



Mecklenburg County Sheriff's Office  
**Sheriff Garry L. McFadden**

**Oscar Leonardo Pacheco**

**Born: November 9, 1985 (33 years old)**

**Country of Origin: Honduras**





## Mecklenburg County Sheriff's Office **Sheriff Garry L. McFadden**

### Time Line of Events

(According to Published Accounts and Public Records)

- **July 14, 2006:** Pacheco, a Honduran national, having been found to be in the United States without proper authority, was deported.
- **June 12, 2016:** Pacheco was encountered by ICE in the Rio Grande Valley. He was allowed to reenter the United States on condition that he wear a GPS monitoring device, and he was instructed to report to the ICE offices in Charlotte (Mecklenburg County) on June 22, 2016. A GPS monitoring device such as that which Pacheco received is typically an "ankle bracelet" which can only be properly removed by law enforcement.
- **June 16, 2016:** Pacheco cut off his GPS monitoring device in Mecklenburg County – conduct which would constitute a federal felony in violation of Title 18, United States Code, Section 1361.
- **June 14, 2019:** Pacheco was charged by CMPD with First Degree Statutory Sex Offense and two counts of Indecent Liberties with a Child. Pacheco was booked-in at Mecklenburg County Detention Center Central. A Mecklenburg County Magistrate Judge ordered conditions of release to include a total secured bond in the amount of \$100,000.
- **June 15, 2019:** MCSO received a voluntary detainer request from ICE, notwithstanding the fact that MCSO has repeatedly informed ICE that such requests will not be honored.
- **June 16, 2019:** Pacheco met all court-ordered terms and conditions of release including the posting of bond and was released by MCSO from Mecklenburg County Detention Center as required by law.
- **August 9, 2019:** Pacheco was arrested by ICE on a civil, deportation warrant and held in ICE custody.
- **August 21, 2019:** Pacheco was charged by federal indictment with a felony violation of 18 U.S.C. § 1361, for having cut off his GPS monitor *more than three years earlier*, and a Criminal Arrest Warrant was issued.
- **August 22, 2019:** While still in ICE custody on their deportation warrant, Pacheco was arrested on the federal Criminal Arrest Warrant for the June 16, 2016, cutting off of his GPS monitoring device.
- Pacheco remains a Federal detainee in Mecklenburg County Detention Center Central, without bond or court ordered conditions of release on his federal charges.



## Mecklenburg County Sheriff's Office **Sheriff Garry L. McFadden**

### Questions You Might Ask

#### Of the Sheriff:

- Why do you not honor voluntary ICE detainers – how is it that this policy of yours makes our community safer?
- When ICE and others suggest that you are “letting these people (like Pacheco) out of custody,” is that a fair or accurate statement?

#### Of the Judges who Set Bonds and Conditions of Release:

- Please explain the county's bail policy to me, and help me understand why alleged/accused violent offenders are so easily able to meet the terms and conditions of release which you set.
- Specifically, why was Pacheco's bond amount (and why are other alleged violent offenders' bond amounts) set so low as to be easily made in just a few days?
- When a detainee meets all of the terms and conditions of release which you set – including the posting of the bond amount which you set – can the Sheriff refuse to follow your Court Order and thus keep the detainee in custody?

#### Of ICE and USDOJ:

- When you are aware that an individual has committed a federal felony (or there is probable cause to suggest it), can you not seek and obtain criminal charges and an accompanying criminal arrest warrant in very short order?
- Specifically, if ICE is aware that an individual has been previously deported and then came back to the United States without lawful authority, can ICE not seek and obtain a criminal arrest warrant for the felony of Illegal Re-Entry within a day or two – especially when ICE believes that individual to be a violent threat?
- In fact, if ICE is aware that an individual has committed any federal felony (including, for example, the felony of cutting off a \$1,000+ GPS monitor), can ICE not obtain charges and a criminal arrest warrant for that felony – either by indictment (and certainly within three years), or even within a day or two, especially when ICE believes that individual to be a violent threat?
- If an individual accused locally of a violent crime, like Assault on a Female or a Statutory Sex Offense, is placed into deportation proceedings (as he would be if MCSO were to honor an ICE detainer request), what typically happens to the local charges? Are they prosecuted? Does the victim get her day in court? Does the accused – presumed innocent – get to present his defense or cross examine his accuser? Does the community truly see justice done? Or rather, in reality, is the accused more likely to be deported without ever seeing the inside of the County Courthouse? What is the deterrent effect of such a system/policy? With no repercussions for the local offenses, are you not licensing illegal immigrants to commit crimes in our community – if all they'll receive in return is a free trip back to their country of origin?