CORTEZ-Mendoza. Further investigation revealed that CORTEZ-Mendoza picked the vehicle at an unknown location near Riviera, Texas

and picked up the aliens north from the Sarita Checkpoint located near Sarita, Texas. CORTEZ-Mendoza was transporting the aliens to Bailey, North Carolina when arrested by Border Patrol Agents.

Continued on the attached sheet and made a part hereof: ___ Yes X No

/s/ Ruben Teniente

Signature of Complainant

Rubén Teniente

Sworn to before me and subscribed in my presence,

June 13, 1995 at Laredo, Texas

Date City and State

Marcel C. Notzon, U.S. Magistrate

Name & Title of Judicial Officer

/s/ Marcel C. Notzon

Signature of Judicial Officer

The State of Texas §
County of Hidalgo §

BEFORE ME, the undersigned authority, personally appeared Claudia V. Robles , who after being duly sworn, said:

My name is Claudia V. Robles. I am over the age of eighteen. I have personal knowledge of all facts contained on this page.

I have been employed by Joseph A. Connors III for over 20 years as his legal secretary. Spanish was my second language as a child. I am fluent in the English and Spanish languages. I am competent to perform documentary and audio recording translations from English to Spanish and from Spanish to English.

In case no. L-95-475M, U.S.A. v. Sergio Cortez Mendoza, Mr. Connors received from the U.S. District Clerk a copy of a set of audio recordings that contained Mr. Cortez' sentencing hearing on June 23, 1995. Because Mr. Connors cannot speak or write the Spanish language, Mr. Connors asked me to translate those audio tapes of Mr. Cortez' hearing. Although the magistrate court had a fluent interpreter assisting the Judge at the sentencing hearing, Mr. Connors asked that I listen to the court's interpreter as well and make sure that she was accurate in her translation. At times the recording was inaudible. When the tape was audible, I typed what I believed I heard to the best of my ability. Mr. Connors instructed me that I could omit irrelevant parts. When I was sure the court was dealing with a case or matter other than that of Sergio Cortez Mendoza, I tried to correctly follow Mr.

Connors' instructions to the best of my ability.

I hereby declare that I have typed up that audio recordings' relevant portions to the best of my knowledge, and the attached seven pages of my transcription document of that sentencing hearing, are true and accurate to the best of my bilingual typing abilities.

/s/ *Claudia V. Robles*
Claudia V. Robles

Sworn to and subscribed by Claudia V. Robles
before me the undersigned authority, today, December
30, 2014.

/s/ *Maria G. Hernandez*
Notary Public In and For
The State of Texas

United States District Court
Southern District of Texas

United States of America

v.

Case No. L-95-475M

Sergio Cortez-mendoza (SCM)

SENTENCING TRANSCRIPT

June 23, 1995 - Tape 2 Part 1

SCM spoke in Spanish which interpreter translated into English.

{ } Spanish not translated into English by Interpreter

[] Spanish translated into English by Interpreter

() = comment by tape transcriber Claudia V. Robles

Judge: Alright, Sergio Cortez Mendoza. Alright Sir, on the 13th of June of '95 you pled guilty. I set a \$5,000 cash surety bond deferred sentencing your case pending a record check by the Border Patrol. Um. This one is not for deportation or anything...?

Prosecutor: No, Your Honor, not for deportation.

Judge: Not a... Not a... Not an OTM. Alright. Mr. Cortez, I am now ready to sentence you. Do you have anything further that you wish to say before I pronounce sentencing in your case?

SCM: [No Senor] No, Sir.

Judge: Alright, do you have any aggravated,

serious offenses, prior offenses or as a result of that record check?

Prosecutor: Yes, Your Honor, only uh, only concerning his arrest your Honor. FBI fingerprints came back negative, your Honor. As to his criminal history, it's negative.

Judge: So then there is nothing?

Prosecutor: No, Your Honor.

Judge: What else was there?

Prosecutor: Only that on June 13, 1995, he was arrested by the Hebbbronville Agents. He was transporting seven undocumented aliens and we were debriefing the aliens. Uh

Judge: Indicated he was the organizer?

Prosecutor: He was one of the, one of the organizers, your Honor. He was driving the vehicle and he was very cooperative, and uh, as far as to what he was doing himself, so there was, uh, enough information to indicate that this, that the defendant was involved in the

Judge: In the transportation case?

Prosecutor: Yes, your Honor, in the transporting of the aliens.

Judge: Alright. Mr. Cortez did you hear what he said?

SCM: [Si, Senor.] Yes, Sir.

Judge: And you're still denying that or are you or do you admit that you were participating in that endeavor to transport these people.

SCM: [Si.] Yes, I did participate.

Judge: Well, that's a good step to admit your ... That's, that's the first step in any person's life is to face up to what they are doing wrong. What do you want to do in light of that?

Prosecutor: Your Honor, we are recommending 60 days as we.... That was the first, uh, recommendation, your Honor.

Judge: Well, but he's, he never has admitted before. He's admitted it here today.

Prosecutor: Yes, your Honor.

Judge: I don't mind somebody, somebody tells me the truth, I am going to give them a break on their first

Prosecutor: Yes, your Honor.

Judge: but if they, if he'd insisted right now, you know, I doubt if I would of had any kind of.... I might of given him more than 60 days. Especially in light of the overwhelming evidence that you all had as to his participation there with the statements of all the people that were in

the load said.

2:57

Prosecutor: Yes, Your Honor.

Judge: Sergio Cortez Mendoza, uh, anything further you want to say, Sir?

SCM: [No, Senor.] No, Sir.

Judge: Do you live in Morelos or do you live in Brownsville or in Matamoros or where do you live?

SCM: [Morelos, Mexico.] Morelos, Mexico.

3:17

Judge: And where were all these people that were with you in that car from?

SCM: [De Morelos.] From Morelos.

Judge: And how did you get involved bringing them up.

SCM: [Yo iba trabajar en Florida.] I was going to work in Florida.

3:32

Judge: And so you sort of help out to bring the people over there?

SCM: [No, yo no mas este...yo no sabia tampoco...] I did not know either but, uh
.....

Judge: But you had already worked over there in Florida?

SCM: [Si.] Yes.

Judge: Alright, so that was the whole thing and you sort of got these people to go along and, uh, and you drove part of the way?

SCM: [Si.] Yes.

4:00

Judge: Was it, was it your vehicle?

SCM: [No.] No.

Judge: Who's was it? The owner over there in Florida?

SCM: [Era de un amigo.] It was a friend of mine.

Judge: Who also worked in Florida?

SCM: [No.] No.

Judge: Where did he work?

SCM: North Carolina.

Judge: But when you went to Morelos with the people they had their problems and everything. You talked to them and they thought they might would like to go and work, and so you, you uh, you uh, knew the way over there so ... they came along with you. Is that it?

SCM: [Si, pero yo no sabia el camino... si no por otro.] I did not know the the way, but somebody else did.

4:41

Judge: Well, what was it that these people said about him. That what

Prosecutor: Yes, Your Honor. The vehicle was registered to Angel Santiago Benitez from North Carolina, your Honor. That is probably his friend the owner. The aliens were, were going to pay between five and eight hundred dollars to be smuggled to North Carolina.

5:05

Judge: To whom?

Prosecutor: Uh, it doesn't say to whom, your Honor. It was upon arrival, your Honor. They were to pay, uh, after they got some, some jobs, and that is how they were going to pay the smuggler.

Judge: What did they say? What did they say his role was? That is what I want Mr. Teniente. I don't care what they said. I wanna know what they said about him? You just finished telling me a while ago that he was one of the smugglers. Now is he, was he or wasn't he?

Prosecutor: Yes, your Honor. He was one of the persons involved, your Honor, with the smuggling, your Honor.

5:49

Judge: Of course, he was involved. What was his involvement?

Prosecutor: In that, uh, he made the arrangements, your Honor, with the smuggler, with the owner of the truck . . . to have, to have these people taken to Bailey, North Carolina, Your Honor, to get some work for these people. That was all, your Honor, that he drove the vehicle, your Honor. That was his part, your Honor. If he was gonna be paid in an actual amount, there is no amount known. Only that he, that he was assisting the smuggling, your Honor, in transporting these aliens to North, North Carolina, your Honor.

Judge: Did you know this guy Benitez?

SCM: [No, no lo conosi.] No, I didn't know him.

Judge: I thought you said it was your friend, "Un Amigo."

SCM: [El, el por medio de otro me dijo que el me podria llevar.] Through somebody else he told us that he was, he was able to take us.

Judge: Well, now I see watering in your eyes. You're not giving me all the truth here.

6:31

SCM: [Si.] Yes.

Judge: No. You're trying to... you're trying to cover something right now. And and I am not gonna, I am not gonna... I have

been dealing with the people too many years, and I have been down life's road too many miles and you're not gonna, you're not gonna pull the wool over my eyes. You want, you want to come clean with this whole story or are you just want to give me part of it? Because I am not going to be very kind when I have people here that don't want to give me the whole truth. You are under oath to tell the truth, the whole truth and nothing but the truth so help you God.

SCM: [Si, es la verdad.] It's the truth.

Judge: What's the truth? You, you engaged in ... you were gonna haul these people up to North Carolina?

7:23

SCM: [Si, pero pasa esto, que yo juntamente con ellos como otra persona que los paso al rio, yo no sabia el camino. Yo no se el camino.] Yes. I was with these people with another person....who goes to the river, I did not know the way. I do not know the way.

Judge: You told me you worked in Florida, you sure know how to get here, back and forth, if you have already been here once.

7:46

SCM: [Si, pero tambien la otra vez me pasaron, yo no se.] They crossed me over. I don't

know. [O sea, yo iba manejando sin rumbo, {porque yo iba para Florida.} (means because I was going to Florida) I was driving... (not knowing where I was going not translated into English by the Interpreter)

Judge: What did the ... What did the aliens say about this guy?

8:06

SCM: {Iba para Florida y ...} (means I was going to Florida)

Judge: All that his job was to drive, or was his job getting them together and bringing them. They were all from Morelos, where he is from. Where they all from Telixtac?

Prosecutor: Telixac, and they are from also, uh, from Guanajuato, Your Honor.

Judge: Two of them?

8:15

Prosecutor: Yes, Sir, two from Guanajuato. He was the only one that ... He was the one driving the vehicle and assisting the smuggling and there was nothing else about him collecting money or anything else, your Honor. Only that, at the time of the arrest, he was very cooperative. He told the Agent that he had purchased, that when he was driving, that he also purchased the truck from an unknown subject at Riviera, Texas, when in fact,

that was already, he was, you know, he knew who it belonged to, your Honor. So he was just, you know, giving false information to throw them off.

Judge: Alright, and we didn't find any priors on his fingerprints.

Prosecutor: No, your Honor. None.

Judge: Alright, Sergio Cortez Mendoza, uh, it is adjudged and I hereby commit you, sir, under the terms Sentencing Reform Act 1984 to the custody of the Attorney General of the United States of America or his authorized representative Bureau of Prison for a period confinement of 30 days and a penalty assessment of \$10.00 to be paid to the crime victim's fund. Should you ever come back to this country illegally again in the rest of your life or come back or, uh, attempt to come back illegally during the rest of your life, you could be charged with second offense of unlawful entry or second offence attempted unlawful entry as the case may happen to be, which is a felony punishable by up to two years in the penitentiary and a fine of \$250,000.00 or both. Do you understand that, Sir?

9:29

SCM: [Los treinta días ya entraron de los que ya estube horita?] Has the thirty days been included with the days I have

already served?] Um. Yes...

Judge: Yes, the, the, you will be getting credit for time served but I am asking you, do you understand what I am telling you about what I told you? I am not asking you to ask me a question about something I ain't asked you about. Do you understand that?

SCM: [Si, Senor.] Yes, Sir.

Judge: And if you do show up here again, believe me that we have you now, uh, cataloged here. The next time nobody is going to have any patience with you. You understand that?

10:10

SCM: [Si, Senor.] Yes, Sir.

Judge: I hope you'd start trying to figure out ways to solve problems around your own self, you know. A little less just knee jerk response the minute there is a problem run away from it. People gotta learn to stand and face their own problems, whether it may be in their own home, their neighborhood, their city, their state, or their nation. And if they always run away from it, that's exactly what we got is a world where everybody is running away from everything. Either running away to drugs, they're running away to other countries or they are running away

to someplace, but they are not facing up to their situation and trying to deal with it. They are running away from the wife, the wife is running away from the husband, kids running away from the parents, everybody is running away. You got to make a stand somewhere. You better bloom where you're planted instead of rooting yourself up every two seconds trying to transplant yourself. I'll remand you back to the custody of the United States Marshal to start processing from the jail to deliver to the proper immigration authorities for processing back into your country, Mexico. Thank you, Sir, and good luck to you.

11:40

The State of Texas §
County of Hidalgo §

BEFORE ME, the undersigned authority, personally appeared Claudia V. Robles, who after being duly sworn, said:

My name is Claudia V. Robles. I am over the age of eighteen. I have personal knowledge of all facts contained on this page.

I have been employed by Joseph A. Connors III for over 20 years as his legal secretary. Spanish was my second language as a child. I am fluent in the English and Spanish languages. I am competent to perform documentary and audio recording translations from English to Spanish and from Spanish to English.

In case no. L-95-475M, U.S.A. v. Sergio Cortez Mendoza, Mr. Connors received from the U.S. District Clerk a copy of a set of audio recordings that contained Mr. Cortez' guilty plea hearing on June 13, 1995. Because Mr. Connors cannot speak or write the Spanish language, Mr. Connors asked me to translate those audio tapes of Mr. Cortez' hearing. Although the magistrate court had a fluent interpreter assisting the Judge at the guilty plea hearing, Mr. Connors asked that I listen to the court's interpreter as well and make sure that she was accurate in her translation. At times the recording was inaudible. When the tape was audible, I typed what I believed I heard to the best of my ability. Mr. Connors instructed me that I could omit irrelevant parts. When I was sure the court was dealing with a case or matter other than that of Sergio Cortez Mendoza, I tried to correctly follow Mr.

Connors' instructions to the best of my ability.

I hereby declare that I have typed up that audio recordings' relevant portions to the best of my knowledge, and the attached seventeen pages of my transcription document of that guilty plea hearing, are true and accurate to the best of my bilingual typing abilities.

/s/ *Claudia V. Robles*
Claudia V. Robles

Sworn to and subscribed by Claudia V. Robles before me the undersigned authority, today, December 30, 2014.

/s/ *Maria G. Hernandez*
Notary Public In and For
The State of Texas

United States District Court
Southern District of Texas

Unites States of America

v. Case No. L-95-475M

Sergio Cortez-Mendoza (SCM)

GUILTY PLEA TRANSCRIPT
June 13, 1995 - Tape 1 Part 1 & 2

SCM spoke in Spanish which interpreter translated into English.

() = comment by tape transcriber Claudia V. Robles

[Tape 1 Part 1]

0:00 **** (Court was discussing matters other than this Defendant on the record.)****

12:49
Judge: Javier Isidro Morales Gonzales. Then we have a bunch of other people. Do you mind if I just handle everybody at the same time?

Procecutor: No, Sir, I don't.

Judge: Alright, Conrado Guerrero Lored, Fausto Hernandez, Ricardo Norman Munoz Gaspar, Jovani Taveras Avelino, David Vasquez Saldana, Fernando Penuela Marin, and Sergio Cortez

Mendoza. Alright, each of you please raise your right hand and be sworn.

****Swearing of all defendants****

Judge: You each have the right to remain silent, you do not have to make any statement. Any statement you do make can and will be used against you when your case goes on to trial. If you have made a statement and you say no more, if you start and make a statement you may stop at any time. You have the absolute right to remain silent. If you choose to waive that right, and make a statement of your own initiative or in response to questions provided to you by the court or otherwise waive that right to make statements. Statements made under oath in court, additionally, can and will be used against you in later criminal proceedings for perjury or false statements. Do you understand the implications of what I have just told you?

Defendants: [Si, Senor] Yes, Sir.

Judge: And the reason I ask you to speak up in a tone of voice loud enough for me to hear you, is because the only record we have in this proceeding is a tape recording which we making contemptuously with the proceeding and if you speak up in a tone to voice loud enough for me to hear you I am confident that that microphone

in front of you will capture your uh, responses accurately and it will be accurately recorded. So for the accuracy of the record, I would appreciate it if you would help me out in that regard by speaking in a tone of voice loud enough for me to hear you. Now each of you are here before the Court on an individual criminal complaints which in each case alleged Class B misdemeanor violations against the laws of the United States.

***** In your case (Court was discussing matters other than this Defendant on the record.) *****

16:53

Judge:

Sergio Cortez Mendoza on about June 13, 1995, near Brownsville, Texas, that in Cameron County, all the others in Webb County. All of the Southern District of Texas, that each of you being aliens, uh, first of all, I will leave out Sergio Cortez Mendoza for the moment.

***** (Court was discussing matters other than this Defendant on the record.) *****

18:05

Judge:

Your Sergio Cortez?

SCM:

Yes.

Judge:

Alright. Mr. Sergio Cortez Mendoza, the complainant, Ruben Teniente alleges

that on or about June 13, of '95, near Brownsville, Texas, in Cameron County, Southern District of Texas and you the defendant Sergio Cortez Mendoza an illegal Mexican alien did knowingly and willfully aid and abet the illegal entry of Mexican aliens **Adrian Zaragoza-Rico** , **Tiberio Medina-Aragon** , and five others by transporting them to further entry of the United States all in violation of Title 8, United States Code, Section 1325, Title 18 Section 2(a). Do you understand Sergio Cortez Mendoza what you are charged with in this criminal complaint?

SCM: [Si.] Yes.

Judge: Now each of these offenses that I have alleged and read out to each of you are Class B misdemeanor offenses, but, Class B misdemeanor offense is an offense for which the maximum punishment provided by law is six months in jail and/or a fine of \$5,000 or both such time in jail term and a penalty assessment of \$10.00 to be paid into the crime victim's fund. Now that is the maximum punishment provided by law. It's not necessarily the sentence that you would receive in each of your cases, but, I have the obligation to tell you what the maximum punishment could be. You understand that?

Defendants: [Si, Senor] Yes, Sir.

Judge: You each have the right to have an attorney represent you at every stage of this proceeding, whether your innocent or whether your guilty, whether you can afford to pay for an attorney or not or have the court pay for an attorney and assign an attorney to represent each of you for the charges. Now you don't have to have....uh, now in your case, let's see.

20:56

Judge: Are each of you ready to proceed with your case at this time, and uh, are satisfied with the services rendered to you by your attorney.

Defendants: Yes.

21:09

Judge: Now the rest of you, you do not have to have an attorney if you do not wish to. I want you to understand that, but uh, I want you to further understand that the right to an attorney is a very valuable right whether it takes you... whether you're innocent, whether your guilty, whether you can afford to pay an attorney and if you can't afford to pay an attorney, I can and will assign an attorney to represent you free of charge. Now bearing all of that in mind and I am going to ask each of the remainder of you, whether you wish to proceed in your case

with an attorney or without an attorney.

Judge: Mr. Guerrero?

Def. Guerrero: [Sin abogado] Without a lawyer.

Judge: Mr. Giovanni Tavera?

Def. Tavera: [Sin abogado] Without a lawyer.

Judge: Mr. Sergio Cortez Mendoza?

SCM: [Sin Abogado.] Without a lawyer.

Judge: Mr. Fernando Penuela Marin?

Def. Marin: [Sin Abogado.] Without a lawyer.

Judge: And Mr. David Vasquez Saldana?

Def. Saldana: [Sin Abogado.] Without a lawyer.

Judge: You uh, each also have the right to make bond, am I talking about the right _____, the right to make bond if again you qualify and any further right to have your case tried, judged and sentenced before a United States District Judge, a Superior Court then this court, however, since each of your cases is a minor offense, if you each so elected, you each give your consent in writing, you could have your case tried, judged and sentenced before a United States Magistrate Judge such as this court. Do you wish to proceed before the District Judge of the Superior Court or this Court the Magistrate Judge?

Judge: Mr. Morales?

Attorney: Your Honor, on behalf of Mr. Morales we signed a waiver depending who was preferred to proceed before this Court.

Judge: Alright. Alright, and uh, and Conrado Guerrero?

Def. Guerrero: [Queremos proceder adelante de esta corte.] I want to proceed in front of this court.

Judge: Mr. Hernandez?

Def. Hernandez: [Tambien.] Also.

Judge: Mr. Munoz Gaspar?

Def. Munoz: [Tambien.] Also.

Judge: Mr. Caveras?

Def. Caveras: [Tambien.] Also.

Judge: Vasquez?

Def. Vasquez: [Tambien.] Also.

Judge: Penuela?

Def. Penuela: [Tambien.] Also.

Judge: Cortez?

SCM: [Tambien] Also.

Judge: On uh, you each also have the right to at least thirty days within which to prepare for trial before this court, the

Magistrate Judge, but, you can waive that thirty day preparation period and have your case tried today. If you wish to waive the thirty day preparation period and have your case disclosed of today?

Judge: Mr. Morales?

Mr. Morales: We would not waive that thirty day period, Your Honor. As indicated uh...

Judge: You will not waive it?

Mr. Morales: No, Sir.

Judge: Alright, so you want more time?

Mr. Morales: That is correct, Your Honor.

Judge: Alright, so today, all you want to do then is enter a plea of Not Guilty.

Mr. Morales: That is correct.

Judge: Well alrighty, then uh, he's already had a bond set...

Mr. Morales: That is correct. He was out on bond already, Your Honor.

Judge: He is out on bond. He is out on bond right now?

Mr. Morales: Yes, Sir.

Judge: Alright, all I need to remand are the same terms and conditions of your

bond release. We will set the case down uh, at the time that you can agree with the prosecuting officer.

Mr. Morales: Yes, Sir.

Judge: What, what...How much time do you need?

Mr. Morales: Depending on what information they release to me based on the facts and allegations in the file will dictate whether or not we have to file any motions with the court to get that information.

Judge: And what is the information you are looking for?

Mr. Morales: Well, they are alleging that he made an oral claim as a U.S. citizen to be in the U.S. and on May 11, 1995, for the way the factual statement is uh, stated there it's contradictory because of my understanding of the case is that my client once he was served with the warrant of arrest he refused to make any statements and the way it's worded there it indicates he did make statements after that.

Judge: He was served with a warrant of arrest?

Mr. Morales: Yes, on that day and I want copies of any sworn statements, any reports

that were made by the officers
executing the arrest warrant as to
what statements my client made and
then if his factual allegation is
correct.

Judge: I am reading the factual allegation
there, it was still see. I see that he
the U.S. citizen applied for admission
by making oral declaration _____
by virtual birth in Chicago.
_____ time

[End of Tape 1 Part 1]

[Begin Tape 1 Part 2]

0:00

Judge: Alright, we just barely got..Where
were we? Were we asking...

Prosecutor: They had acknowledged their
willingness to proceed in this court.

Judge: And we got to the thirty days we
first.... alright. You have each of you
the right to at least thirty days in
which to prepare for trial for the
Magistrate but you can waive that
thirty days and have the case
disposed of today. Do you wish to
waive the thirty days, or ...

Judge: Mr. Guerrero?

Def. Guerrero: [Si.] Yes.

Judge: Mr. Hernandez?

Def. Hernandez: Yes. Yes.

Judge: Mr. Munoz?

Def. Munoz: [Si.] Yes.

Judge: Mr. Taveras?

Def. Taveras: [Si.] Yes.

Judge: Mr. Vasquez?

Def. Vasquez: Yes. Yes.

Judge: Mr. Penuela?

Def. Penuela: Yes. Yes.

0:42

Judge: Mr. Cortez?

SCM: [Si.] Yes.

Judge: In order for me to proceed, I must have your consent in writing and I have here the consent forms, uh, apparently signed by each of you which set out in writing all these matters you just agreed to here orally, and uh, and all I just want to know are these still your wishes and is that your signature where it appears.

Judge: Mr. Conrado Guerrero?

Def. Guerrero: [Si.] Yes.

Judge: Mr. Jovani Taveras?

Def. Taveras: [Si.] Yes.

Judge: Mr. David Vasquez Saldana?

Def. Saldana: Yes.

Judge: Fernando Penuela Marin?

Def. Marin: [Si.] Yes.

Judge: Sergio Cortez Mendoza?

2:16

SCM: [Si.] Yes.

Judge: United States of America vs. Conrado Guerrero Loreda....

**** (Court was discussing matters other than this Defendant on the record.)****

5:48

Judge: Sergio Cortez Mendoza, the complainant Ruben Teniente alleges that on or about June 13, of '95, near Brownsville, Texas, in Cameron County, Southern District of Texas, that defendant Sergio Cortez Mendoza an illegal Mexican alien, did knowingly and willfully aid and abet the illegal entry of Mexican aliens Adrian Zazagoza-Rico, Tiberio Medina-Aragon, and five (5) others by transporting them to further their entry into the United States all in violation of Title 8 United States

Code, Section 1325 and Title 18 Section 2(a) part of it is based on statements that you made and records of the Immigration & Naturalization Service on June 13, 1995, you were arrested by Border Patrol Agents near Hebbbronville, Texas, after seven (7) illegal aliens who were brought from Mexico and discovered in a 1975 International pick-up driven by you. Further investigation revealed that you picked up the vehicle at an unknown location near Riviera, Texas, and picked up the aliens North of the Sarita checkpoint located near Sarita, Texas. You were transporting the aliens to Bailey, North Carolina when arrested by Border Patrol Agents and it's signed by Ruben Teniente. Do you understand Sergio Cortez Mendoza what you are charged with in this criminal complaint?

SCM: [Si.] Yes.

Judge: And to this complaint, How do you plead, Sir.? Guilty or Not Guilty?

SCM: [Culpable.] Guilty.

Judge: Alright, I want each of you to remember that you are under oath and any questions concerning your involvement in each of these offenses

and are relative to and also relative to the facts and circumstance surrounding each of your arrests, plus I am going to question you concerning your prior criminal history, if any, and prior immigration history, if any. So if you end up telling a lie or saying something that is not true, you could suffer severe additional criminal penalties uh, as a result of charges of perjury or false statements can be charged as perjury or false statements at a later day, do you understand that?

Defendants: [Si.] Yes.

Judge: Alright. Are each of you pleading guilty to each of these complaints, because you really are guilty of the offense alleged in the complaint or are you pleading guilty for some other reason.

Judge: Mr. Guerrero?

Def. Guerrero: [Me declaro culpable.] I plead guilty.

Judge: Are you pleading guilty because your

Def. Guerrero: [Por que estoy culpable.] Because I am guilty.

Judge: Alright, Mr. Hernandez?

Def. Hernandez: [Me declaro culpable, porque estoy

culpable.] I'm pleading guilty,
because I am guilty.

Judge: Mr. Munoz?

Def. Munoz: [Si, me declaro culpable.] I'm pleading
guilty because...Por Que? [Por que
estoy culpable.] Because I'm guilty.

Judge: Thank you, Sir. Mr. Taveras?

Def. Taveras: [Soy culpable.] I'm guilty.

Judge: Mr. Vasquez?

Def. Vasquez: [Culpable.] Guilty.

Judge: Mr. Penuela:

Def. Penuela: [Soy culpable.] I'm guilty.

Judge: and Mr. Cortez?

SCM: [Por que estoy culpable.] Because I
am guilty.

Judge: Has anyone promised any of you
anything or forced any of you in
anyway in order to get you to plead
guilty to these charges?

Judge: Mr. Guerrero?

Def. Guerrero: [No] No.

Judge: Mr. Hernandez?

Def. Hernandez: [No.] No.

Judge: Mr. Munoz?

Def. Munoz: [No.] No.

Judge: Taveras?

Def. Taveras: No.

Judge: Vasquez?

Def. Vasquez: No.

Judge: Penuela?

Def. Penuela: No.

Judge: Cortez?

SCM: No.

Judge: Is there a plea bargain in any of these cases?

Prosecutor: Yes, Your Honor.

Judge: Yes, in which cases?

8:37 ***** (Court discusses plea bargains with Prosecutor.) *****

9:59

Judge: Now when you each plead guilty and I accept your guilty plea you expose yourself to a maximum punishment of, in each of your cases of six months in jail and/or a fine of \$5,000 or both, such fine and guilt and a penalty assessment of \$10.00 to be paid into the crime victim's fund. Now that is the maximum punishment you each could receive. It is not necessarily the

sentence that you will receive, but knowing what the maximum punishment could be in each of your cases, do you none the less persist in your plea of guilty to each of these complaints.

Judge: Mr. Guerrero?

Def. Guerrero: [Si] Yes.

Judge: Mr. Hernandez?

Def. Hernandez: Yes.

Judge: Mr. Munoz?

Def. Munoz: [Si.] Yes.

Judge: Taveras?

Def. Taveras: [Si.] Yes.

Judge: Vasquez?

Def. Vasquez: [Si.] Yes.

Judge: Penuela?

Def. Penuela: [Si.] Yes.

Judge: Cortez?

SCM: [Si.] Yes.

Judge: You must each understand also when you plead guilty and I accept your guilty plea that you waive certain rights which among them, the right to remain silent, the right to self-

incrimination, the right to assistance in the cases of all of you except Mr. Hernandez and Mr. Munoz. The right to legal assistance and even free of charge if you do not have the financial ability and must request to the court, the court will appoint an attorney to represent you free of charge. The right to have your case tried, judged and sentenced before the United States District Judge, the Superior Court of this court, the right to at least thirty days of which they are brought for this court, the Magistrate Judge. The right to bring the witnesses and evidence on your own behalf or force the Government to bring the witnesses and evidence they may have against you. Thus, we would not be able to confront and cross examine the witnesses against you. You each also have the right to enter a plea of not guilty. Now the importance of this is that under our system of law, every person in this country who is accused of a crime even though that person be guilty of the crime he or she is accused of, that person still has the right in this country to come into court and to plead not guilty, because by pleading not guilty that person preserves the presumption of innocence which

attaches to every person in this country the moment they are accused of a crime and they preserve the burden of proof which immediately flows from the presumption of innocence and that is burden on the accuser, the Government to prove that person guilty using both legal and competent evidence and beyond a reasonable doubt. And, if upon a plea of not guilty by any person in this country or any court or jury by then the Government is unable to discharge this burden of proving, cannot prove that person guilty using both legal and competent evidence and beyond a reasonable doubt, then that court or that jury has the responsibility and the obligation to find such a person not guilty and to discharge them. Regardless of the fact the person knows he's guilty, may everybody in the courtroom believes he's guilty, but it has not been proved up to the standard set in our law by our founding fathers for the protection of all of us. With the great expectation that this would enlarge measure eliminate the possibility of innocent people ending up in jail and penitentiaries and the way a person avails himself or herself of this protection is by coming into court and

pleading not guilty. Each of you on the other hand, has come into this court and you have each pled guilty. Thus, you have abandoned the presumption of innocence and along with it the burden of proof that flows from it so no one from the Government, the accuser, likes to come in at this point and prove your guilt using both legal and competent evidence and beyond a reasonable doubt. So in effect, when you each plead guilty and I simply accept your guilty plea, then your case terminates here today. There is no further trial and all that's left for me to do is to impose sentence on each of you.

13:45

Judge: Do you understand that Mr. Guerrero?

Def. Guerrero: [Si.] Yes.

Judge: Mr. Hernandez?

Def. Hernandez: [Si.] Yes.

Judge: Mr. Munoz?

Def. Munoz: [Si.] Yes.

Judge: Taveras?

Def. Taveras: [Si.] Yes.

Judge: Vasquez?

Def. Vasquez: [Si.] Yes.

Judge: Penuela?

Def. Penuela: [Si.] Yes.

Judge: Cortez?

SCM: [Si.] Yes.

13:57

Judge: Are any of you presently suffering or have suffered in the past any mental illness or mental problems in the care of a psychiatrist or a psychologist been confined in a mental institution suffered any brain damage or from whatever cause of your right injuries to doubt your own mental competency.

Judge: Mr. Guerrero?

Def. Guerrero: [No.]

Judge: Mr. Guerrero?

Def. Guerrero: [Si.] Yes. Si.? [No.] No.

Judge: Mr. Hernandez?

Def. Hernandez: [No.] No.

Judge: Mr. Munoz?

Def. Munoz: [No.] No.

Judge: Taveras?

Def. Taveras: No.

Judge: Vasquez?
Def. Vasquez: No.
Judge: Penuela?
Def. Penuela: No.
Judge: And Cortez?
SCM: No.
Judge: Are any of you right this moment
under the influence of alcohol or some
other drug?
Judge: Mr. Guerrero?
Def. Guerrero: No.
Judge: Hernandez?
Def. Hernandez: No.
Judge: Munoz?
Def. Munoz: No.
Judge: Taveras?
Def. Taveras: No.
Judge: Vasquez?
Def. Vasquez: No.
Judge: Penuela?
Def. Penuela: No.
Judge: Cortez?
SCM: No.

Judge: Conrado Guerrero Loreda, are you pleading guilty sir, to this criminal complaint freely and voluntarily?

Def. Lorado: [Si.] Yes.

Judge: Fausto Hernandez, are you pleading guilty to this criminal complaint freely and voluntarily?

Def. Hernandez: [Si.] Yes.

Judge: Ricardo Norman Munoz Gaspar, are you pleading guilty to this criminal complaint freely and voluntarily?

Def. Munoz: [Si.] Yes.

Judge: Giovanni Taveras Avelino, are you pleading guilty to this criminal complaint freely and voluntarily?

Def. Taveras: [Si.] Yes.

Judge: David Vasquez Saldana, are you pleading guilty to this criminal complaint freely and voluntarily?

Def. Vasquez: [Si.] Yes.

Judge: Fernando Penuela Marin, are you pleading guilty to this criminal complaint freely and voluntarily?

Def. Penuela: [Si.] Yes.

Judge: And Sergio Cortez Mendoza, are you pleading guilty to this criminal complaint freely and voluntarily?

SCM: [Si.] Yes.

15:25

Judge: I want each of you to listen to what the prosecuting officer in each of your cases has to say concerning the involvement in each of these offenses, the facts and circumstances surrounding each of your arrests when he's through with each of you, if there is something you wish to add or explain, something you...you did not understand, something which he said in which you did not agree. Then you let me know.

15:44

*** (Sentencing of each other Defendant is omitted) ***

28:04

Judge: As to Sergio Cortez Mendoza?

SCM: [Si.] Yes.

Prosecutor: Yes, Your Honor....

Judge: He's an illegal Mexican alien?

Prosecutor: Yes, Your Honor, he is an undocumented...Sergio Cortez Mendoza, an illegal Mexican alien, did knowingly and willfully aid and abet the illegal entry of Mexican aliens Adrian Zaragoza-Rico, Tiberio Medina-Aragon, and five (5) others by transporting them to further their

entry into the United States.

Judge: Alright. Is that true, Sir?

SCM: [Si.] Yes.

Judge: Alright, Sergio Cortez Mendoza, I find it as a factual basis for your plea of guilty to this criminal complaint. I accept your guilty plea and I will ask you Sir, if there is anything further you wish to say before I pronounce sentencing?

SCM: [No.] No.

Judge: Do you have any aggravated, serious offenses, prior offenses, prior deportations, exclusions or any prior criminal history anything of that nature?

Prosecutor: Yes, Your Honor, aggravating circumstance surrounding his arrest. On June 13, 1995, Cortez-Mendoza was initially stopped on a traffic violation by Jim Hogg Sheriff's Deputies in Hebbronville, Texas, and the uh, Sheriff's Department notified Hebbronville Border Patrol. Mr. Cortez-Mendoza was the driver of a 1975 International pick-up and he was transporting seven (7) illegal aliens from the State of Guanajuato in Morelos, Mexico. They were in route to Bailey, North Carolina. They

were going to seek employment. Uh, however, Your Honor, from a felony from a USC 1324 we decided to drop it to a misdemeanor. We withheld two material witnesses and they all stated that uh, he was in cahoots with the smuggler but Mr. Cortez-Mendoza refused to cooperate with the Agents, Your Honor. Only that he picked up the vehicle near Riviera, Texas, and the

Judge: Where were they going...Bailey, where?

Prosecutor: Bailey, North Carolina, Your Honor.

Judge: What were they going to do up there?

Prosecutor: Work in the fields, your Honor.

Judge: What type of work were you going to do up there?

SCM: [A piscar pepino y tabaco.] We were gonna... harvest there cucumber and tobacco.

Prosecutor: However, Your Honor, each Agent... each alien was going to be charged from five to eight hundred dollars, your Honor. And the aliens stated that he was in cahoots with the smuggler because the truck is registered to a Santiago Benitez from North Carolina and Mr. Cortez here

stated that he had bought the truck same story from unknown subject for an unknown price at an unknown location when the truck was in fact, not from the State of Texas but from North Carolina. And, uh, he also knew the route. He knew the way around.

Judge: So did he come down for them you think, or what? Or was he with? What did the debriefing of the other aliens.

Prosecutor: The debriefing your Honor, was that, uh, that they made the arrangements in Mexico and uh...

Judge: With him?

Prosecutor: Yes, Your Honor, he guided your Honor, the aliens around the checkpoint.

Judge: And somebody left the truck there for him?

Prosecutor: Yes, Your Honor, and he picked it up. He knew where the truck was and he knew the route.

Judge: Apparently, well, well organized

Prosecutor: Yes, well organized, Your Honor, but because of the...he uh, not willing to cooperate and any further information we just decided to go uh,

here we are.

Judge: Ok, so what do you recommend?

Prosecutor: Thirty days, Your Honor. I think that's kinda of...that's the minimum that they were requesting only thirty days.

Judge: Have we had a chance to check his record?

Prosecutor: Uh, no, Your Honor, not an extensive check your Honor, just uh...

Judge: I would like to defer sentencing in his case and have you check his record.

Prosecutor: Yes, Your Honor.

Judge: And, uh, I'm going to set a \$5,000 cash surety bond while we do a record check on you and if we find anything there then it might be more informative to the Court. If not, within thirty days if we haven't found anything we will go ahead and sentence him.

Prosecutor: Yes, Your Honor.

Judge: Alright, thank you, Sir. And at the time, I would probably sentence him to probation for five years...well, to have something holding him back.

Prosecutor: Yes, Your Honor.

Judge: Alright, Sir. Uh, do you have any
 medical problems we need to know
 about Sir? Or any other conditions, or
 any situations to health, safety,
 welfare?

SCM: (not audible) I am enjoying what I got.

Judge: Ok, I will remand you to the custody
 of the United States Marshal with
 \$5,000 cash surety bond. Thank you
 and good luck to you. Your true and
 correct name is Sergio Cortez? Your
 true and correct name is Sergio
 Cortez Mendoza?

SCM: [Si.] Yes.

Judge: Thank you, Sir.