

TOP STORY

The boom in busts: Missoula immigration charges on the rise



Susan Elizabeth Shepard Aug 9, 2018 Updated 3 hrs ago 0

On Thursday, Aug. 2, three men were sentenced on immigration-related charges at the Russell Smith Federal Courthouse, bringing the number of people arraigned in Missoula's federal court on immigration charges so far in 2018 to seven. In 2017, there were no federal immigration crimes charged in Missoula, according to court records.



Statewide, Montana had 11 federal immigration cases in 2017. Sixteen have been filed in the state to date this year.

It has been an active year for Border Patrol and Immigration and Customs Enforcement agents in Montana.

The sentencings had a lot in common. Assistant U.S. Attorney Cyndee Peterson prosecuted for the state. The defendants were represented by court-appointed defenders and required the services of an English-Spanish interpreter. All submitted guilty pleas and were sentenced to time served before being remanded to ICE for deportation. None had non-immigration-related prior criminal records in the U.S.

The first case of the day, in Magistrate Judge Jeremiah C. Lynch's courtroom, involved one of the men picked up in late May during an early-morning raid on a morel-pickers camp in Mineral County. Guatemalan national Tomas Andres-Gregorio was charged with eluding examination by an immigration officer and forcibly resisting an officer (the affidavit says Andres-Gregorio

Missoula activists had worked to draw attention to Andres-Gregorio's case, saying he'd been particularly abused in the morel camp raid. Missoula immigrant-rights activist and DACA recipient Neyreda Calero told the Indy that when Andres-Gregorio was taken to the Missoula County Detention Center, he met one of her friends, a man who'd been arrested in a raid in Hamilton in March. Knowing that Calero would be interested in hearing about the raid, her friend put them in touch.

"[Andres-Gregorio is] the one that told us at first what had happened," Calero said. "One of the girls that was there, she tried taking her phone out to record what was going on and record the abuse they were going through, and one of the officers told her to put her phone away and pointed at her with a gun."



A flyer about Tomas Andres-Gregorio from a June 20 demonstration at the Missoula County Detention Center is displayed behind the bar at Imagine Nation Brewing.

photo by Susan Elizabeth Shepard

Calero and other members of Montanans for Immigrant Justice made a video about the raid using audio of an interview with Andres-Gregorio's nephew Vicente. Calero said Vicente told her his uncle needs to work in the U.S. in order to pay back money he owes to people in Guatemala, where he still has close family members.

doesn't want to go back to immigration because they'll send him home." In a hearing that took about 40 minutes, that was the final outcome: time served, and remanded to ICE custody for deportation.

At 10 a.m., prosecutor Peterson moved upstairs to the court of Donald Molloy for the sentencing of Rogelio Jaimes Estrada, who had also been caught up in the morel camp raid. Estrada had no criminal record save for a previous deportation in 2004. Prior to his sentencing, letters requesting leniency had been submitted to the court by his 16-year-old son, one of his son's teachers at Centralia (Washington) High School, and his sister-in-law. "I am currently working extra hours so I don't lose our home. I don't live with my Mother, my father and I live alone," his son wrote, "I am still trying to get used to that my father is away. It is hard doing everything and working on my own now that he is gone. It hurts to know he isn't coming back home anytime soon." The letters weren't mentioned in court.

Asked by the judge if he had anything to say, Estrada said through the interpreter that he apologized to the judge and to the government. "I came into this country out of necessity for my family. Deport me, because I have family outside of the country," he said.

The last sentencing of the day was of Sergio Rosas-Padron, a Mexican citizen who had been detained following a June 5 Homeland Security Investigations operation in Whitefish. Rosas-Padron was facing charges of illegal re-entry, having been deported from Rio Grande City, Texas, in 2012. "Please forgive me for having entered the U.S. without any papers," Rosas-Padron said. Molloy sentenced him to time served and turned him over to ICE for deportation. Molloy had a question for Rosas-Padron as he explained the consequences of his guilty plea: "Are you going to come back?"

"No," Rosas-Padron answered through the interpreter.

Molloy, observing Rosas-Padron's expression, addressed the court reporter: "The record should reflect a smile," Molloy said.



Susan Elizabeth Shepard

Staff Reporter

Susan Elizabeth Shepard lived in Missoula from 2008 to 2011 before returning in 2017 to work at

TOP STORY

Meet Norma Fender, Missoula's courthouse interpreter for 20 years



Susan Elizabeth Shepard 4 hrs ago 0 Aug 16, 2018

In a downtown Missoula federal courtroom, interpreter Norma Fender leans in closely toward a man facing sentencing on charges of illegal re-entry. She's wearing a periwinkle blue pantsuit. The defendant is in Missoula County Detention Center neon-orange. Her arm rests on his shoulder and her speech is low and constant as she translates a judge's words from English into Spanish. Almost the second they leave his lips, she translates the defendant's answers from Spanish to English for the court. Today, Aug. 2, she'll do this three times, all for men facing immigration-related charges.



It's been a busy summer for Fender, who says things have picked up a bit compared to last year. There's been a jump in federal immigration cases in Missoula (see "The boom in busts: Missoula immigration charges on the rise," Aug. 9), and not only does Fender interpret in court, she also assists public defenders in meetings with clients at the county detention center.

Fender was born in Puerto Rico and came to the mainland when she was 8. She was raised in Newark, New Jersey, and worked as a courthouse interpreter in her early 20s before joining the Navy, where she met her husband of 38 years, J.C. The Navy asked Fender where she wanted to go in 1993, offering the Fort Missoula Naval Reserve Center (which closed in 1996) as a possibility. She looked up Missoula on a map and picked it, imagining that a place surrounded by all those green-shaded mountains had to be beautiful. She and her husband have been here since. They live on five acres in Stevensville where they have goats, ducks, dogs and cats. "Seven cats — not all in the house," she says.

Soon after she got here, a naval reservist who worked for the U.S. Marshals asked if she'd be interested in courthouse translation. In 1998, the Federal Defenders of Montana asked her to sign on as their courtroom interpreter. She's now worked with them for 20 years.



Missoula courthouse interpreter Norma Fender works with public defenders and their clients.

photo by Amy Donovan

When she speaks with a defendant for the first time, Fender spends a few minutes in conversation, establishing rapport. “I try to put them at ease, because — I don’t know if you know, but a lot of them don’t feel comfortable with the police, for whatever reason [there] may be,” she says. Fender will explain what a public defender does, and that they work for defendants and not the state.

Some cases have stuck with her, like that of an undocumented woman in her 50s who was arrested when her son stashed drugs at her home, and who was deported after spending 40 years in the U.S. Or the child who was taken from a parent convicted on drug charges. “Even though the grandparents were alive, they couldn’t take care of him, so they gave [the child] to someone else. That was pretty sad, too. You see cases like that and you wonder, ‘Why?’” she says. Does that ever make her think the laws are unjust? “Well, when you break the law, and the law says certain things, and if you break it, who’s wrong, the justice system or the person that broke it?”

Interpreting is physically and mentally tiring, she says, but aside from drinking a lot of water, Fender doesn’t have any special tricks to support her voice or her stamina. “Your brain gets so taxed and so tired you just want to lay down and go to sleep and not talk to anybody,” she says. She doesn’t often speak Spanish outside of work, so in order to limber up before court, she says, she’ll listen to music with lyrics in Spanish on the drive into town, or listen to

For the clients, she might be the first or only person they've been able to communicate with in their first language in days. "It's hard for them, it's really hard, not being able to speak to [their families] or write to them or know whether or not their family knows they're in jail," she says. "A lot of them, their families do not know that they are in jail, unless they have a cousin or an uncle or somebody that knew that he got arrested or she got arrested and they can let their family know. So it's very hard for them."



Susan Elizabeth Shepard

Staff Reporter

Susan Elizabeth Shepard lived in Missoula from 2008 to 2011 before returning in 2017 to work at the Independent. She is also a two-time resident of Austin, TX, and Portland, OR, with an interest in labor, music and sports. @susanelizabeth on Twitter.



★ FOLLOW SUSAN ELIZABETH SHEPARD

 LOAD COMMENTS

TOP STORY

Family faces separation as Hamilton resident of nine years to be sentenced



Susan Elizabeth Shepard Sep 6, 2018 1



Homeland Security Investigations agents out of Kalispell refused to show a warrant when they entered a Hamilton residence without permission in March, says the daughter of a Montana man up for sentencing on illegal re-entry charges. Roberto Cruz Cisneros, 45, was arrested by HSI, the investigative arm of U.S. Immigration and Customs Enforcement (ICE), at his home early in the morning of March 21, and has since been awaiting court dates in the Missoula County Detention Center; the overcrowded Cascade County Detention Center, where he and other inmates slept on the floor; and the Crossroads Correctional Center in Shelby, according to his oldest daughter, Fatima Cruz.

Cruz told the Indy that the agents refused her repeated requests to see the warrant for his arrest. The entire family was home — Cruz and her 2-year-old daughter, four younger siblings, and mother and father — when HSI agents knocked on their door around 6 a.m. An agent told Cruz he was seeking the owner of a truck outside. The truck belonged to her mother, Cruz told him. Then the agent said he was looking for Roberto and asked if they could come inside, because it was so cold.

“And I’m like, ‘Yes, it’s really cold outside,’ so as soon as I said, ‘yes, it’s really cold,’ they pushed the door and they opened it. So I didn’t tell them, ‘Yes, you can come in,’” Cruz says. The agent told her they were going to take her father with them. “[I said], ‘Well, by law you have to show me your paperwork. You have to show me that you have the warrant.’” The agent refused to do so, she

into every room, including her parents' bedroom, where her 6-month-old sister was sleeping. Then agents handcuffed her father. "[The agent] said, 'Everything's going to be OK, we're just going to take him to Helena. Everything's going to be fine. He's going to give you a call,' pretty much making it seem really easy," she says. "I reply to the officer, 'No, none of this is going to be easy anymore, it's going to be super-hard, and you have no idea.'"



Roberto Cruz Cisneros will be sentenced on immigration-related charges in federal court on Monday, Sept. 10.

photo courtesy mtd.uscourts.gov

Cruz Cisneros, who has lived in Hamilton for nine years, has since been charged in federal district court in Missoula with illegal re-entry of a deported alien, and has pleaded guilty. His sentencing is scheduled for Monday, Sept. 10. Prosecutors are asking for an eight-month sentence; the defense is asking for time served, which will be nearly six months at the time of sentencing. He will be turned over to ICE for deportation whether he serves time or is sentenced to time served. According to the affidavit filed by Kalispell ICE agent Bradford Bybee, Cruz Cisneros had previously been deported twice, in 1996 and 1999, and was arrested for marijuana possession and DUI in Utah when he was 21 and 22, respectively. No other crimes are mentioned in court records. The affidavit says that a Hamilton police officer, Michael Eldridge, tipped off ICE to Cruz Cisneros' presence after stopping a vehicle in which Cruz Cisneros was a passenger. The officer asked the driver and Cruz Cisneros for identification, but the affidavit does not reference whether there was any reason to do so. The warrant that Cruz says she was never shown was signed by Magistrate Judge Jeremiah C. Lynch on the same day that agents arrived before dawn to arrest her father. There is no time stamp on the warrant.

Cruz is now working two jobs: days at reception in the ER at Hamilton's Marcus Daly Memorial Hospital and nights at the Hamilton Fiesta en Jalisco restaurant, to support her family now that it's lost the income Cruz Cisneros brought in working on farms and in construction. She says that since the 2016 presidential election, there has been a marked increase in comments at her

men hats, and that's when more people were more open about it and saying more stuff about it. Even at school, they told my sister on the bus that she should go back, and she didn't want to go to school after that, and they just called her names.”

After her father was deported for a second time, in 1999, Cruz says that she, her younger sister and their mother joined him in the western coastal Mexican state of Jalisco for 10 years until returning to Utah, where the girls had been born, so they could learn English in the country of the children's birth. Cruz Cisneros hadn't initially intended to join them in Utah, but eventually decided the family should be reunited and tried to enter the U.S. through Arizona in 2011. Before he could cross, though, she says he was kidnapped and held for ransom. Cruz says she remembers her mother crying all the time, worrying about when she'd hear from Roberto. He was able to pay and rejoin the family. Now Cruz has to explain to her younger siblings why their father is gone.

“The kids keep asking, ‘When is he going to come back? Why was he taken away?’” she says. “And those are things that kids don't understand, and I think that's what hits us the most.”



Susan Elizabeth Shepard

Staff Reporter

Susan Elizabeth Shepard lived in Missoula from 2008 to 2011 before returning in 2017 to work at the Independent. She is also a two-time resident of Austin, TX, and Portland, OR, with an interest in labor, music and sports. @susanelizabeth on Twitter.



★ FOLLOW SUSAN ELIZABETH SHEPARD