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MEDIA ADVISORY FOR IMMEDIATE RELEASE

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Mecklenburg County Sheriff Garry L McFadden Responds to ICE Statement About Oscar Pacheco-Leonardo

(Charlotte, NC)- Oscar Pacheco-Leonardo was arrested on charges of first-degree rape and indecent liberties with a minor on June 14th. Upon fulfilling his court ordered terms and conditions of release, including the payment of a \$100,000 bond, Pacheco-Leonardo was released from Detention Center Central on June 16th as required by law. Setting bond amounts and conditions of release are the responsibility of Mecklenburg County, Judges and Magistrates. MCSO has a responsibility to abide by such court orders.

My decision that MCSO will no longer honor voluntary ICE administrative detainers is not the sole reason for **Pacheco-Leonardo's** release on June 16th. Different discretionary decisions of multiple stakeholders in the criminal justice system, including judicial and law enforcement (in particular ICE's own discretion), must also be acknowledged and addressed by those who believe that Pacheco-Leonardo should have been kept in custody and then placed directly into deportation proceedings. At the time of Pacheco-Leonardo's arrest, MCSO had no knowledge that he was previously deported in July 2006. However, that information was readily available to ICE. Furthermore, it is a federal felony to re-enter the United States after having been previously deported.

ICE chose to issue voluntary ICE administrative detainers on Pacheco-Leonardo, knowing that it is against MCSO's policy to honor such detainers. Based upon Pacheco-Leonardo's previous deportation, ICE could have but did **NOT** seek a criminal arrest warrant for Illegal Re-Entry. The reasons for that decision have yet to be satisfactorily explained to me or to the public. MCSO will always honor a criminal warrant and hold any individual so charged in custody if and until that person has satisfied all court-ordered conditions of release.

As of today's, date, MCSO still does not have any information regarding current federal charges against Pacheco-Leonardo or his current location.