

Fake-ID cases clogging California courts

by Ray Huard

A crackdown on people crossing the U.S.-Mexico border using stolen or fake identification is jamming Chula Vista Superior Court, causing prosecutors and defense attorneys to scramble to cover the caseload.

"We've been inundated with cases that charge using false identification to gain entry to the United States," said Sharyn Leonard, who supervises the south San Diego County branch of the county Public Defender's Office.

Between March 5 and March 23, 66 felony false-ID cases have been filed in those courts, Leonard said.

And that's not the end of it. "They keep coming in," she said.

Leonard said such cases were rare until officials started targeting fake-ID cases among people entering the United States.

The crackdown began in February as part of a broader drive to clamp down on human smuggling. Led by the U.S. Border Patrol, the operation includes several state, federal and county agencies. Border Patrol officials gave few details on the drive other than to say it is ongoing.

"This is a collaborative effort focused on disrupting the smuggling operations," said Border Patrol spokesman James Jacques. "We don't want to talk specifically where we're working, how many people (are working), what times, and when it will begin and end."

Agencies cooperating with the Border Patrol include Immigration and Customs Enforcement, the state Department of Motor Vehicles, the California Highway Patrol and the county Sheriff's Department, Jacques said. He declined to elaborate.

Most of the fake-ID cases in the Chula Vista, Calif., courthouse have been funneled through the DMV.

Leonard said the people her office defends buy the IDs in Tijuana for \$50 to \$200 each. "Some are forged; some are stolen," she said.

Court officials are trying to come up with a way to handle the onrush of cases quickly in a too-small courthouse that is crammed to capacity.

The rash of false-ID cases has "made everything take much longer than it should," Leonard said.

"I won't say it's doubled our caseload, but I would say we have a third again as many cases with the same number of attorneys," she said. If the crunch continues, she said, she might have to hire more lawyers.

Deputy District Attorney Pat McGrath, who heads the district attorney's South Bay office, said he has been equally hard-pressed to handle the influx of cases.

"The ripple effect has been pretty pronounced in the courthouse," McGrath said.

Typically, people charged with felony crimes face several court appearances before they either reach a plea agreement or go to trial.

McGrath and Leonard are developing procedures under which most of the fake-ID cases would be handled with one court appearance when defendants are first arraigned, if they accept a plea agreement.

"So far, everybody has pleaded guilty," McGrath said.

Under the proposed plan, those with no criminal record would have the charge reduced to a misdemeanor and would be turned over to federal officials to be deported.

Those with prior misdemeanor convictions would have to accept a felony conviction but would be placed on probation and turned over to federal officials for deportation.

Those with prior felony convictions would be held for a probable-cause hearing to determine if there is sufficient evidence for trial.

The Public Defender's Office, which so far has represented all those arrested in the new drive, has tentatively agreed to the plan, Leonard said. "We have to make sure we're protecting the rights of our clients," she said.

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