

3 More Convicted Deaths of Immigrants in a Trailer

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Overcoming an initial deadlock, a federal jury here on Wednesday convicted three South Texans in a botched human-trafficking scheme that killed 19 illegal immigrants sealed in a trailer bound north from the Mexican border in 2003.

Eleven people have now been convicted in the case, the nation's deadliest human-smuggling disaster. Fourteen were charged after the trailer, crammed with at least 74 people from Mexico and Central America, was found abandoned at a truck stop in Victoria, Tex., on May 14, 2003, with 17 bodies inside. Two more victims died later.

The latest trial featured gripping accounts from survivors, one of whom, Jose Juan Roldan-Castro, testified that the three and a half hours in the trailer felt like "centuries." He described tearing holes in the trailer in a desperate bid for air.

The three defendants, Victor Sanchez Rodriguez, 58, and his wife, Emma Sapata Rodriguez, 59, of Brownsville, Tex.; and her half-sister, Rosa Maria Serrata, 51, of San Benito, Tex., were together found guilty of 35 of 43 counts involving the feeding, sheltering and transporting of the victims and survivors, and could each face up to 20 years in prison. Judge Vanessa D. Gilmore set sentencing for May 1.

Defense lawyers portrayed them as aiding the immigrants in their quest for "the American dream." But the government charged that by harboring the immigrants, the defendants shared responsibility with those who directed the smuggling operation and with the driver of the truck.

After the verdicts, Judge Gilmore sent the jury of nine men and three women out again to determine whether the defendants' houses used in the smuggling should be confiscated by the government. Jurors adjourned early in the afternoon without reaching a decision and were to continue deliberating Thursday.

It appeared Tuesday that the three-week trial had come apart. Jurors reported themselves deadlocked. Judge Gilmore read them a standard exhortation to keep deliberating, and their next note, on Wednesday morning, announced their agreement on verdicts.

Because the jury found that none of the immigrants "died as a result of the conduct" of the three defendants, the maximum penalty was 20 years instead of life in prison.

The judge has banned out-of-court comments because of continuing litigation, so none of the prosecutors, defense lawyers or jurors made any statement.

But based on the federal criminal statute and the federal sentencing guidelines, Douglas McNabb, senior principal of McNabb Associates, a leading criminal defense firm in Houston, estimated probable sentences of 8 to 10 years.

Mr. and Mrs. Rodriguez and Ms. Serrata, all American citizens, fled to Mexico after the incident, but were arrested there and returned for trial.

Their convictions came almost a year after the driver of the truck, Tyrone M. Williams, 35, of Schenectady, N.Y., was found guilty on smuggling charges in the same court. But jurors deadlocked on questions of his culpability, and the government is seeking to retry him on all charges, including a conspiracy count carrying the death penalty.

Mr. Williams's lawyer has raised claims of racial discrimination, arguing that he is the only major black defendant and the only one facing the death penalty. The government argues that he was in a unique position to free the doomed riders.

In addition to Mr. Williams, two others were tried and convicted in the case, including a son of the Rodriguezes, and five others pleaded guilty. Two others had charges dismissed, and one is a fugitive.

Evidence in the case showed that the truck carried its human cargo from Harlingen, Tex., across a Border Patrol checkpoint in Sarita, Tex., to Robstown, west of Corpus Christi. But vehicles sent to meet them there had been detained at the checkpoint, and Mr. Williams was told to drive hours farther to Houston.

With passengers screaming and punching holes in the trailer as the air inside ran out, Mr. Williams and Fatima Holloway, a woman riding with him, stopped the truck about two and a half hours later at Victoria, where the doors were thrown open. Mr. Williams and Ms. Holloway, who became a prosecution witness in a plea deal, bought water for the survivors and fled in the cab.

Mr. and Mrs. Rodriguez and Ms. Serrata had each faced 58 counts, but on Jan. 31, with the end of testimony, Judge Gilmore threw out as unsupported 38 counts against each of the Rodriguezes and 55 against Ms. Serrata. Of the remaining 20 counts against the Rodriguezes, Mr. Rodriguez was convicted of 18, and his wife of 15. Ms. Serrata was convicted of two of her remaining three charges.

The assistant United States attorney who has led the prosecutions here, Daniel C. Rodriguez, in final arguments Friday described the Rodriguezes as "not just partners in marriage" but "partners in crime" and, using a slang term for smugglers, called on jurors "to send a message to these three coyotes."

David Adler, a lawyer for Victor Sanchez Rodriguez, called the deaths "a horrible, horrible tragedy" but said there was no conspiracy to take the truck beyond Robstown, where the immigrants were still alive.

Other defense lawyers argued that their clients fed and sheltered the immigrants and that higher-ups were to blame for sending the truck farther than it was supposed to go. Gerald E. Bourque, a lawyer for Mrs. Rodriguez, described the defendants as "the little people" standing up against what he called the government's flawed immigration policy.

But the prosecutor, Mr. Rodriguez, showed photographs of the dead victims and said, "Those are the little people in this case."