



*Office of the United States Attorney
District of Arizona*

FOR IMMEDIATE RELEASE
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DEFENDANTS PLEAD GUILTY FOR NOVEMBER 2008 ROLLOVER WHICH CAUSED SERIOUS INJURIES

TUCSON, Ariz. - Jose Martinez-Nunez, 35, of Mexico, pleaded guilty today to Conspiracy to Transport Illegal Aliens for Profit while Placing in Jeopardy the Life of Another. On January 15, 2009, co-defendant Jorge Lopez-Sainz, 22, of Sinaloa, Mexico, pleaded guilty to the same charge. Lopez-Sainz is scheduled to be sentenced before Judge Bury on March 26, 2009. Martinez-Nunez is scheduled to be sentenced on May 4, 2009.

Both defendants were indicted by a federal grand jury on December 2, 2008, for Conspiracy to Transport Illegal Aliens for Profit, and three counts of Bringing in Illegal Aliens for Profit. Lopez-Sainz admitted that he was the driver of the illegal alien load vehicle. He was driving in tandem with another van when he turned off the headlights in an attempt to evade capture. In addition, he turned off the main road and traveled through fields until he drove the van into an embankment near Wilcox, Ariz. A total of 23 illegal aliens were found in the van, along with two unaccompanied children. As a result of Lopez-Sainz's driving, one child was critically injured with internal bleeding, another illegal alien broke her pelvic bone, and four others were admitted to local hospitals for serious injuries. Seventeen illegal aliens were treated and released for other injuries. Four illegal alien material witnesses identified Lopez-Sainz as the driver of the van and Martinez-Nunez as the guide.

A conviction for Conspiracy to Transport Illegal Aliens for Profit, while Placing in Jeopardy the Life of Another carries a maximum penalty of 20 years in federal prison, a \$250,000 fine or both. A conviction for Bringing in Illegal Aliens for Profit carries a maximum penalty of 10 years in federal prison, and a three to five year minimum mandatory term of imprisonment, a \$250,000 fine or both. In determining an actual sentence, Judge David C. Bury will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

The investigation in this case was conducted by U.S. Customs and Border Protection, U.S. Border Patrol and U.S. Immigration and Customs Enforcement. The prosecution is being handled by Munish Sharda, Assistant U.S. Attorney, District of Arizona, Tucson.

CASE NUMBER: CR-08-1485-TUC-DCB
RELEASE NUMBER: 2009-056(Lopez-Sainz et al)

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