

Father, DWI arrestee facing deportation to Mexico

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Family fighting to help him remain in the U.S.

When Nery Alejandro Amador Contreras, 30, was booked for his second DWI last November, it should have been a routine DWI case with court appearances, possible jail time and fines – or complete dismissal.

Instead, Contreras is now facing possible deportation to Mexico, pending the verdict of a trial set for Aug. 30.

Contreras's mother, Elvira Amador, spoke about how his family and attorney are preparing their case to allow him to remain in the United States, and why their best opportunities are here.

"The life in Mexico is hard," Amador said. "What will we do [if he is deported]?"

Specifically, Amador is referring to Contreras's two children, Roselyn, 6, and Armando, 2, who are living with his mother while he sits in jail.

"He belongs with his babies," she said. "He's a good boy and his babies need him."

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Amador's family immigrated to the United States in 2001, and Contreras has lived most of his life here. The family settled near Oak Creek, Ariz., before moving to Gallup in 2006.

Contreras was pulled over by a Gallup Police Department officer, near Aztec Avenue and Highway South 602, and blew a 0.13 on two breath tests Nov. 28. He was initially detained at the McKinley County Adult Detention Center to await a hearing.

However, instead of posting bail and walking out of jail, Contreras was picked up by two U.S. Immigration and Customs Enforcement officers and taken into federal custody Dec. 1.

Contreras's attorney, Brenda Villalpando, said Contreras was taken to the El Paso Processing Center for initial processing before being transferred to the Otero County Processing Center at 26 McGregor Range Road in Chaparral, N.M.

"Once he was detained at the county jail, ICE placed a detainer and the jail honored that detainer and that is why he was transferred to ICE custody after his DWI arrest," Villalpando said.

But, it's unclear who turned Contreras over to federal authorities. Gallup Police Department Capt. Marinda Spencer said that no one from the department notified ICE. District Attorney Paula Pakkala hasn't returned calls regarding the matter, and Contreras' mother, Amador, has her suspicions but hasn't been able to verify the culprit.

Meanwhile, Contreras pled not guilty to the charges of DWI, driving with a suspended license, and failure to yield. After six months passed, and no charges had been issued, the case was dismissed without prejudice May 15.

Contreras was not present for those DWI hearings, and has been in detention at Otero County since December, Villalpando said.

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Villalpando said inter-agency deportation is part of the Secure Communities program initiated under President George W. Bush's administration, and then expanded under President Barack Obama.

The ICE website states the program: "will utilize all available data systems and Criminal Alien Program resources to identify and take enforcement actions against criminal and other priority aliens while they are in the custody of another law enforcement or correctional agency."

But, what offenses are classified as "criminal" may be up for interpretation, based on Contreras's case.

"People don't get put up for ICE in Gallup unless they are a criminal," Amador said.

Despite being booked for two DWIs, Contreras's family does not believe he fits that description. This sentiment is shared by Villalpando, who said she has seen Contreras's attitude improve over the past several months and that he's committed to his rehabilitation.

"Nery [Contreras] is a very kind and respectful young man," Villalpando said. "Since the first day that I met him, he has been very respectful and patient about the process. He understands that he does not have [citizenship] status and that he has made mistakes in the past."

Villalpando also said they applied for a bond redetermination with Immigration Judge Jacinto Palomino in March and had the hearing in April, where Contreras testified that he is the only parent.

However, it appears Contreras's testimony may not help his case, Villalpando said.

"The immigration judge did not give this any weight and held that he was a danger to the community despite of not having a conviction for the second DWI," she said.

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And while the drinking and driving arrest was an issue for the family, Amador said Contreras has good intentions and calls home on nearly a daily basis to see how his children are doing.

Amador also spoke about the community the family has embraced, and how they have benefitted from living in Gallup.

“In Gallup, we found jobs, a good life, a good people [and community],” she said. “We stayed here because we have opportunities we didn’t have in Arizona.”

The family hopes the trial turns out in their favor, which would reinforce the strength and resolve that has helped them to stay in this country.

“We can’t be afraid all the time, we need to be free,” Amador said.

By Cody Begaye
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