

00:02.97

astudyincrime24

Dan, welcome to the show.

00:05.55

Dan Cotter

Thank you for having me. I appreciate it.

00:07.74

astudyincrime24

Well, it is my pleasure. a Before we talk about what happened to Mauricio and Catalina, I want to want to reference the CJNG. Who is the Cartel de Jalisco Nueva Hineración? Who are these guys?

00:22.88

Dan Cotter

There are very bad criminal syndicate. ah One of the reports when we were talking to the expert ah that we retained in this case way back ah was that when El Chapo, ah the tunnels, ah that these group this group had, in fact, maybe funded the digging of those tunnels that got from texas from Mexico to Texas. They're really, ah that they they were in outbursts. There's a bunch of different um cartels that came out of the millennial cartel. ah There was also La Resistencia, and they they were smuggling networks ah down in Mexico ah based in Jalisco.

01:05.92

Dan Cotter

and they were headed by a person, and they still are headed, I think, by a guy named El Mencho is his nickname. They they are extremely violent. If you if you look up CGNG and just type them in, I don't recommend it, but during the preparation, as we'll get into on this matter, ah they're very violent. They at that time, and I think they're still using machetes to behead ah people that they deem to be not cooperating with their threats and other things. Their primary business is cocaine and methamphetamines that are very profitable for them. They have been known, according to reports and from our expert and think, to cannibalize some victims. ah They ah use drones and rocket-propelled grenades. And I'll tell you one story and then I'll i'll be quiet about them. but

02:03.37

Dan Cotter

There was, at one time, the federales, the federal police went down to Jalisco back in the early 2000s or mid-2000s. And they captured about 10 of them. They beheaded them and strung them up on the bridge and wrote something to the effect of bring it on. So that gives you, should give you a flavor of of how bad these folks were.

02:30.40

astudyincrime24

And just so folks know, Jalisco is a to state in Mexico and it's ah it's kind of where um i mean Puerto Vallarta, Guadalajara is. They're they're they're in Jalisco and it's it abuts the Pacific Ocean, I believe.

02:43.22

Dan Cotter

Right. It it does. and and And again, it's like like many of the many of the states in in Mexico that that they have drug problems and and issues, but to the um they're just really bad actors.

03:04.25

astudyincrime24

And regarding the violence, there's a phrase plata o plomo, which I think it originated with ah Pablo Escobar in Colombia with the Columbia drug cartels, but now the Mexican drug cartels are using it as well. What is what is plata o plomo? What does it mean? and And what do they mean when they say that?

03:25.09

Dan Cotter

it's I think of it in some ways as a harsh version of character stick.

03:32.59

Dan Cotter

Plata is silver and so the threat is that you can be bribed or or forced to do something and Plomo is lead, which means that if you don't do as they instruct ah that you will be in harm's way and likely will be disappeared or

03:45.15

astudyincrime24

you

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Dan Cotter

or put out of your out of life existence. So it's it's it's that form of of threatening. They're not adverse to violence. Like I said, there's videos and stuff that are very, very grim and horrific and macabre. And some people may not be bothered by watching that kind of stuff. but it's the It's their form of of making sure that you comply with whatever they're asking you to do in this particular circumstance.

04:27.39

astudyincrime24

Right. I mean, they, and they use the violence to keep everybody else in check as well to say, you know, this is what's going to happen to you if you don't do what we say.

04:35.39
Dan Cotter
Correct.

04:36.84
astudyincrime24
So this whole thing happened, uh, I think it's about eight years ago, 2016 in timeframe there. What, where were you in your, in your career at that time? What were you doing?

04:47.98
Dan Cotter
So I had i had just spent, I've spent time, extensive amounts of my almost 30 years of private practice in-house at so large insurance companies. I had just gone back to private practice to a firm that was known as Butler Rubin at the time that to practice law in a law firm. And I joined there in July of 2015. And not too long, probably about a year into ah my time there. One of our our partners was looking for some attorneys to ah handle an asylum case, and he he was very involved and remained so. he's He's no longer at that firm any longer either, but he encouraged some of us to participate in these in these matters, and I knew the group of the National Immigrant Justice Center, ah which ended up partnering with us on this on this case. And so we got involved, and we didn't really know a whole lot other than some very basic facts ah when we got this case. And so I was, you know, when I was about probably in 2016, I was 20 years into my practice. I'm now 29 years, so fairly fairly seasoned, but I hadn't really had never done an asylum case before this.

06:12.09
astudyincrime24
Well, my story today surrounds a couple from Mexico, from Jalisco, named Mauricio and Catalina Gonzalez Ruano. And ah before we talk about what happened to him, who were they?

06:24.87
Dan Cotter
Sure, they they were a a family with with two sons living in Jalisco. Mauricio, it talks about talks in the case as we'll get into ah Scott about a ah store, but he actually had ah an egg stand. He was ah like an egg and kind of simple grocery kind of salesperson in town on a night near a motel. And Catalina was his wife. ah They lived in the in the house and they're kind of a an area that was close to some of their family members. And she sold, the she was at a textile type of resale shop. Think of it almost like a Goodwill or a Savers, but the selling ah was known as Ropa's pieces of of cloth and clothing, kind of a resale store. And they were just, like I said, they had two sons, ah one, of one

07:21.24

Dan Cotter

I was about 13 or 14, maybe a little bit older at the time, and the other was about 9 or 10. And just minding their own business and, you know, hardworking family ah that was, you know, spent time together. They went to movies and did other things, but they were that that was pretty much just an ordinary couple and in Jalisco.

07:45.02

astudyincrime24

I should also say for you armchair lawyers, um Attorney client privilege, i I assume still applies, but most of what we discuss today comes from court documents. So it's it's public record and that's why you're able to to talk about it.

08:00.81

Dan Cotter

That's correct. ah that This case, is as we'll talk about, went to, at least for Mauricio, ah went to ah the Seventh Circuit Court of Appeals that sits in Chicago and governs Illinois, and Wisconsin and Indiana.

08:17.28

astudyincrime24

And I have attached that. you oh you You can find the court record in the in the show notes as well. So ah everything's going fine for this family until I think it's about September of 2016. A man named Francisco Rivera, who is a member of the this cartel, the CJNG, which we discussed. He starts threatening Mauricio, and I want to talk about the first couple of visits. Mauricio's, you know, when you say I'm an Eggman, I think of the Beatles. But anyway, he's at his ah shop selling eggs. Mauricio and a couple other guys, excuse me, Francisco and a couple other guys walk in. What happens on these first couple of visits?

08:59.07

Dan Cotter

So, yeah, they he sees a car pull up. And again, I think it was a stand, but so the case talks about a store. But in any event, a car pulls up and out of the back seat is this guy, ah Francisco river Rivera. Mauricio's never met this guy in his life before. He's with two other guys that appear to have weapons. And ah Francisco, and I think his his nickname was El Blanco. He had very light hair. And he ah comes out of the car. He walks up to Mauricio the first time, says that he now possesses and owns Mauricio's wife.

09:44.29

Dan Cotter

And that Mauricio better just get out of town and and leave and and and or suffer his life. Mauricio is very rattled by this, of course, because the the guy had him by the neck and had this gun that looked

sounded like it was a pretty, maybe a sawed-off shotgun or something. It wasn't clear ah what type of gun that Francisco had. And that was about the 22nd interaction. And Rivera gets back in his car with his two colleagues, whatever they would call them, I don't know if they're colleagues, but, and, yeah, yeah.

10:22.15
astudyincrime24
Hinchmen.

10:24.63
Dan Cotter
And and that's probably right. And it's in the car. um and And then the timelines, and according to the court records, and we'll stick stick with that. Mauricio called his wife and she said, these these people are bothering me. And so he's trying to figure out what and what in God's name to do. um And then another day or two later, the same car pulls up. Francisco Rivera gets out of the back seat again, brings his gun and says, did you not listen to what I've told you before?

10:57.40
astudyincrime24
you

11:04.76
Dan Cotter
Do you think I'm joking? I now possess your wife. And you better leave immediately and because she's now mine. And that's the end of the story. According to him, the two henchmen, as you name them, threaten him, swear at him, tell him, you better get get out of Dodge. And so Mauricio goes home and and talks to his wife.

11:33.46
astudyincrime24
I think it sounds like something out of a western movie, but it's real life. These are real people. ah Good people just trying to live their lives. I think the first time ah when he brings it up to his wife, she says that she had also that Rivera had been calling her, stopping by her store, telling her that, you know, she better leave her husband or, you know, she belongs to him now. And then after the second time, unfortunately, She breaks down sobbing and and ah Mauricio finds out that, I think that what he had, that Risvera had kidnapped Catalina and had raped her prior to this, the second visit, is that right?

12:16.09
Dan Cotter
That's absolutely correct. And so she had she she had stopped her car. She got out and and was getting something at the at the gas station. And the same car maybe um got behind her, boxed her in. Like you said,

captured her, took her to a local motel according to the witnesses and and the testimony and the record, and then raped her and then ah brought her back. And so now um he and Catalina, they realize that you know for whatever reason, ah they've been picked by by Rivera as targets of his

13:06.19

Dan Cotter

violence and and his intentions for Catalina and so they decide to flee Jalisco and so what they do is they've got a lot of things that like anybody would you make a decision ah that you're going to pack one of your cars and flee with whatever possessions you can fit in the car they've got to get some records for this the kids from school and They have to do a lot of other stuff. And so um and then we can go into what happened to Mauricio as he was trying to sell their second car.

13:43.61

astudyincrime24

Yeah, I mean, they're trying to get passports, like you say, school records. So Mauricio's on his way. They they have two cars. He's on his way to, I think, to another town to to make the exchange and sell the other car when he is kidnapped. You want to talk about what happened then?

14:02.08

Dan Cotter

Sure, sure. As you mentioned, he was at a stoplight and then he saw a truck behind him. He saw cars pulling up on either side of him, I believe. And as the light turned green, he saw that this was happening. He tried to take off. ah They blocked him in. They grabbed him, put put over his head, ah threw him in the back of the car. And then they drove for about an hour. And it turned out it was a location where there were other other people that had been kidnapped also with their hoods on. And he finds that out he's as he's in the room.

14:47.56

astudyincrime24

And i mean they're all standing up. I mean, uh, they're standing against a wall. Mauricio, I think can look down, you know, at his feet, cause he's got the bag on his head and he can see a person on his left and a person on his right. And, uh, and then at that point, somebody beheads the guy on the left and, uh, which is really sad.

15:08.87

Dan Cotter

Yeah, yeah.

15:10.66

astudyincrime24

What, what happens then?

15:12.50

Dan Cotter

So so they're in this the yeah in this small room and and and and like you said, he he he sees one of the heads beheaded and he can hear the brutality. He can hear the people in the chair, not sedated, not gagged or anything else. But he sees one of the heads roll close to his feet. And again, like you said, this sounds like ah like a bad Tarantino movie or ah Western, but it's that this is all just real life and gruesome, gruesome details. So he understands that both men are are beheaded, and then they grab him, they stick him in the chair, they throw him down, and then they put a thin metal wire. It could have been barbed wire or some other wire around his neck. They began to tighten it. It was very painful for him ah when he did

16:07.57

Dan Cotter

ah get out eventually, which we'll get into. ah you could see the You could see the markings on his neck, and when we met with him even later, you could see some of the scarring from the metal that but was placed around is round his neck. he's He's thinking that he's he's going to be beheaded, and he um and again, I don't know how he had to the calm, or or but he's a very religious man. He said to his assailants, may God bless you.

16:37.04

astudyincrime24

you

16:40.99

Dan Cotter

I know it's not your fault. And then um somebody else in the room was on the phone. They told the executioner to stop beheading him. And then they argued a bunch about whether they were going to kill him. He could hear this. They they didn't leave the room. It was a very small one-room house, maybe. um And he doesn't have exact details because again, he's the hoods remained on his head the whole time. And then what they did was they they couldn't decide, these two are fighting, um not clear if Rivera's intervening or what's going on here. ah They threw him on top of the two bodies of the other victims, the beheaded victims. And then he was on top of the corpses all evening with the bag over his head, the wire still around his neck. And then these two return and they start arguing again.

17:30.48

Dan Cotter

And then they put him in a car for some reason. And to this day, none of us know why they did that. They drove for a while. Again, this was like a mile away from where they kidnapped him in a different town.

And they throw him out. He's got no shoes on. And they yelled out the window, remember what you need to do, USOB. They said the actual words. ah he He removed the back from his head now because he was able to, and he he walks to a little a grocery store, a gas station, and and was able to use the phone there to call Catalina.

18:13.54

astudyincrime24

Let's take a quick break and I will be right back.

18:20.94

astudyincrime24

Okay, welcome back, Cotter. Sorry, I always wanted to say that.

18:25.14

Dan Cotter

i ah Some of your listeners won't understand it.

18:26.56

astudyincrime24

I'm sure you've never heard that, right?

18:28.60

Dan Cotter

Oh, i yeah, never. No, but a lot of your younger viewers probably or listeners probably won't get the reference, but for for those that are our age or of any age, they' they'll get the reference immediately.

18:44.97

astudyincrime24

It was a great, uh, great TV show in the seventies called welcome back. Carter with a, uh, uh, what's his face that played, uh, in, in, uh, Saturday night fever.

18:56.39

Dan Cotter

John Travolta.

18:57.57

astudyincrime24

Yeah. It was very young John Travolta. I think it was his first role. No one knew you didn't know who he was at that, at that point. So, but anyway, I digress.

19:03.47

Dan Cotter

Nah, he was Vinnie Barbarino.

19:06.53

astudyincrime24

That's right. Arnold Horschach. Yeah.

19:09.66
Dan Cotter
yeah

19:09.79
astudyincrime24
What a cast.

19:12.56
astudyincrime24
Well, all right, either way, I'm back with attorney Dan Cotter. So after being kidnapped and tortured, Mauricio is, that he's eventually, as you described, he's let go by his captors. he goes He goes to a grocery store and he's able to call Katarina, excuse me, he's able to call Catalina. And initially he was trying to use the telephone, but many of the folks just wouldn't let him, they didn't want anything to do with it. Cause they could tell that he, had been targeted by the cartels, so they didn't want to have anything to do with it.

19:44.69
Dan Cotter
That's correct.

19:44.85
astudyincrime24
but

19:45.13
Dan Cotter
that Yeah, everybody's very nervous about, again, crossing ah the cartel or being seen to be a ah resistance to the cartel.

19:56.33
astudyincrime24
So he does what most folks do. He excuse me he turns to the the the Mexican legal system, but he has trouble finding a lawyer that'll take his case. Why why is that?

20:09.75
Dan Cotter
Well, again, a lot of lawyers in in the area are either bought or threatened by the cartel. So that's one of the issues. They're making it into the into the case. And again, there was there was some discussion about the fate that befell one of the original attorneys he talked to. But he's he's talking to attorneys after they've escaped to of His sisters, I think it's cat Catalina's sister, I can't remember right now, but it's one of her houses.

20:46.06

Dan Cotter

They're hiding out. And he goes to this attorney and and all of them, like you said, they just said, you know, we're not going to help you. We can't help you because the cartel will know. They've got in law enforcement in almost every avenue of society in Jalisco, the CJNG knows ah what you've been up to.

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astudyincrime24

you

21:08.52

Dan Cotter

And so he finally has led to a prosecutor. He takes a bus to a different ah town. He gives ah his his report. And even that person tells him like, you know, we're not going to be able to help you. And in fact, you're your best to just get the heck out of this country and and put it behind you. ah Because again, there's eyes and ears and bad people that have been compromised because of this, again, the Plata Oplomo approach of this very brutal cartel.

21:45.32

astudyincrime24

Yeah, I mean initially he's let's initially the whole thing was let's get out of Jalisco, but now As you say, after talking to the prosecutor, it's like, let's we need to get out of Mexico. We need to get out of the whole country. And as you as you said, or intimidated, that you know the drug cartels, they are ingrained at essentially every level in Mexican society. I mean, the police, the military, the courts, the government. i know I know you're not a Mexican. I know you don't live in Mexico, but how how do you think or how how do you think regular, just everyday um Mexicans deal with this this kind of thing?

22:21.48

Dan Cotter

You know, when we when we talked to family and we talked to other witnesses, we tried to reach ah some of the lawyers that had been involved when we were getting ready for this immigration case. We retained an expert from the University of San Diego that talked about it. It's like many places where there's extreme violence. They're kind of for like the the you mafia and in New York in the day or the outfit in Chicago. You know, there's studies and stuff.

22:53.05

Dan Cotter

I think there's one classic study. I think it was in Brooklyn way back in the 70s where somebody was attacked in the street and nobody raised their hand or or looked. And I think what they do is they try to just, you know, be blind to what's going on.

23:07.28
astudyincrime24
Hmm.

23:09.61
Dan Cotter
You know, I visited Cuba ah back in 2009 or 10, I think it was. And when you watch people on the bus stops, everybody was turned differently unlike in the US where if you go to Chicago to a bus stop people are usually facing the same direction and again I think it's ah that concept that to survive you don't see anything you don't want anybody to see what you're doing and so it's a and it's not you know it's not that way in every every street and every everything but this is again we've talked about Catalina Mauricio being very normal people and so

23:42.84
astudyincrime24
you

23:46.71
Dan Cotter
Once you're in the crosshairs, people don't want to be in those crosshairs. They, again, try to be invisible to the bad actors.

23:56.78
astudyincrime24
Well, with their, with his life on the line, they, uh, they leave Mexico with, or he leaves Mexico with his family. He comes to the United States where he applies for asylum. And Dan, before we talk about their, their specific case, give me a little information. What is asylum? What is the process? How how does it work?

24:17.37
Dan Cotter
Sure. so So what happens is is if you're in in good standing and haven't been forced out of the country, ah you can ask for at the borders. Usually people can fly into airports and go to of two to ah customs folks. They can go at the border, which happened in this case, is you present yourself and you say that that that you're subject to potential harm. ah that you're being persecuted ah by folks back in a country because of beliefs, because of because of your social relationships. And we'll get into that a little bit on this specific case. And that you can't go back to that country because the risk is if you go back to that country, ah like you said, everybody's everybody's on alert. And so one of the things that we learned in this process and knew a little bit about, but really learned more

25:16.58

Dan Cotter

about the processes is when people are returned to Mexico, again, the cartels are notified and they have a list of people that even if they change their name or anything and these cartels will show up to farms and other employers and ask for all the employees to come out. And again, if you're an employer that's harboring somebody that's wanted by one of these cartels, you're in big trouble. And so the theory of asylum is that ah you're coming from a place that the political climate is such ah that you again are at deep risk and a lot of times it's political ah but not always it's in this case it's it's the the gangs and one of the ah decision points on these things is whether or not ah the government can or will do anything to stop the behaviors and

26:10.65

Dan Cotter

I think the consensus has been with CGNG and some of these other cartels that the the federal governments in countries like Mexico have no real power to stop or prevent harm from people.

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astudyincrime24

Well, as I mentioned, you're an attorney. You actually taught law, which I mentioned in my introduction. And um I don't do any kind of politics on on this podcast. However, what is your opinion of the entire the asylum process? is Is it fair? Is it not fair? You think it's ah applied capriciously? What are your thoughts on on the actual but process that use the US government does?

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Dan Cotter

I think, you know this and again, this was 2016, so this was this was even before, and anybody again, not to get political, that anybody had any complaints about the immigration system under under President Trump. This was before before he took office. um So a couple observations. One is is the asylum system and the immigration system in the country, I don't think works very effectively for for a lot of reasons. The caseloads and the waits for some people are incredible. ah we had a We had a second asylum case as an aside. That gentleman was from the South Sudan. There's a lot of different weird things going on with with his sponsors and stuff. but he

27:44.52

Dan Cotter

four or five years later still had never had his asylum hearing. So what happens in and and this process is that when you file for asylum, Mauricio ah had had come into the country a couple of other times. His his oldest son ah had moved to LA with one of his uncles and got into some legal trouble or was getting into legal trouble. He wasn't going to school and doing some other stuff. May have been selling marijuana

and doing some other things, but in any event, Mauricio ah got caught. He had bought some paperwork ah twice at the at the border ah from folks that that really prey on people that are trying to get in to, you know, like with him where he had family here. And so when Mauricio presented at the border in San Diego, ah he was detained. And then he was sent to Kenosha to the regular prison up there. Chicago doesn't really have, didn't have a program at the time. I don't think they still do.

28:44.97

Dan Cotter

ah where they house asylum seekers. And so Mauricio, ah when we went to visit him on several occasions and interviewed him, he was in the normal prison garb, and he was ah in general population with other people that were under arrest and in the process of the criminal justice system for other crimes they'd committed, not asylum related necessarily. So but from from an overall fairness standpoint, And then, you know, as we'll talk about with the with the Seventh Circuit and kind of the findings of the ah the immigration court, the immigration judge, you know, again, I think they listen and they they're open to things, but they they take a pretty narrow view of things.

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astudyincrime24

you

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Dan Cotter

And then there's the Bureau of Immigration Appeals, the BIA, which is a down in Falls Church, Virginia. They don't really like oral arguments and they often will rubber stamp what's what's happened at the and initial immigration court. And then ah the Seventh Circuit, again, where this case was, ah repeatedly, at least back in the at this time, ah repeatedly overturned they the Bureau of Immigration Appeals.

30:04.59

Dan Cotter

on their findings and and their things. And just, in fact, in this opinion ah that we'll get into, they talked about how some of the findings were absurd.

30:15.38

astudyincrime24

Where's the second, the seventh circuit? Where are they out of?

30:19.29

Dan Cotter

There are, primarily, the Seventh Circuit sits in Chicago. And it's in

downtown Chicago. And again, it covers appeals from Illinois, Indiana, and Wisconsin.

30:33.58

astudyincrime24

Well, the process does not sound good. It reminds me. It reminds me of something. I had a ah boss tell me the two biggest, the two biggest lies, the checks in the mail and I'm from the federal government. I'm here to help you. So, so Mauricio and Catalina, they file for asylum.

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Dan Cotter

but pretty much and

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astudyincrime24

You are one of their lawyers. Tell me about the, the first level, which is the immigration hearing, I believe. What happens in this hearing?

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Dan Cotter

so So, what we did was we had filed on two different counts or theories. One is the Convention Against Terrorism, ah which is designed sometimes for temporary ah relief. And one thing that it doesn't do is it never allows you to become a citizen or to become a valid, even ah an immigrant with specific rights to stay in this country. I can shift and change at any time. And we filed for asylum. And and in preparation for that, as I mentioned to you, I, ah i along with my colleague and one of our

31:41.80

Dan Cotter

One of our few of our people from the office ah were on every call that could but interpret Spanish I could do some but you know, I'm not fluent in Spanish by any means it took a lot in high school in college and so we went up we in preparation for this immigration court and we'll talk about that process and what it looked like we went up to Kenosha three or four times and We we it took statements from Mauricio. We challenged him on facts. We ah went back and forth with him to make sure that, again, that this was all, you know, that that that we could actually show evidence of all these things. Very credible witness. And then ah we we talked to Catalina, and she was, at that time, living in San Diego, I believe, or San Francisco. I don't remember.

32:34.82

Dan Cotter

ah but she had This is an aside. we We only represent Mauricio in this action ah because she had never come to the country and never been

kicked out.

32:39.44
astudyincrime24
Mm hmm.

32:44.76
Dan Cotter
They came ah both times and and had their kids here, and so their kids were both, and they were living here legally on both of those trips. They moved to California ah a year before the the births and then stayed for a year after. ah But what happened was when they presented at the border, Catalina had been sick, i probably from stress and other things. I'm not quite sure. She ended up at the hospital in San Diego, and she never ah was incarcerated. So she and the kids were able to ah stay in California. As I mentioned, Mauricio was put, I believe, on a bus and brought up to Kenosha, Wisconsin, why why he was brought here unclear. But in any event,

33:31.27
Dan Cotter
um So we we we interviewed her extensively, again, to talk about some of the the facts and and and what she knew. We talked to the two sons about the events. We talked to the aunt. We talked to ah his lawyer that he eventually talked to. We talked to a bunch of other family members ah that had been threatened and harassed. And people were asking where he was repeatedly. And so we we did all that, and then we we have this hearing, and we have an expert as well that that we prepped.

34:08.08
Dan Cotter
And the the hearing itself is in this little tiny room, really really won't call it a courtroom, although it's seen as a courtroom. The judge is not raised. ah she was She's sitting pretty much at level with us. There's a big screen TV to her left, a lot of these, the the preliminary hearings and stuff.

34:23.60
astudyincrime24
Thank

34:28.09
Dan Cotter
ah that the asylum seekers don't come into the courtroom, they're by video at whatever lockup they're at, whether it's Kenosha or Southern Illinois or wherever the heck they're coming from.

34:34.24
astudyincrime24

you.

34:39.58

Dan Cotter

And we so we have a hearing and she finds that Mauricio is is a is is is a credible witness and she finds on the convention against torture ah that

34:46.74

astudyincrime24

you

34:57.64

Dan Cotter

He sustained that. ah But as we'll get into, and as the Seventh Circuit disagreed with, ah there's this concept that you have to be part of this social group. And there is some case law and some argument that your own family, such as is your spouse, your immediate family cannot be this ah social group that would qualify ah for purposes of asylum laws.

35:27.35

astudyincrime24

So basically the court says, yeah, you had some bad stuff happen and we agree, but no, well hes he's basically denied asylum. So is is that common? Do most people or most people approved? and you Statistically, you and do you have any ideas about that?

35:48.72

Dan Cotter

You know, from from our expert, I think it's it is a mixed bag. And I think, again, the family side of it is hard because the um one of the things that the they immigration judge, she wrote, ah was that while there were threats to Catalina, they talked about this love triangle or potential things. And again, there's some cases where the family nexus is not enough. But in this case, the Seventh Circuit at least said ah that they can't close the rise to the reality that ah this was a threat, right? This is not a love spat or or some ah fight over over Catalina ah per se. um And so i I think it depends on the case. The the social group issue is is that ah just being bothered by somebody

36:44.33

Dan Cotter

um It's really fact-intensive, and so some of these cases where ah gangs, and not again, not just in Mexico, but, you know, it could be anywhere in the world, right? So you could be ah ah facing, you know, some some radical groups in other countries.

36:55.80

astudyincrime24

Sure.

37:00.78

Dan Cotter

ah They take a close look at whether or not just that threat alone is sufficient to be ah this social group that's required. and And again, the Seventh Circuit said, you know what, the immediate ah Catalina's immediate family, is sufficient, right, that the threat, and when when Rivera ah told ah Mauricio both times that he knew where his kids went to school, he knew their names, he knew where they lived, that this was really, really threats against the family and against Catalina and you know she had been raped. ah the ah The ironic thing, Scott, is that, again, we didn't handle Catalina's case. I don't know what happened with that. She had her own lawyers. we did

37:44.07

Dan Cotter

cooperate and give her what we had collected. ah But because ah Mauricio, other than you know being in the Kill House, um she she might have had a much more difficult challenge in showing that his immediate family is a social group. right Because um you can't use the the the you can use for convention against torture stuff that's personal to you that's been done, like the rape But you can't use that to prove this particular social group. It's kind of an odd thing, right, that you can't, if if it only one person is being targeted, ah you can't can't win an asylum by pointing to the brutality that's occurred against you.

38:31.19

astudyincrime24

Well, you take it to the Seventh District, which is the appellate court, and his asylum is granted, which allows him to stay here in the U.S. I want to ask you about the law. ah The law, they make a distinction between torture and persecution because they both sound pretty bad to me.

38:52.15

Dan Cotter

yeah Yeah, that's ah and and they are both bad. And and you know going into this, I didn't really realize that that there was the difference. And again, the convention against torture is a pure and simple look at, you know that yeah, there's torture being applied and you're being abused. ah But the of to be eligible for asylum, you have to show that you're unable or unwilling to return to wherever you came from ah because of persecution or a well-founded fear of persecution on a kind of race, religion, nationality, membership, and a particular social group or political and opinion. And again, it's that persecution, like you said to me just a minute ago. ah To me, say just reading that persecution to me would be this by any measure would have met its

39:51.79

Dan Cotter

head-on right because you know from day one he's got a ah gun pointed to his head he's got somebody with his hands around his neck he finds out that his wife has been raped he's kidnapped he goes to a kill house where he sleeps on top of two beheaded people all night if he I don't think he slept but you know he was placed on them overnight then thrown out in the hot ah with no, you know, hot air and and hot pavement with no no shoes on. Like I said, he tried to get people to let him use the phone. Nobody would let him use the phone. That to me sounds like persecution. And in fact, the Seventh Circuit said that was in fact, that it was in fact persecution and he qualified for asylum.

40:37.75

astudyincrime24

Yeah, I think calling it ah a love triangle is a little bit disingenuous as the immigration court, you know, the initial court called it. I mean, and if if if ah Rivera wasn't part of the cartel, maybe I could understand that, but the the cartel brings a level of violence that, you know, this isn't just a love triangle. So, yeah.

41:00.29

Dan Cotter

Right.

41:00.63

astudyincrime24

Sounds like the appellate court made the right decision. And that's coming from me, and I'm not a lawyer.

41:04.48

Dan Cotter

We think so. We think so. And you know and so everybody, is so so if people are listening to this and wondering, you know, was Mauricio in jail the whole time on appeal?

41:09.15

astudyincrime24

So.

41:16.31

Dan Cotter

No, because of the Convention Against Torture on July 4th, 2017, I believe it was. He was given, ah we gave him some money. And he was given a phone. um I think they gave him a few bucks. um And we we we saw him off to ah take several buses to get to California. our And the reason for that is his passport had been confiscated. And so he didn't have a passport, number one. And number two, ah We were concerned that if he flew or there were itineraries on different methods, if he'd

used that. um And Rivera somehow, as we'll get into, was was able to continue to make threats to both Mauricio and Catalina, even while they were up in this country.

42:08.39

astudyincrime24

yeah in fact he calls catalina i mean she get a phone call from revere when she's in the u.s. what does he what does he tell her when's the last time you had any contact with uh...

42:15.56

Dan Cotter

He tells her that he found her and that he still possesses her and that he looks forward to seeing her again and that he expects her to come back to Mexico and Jalisco and be with him.

42:33.37

astudyincrime24

with either of them Mauricio or Catalina

42:36.40

Dan Cotter

You know, I'd spend some time, when once he moved to ah California, he didn't end up moving back with Catalina.

42:45.30

astudyincrime24

Oh.

42:46.12

Dan Cotter

I'm not sure what happened there, but he the may have lived with his brother. We checked in with him, I think after he was released and made sure he got got there okay. And then I think what I looked up and as I thought maybe that was headed there, but for whatever reason in 2021, ah One of them filed for divorce in California. And it says it was dismissed for other other bases. so I don't know if they got divorced or or what the story is. And again, I don't know what happened to Catalina either. We never taught that. Once the the trial ah happened, ah we never, I don't think we ever mentioned or or talked to Catalina again.

43:32.10

astudyincrime24

Well, that's enough for anybody to go through.

43:35.44

Dan Cotter

Yeah, horrible.

43:35.49

astudyincrime24

That's for sure. The million dollar question, what would have happened if Mauricio had not been granted asylum? I assume he would have been sent back to Mexico. How does how does that process work?

43:48.89

Dan Cotter

Yeah, so the Convention Against Torture, that's that's the issue with it, is that under that guidance, um at any time, the the federal government and the Bureau of Immigration can come and say that the situation has changed that the threat of torture has has dissipated and can send you back there. And as we as we briefed and as we discussed originally in the trial and at the appellate level, my colleague went after I had left, the reality is, is again, that people would know that he was back

44:28.86

Dan Cotter

And especially as I talked about with with Rivera continuing to communicate with with Catalina, he somehow had found out her new phone number because they got rid of their phones when they fled. Rivera would have sort of probably hunted down Mauricio and probably would have sort of done something horrendous to him.

44:58.71

astudyincrime24

what's the problem I mean, how does the US government do that? I mean, do they just put them on a bus and drop them off at ah at a border town? Are they flying back to Mexico City? What do they do?

45:07.93

Dan Cotter

Yeah, i don't think i don't think they're I don't think they're flying them.

45:08.19

astudyincrime24

Do you know?

45:10.29

Dan Cotter

Like I said, I don't think Mauricio, when he came from California, I don't think he was on ah an airplane.

45:17.45

Dan Cotter

I think that they would put him on a bus. or or bring them to the border in San Diego you know and then let them go through U.S. Customs and then there's two there's two border checks at the at the Mexican

border versus through U.S. Customs and then you go and then if you get to the second and that's ah the Mexican border.

45:39.09

astudyincrime24
you

45:40.60

Dan Cotter

version of of customs and again those people would immediately alert people that Mauricio's back and coming back to Jalisco even if he was sent to somewhere else they would they would find that out and as you talked about the you know in the introduction CGNG originally was just in Jalisco but they've expanded and there are many many states in Mexico these days

46:08.24

astudyincrime24

Dr. Martin Luther King once said, the arc of the moral universe is long, but it bends towards justice. And I do believe that. This case was about eight years ago, but obviously it is important to you. When we first started talking, it was one that came to your mind pretty much right away. I'm wondering, did it affect you anyway? And if so, how?

46:30.97

Dan Cotter

it It did affect me. It it it it showed that one, you know and I haven't done a whole lot about it, but I've spoken about it. I've been an advocate for real changes to to the system for people like Mauricio, people like the the other guy that is from a different country that I talked about that still has never had his hearing, ah that we need to take these things seriously. We need to figure out a way to hear them. And we need ah we need to rethink, like I said, though Mauricio was in in regular holdup, and you could tell that he was very rattled. One thing we didn't mention is while he was up in Kenosha, another prisoner that was from Illinois ah ended up there, and not on asylum, but he said, hey, El Blanco, I think that was his nickname, but it could have been something else. El Blanco ah says hello.

47:26.70

Dan Cotter

and he knows where you and and Catalina are. It just really um and it affected me as well because, it' like you said, this sounds like a ah Western movie or or a Tarantino type of thing, an Antonio Banderas type of of movie back in the days. But it's real and I think it's shocking and when we talk to the expert who you know oftentimes would go down into ah communities in Mexico and talk against CGNG and other cartels down there, a lot of reporters, some of whom, again, were

kidnapped and and and disappeared or tortured. It really had a major impact on me and it still does because I just can't imagine what Mauricio and Catalina went through

48:24.89

Dan Cotter

and that's and not having a security that they're going to be okay in the end, you know, that they're going to be, ah not have to fear ah that they could still be a harm come their way.

48:41.24

astudyincrime24

Dan, I'll give you the last word. but did you What you learn from this whole experience? or but What do you take away from it?

48:48.20

Dan Cotter

You know, that that, like you said, that there's a lot of injustice in the world and that, ah for all the things we talk about in a place like my hometown, Chicago, ah with violence and what's what's happening. That's where, you know, the light and day, ah head and shoulders a difference of of how we ah conduct our lives on a daily basis. And again, you know, that I love that. I love the arc of the ah universe bends toward justice. I think that is true. And it's encouraged me to you know continue to to find ways to do these things. Unfortunately, ah the law firms I've been at since I did these cases, they don't really do

49:40.15

Dan Cotter

immigration or asylum cases. um So I haven't done one of those since. Let's try to find other ways to help those that don't necessarily have a voice. Like you said, many people come to lawyers oftentimes, you know, again, not a political statement, but a reality. Just was at a conference this past week and talking about ah the affordability issues for most Americans that they can't necessarily afford other services that lawyers can provide them on on various topics. And so just try to bring attention to that and get my fellow members of the bar to step up and and help out where we can to bridge this gap