

# Immigrant blames previous deportation on judicial error

By GOSIA WOZNIACKA  
Associated Press

PORTLAND — An immigrant who took refuge at an Oregon church to avoid deportation should be allowed to stay in the U.S. because of a judicial error at a hearing more than a decade ago, his attorney said Monday.

Francisco Aguirre Velazquez, who came to the U.S. from El Salvador nearly 20 years ago, had been deported to his native country in 2000 after a drug conviction. He was charged in November with unlawfully re-entering the U.S.

His attorney Ellen Pitcher said Monday in U.S. District Court that the judge at the deportation hearing 15 years ago incorrectly told Aguirre he would be detained indefinitely, even if his application to suspend his deportation had been granted. Not wanting to sit in jail, Aguirre agreed to be deported, the attorney said.

Pitcher said Aguirre may have qualified for immigration relief and release from detention because he had been tortured and abused as a child in his country of birth, and because his drug conviction carried a sentence of less than five years.

"This was an uncon-



AP Photo/Gosia Wozniacka, File

In this Sept. 2014 file photo Francisco Aguirre Velazquez poses for a portrait inside of Augustana Lutheran Church in Portland, Ore. Aguirre an immigrant who took refuge at the church to avoid deportation should be allowed to stay in the U.S. because of a judicial error at a hearing more than a decade ago, his attorney said Monday.

tutional deportation that cannot be the basis for any new prosecution," Pitcher said. Aguirre's current charge should be dismissed, she said.

The federal government argued that Aguirre's drug convictions make him ineligible for any form of immigration relief, meaning a possible error by the previous judge would be irrelevant.

In 1999, Aguirre pleaded guilty to two counts of delivery of a controlled substance. He was sentenced

to 90 days in jail and three years of probation. Aguirre later changed his plea to no contest.

"An aggravated felon is categorically denied relief across the board," said Assistant U.S. Attorney Greg Nyhus, who is prosecuting the case.

Aguirre, 36, came to the attention of authorities in August 2014 after a driving arrest. He took refuge at Augustana Lutheran Church in Portland after authorities tried to detain him at home.

He is among dozens of immigrants who have taken sanctuary in U.S. churches in recent years because authorities generally don't make arrests in places of worship.

Aguirre, who spent nearly three months in church sanctuary, was arrested in November when he briefly left the church to appear in county court on the DUI charge. He was then released on a judge's order while his federal case is being resolved.

The father of two children who are U.S. citizens, Aguirre has worked as the coordinator of a Portland nonprofit that runs a day labor center. His supporters say Aguirre has contributed to his community during the past decade and should be allowed to remain in the U.S. with his family.

Aguirre's immigration lawyer, Stephen Manning, said Aguirre has applied for a U-visa, a special immigration document for violent-crime victims who help authorities investigate or prosecute cases.

His U-visa process is on hold while the separate court case on illegal re-entry is being decided. U.S. District Court Judge Robert Jones will rule on that case in the coming weeks.

## BRIEFLY

### Suspect in officer stabbing released from hospital, booked into jail

PORTLAND (AP) — A man suspected of stabbing a Portland police officer has been released from the hospital and booked into jail on a charge of attempted aggravated murder, authorities said Monday.

David James Ellis, 55, had been hospitalized under guard until Monday afternoon, a day after police say he was shot by an officer who watched his partner get stabbed in the hand.

Ellis suffered a gunshot wound to his upper right arm, said Sgt. Pete Simpson, a police spokesman.

Officers Jose Jimenez and Scott Konczal suspected that Ellis tried to burglarize a police office in northeast Portland, Simpson said.

Jimenez left the patrol car, walked behind Ellis and tried to speak with him as he walked away. Konczal, meanwhile, drove the car alongside Ellis and positioned it to prevent Ellis from fleeing.

Ellis eventually turned toward Jimenez and grabbed a folding knife from his back pocket, Simpson said.

Jimenez fell while backing away. Ellis then jumped on the officer, who used his left hand to cover his chest as Ellis stabbed him, Simpson said.

Konczal fired a shot that struck Ellis, knocking him to the ground. Jimenez and Konczal then held Ellis at gunpoint until other officers arrived.

Ellis and Jimenez were taken by ambulance to the hospital. Jimenez has since been released, Simpson said.

### New Spokane NAACP head wants to repair damage, move forward

SPOKANE, Wash. (AP) — The new president of the Spokane NAACP says she wants to focus on repairing the damage from the recent Rachel Dolezal controversy.

Naima Quarles-Burnley last month replaced Dolezal, who resigned amid questions about her racial identity after her parents said she was a white woman pretending to be black.

Quarles-Burnley tells *The Spokesman-Review* that the episode hurt the organization because people questioned the group's integrity. But the chapter's new leader says she's committed to moving forward and showing that the actions of one don't reflect on all.

One of the first goals will be to fill positions within the chapter's executive committee. She also wants to work on raising awareness about HIV/AIDS in the African-American community and prepare for a regional NAACP conference this fall.

### 1 dead, 2 injured in Malheur house fire

BOISE (AP) — A 14-year-old died and his parents were injured in a house fire about 10 miles outside of Adrian, Oregon.

KTVB-TV reports that firefighters responded from Adrian to the house Sunday morning and found the home engulfed in flames.

Nyssa fire and ambulance, Vale fire and Treasure Valley Paramedics responded to the scene.

Malheur County Sgt. Rich Harriman said the teenage boy died at the scene. His parents were taken by air ambulance to Boise and later transferred to a burn center in Salt Lake City.

The names of the victims have not been released.

## Fish biologist rescues tiny steelhead stranded by drought

By MARK FREEMAN  
Mail Tribune

GOLD HILL — Pete Samarin tramps up the dried bed of the Left Fork of Foothills Creek, dust squirting with every step of his wading boots until he stops and squirts into a shaded puddle the size of a welcome mat and barely much deeper.

His shadow causes the puddle's surface to boil as tiny wild summer steelhead fry scramble with no place to escape this predator, not realizing Samarin is their savior.

"It's crazy," says Samarin, an assistant district fish

biologist for the Oregon Department of Fish and Wildlife. "You got five fish in there just barely hanging on."

He runs a small aquarium net through the water until he captures all five of the fish. He plops them into a 5-gallon bucket for a 2-mile truck ride downstream and release into the Rogue River, the summer rearing refuge they've sought since May when drought isolated the upper creek stretches from the river.

Now, they face a 1-in-25 chance of surviving and returning as spawning adults in 2019. Had Samarin stepped past that puddle last

week, they'd surely be dead by today.

They are the latest of more than 1,700 summer steelhead fry getting Samarin's helping hand to the Rogue in less than a month.

"Even if you get 10 females to survive and return from our efforts, those 10 females can produce 25,000 little guys," Samarin says. "That's enough to keep this creek going. It all adds up."

The young fry, ranging from 2.3 to 3.5 inches, migrate from the creeks to the Rogue from May into July, with most reaching the river before creek stretches dry up

or flow intermittently underground. This year, however, drought has created isolated pools earlier, stranding far more fish than normal.

In Foothills Creek, that means thousands of stranded fish this year, rather than a few hundred, Samarin says.

"I've never seen the creek this disconnected so early," Samarin says.

The ODFW has identified Foothills and Sardine creeks as two in need of fish-salvage now, with biologists eyeing nearby Kane Creek for salvage should its flows later drop and isolate steelhead as well.

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## AccuWeather.com Forecast

TODAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<b>HOT</b>	<b>HOT</b>	<b>HOT</b>		
Mostly sunny and very hot	Mostly sunny and very hot	Very hot with some sun	Some sun, then increasing clouds	Clouds and sunshine
<b>98° 64°</b>	<b>98° 66°</b>	<b>98° 70°</b>	<b>92° 65°</b>	<b>91° 63°</b>
PENDLETON TEMPERATURE FORECAST				
<b>98° 64°</b>	<b>98° 66°</b>	<b>98° 70°</b>	<b>92° 65°</b>	<b>91° 63°</b>
HERMISTON TEMPERATURE FORECAST				
<b>101° 66°</b>	<b>101° 65°</b>	<b>102° 70°</b>	<b>96° 65°</b>	<b>94° 64°</b>

### ALMANAC

#### PENDLETON

through 3 p.m. yesterday

#### TEMPERATURE

HIGH	LOW
99°	63°
Yesterday 99°	63°
Normals 86°	57°
Records 108° (1968)	42° (1898)

#### PRECIPITATION

24 hours ending 3 p.m.	0.00"
Month to date	0.00"
Normal month to date	0.06"
Year to date	5.00"
Last year to date	7.49"
Normal year to date	7.63"

#### HERMISTON

through 3 p.m. yesterday

#### TEMPERATURE

HIGH	LOW
98°	61°
Yesterday 98°	61°
Normals 87°	57°
Records 105° (1968)	44° (2010)

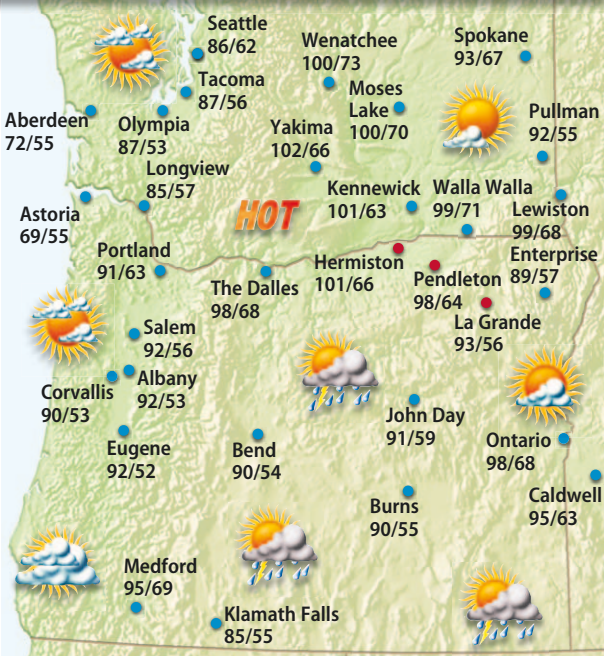
#### PRECIPITATION

24 hours ending 3 p.m.	0.00"
Month to date	0.00"
Normal month to date	0.04"
Year to date	3.16"
Last year to date	4.19"
Normal year to date	5.74"

#### SUN AND MOON

Sunrise today	5:13 a.m.
Sunset tonight	8:46 p.m.
Moonrise today	none
Moonset today	12:01 p.m.

Last	New	First	Full
July 8	July 15	July 23	July 31



Shown is today's weather. Temperatures are today's highs and tonight's lows.

### REGIONAL FORECAST

**Coastal Oregon:** Clouds and sun today. Partly cloudy tonight, except cloudy in the south.

**Eastern and Central Oregon:** Mostly sunny and hot today; a thunderstorm in spots in central parts in the afternoon.

**Western Washington:** Sunny today; however, some clouds at the coast. Clear to partly cloudy tonight.

**Eastern Washington:** Partly sunny today; a thunderstorm in spots near the Idaho border and in the mountains.

**Cascades:** Mostly sunny today; very warm. Clear to partly cloudy tonight. Mostly sunny tomorrow.

**Northern California:** Clouds and sunshine today; a thunderstorm in the area in the interior mountains.

### REGIONAL CITIES

	Today			Wed.		
	Hi	Lo	W	Hi	Lo	W
Astoria	69	55	pc	71	57	pc
Baker City	88	50	t	89	55	s
Bend	90	54	s	88	59	s
Brookings	65	55	pc	65	54	pc
Burns	90	55	t	86	54	pc
Enterprise	89	57	t	88	59	s
Eugene	92	52	s	91	53	pc
Heppner	94	59	s	94	58	s
Hermiston	101	66	s	101	65	s
John Day	91	59	t	90	64	s
Klamath Falls	85	55	t	77	51	t
La Grande	93	56	s	92	58	s
Meacham	87	48	s	86	50	s
Medford	95	69	pc	92	66	t
Newport	61	52	pc	62	52	pc
North Bend	64	54	pc	64	54	pc
Ontario	98	68	pc	95	67	pc
Pasco	102	65	s	101	64	s
Pendleton	98	64	s	98	66	s
Portland	91	63	s	93	66	s
Redmond	94	52	s	93	57	s
Salem	92	56	s	93	59	pc
Spokane	93	67	t	94	67	s
Ukiah	90	51	s	90	53	s
Vancouver	90	61	s	92	64	s
Walla Walla	99	71	s	99	71	s
Yakima	102	66	s	103	66	s

### WORLD CITIES

	Today			Wed.		
	Hi	Lo	W	Hi	Lo	W
Beijing	92	66	s	93	67	s
Hong Kong	92	80	pc	92	80	pc
Jerusalem	83	61	s	83	64	s
London	73	56	sh	70	53	sh
Mexico City	72	53	t	71	50	t
Moscow	69	57	r	73	59	pc
Paris	86	58	t	72	56	pc
Rome	89	71	s	88	72	s
Seoul	86	68	pc	85	69	pc
Sydney	59	46	sh	60	45	c
Tokyo	77	69	sh	78	68	sh

### WINDS

(in mph)	Today	Wednesday
<b>Boardman</b>	WSW 4-8	NNE 4-8
<b>Pendleton</b>	W 6-12	NNW 6-12

### UV INDEX TODAY

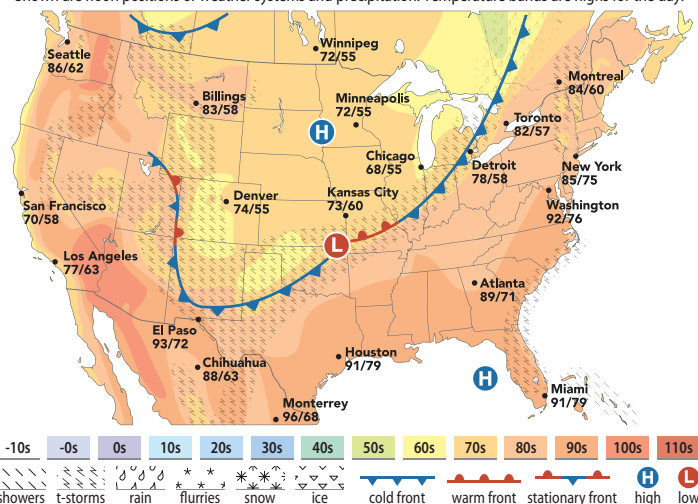
2	5	7	7	5	2
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8 a.m. 10 a.m. Noon 2 p.m. 4 p.m. 6 p.m.  
0-2, Low 3-5, Moderate 6-7, High; 8-10, Very High; 11+, Extreme  
The higher the AccuWeather.com UV Index™ number, the greater the need for eye and skin protection.

Forecasts and graphics provided by AccuWeather, Inc. © 2015

### NATIONAL WEATHER TODAY

Shown are noon positions of weather systems and precipitation. Temperature bands are highs for the day.



**showers** r-tstorms rain flurries snow ice  
cold front warm front stationary front H L  
showers r-tstorms rain flurries snow ice  
cold front warm front stationary front H L

**National Summary:** Storms will dot the Atlantic Seaboard today. A swath of drenching showers and locally severe thunderstorms will extend from western Texas to Michigan and Ohio. Storms will dot the interior West.

**Yesterday's National Extremes:** (for the 48 contiguous states)  
**High 107°** in Needles, Calif. **Low 33°** in St. Mary, Mont.

### NATIONAL CITIES

	Today			Wed.			Today			Wed.		
	Hi	Lo	W	Hi	Lo	W	Hi	Lo	W			