

In July 2001, law enforcement officials from around Idaho joined forces to strike a blow against the state's growing meth problem.

Thirty people were indicted in a case officials described to the media as an effort that "crippled the California-to-Idaho drug ring ... suspected of having moved hundreds of pounds of meth into Idaho during a five-year period." Four of the men indicted were also charged with murdering a man in front of a Nampa home.

The operation was "huge," then-Idaho Gov. Dirk Kempthorne said to the media. "It sends a clear message ... There's just too much heat in Idaho."

One of the men arrested and charged in the conspiracy was an illegal immigrant who was part of a \$5,500 drug transaction in front of a Nampa grocery store. The man's attorney later asked that the man be released.

The judge granted the request, but ordered that the accused adhere to strict terms of his release. The attorney also assured the U.S. Attorney and judge that although the man was an illegal immigrant, the attorney would have no problem dealing with immigration officials.

That same attorney not long after filed a motion asking the judge to dismiss the serious criminal charges against this illegal immigrant and dismiss the warrant for his arrest, as the client was no longer in the country.

In a blistering response, the U.S. Attorney's office wrote the following about the attorney:

"What the Government sees is an attorney's specific and preexisting plan to have his client released from this Court on standard conditions and then have him deported to Mexico so as to avoid the federal charges, specifically what the United States warned the Magistrate Court to guard against in releasing him. Not only did the Magistrate Court err in releasing the Defendant under such circumstances, Counsel and the Defendant, it would seem, calculated his unavailability in direct relation thereto."

The client was Carlos Araiza Lopez, who was only caught years later after sneaking back into the country.

The attorney was Raul Labrador.

Raul Labrador's work as an attorney has received some scrutiny since he first declared his intention to run for Congress, but there has been little examination of his work in actual cases.

However, several key cases in Labrador's background deserve serious scrutiny by Idaho voters. Consider:

- Labrador sued the Bush administration on behalf of a Mexican woman who had already been deported. Labrador admitted she entered the country illegally, but demanded that she be returned so she could go back through the immigration system. (Federal case CV-00195)
- Labrador represented a drug dealer who broke into a vacant Canyon County home with his partner in order to split up drugs intended for sale. In his defense, Labrador argued that it was logical for the men to flee when they saw a green truck because the men thought it was an INS vehicle. (Federal case CR-00234-EJL)

- Labrador argued that all evidence against an illegal-immigrant drug dealer should be suppressed

because, in his view, a lane-change violation was not a good enough reason to pull someone over and search a car. The car was found to have methamphetamine. Labrador's motion was dismissed -- but not before Labrador agreed to a plea deal for his client with the provision that the plea would be voided if the evidence was suppressed. (Federal case CR-00169-EL)

Labrador argued for a reduced sentence for an illegal immigrant because, according to Labrador, the man's AK-47 in a car trunk had no relationship to the methamphetamine and drug materials found in the front of the car. (Federal case CR-01-191)

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More Information

Court documents in the case against Carlos Araiza Lopez case can be found in the federal court system PACER. The case number is CR-00097EJL. The case is United States of America vs. Lara et al, and was filed July 19, 2001. The U.S. Attorney's office makes its allegations in a response to a motion filed by Labrador. The response is document 429.

Here is a summary of the case against Araiza-Lopez.

On May 10, 2001, there was allegedly a drug buy between one Medel Escamilla, Alejandro Tamayo, and Manuel Rodriguez. On May 17th, Rodriguez paid Escamilla \$5,500 in cash for one pound of methamphetamine. Carlos Araiza-Lopez accompanied Medel Escamilla to a WinCo store on May 17, 2001, and was alleged to be present at the time of the cash payment by Escamilla to Rodriguez. (pages 18-19, Document 233, CV-00097-EJL)

Carlos Araiza-Lopez, the defendant, was charged with one count of misprision of felony and one count of conspiracy to distribute methamphetamine, in that he was involved in a conspiracy to traffic in narcotics or possession with intent to distribute. The penalties faced were incarceration for 10 years to life and/or \$4,000,000 fine; \$100 special assessment; 5 years supervised release for the conspiracy charge and Incarceration for not more than 3 years and/or \$250,000 fine; \$100 special assessment; 1 year supervised release for misprision of a felony (page 128, Document 233, CR-00097-EJL) Initially, Raul Labrador had Kirk Anderson of his office appearing on his behalf for Araiza-Lopez's defense. (page 1, Document 174, CR-00097-EJL) As Labrador continued to fail to appear, the Court appointed a public defender to act in Labrador's absence. (page 3, Document 174, CR-00097-EJL) At Araiza-Lopez's detention hearing, Labrador finally appeared to represent his client; public defender Ray Setzke was excused (Document 187, CR-00097-EJL)

Assistant US Attorney Kim Lindquist, arguing on behalf of the United States, called for Araiza-Lopez to be held pending trial, claiming that he was a flight risk and a danger to the community. (Document 181, CR-00097-EJL) An order of temporary detention was put out, with Araiza-Lopez to be held in custody of the U.S. Marshal. (Document 182, CR-00097-EJL) Carlos Araiza-Lopez was indicted and arrested on the charge of misprision of felony. Labrador presented argumentation that Araiza-Lopez did not constitute a flight risk or a danger to the community. Labrador was successful in gaining release of his client pending trial (Document 187, CR-00097-EJL), with strict orders given as to the conditions of

Araiza-Lopez's release including a curfew and ban on travel outside of Ada and Canyon Counties. (pages 1-2, Document 188, CR-00097-EJL)

Araiza-Lopez violated the terms conditions of his release, acquiescing to deportation, despite his pledge not to leave the jurisdiction absent permission of the United States Probation Office. Kim Lindquist requested an arrest warrant for Araiza-Lopez in case Araiza-Lopez chose to again illegally enter the United States. (pages 2-3, Document 240, CR-00097-EJL) Labrador, after his client's deportation, called for the case against Araiza-Lopez to be dismissed, saying that Araiza-Lopez was never present when drugs were exchanged, that there is no allegation that Araiza-Lopez took positive steps to conceal his crime, and, in complaining about Lindquist's request for a warrant, that Araiza-Lopez did not leave the jurisdiction of the court voluntarily, being moved the INS to Seattle, where he acquiesced to deportation. (pages 1-5, Document 402, CR-00097-EJL.)

Kim Lindquist responded to Labrador's request to have the case against his Araiza-Lopez dismissed. First, Labrador is accused of using cases as precedent that were explicitly blocked from use as precedent. Second, Labrador's position on the warrant is seen as "less than genuine" by Lindquist. "When the reality of the INS removal of [Araiza-Lopez] was addressed at his detention hearing, it was [Labrador] who claimed his ability to proceed administratively with the INS and have [Araiza-Lopez] released from custody pending those proceedings as well as trial. However, it would seem that [Labrador] did no such thing. ... What the Government sees as an attorney's specific and preexisting plan to have his client released from this Court on standard conditions and then have him deported to Mexico so as to avoid the Federal charges, specifically what the United States warned the Magistrate Court to guard against in releasing him." (pages 4-5, Document 429, CR-00097-EJL)

Labrador's motion was completely denied by the Court on every count and Lindquist's Motion for Warrant of Arrest was granted in case Araiza-Lopez attempted to return to the United States.. (pages 1-4, Document 475, CR-00097-EJL) Labrador was terminated as attorney and replaced by Wade Curtis. Labrador is noted in Lindquist's motion to dismiss has having "acknowledged in a pleading ... from Seattle the defendant "voluntarily acquiesced in his deportation."