

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

United States of America v. Juventino Mejia-Orosco

1 Fed. Sent. R. 446 (5th Cir. 1989) · No. No. 88-5584 · Decided March 31, 1989

SUMMARY

The Fifth Circuit affirmed Juventino Mejia-Orosco’s conviction and 10-month sentence for illegally transporting aliens under 8 U.S.C. § 1324(a)(1)(B). The court held that the district court properly applied the Sentencing Guidelines’ two-level aggravating-role enhancement based on its factual finding that Mejia-Orosco was an organizer, leader, manager, or supervisor. The court reviewed that finding for clear error and concluded that the evidence supported it.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Chief Judge Clark; Circuit Judge Higginbotham; District Judge Little
JURISDICTION	Federal
DECIDED	March 31, 1989
DOCKET	No. 88-5584
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mejia-Orosco pleaded guilty in the United States District Court for the Western District of Texas to illegally transporting aliens into the United States under 8 U.S.C. § 1324(a)(1)(B). He appealed only his sentence, arguing that the district court incorrectly applied the Sentencing Guidelines and that the proper range was no more than seven months.
STANDARD OF REVIEW	The appellate court reviews whether a sentence resulted from an incorrect application of the Sentencing Guidelines under 18 U.S.C. § 3742(d)-(e). Underlying factual findings are accepted unless clearly erroneous. A sentence outside the applicable guideline range is reviewed for reasonableness.
PRECEDENTIAL VALUE	Published Fifth Circuit opinion; precedential
PARTIES	Juventino Mejia-Orosco v. United States of America

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QUESTIONS PRESENTED

1. Whether the district court incorrectly applied the Sentencing Guidelines by increasing Mejia-Orosco's offense level based on a finding that he was an organizer, leader, manager, or supervisor.
2. Whether the district court's determination that Mejia-Orosco had an aggravating role in the offense was a factual finding subject to clear-error review or a legal determination subject to more searching appellate review.
3. Whether the ten-month sentence was properly imposed under the Sentencing Guidelines.

HOLDINGS

1. A district court's determination that a defendant was an organizer, leader, manager, or supervisor under Guideline 3B1.1 is a factual finding reviewed for clear error.
2. The district court properly applied a two-level aggravating-role enhancement because the evidence supported its factual finding that Mejia-Orosco was a manager, supervisor, organizer, or leader of an extensive criminal activity.
3. A sentence is affirmed when the district court makes factual findings that are not clearly erroneous and properly applies the Sentencing Guidelines to those findings; the ten-month sentence was therefore affirmed.

KEY QUOTATIONS

"A sentence imposed "outside the range of the applicable sentencing guideline" will be reversed only if it is unreasonable." (¶ 20)

"But a complex fact is no less a fact." (¶ 32)

"We will affirm sentences imposed by district judges who make factual findings that are not clearly erroneous, and who apply the guidelines to those findings." (¶ 36)

FACTUAL BACKGROUND

Mejia-Orosco, a Guatemalan citizen who transported curios by truck, brought two Guatemalan nationals through Mexico and helped them enter the United States unlawfully by crossing the Rio Grande. He received money from the aliens' relatives, provided airline tickets and motel arrangements, and transported the aliens between locations in Texas. After one alien admitted the unlawful entry to immigration officials, authorities detained the other alien and Mejia-Orosco and found United States and Mexican currency in his van.

PROCEDURAL HISTORY

The district court sentenced Mejia-Orosco to ten months in prison and imposed a \$4,000 fine. The court increased his offense level based on its finding that he was an organizer, leader, manager, or supervisor of the criminal activity. The Fifth Circuit reviewed the sentence under 18 U.S.C. § 3742 and affirmed.

DISPOSITION

affirmed

CASES CITED

- United States v. Grayson, 438 U.S. 41, 46, 98 S. Ct. 2610, 2613, 57 L. Ed. 2d 582 (1978)
- Williams v. New York, 337 U.S. 241, 247, 69 S. Ct. 1079, 1083, 93 L. Ed. 1337 (1949)
- Wainwright v. Witt, 469 U.S. 412, 105 S. Ct. 844, 855, 83 L. Ed. 2d 841 (1985)
- Pullman-Standard v. Swint, 456 U.S. 273, 287-88, 102 S. Ct. 1781, 1789, 72 L. Ed. 2d 66 (1982)
- United States v. Oberski, 734 F.2d 1030, 1032 (5th Cir. 1984)

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