



**For Immediate Release**

**June 5, 2007**

**COURT URGED TO REVERSE  
CONVICTIONS OF BORDER AGENTS  
FOR WOUNDING DRUG SMUGGLER**  
*(United States v. Compean; Ramos)*

The Washington Legal Foundation (WLF) filed a brief this week with the United States Court of Appeals for the Fifth Circuit, urging it to reverse the convictions and lengthy prison terms imposed on two U.S. Border Patrol Agents for chasing down and wounding a drug smuggler from Mexico. The smuggler was transporting almost 750 pounds of marijuana in a van across the Mexico/Texas border. Both Agents testified that they fired shots after seeing a gun in his hand. The smuggler suffered only a minor injury after one bullet hit his left buttock as he turned to run back across the Rio Grande River. The smuggler was later located and given immunity by the Department of Justice to testify against the two agents. Agent Ignacio Ramos received 11 years in prison and Agent Jose Compean received 12 years for depriving the drug smuggler of his civil rights. The prosecutors invoked a mandatory 10-year prison term law, which Congress intended to apply only against gun-wielding criminals and drug dealers.

"This is an outrageous case of prosecutorial abuse," said Paul Kamenar, WLF's Senior Executive Counsel. "Instead of prosecuting the drug smuggler, the Justice Department filed a dozen felony charges against two agents trying to do their job," Kamenar added. This case has received nationwide criticism, including calls by Members of Congress for an investigation. Senator Dianne Feinstein demanded that Attorney General Gonzales explain why the drug smuggler was given immunity, medical care, and not questioned about suspected plans by drug dealers to seek retribution and kill border agents. The drug smuggler is also suing the U.S. for \$5 million in damages. Last year, the Justice Department also prosecuted Texas Deputy Sheriff Gilmer Hernandez who shot at the rear tires of van smuggling illegal aliens as the driver of the van tried to run him over. WLF filed a brief in March urging a sentence of probation for Deputy Hernandez.

Unless the convictions and sentences are reversed in this high-profile case, WLF argued they would have a chilling effect on the ability of other border agents (and other law enforcement personnel) to carry out their difficult duties: to protect our dangerous borders against drug smugglers, possible terrorists, and other violent illegal aliens who resist arrest. Agents (and the rest of the country) would thus be exposed to more danger if the convictions were allowed to stand.

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For further information, contact Paul Kamenar, WLF's Senior Executive Counsel, at 202-588-0302. Copies of WLF's briefs in this case and the *U.S. v. Hernandez* case are available on WLF's website at [www.wlf.org](http://www.wlf.org).