

Steps to Observing Border Prosecutions in US District Courts

<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; border-radius: 50%; width: 20px; height: 20px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">1</div> </div>	<p>Sign up for a date/time at http://signup.com/go/digyWSU. This site is monitored by the RGV Equal Voice Network and ACLUTx. If you prefer, send an email with dates and times to selma.yznaga@gmail.com with COURT OBSERVER VOLUNTEER in the subject line.</p>
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<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; border-radius: 50%; width: 20px; height: 20px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">3</div> </div>	<p>Review the "Court Observation Guidelines" on page 2.</p>
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; border-radius: 50%; width: 20px; height: 20px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">4</div> </div>	<p>Use the Court Observation Form on p. 3 to record notes, or use your own format to document the items below:</p> <ol style="list-style-type: none"> 1. Date of observation 2. Name of presiding Magistrate (shown on the Calendar) 3. Name of the defense attorney (there is usually just one for all defendants) 4. For each defendant that you are providing information about, please include: <ol style="list-style-type: none"> a. Defendant's name b. Defendant's case number c. Defendant's country of origin (if stated by Magistrate) d. Gender (if you can observe) e. Date and location of crossing (if stated by Magistrate) f. U.S. Code violations – copy these as they are shown on the calendar. Usually they are 8 USC 1325(a)(1), or a combination of 8 USC 1326(a)(1) and 1325(a)(1). g. Length of sentence given to the defendant h. Any comments made by the defendant
<div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; border-radius: 50%; width: 20px; height: 20px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">5</div> </div>	<p>Send your report</p> <p>As a screen shot or text message via cell phone to Mike Seifert at 361-589-5068</p> <p>As an attachment via email to seifertjamesmichael@gmail.com</p>

Court Observation Guidelines

Brownsville

Reynaldo Garza and Filemon B. Vela Courthouse
600 E. Harrison (Between 7th and 6th St.)
Brownsville, TX 78520
(956)548-2500

McAllen

1701 W. Business Hwy 83,
McAllen, TX 78501
(956)618-8065

Courthouse Security and Electronic Device Policy

- Government issued photo identification required to enter the Courthouse.
- Cells phones are not allowed in the courthouse and the CSOs will only store a cell phone if the person is unable to return it to their vehicle.

Notes

- Only one or two observers needed per courtroom
- If you or other observers were prevented from entering or were asked to leave, document the name and title of excluding official and the reason asserted.
- The court hearings that we are interested in start at 9:30 or 10:30 am, but one should be there by 9:30 am to get situated. Occasionally the court calendar will list defendants at 10:30 but hear their cases at 9:30 am.
- Mon-Weds have been hard to get into. HOWEVER there is a huge plus to showing up and being denied, and then (politely) insisting that the public has a right to these hearings.
- The Brownsville court staff has been professional and courteous. The hearings are called, in shorthand "1325s" (someone who crosses the border without being "inspected by an immigration officer")
- Thurs-Fri are slower days so easier to get into and no less important.
- Watch for a post-8:30am text/email message from the advocacy group that will say how many people are expected in which court (there are two in Brownsville --Judge Morton and Judge Torteya).

What to Watch for When Observing Border Prosecutions

- *Defendant or attorney stated that the defendant has a fear of deportation to his/her home country or explicitly requested asylum.*
 - Report what was said about this
 - Did the attorney give the client a petition or other type of written information?
 - Was the request put on the court record?
- *Defendant has said they have been separated from their children*
 - Report what was said about this
- *Defendant has children and/or a spouse who are U.S. citizens*
 - Report what was said about this
- *Defendant showed confusion or lack of understanding. Examples:*
 - Apparent language barrier not accommodated
 - Apparent illness or disability (physical or mental)
 - Insufficient communication with lawyer before or during court
- *Defendant's experience with apprehension. Examples:*
 - Defendant has injuries
 - Defendant asks for his/her medications or for the return of belongings
- *Other observations of defendant, attorney and/or judge. Examples:*
 - Defendant appeared obviously under 18 (describe appearance)
 - Lawyer made an obvious mistake or was unprepared, or said something prejudiced, inappropriate, or adverse to client
 - Judge scolded or cut off a lawyer (please describe). Was it a defense or prosecuting attorney?
 - Judge appeared to pressure a lawyer or client into taking the plea or said something that seemed prejudiced or inappropriate
- *Logistical or technical errors (e.g., headset or speaker malfunction)*

Court Observations

Observer _____ Presiding Magistrate _____ Date of Observation _____

Defense Attorney _____ Number of Defendants _____

Defendants

[illegible]