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MEDIA ALERT FOR IMMEDIATE RELEASE

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Sheriff McFadden Responds to Media Inquiries Regarding Detainee Erick Antonio Lopez-Hernandez

Charlotte, N.C. – In response to multiple media inquiries regarding the detention status of Erick Lopez-Hernandez, Mecklenburg County Sheriff Garry McFadden is releasing a detailed timeline of events to ensure transparency.

As of today, March 7, Lopez-Hernandez remains in custody with no bond, and his next court date is scheduled for March 13, 2025.

Timeline of Events:

- February 20, 2025: Lopez-Hernandez was arrested on outstanding warrants after being hospitalized following a shooting involving CMPD. He was charged with First Degree Murder and Assault with a Deadly Weapon with Intent to Kill (ADWIK).
 - At 1:43 PM, an Initial Arrest Query (IAQ) was sent to ICE regarding his status.
 - At 3:29 PM, ICE responded, confirming Lopez-Hernandez had been previously deported in 2023, but did not issue a detainer at that time.
- February 28, 2025 (eight days later):
 - At 7:35 AM, ICE issued a detainer for Lopez-Hernandez.
 - At 8:19 PM, Sheriff McFadden received an email from the ICE's Atlanta Field Office, requesting notification upon Lopez-Hernandez's release.
- March 2, 2025:

- At 7:35 AM, the ICE detainer expired. No pickup was attempted by ICE.
 - At 7:41 PM, Sheriff McFadden responded to ICE's Atlanta Field Office suggesting the agency charge Lopez-Hernandez with the federal crime of Re-Entry After Deportation (8 U.S.C. 1326) if it chooses to do so. This law makes it a crime for an alien to reenter the US without permission after being removed or deported, which comes with penalties, such as fines and imprisonment.
- March 6, 2025:
 - At 9:25 PM, ICE's Atlanta Field Office informed MCSO that the case was being presented to the Assistant U.S. Attorney for criminal prosecution and despite the AUSA's decision, ICE reiterated its expectation that MCSO notify them upon a person's release.
 - March 7, 2025:
 - At 9:45 AM, Sheriff McFadden checked NCIC to inquire about a new detainer or a federal warrant. There was no new detainer or federal or state warrant.
 - At 3:42 PM, Sheriff McFadden responded again to ICE's Atlanta Field Office, reaffirming that MCSO will always follow the law but will not hold detainees, like Lopez-Hernandez, until there is authorization by a judicial official because the Order for Release is authorized by a judicial official. Like in the case of Lopez-Hernandez, without a new detainer and an administrative warrant that creates the state-mandated 48-hour hold per House Bill 10 (HB-10) or without a criminal warrant - federal or state - signed by a judicial official, MCSO cannot legally hold the person in custody.

"I've been saying it repeatedly. This case is a clear example that the current deportation process is failing," Sheriff McFadden said. "Lopez-Hernandez was deported twice—once in 2018 and again in 2023 under the civil process—yet he reentered the United States. Instead of addressing the issue with a federal complaint, ICE is relying on local sheriffs to assume the total responsibility without judicial oversight."

Sheriff McFadden stands firm that a new, comprehensive immigration reform policy is necessary, a policy that involves not just state lawmakers but all sheriffs nationwide in the conversation.

"Politics should not interfere with public safety," Sheriff McFadden. "We will continue to follow the law and await the proper legal documentation from ICE if they wish to assume custody of any undocumented immigrant. But again, HB-10 and the recently filed House Bill 318 continues to place a federal, financial burden on the backs of the Mecklenburg County taxpayers."

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