



For Immediate Release

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**TEXAS DEPUTY SHERIFF IMPRISONED
FOR DISABLING VAN SMUGGLING ILLEGAL ALIENS**
(United States v. Hernandez)

Yesterday, a Texas Deputy Sheriff was sentenced to federal prison for one year and a day for violating the civil rights of an illegal alien who was slightly injured accidentally after the deputy shot at the tires of the van smuggling a group of illegal aliens from Mexico. The van had tried to run him over after he stopped the vehicle for running a stop sign. The judge also imposed a three-year period of supervised release and ordered the deputy to pay a fine of \$5,000 and victim compensation to the illegal alien of another \$5,000. The U.S. Attorney in Texas wanted the federal judge to imprison the deputy for at least six years, but the Washington Legal Foundation (WLF) opposed that recommendation and filed an 18-page brief with the court urging a sentence of probation and/or home confinement.

On April 14, 2005, around midnight in Rocksprings, Texas, 25-year old Deputy Sheriff Guillermo ("Gilmer") Hernandez stopped a van that ran a stop sign. As he approached the suspicious van, he noticed several passengers crouching down, and ordered the driver to roll down the window. Instead, the vehicle suddenly turned towards him jeopardizing his safety and began to speed away. In self defense, Deputy Hernandez fired at the left rear tire of the passing vehicle trying to disable it and was successful in doing so. He did not intend to harm the passengers or shoot through the windows. Unfortunately and unintentionally, one of the illegal aliens in the vehicle suffered a minor injury from a small bullet fragment that apparently ricocheted. She was treated at a local hospital and released. The driver and the rest of illegals fled the scene.

"It's outrageous that Deputy Hernandez was prosecuted by the Justice Department in the first place for protecting himself and disabling a van smuggling illegal aliens which could have been smuggling drugs, weapons, or violent gang members that have plagued our Southern border," said Paul Kamenar, WLF's Senior Executive Counsel. "It's more outrageous that they wanted to put him away for over six years for doing his job," Kamenar added. In another case on appeal, two border agents are serving 11 and 12 years for slightly wounding a major Mexican drug smuggler who was given immunity to testify against the border agents. WLF will be filing briefs on appeal in both these cases.

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For more information, contact Paul Kamenar, WLF's Senior Executive Counsel, at 202-588-0302. WLF's brief is available on its website at www.wlf.org.