

U.S. ICE agents' courthouse arrest of Weber Co. immigrant irks judge, lawyer

MONDAY , APRIL 02, 2018

Link: <http://www.standard.net/Government/2018/04/02/ICE-agents-courthouse-arrest-of-Weber-County-immigrant-irks-judge-lawyer>



OGDEN — Jonathan Bachison, an Ogden immigration attorney, had just left a courtroom in the [2nd District Court](#) courthouse here with a client when they approached — a pair of agents from [U.S. Immigration and Customs Enforcement](#).

The plainclothes federal officials flashed their badges, ushered his client, Benjamin Bolanos, to a low-traffic corner of the

courthouse, cuffed the man and carted him off.

“He didn’t fight. He didn’t resist. He looked at me like, ‘*Abogado*, do something for me,’” Bachison said, recalling the surprise Feb. 15 encounter. “It’s terrible.”

Bolanos, 36, an undocumented immigrant from Mexico, had gone to the state courthouse at 2525 Grant Ave. in downtown Ogden for an initial appearance in a misdemeanor assault case. Turns out he had fallen onto a list of ICE priority cases, and federal agents — tapping a practice that has generated increasing attention and controversy nationwide — showed up in the courthouse to arrest him.

“Based on his extensive immigration history and criminal conviction, ICE targeted him for removal,” ICE spokesman Carl Rusnok said in a statement. Bolanos had already been arrested six times while illegally entering the United States from Mexico, according to ICE, and he also had a 2013 conviction for an unspecified misdemeanor.

Whatever the case, Bolanos’ unexpected detention by the feds sparked ire from 2nd District Court Judge Michael DiReda, overseeing his assault case, which stemmed from an alleged Nov. 14, 2017, fight in Riverdale that left another man with a broken nose. With Bolanos absent, unable to defend himself — Bachison said his client had been transferred to an immigration jail in Denver — the judge dismissed the Riverdale case during a March 15 hearing.

“I mean, I understand the immigration connection and why that’s important. But the problem is, is that it leaves our case unresolvable,” DiReda said, according to audio of the March 15

hearing. Though the assault charge could be refiled if Bolanos returns to Weber County, DiReda worries victims in the matter “are just left without anything.”

Bachison, for his part, worries incidents like the ICE arrest here will prompt immigrants to steer clear of the courthouse, make them skip court dates even for minor things rather than face the risk of a run-in with immigration agents. He said Bolanos had shown up to court on Feb. 15, the day the ICE agents arrested him, trying to be responsible.

“Not a lot of immigrants are going to come to court if this is how things are going to operate from here on out. Pretty chilling,” Bachison said. Such detentions are legal, even if controversial, and Bachison collected his client’s wallet and personal items as the ICE agents arrested the man to pass along to his wife.

But he couldn’t stop them.

‘SCARED TO GO TO COURT’

Though she couldn’t think of another Utah instance, Bolanos’ arrest is hardly the first time ICE has detained an immigrant suspect inside a courthouse, said Brittney Nystrom. She’s executive director of the [American Civil Liberties Union of Utah](#).

But the practice has come under increased scrutiny and criticism by some, she said, especially since the February 2017 arrest of an immigrant in an El Paso, Texas, courthouse. In that case, the immigrant, an undocumented transgender woman, had been in court to get a protective order against an alleged abuser, according to the [Associated Press](#).

Then came a [Jan. 10 directive from ICE](#) providing guidelines related to courthouse detentions of immigrant suspects. It states that courthouse action should be targeted against undocumented immigrant gang members, others with criminal convictions and those with deportation orders, among others. Courthouses typically screen those going inside for weapons, the directive notes, making for a safer environment to carry out an arrest.

Echoing Bachison’s concerns, though, Nystrom said if immigrants know arrests may take place in courthouses, it could make them stay away. Witnesses in criminal matters or parents in custody hearings, even, could be fearful of entering a courthouse, she said.

“Now we have members of our community scared to go to a court,” Nystrom said. “So it’s not just criminal defendants affected by this. It’s anyone with business in court.”

Bachison said Bolanos, by and large, had led a quiet life here, notwithstanding the alleged 2017 incident near his Riverdale home. He thinks the man worked in construction.

ICE painted a picture of a man who repeatedly attempted illegal crossings from Mexico. Immigration officials arrested Bolanos six times between Aug. 27, 1998, and Nov. 17, 2004, and he fell on their radar screen once again after the Nov. 14, 2017, Riverdale incident and his subsequent arrest by police there.

“However, he was released from custody before deportation officers with (ICE) could place an immigration detainer,” Rusnok, the ICE spokesman, said.

Accordingly, ICE officials coordinated with “court officials” here in carrying out the Feb. 15 arrest at the Ogden courthouse, Rusnok said. In the wake of his arrest at the Ogden courthouse, Bolanos — no longer represented by Bachison — appeared before a federal immigration judge on March 23.

“He is currently released on bond, and his immigration case remains pending,” Rusnok said.

An official at the 2nd District Court facility said the ICE agents involved identified themselves to security shortly before confronting Bolanos on Feb. 15. But his arrest seemed to take DiReda — who didn't respond to [Standard-Examiner](#) queries seeking comment — by surprise, gauging by his irritated response at the March 15 hearing.

Federal immigration officials "have effectively stolen a defendant from me and didn't provide the court with notice to let us know they were in the building. It's very troubling to me," DiReda said. Coordinating is "a matter of courtesy," he went on, so his courtroom can properly mete out justice. "They just grabbed him, took him and he's gone and they couldn't care less about the underlying state case," the judge said.

Contact reporter Tim Vandenack at tvandenack@standard.net, follow him on Twitter at [@timvandenack](https://twitter.com/timvandenack) or like him on Facebook at [Facebook.com/timvandenackreporter](https://facebook.com/timvandenackreporter).