

He Faced a Possible Prison Term for Assault. Instead, He Was Deported.

Federal agents are rounding up criminal defendants and deporting them before trial. Local prosecutors say the disruptions make communities less safe.



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As President Trump pushes forward on his pledge to carry out mass deportations, U.S. immigration agents are detaining and deporting criminal defendants before their cases can move through the courts, frustrating local law enforcement officials and stirring fear among some crime victims.

Snatching up defendants in the middle of their cases denies justice to communities and especially the victims, prosecutors say. They worry that defendants who are deported before their criminal cases are resolved could return to the United States and commit more crimes.

“There is no level of accountability when someone is deported,” said Ryan Brackley, the assistant district attorney in Arapahoe County, Colo., which includes the city of Aurora. “We want our victims to get the justice they deserve. When we have crimes of violence and there are victims of record we want to be able to hold their offenders accountable.”

Mr. Brackley pointed to a recent case that his office had sought to prosecute.

An anonymous tip and a short video clip sent to the police in Aurora showed a man on his knees, with blood on his hands and one of his ears — the result, investigators later concluded, of being pistol-whipped.



After several weeks, the police arrested a suspect in the beating: Yerbis Manuel Garcia-Quintero, a man from Venezuela who they say sold gold and lent money to other immigrants, and used violence to collect debts. He was charged with several felonies, including extortion and assault, that could have sent him to prison for years if convicted.

Mr. Garcia-Quintero posted bail and was released while his case moved toward a trial. But then he failed to show up in court for his preliminary hearing in early April. Prosecutors presumed that he had fled and was now a fugitive.

But it turned out Mr. Garcia-Quintero couldn't have been in court. Immigration agents had already deported him, leaving him unlikely to ever face the charges

For Carlos Perez, the bloodied man in the video, the news that Mr. Garcia-Quintero had been deported rather than forced to face charges in Colorado left him shaken. He said he had moved homes on the advice of the police, who worried that Mr. Garcia-Quintero would seek retribution while out on bail.

Now he fears for both the safety of his relatives in Venezuela and his wife and 1-year-old daughter, who he worries could be harmed by an associate of Mr. Garcia-Quintero's in Colorado.

"It would be better if he were in prison because my family is in Venezuela, and that's a lawless country," Mr. Perez, 41, said.

He said he had enlisted his brother to try to find out if Mr. Garcia-Quintero was in custody in Venezuela, or was free and walking the streets. "He hasn't paid for the crime he committed," Mr. Perez said. "I worry every single day."

Across the country, defendants out on bail have dropped off the radar, failing to appear in court. Only later do prosecutors learn that the immigrants have been picked up by Immigration and Customs Enforcement and won't be back for trial.

Detaining and deporting defendants happened rarely under other presidents. But Mr. Trump made it common during his first term in office, according to legal experts. A study in New York tallied 159 courthouse arrests there in 2017, President

Trump's first year in office, compared with 11 in 2016, President Obama's last year in office.

When President Biden came into office, he issued a memo limiting courthouse immigration arrests to matters related to national security or if the person was a threat to public safety. Now, under Mr. Trump, such arrests are once again becoming routine.

Thomas Homan, President Trump's border czar, said that I.C.E. officials would be willing to work with local prosecutors who wanted to take back into custody an individual for a criminal case. Local prosecutors, he said in an interview, can file a request with the regional I.C.E. office seeking to take into custody a defendant who is in immigration detention.

However, he said, I.C.E. will look to pick people up who may be out on bond awaiting trial, as in the case of Mr. Garcia-Quintero.

"If somebody wants to put him on bond, and he's a significant public safety threat, we're picking him up," Mr. Homan said. "If they want to take him back into custody, they can, but we're not going to allow him to walk the street."

Tricia McLaughlin, a spokeswoman for the Department of Homeland Security, said the agency was "going to make thoughtful decisions in each case and do whatever is most likely to keep the American people safe."

She said that D.H.S. supported holding defendants accountable in American criminal courts. But if people are out on bail — a standard mechanism for ensuring those charged with crimes make their court appearances — "we will choose deportation," she said. "We think victims would rather their assailants not roam America's streets."

Agents have shown up unannounced at courthouses to take immigrants into custody, creating scenes of panic, fear and sometimes violence. At a courthouse in New Hampshire, agents tackled a man they were trying to detain, knocking over a bystander in the process. In a recent case in Charlottesville, Va., agents showed up

at a courthouse to arrest two people and were confronted by angry onlookers. And in Boston, a man was arrested in the middle of trial, provoking outrage from the district attorney.

Federal agents tackled a man they were trying to detain in a New Hampshire courthouse. A bystander was knocked over in the process. New Hampshire Judicial Branch, via Reuters

Kevin Hayden, the district attorney of Suffolk County, Mass., which includes Boston, denounced I.C.E.'s actions, saying the agency was making the community less safe and making it more difficult to reduce crime.

“My office’s responsibility is to hold offenders accountable, secure justice for victims, witnesses and the greater community.” He continued: “We cannot and will not tolerate I.C.E. hindering our ability to pursue those vital public safety goals.”

As courthouses re-emerge as a flashpoint, some local officials are ending up in the middle of the fight. A Wisconsin judge was recently arrested by the F.B.I., which said that she tried to help an undocumented man in her courtroom evade federal

agents. And Mr. Homan, the border czar, recently threatened more arrests of local officials if they got in the way of the federal government's immigration crackdown.

Deborah Fleischaker, who served as a senior I.C.E. official in the Biden administration, criticized picking up immigrants before their criminal cases were resolved as an inappropriate use of resources.

"I.C.E. has historically allowed the criminal justice system to do its work before taking custody of people," she said. "But again, this isn't about justice. It's about deportation numbers regardless of how they get there."

In the past, competing interests could often be resolved through interagency diplomacy. But the relationships between local and federal agencies are more strained today, as the Trump administration has prioritized swift deportations of as many people as possible.

In some cases, local authorities are taking extraordinary steps to protect ongoing cases and keep defendants out of reach of immigration agents. In Colorado, a man from Honduras was facing a felony charge of possession of fentanyl with intent to distribute stemming from an arrest in 2023. He was out after posting a \$100,000 bond — of which he had to pay the court 10 percent — and he had been making his court appearances. But in February, he was picked up by I.C.E. after an immigration raid.

I.C.E. did take him to court for his next appearance. But the judge was worried that the man, Adan Desiderio Pavon-Andino, would be deported whenever immigration agents decided they were ready.

So the judge took an extraordinary step, imposing a \$500,000 cash bond — far higher than the normal bail schedule and far more than the man could produce. The man has been sitting in the county jail since July, awaiting trial — and for now, out of I.C.E.'s reach.

"It's absurd," said Giancarlo Small, the man's lawyer. "The idea that you would put a half-million bond on any case as opposed to the normal schedule because of fears they could be deported violates the whole idea of innocent until proven guilty and

also the purpose of the bond.”

The politics of immigration have changed, Mr. Small said, but that shouldn’t cost his client his rights. “He posted his bond, he’s been coming to court, he’s never missed a court date, and now he has to sit in jail until trial because the judge is fearful that he may get deported.”

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