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WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

UNITED STATES OF AMERICA	No. EP:05-CR-856-KC
v.	El Paso, Texas
IGNACIO RAMOS, ET AL.	March 8, 2006

VERDICT

BEFORE THE HONORABLE KATHLEEN CARDONE

UNITED STATES DISTRICT JUDGE

VOLUME XVII OF XVIII

APPEARANCES:

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1 APPEARANCES:

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10 Proceedings recorded by stenotype. Transcript produced by
11 computer-aided transcription.

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1 (Open court, parties present, jury not present.)

2 THE CLERK: Court is back in session.

3 THE COURT: You may be seated.

4 All right. Ladies and gentlemen, we do have a

5 verdict. Are we ready to bring in the jury?

6 MS. KANOF: The Government is ready, Your Honor.

7 MS. STILLINGER: Yes, Your Honor.

8 MR. ANTCLIFF: Yes, Your Honor.

9 THE COURT: All right. You can go ahead and bring in
10 the jury.

11 (Open court, parties and jury present.)

12 THE COURT: You may be seated, ladies and gentlemen.

13 Ladies and gentlemen of the jury, it is my

14 understanding -- I received your note indicating you have

15 reached a verdict. Is that correct?

16 FOREPERSON: Yes, Your Honor, we have.

17 THE COURT: If you would go ahead, then, and hand that
18 to our CSO.

19 All right. Let me look through it just real quick, to
20 make sure.

21 All right. We have two verdict forms, as everyone
22 knows.

23 So, Mr. Ramos, Mr. Compean, if you would both please
24 stand, I will read the Ramos verdict form first.

25 We, the jury, unanimously find -- this is

1 United States of America versus Ignacio Ramos and Jose Alonso
2 Compean.

3 On the verdict form of Ignacio Ramos: We, the jury,
4 unanimously find, Count 1: As to the charge of assault with
5 intent to commit murder and aiding and abetting, we, the jury,
6 unanimously find Ignacio Ramos not guilty.

7 Count 2: As to the charge of assault with a dangerous
8 weapon and aiding and abetting, we, the jury, unanimously find
9 Ignacio Ramos guilty.

10 Count 3: As to the charge of assault with serious
11 bodily injury and aiding and abetting, we, the jury,
12 unanimously find Ignacio Ramos guilty.

13 Count 4: As to the charge of discharge of a firearm
14 in commission of a crime of violence, we, the jury, unanimously
15 find Ignacio Ramos guilty.

16 Count 8: As to the charge of aiding and abetting,
17 assault with serious bodily injury, we, the jury, unanimously
18 find Ignacio Ramos guilty.

19 As to the charge -- I'm sorry.

20 Count 9: As to the charge of tampering with an
21 official proceeding, we, the jury, unanimously find Ignacio
22 Ramos guilty.

23 Count 12: As to the charge of deprivation of rights
24 under color of law, we, the jury, unanimously find Ignacio
25 Ramos guilty.

1 If you answered guilty to question 1, proceed to
2 questions 2 and 3.

3 Does the jury unanimously find that the acts of
4 Ignacio Ramos resulted in bodily injury to OAD, or the acts of
5 Ignacio Ramos included the use, attempted use, or a threatened
6 use of a dangerous weapon?

7 The answer is yes.

8 Does the jury unanimously find that the acts of
9 Ignacio Ramos constituted an attempt to kill OAD?

10 Answer is yes.

11 As to the verdict form of Jose Alonso Compean.

12 Count 1: As to the charge of assault with intent to
13 commit murder and aiding and abetting, we, the jury,
14 unanimously find Jose Alonso Compean not guilty.

15 Count 2: Assault with a dangerous weapon in aiding
16 and abetting. As to the charge of assault of a dangerous
17 weapon and aiding and abetting, we, the jury, unanimously find
18 Jose Alonso Compean guilty.

19 Count 3: As to the charge of assault with serious
20 bodily injury, aiding and abetting, we, the jury, unanimously
21 find Jose Alonso Compean guilty.

22 Count 5: As to the charge of discharge of a firearm
23 relating to a crime of violence, we, the jury, unanimously find
24 Jose Alonso Compean guilty.

25 Count 6: As to the charge of tampering with an

1 official proceeding, we, the jury, unanimously find Jose Alonso
2 Compean guilty.

3 As to -- Count 7: As to the charge of tampering with
4 an official proceeding, we, the jury, unanimously find Jose
5 Alonso Compean guilty.

6 Count 8: As to the charge of tampering with an
7 official proceeding, we, the jury, unanimously find Jose Alonso
8 Compean guilty.

9 Count 10: As to the charge of tampering with an
10 official proceeding, we, the jury, unanimously find Jose Alonso
11 Compean guilty.

12 Count 11: Deprivation of rights under color of law.
13 As to the charge of deprivation of rights under color of law,
14 we, the jury, unanimously find Jose Alonso Compean guilty.

15 If you answered guilty to question 1, proceed to
16 questions 2 and 3.

17 Does the jury unanimously find that the acts of Jose
18 Alonso Compean resulted in bodily injury to OAD, or the acts of
19 Jose Alonso Compean included the use, attempted use, or
20 threatened use of a dangerous weapon?

21 Answer, yes.

22 Does the jury unanimously find that the acts of Jose
23 Alonso Compean constituted an attempt to kill OAD?

24 Answer, yes.

25 Dated the 7th day of March 2006, at El Paso, Texas.

1 Ladies and gentlemen of the jury, is that your
2 verdict?

3 JURORS: Yes, Your Honor.

4 THE COURT: All right. At this time, then,
5 Mr. Martinez is going to poll each of you to make sure that
6 that is your verdict.

7 Go ahead, Mr. Martinez.

8 THE CLERK: Juror Number 1, is this your verdict?

9 JUROR: Yes, sir.

10 THE CLERK: Juror Number 2, is this your verdict?

11 JUROR: Yes.

12 THE CLERK: Juror Number 3, is this your verdict?

13 JUROR: Yes.

14 THE CLERK: Juror Number 4, is this your verdict?

15 JUROR: Yes.

16 THE CLERK: Juror Number 5, is this your verdict?

17 JUROR: Yes.

18 THE CLERK: Juror Number 6, is this your verdict?

19 JUROR: Yes.

20 THE CLERK: Juror Number 7, is this your verdict?

21 JUROR: Yes.

22 THE CLERK: Juror Number 8, is this your verdict?

23 JUROR: Yes.

24 THE CLERK: Juror Number 9, is this your verdict?

25 JUROR: Yes.

1 THE CLERK: Juror Number 10, is this your verdict?

2 JUROR: Yes, sir.

3 THE CLERK: Juror Number 11, is this your verdict?

4 JUROR: Yes, sir.

5 THE CLERK: And, Juror Number 12, is this your
6 verdict?

7 JUROR: Yes.

8 THE COURT: Ladies and gentlemen of the jury, again I
9 want to thank you very much for the time you put in. It's been
10 over two weeks, and so I personally, and on behalf of everyone
11 in this courtroom, want to thank you for all the time that
12 you've put in. It was a very long case, and I'm sure a very
13 difficult case to decide.

14 At this time, the Court is going to release you from
15 all of the instructions, which means you are all free to go,
16 and you are released from your instruction about not reading
17 about this case or not discussing this case.

18 I do want to tell you that I will come back in a few
19 minutes to speak with you. Any of you who would like to speak
20 with me, you're welcome to stick around. If you just want to
21 go home, you are welcome to do that. But, at this time, you
22 are released from all of the Court's instructions. And thank
23 you again.

24 (Jury released; open court.)

25 THE COURT: You may be seated.

1 All right. The jury, having rendered verdicts of
2 guilty, it is now a determination of whether or not Mr. Ramos
3 and Mr. Compean are allowed to remain out on bond. What's the
4 Gov- --

5 MS. KANOF: Yes, Your Honor. The Government is making
6 a motion, pursuant to 18 United States Code Section 3143, that
7 the defendants be taken into custody prior to sentencing, or
8 pending sentencing.

9 I think that the statute is clear that that shall be
10 done unless the Court finds by clear and convincing evidence
11 that neither Mr. Compean or Mr. Ramos are likely to flee or
12 pose a danger to the safety of any other person or the
13 community, if released, under Section 3142B or C.

14 THE COURT: All right. On behalf of Mr. Ramos?

15 MS. STILLINGER: Your Honor, on behalf of Mr. Ramos, I
16 understand that the burden shifts after conviction for an
17 offense like this.

18 Mr. Ramos has been out on bond for nearly a year now
19 without one violation of bond.

20 Your Honor, his history -- he has no history of any
21 danger to the community. In fact, as the Court is well aware,
22 he was a law enforcement officer before his arrest in the case.

23 I don't think danger to the community is at all an
24 issue.

25 Risk of flight is also -- there's no evidence of any

1 intent to flee or ties to any other country where he might go,
2 Your Honor. I understand he's looking at a substantial amount
3 of time, but I don't think that's enough to carry the -- I
4 mean, his substantial ties to this community, which are
5 evidenced by his behavior in the last year, evidenced by the
6 people that have supported him coming to court every day, I
7 think are enough to carry our burden, Your Honor.

8 THE COURT: All right.

9 Mr. Antcliff?

10 MR. ANTCLIFF: On behalf of Mr. Compean, Judge,
11 obviously, I would make the same arguments. He's been on bond
12 for nearly a year. His family has been present in the
13 courtroom every day. Certainly, he is not a danger to the
14 community.

15 Under the terms and conditions of his bond that he has
16 continued to abide by, I mean, he's not allowed to have a gun
17 or anything like that, which would pose a danger to the
18 community.

19 I do not believe he is a flight risk, and I don't
20 think any evidence in trial indicated that he might be.

21 I would ask that you make the finding that he is not a
22 danger to the community nor is he a flight risk, and allow him
23 to remain on bond pending sentencing.

24 THE COURT: All right.

25 Pretrial? Do we have anybody here from pretrial?

1 PRETRIAL OFFICER ESTRELLA: Good afternoon,
2 Your Honor. Carlos Estrella on behalf of pretrial services.

3 As indicated in my previous bond status report, we
4 recommend that Mr. Ignacio Ramos remain on bond until his date
5 of self-surrender, Your Honor.

6 THE COURT: All right.

7 PRETRIAL OFFICER PORTILLO: Your Honor, Irma Portillo
8 for pretrial services supervising Defendant Compean.

9 Your Honor, Mr. Compean has been in compliance during
10 the time of his bond supervision, and a self-surrender is
11 recommended.

12 THE COURT: All right. Now, who is here from
13 probation on each of these defendants?

14 PROBATION OFFICER: Juan Campos, U.S. Probation,
15 Your Honor.

16 THE COURT: All right. And you will be preparing the
17 report.

18 PROBATION OFFICER: Yes, for Mr. Compean.

19 THE COURT: All right. And it is -- I assume it's a
20 full report?

21 PROBATION OFFICER: That's correct, Your Honor.

22 PROBATION OFFICER: Sandra Torres, U.S. Probation. I
23 will be preparing a full Pre-sentence Investigation Report in
24 this case of Mr. Ramos.

25 THE COURT: Okay. So let's talk about sentencing

1 dates. Do we have sentencing dates already?

2 THE CLERK: Yes, Judge.

3 THE COURT: All right. And those --

4 THE CLERK: June 8th, at 9:00, for both.

5 THE COURT: All right. So sentencing dates on both
6 are June 8th at 9:00.

7 Mr. Ramos, come on up.

8 Mr. Ramos, you understand the jury has found you
9 guilty?

10 DEFENDANT RAMOS: Yes, ma'am.

11 THE COURT: And you understand that your attorney has
12 requested that you be allowed to remain out on bond?

13 DEFENDANT RAMOS: Yes, ma'am.

14 THE COURT: And you understand that you have a
15 sentencing date that you need to be back here?

16 DEFENDANT RAMOS: Yes, ma'am.

17 THE COURT: Am I going to have any trouble with you
18 coming back here for that sentencing date?

19 DEFENDANT RAMOS: No, ma'am.

20 THE COURT: You need to understand, and understand
21 clearly, Mr. Ramos -- I understand how difficult this is. I
22 understand how difficult it may be for your family. But I also
23 want you to understand that it is important, and that you
24 appreciate that any failure to appear for sentencing can result
25 in so much worse result.

1 And so, you know, you certainly can talk to your
2 attorney about it. But between now and that date of
3 sentencing, I don't want any problems. If I have any problems,
4 you will be picked up immediately. Do you understand that?

5 DEFENDANT RAMOS: I understand that, ma'am.

6 THE COURT: And, if you fail to appear for sentencing,
7 Mr. Ramos, it -- you will have a lot of problems. Do you
8 understand that?

9 DEFENDANT RAMOS: Yes, ma'am.

10 THE COURT: Okay. So I will allow you to remain on
11 bond, but I expect you to continue as you have done and not
12 have any problems. And then I expect you to be here for
13 sentencing.

14 DEFENDANT RAMOS: Yes, ma'am.

15 THE COURT: All right. Thank you.

16 Mr. Compean, come on up.

17 Mr. Compean, you understand that the jury has rendered
18 a verdict of guilty?

19 DEFENDANT COMPEAN: Yes, ma'am.

20 THE COURT: And you understand now that it's requested
21 that you remain out on bond?

22 DEFENDANT COMPEAN: Yes, ma'am.

23 THE COURT: Am I going to have any trouble,
24 Mr. Compean?

25 DEFENDANT COMPEAN: No, ma'am.

1 THE COURT: And you will be here for sentencing?

2 DEFENDANT COMPEAN: Yes, ma'am.

3 THE COURT: All right. Mr. Compean, then again, as
4 you heard me tell Mr. Ramos, you need to understand, no
5 problems between here and June. And also, you need to be here
6 for sentencing. And if there are any problems, if you fail to
7 appear, if -- and I -- as I said, I understand this is
8 difficult. But failure to appear for sentencing just makes it
9 a lot worse. So I expect you to be here in June. Do you
10 understand that?

11 DEFENDANT COMPEAN: Yes, ma'am.

12 THE COURT: And you will be here?

13 DEFENDANT COMPEAN: Yes, ma'am.

14 THE COURT: All right. Then the Court will allow you
15 to remain on bond.

16 DEFENDANT COMPEAN: Thank you.

17 THE COURT: Anything further?

18 MR. ANTCLIFF: No, Your Honor.

19 THE COURT: All right. Then there being no further
20 matters before the Court, the Court will be in recess.

21 The sentencings are set for, Mr. Martinez?

22 THE CLERK: June 8th, at 9:00.

23 THE COURT: We'll see you back here then.

24 MR. ANTCLIFF: Thank you, Your Honor.

25 THE COURT: The Court is in recess.

1 (Transcript continues in Volume XVIII.)

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* * * * *

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signature: _____ Date: _____
 David A. Perez, CSR, RPR

David A. Perez, CSR, RPR