

NEWS > CRIME AND PUBLIC SAFETY

ICE deportations are derailing Colorado criminal prosecutions

Metro Denver DAs say deportations allow defendants to escape accountability for alleged crimes



A U.S. Immigration and Customs Enforcement agents prepares for a national operation targeting sex-crime offenders in Denver on Tuesday, Feb. 13, 2024. (Photo by Hyoung

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By **SHELLY BRADBURY** | sbradbury@denverpost.com | The Denver Post

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When a Venezuelan immigrant was arrested last year and charged with sexually assaulting a 14-year-old girl in Jefferson County, the teen's mother hoped for justice.

J.E., who is being identified by her initials to protect her daughter's identity, wanted [the suspect](#) to be convicted, locked away. She wanted to know he couldn't hurt anyone else, at least for a while.

But that's not what happened.

Jesus Alberto Pereira Castillo, 21, posted \$5,000 bail and was released from the Jefferson County jail on Nov. 27, 2024, court records show. He was subsequently arrested by federal immigration authorities and was deported from the country by May.

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The deportation effectively ended the state's criminal case against Castillo — the prosecution cannot continue without his presence in court, though he remains wanted on a warrant and could be prosecuted if he were to return to Colorado.

There was no conviction, no sentence, no jail time — just a deportation.

"It's been pretty hard on me and my daughter," J.E. said. "She doesn't feel like she is getting the justice she deserves. It just has been so easy for immigrants to come into the country after they are deported. So the fear is that he might relocate somewhere else in the U.S. and do this to someone else. Them deporting him ruined justice for my daughter."

[Colorado's balance, ball security pave the way at Utah](#)

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At least two dozen defendants and one witness in criminal cases in metro Denver have been taken into custody by U.S. Immigration and Customs Enforcement and deported in the middle of ongoing state prosecutions since September, The Denver Post found. District attorneys across the region started to notice more defendants disappearing into ICE custody this spring,



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"If I can't hold someone accountable because the defendant is deported before we've reached a just outcome in the case, and the defendant finds their way back here and commits another crime, that does not make the community safer," 17th Judicial District Attorney Brian Mason said. "If victims of crime are afraid to call the police after they have been sexually assaulted or some other terrible crime because they are worried about being deported, that makes our community less safe."

The defendants deported were charged with crimes that included driving under the influence, car theft, drug distribution, assault, domestic violence, attempted murder and human trafficking.

Again and again, court records reviewed by The Post showed criminal cases stalled by deportations.

"Def does not appear as he was deported and is no longer in the U.S.," a document notes in the file for a 26-year-old man from Brazil who was accused of swinging a knife at his wife.

"Deft no longer in the country. Defendant (failed to appear)," a record states in the file for a 32-year-old man from Mexico charged with driving a stolen car.

'Full force of the law'

Detectives with the Arapahoe County Sheriff's Office and the Denver Police Department spent six months building a case against a 28-year-old man from El Salvador who they alleged sold drugs and was connected to a woman who fatally overdosed at an Arapahoe County apartment complex in October.

The investigation included a drug deal with an undercover Denver detective and ongoing surveillance. The man was charged with four felony counts related to drug dealing and two counts of child abuse after the six-month investigation culminated in his arrest on April 9.

The man's arrest affidavit notes that he was arrested by the Aurora Police

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Aurora police spokesman Joe Moylan said the city's SWAT team assisted in the arrest and then turned the man over to the sheriff's office while at the scene. Anders Nelson, a spokesman for the Arapahoe County Sheriff's Office, said the agency "partners with ICE" when pursuing cases against suspected non-citizen drug dealers.

"ICE uses various means to positively identify these individuals, and so when they are arrested, ICE agents respond to identify the individual so that we can charge them accordingly under their correct name," Nelson said. "In this case, the subject had a lengthy criminal history that included active warrants for his arrest and had entered the U.S. illegally on several occasions, and so ICE agents took custody of him."

The suspect accused of selling drugs was deported within a month. The state criminal case remains open.

"Deft has been deported," the man's court records noted on May 9.

In an emailed statement, Denver ICE spokesman Steve Kotecki said the federal agency "arrests aliens who threaten public safety and commit crimes."

Before their recent arrests and deportations, the two men from El Salvador and Brazil had previously been cited only for traffic violations in Colorado, according to records kept by the Colorado Bureau of Investigation. The man from Mexico had prior convictions for car theft and drug possession.

"ICE recognizes the importance of addressing unlawful actions with the full force of the law, ensuring that individuals are held accountable for their actions," Kotecki said in the statement. "We are committed to creating safe and thriving communities by supporting effective and fair law enforcement practices."

Tristan Gorman, a criminal defense attorney, noted that ICE's mid-case deportations, which come before a defendant is convicted of a crime, are "completely disregarding the constitutional presumption of innocence."

Mason, who serves as DA for Adams and Broomfield counties, said federal

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In the past, when ICE detained defendants while their state cases were ongoing, prosecutors relied on court orders called writs to ensure the defendants still appeared in court. A writ in this context is a judge's order to a custodial agency, like a jail or immigration detention center, requiring the agency to bring the defendant to court.

ICE is no longer reliably complying with writs to produce defendants for their state hearings, First Judicial District Attorney Alexis King said.

"It's hard to know and it's hard to predict how a writ will be honored or not," she said. "...A writ was our standard process that we relied on to keep someone available for a criminal proceeding. It is not consistently working."

ICE hasn't communicated its policies or procedures in any cohesive way to her team of Jefferson and Gilpin county prosecutors, King said. Her office is relying on personal connections between staff and officials at ICE to try to ensure defendants in federal custody are brought to court.

"It's felt pretty ad hoc, and often reliant on us being very proactive," she said.



The Aurora ICE Processing Center, as seen on Sept. 15, 2023, in Aurora, Colorado. (Photo by Daniel Brenner/Special to The Denver Post)

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“ICE Denver is no longer honor (sic) writ from Denver County Court due to the Denver County Jail do not (sic) comply with immigration detainer or fail to transfer custody of aliens in a safe and orderly manner,” Hung Thach, a supervisory detention and deportation officer in the Denver field office, wrote in a June 16 email to Denver officials.

In a statement issued to 9News and Colorado Public Radio, Denver Field Office Director Robert Gaudian said ICE would not honor the writs because agency officials were not confident the detainees would be returned to ICE’s custody after their state court appearances.

Kotecki did not respond to a request to share that statement with The Post. He previously has requested blanket anonymity for his statements as a spokesman for the federal agency, which The Post [declined to grant](#). He also has said he would no longer provide information to The Post unless the newspaper complied with his request for anonymity.

“In the past, ICE Denver and the Adams County sheriff have enjoyed a great working relationship, with ICE honoring writs for trials and the sheriff notifying us of an alien’s release,” Gaudian said in the statement, [according to 9News](#). “This relationship must be reciprocal, though. If I’m not confident that the sheriff will return an alien to us, then I cannot in good conscience release that individual.”

Denver sheriff’s spokeswoman Daria Serna defended the department’s practices for handling writs in a statement Wednesday.

“The Denver Sheriff Department’s policy and practice for the transfer of people in custody are in alignment with state and local laws,” she said.

ICE approach varies by jurisdiction

So far in Boulder, immigration authorities have largely complied with writs to produce defendants for state court hearings with just a handful of exceptions, said Michael Dougherty, the Boulder County district attorney.

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“ICE should provide a notification anytime they pick someone up and the person is a defendant,” Dougherty said. “That has not always happened. What has happened, more often than not, is we find out from the defense attorney or someone connected to the defendant that someone has been arrested by ICE and held for possible deportation.”

Dougherty noted that deportations seem to be happening much faster than in past years. When a defendant is deported in the middle of a case, it has a broad impact, he said.

“The victim never had his or her day in court,” he said. “We couldn’t do justice. There is no conviction, no sex offender registration and no consequences. And the person is deported to a country. We have no reason to believe the person is held responsible for the crime they were accused of.”

In Douglas, Elbert and Lincoln counties, prosecutors have not had any issues with ICE agents deporting defendants mid-case, said 23rd Judicial District Attorney George Brauchler. He said federal agents have given his office warnings when ICE is interested in defendants, which has allowed prosecutors to revoke defendants’ bonds to keep them in jail — in state custody — while the criminal case is pending.

Gorman, the defense attorney, said revoking bond simply because a person could be deported is fundamentally unfair.

“We’re just basically saying to them, ‘Yeah, we put all these terms and conditions on your bond and you’ve got to comply with them or we will revoke your bond,’” she said. “But even if you do absolutely everything right and show up at all your court dates, we might revoke your bond anyway... even though you followed all the rules.”

Arrests at courthouses

Colorado law prohibits ICE agents from arresting people at or near state courthouses for civil immigration purposes — a line that federal agents have crossed multiple times this year, [including in Denver](#) and on the Western



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Law enforcement officers gather near a vehicle on a street near Fox Street and Colfax Avenue in downtown Denver, near the Lindsey-Flanigan Courthouse, on Feb. 12, 2025. (Photo provided by Lupe Gonzalez)

Federal agents have also been routinely making immigration arrests [at Denver's federal courthouses](#), which are not covered by the state prohibition.

In Garfield, Pitkin and Rio Blanco counties, federal agents monitored courthouse dockets in order to detain defendants for immigration proceedings, Ninth Judicial District Chief Judge John Neiley wrote in [an April 8 order](#) instructing federal agents to stop.

"In short, these types of arrests make courthouses less safe, frustrate the process of justice, and could have a chilling effect on litigants, witnesses, victims, court personnel and other members of the public who have a right and obligation to participate fairly in the judicial system," Neiley wrote in the order.

Although the practice is against Colorado law, there are no criminal penalties for federal agents who make such prohibited arrests. Rather, [state law says](#)

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“Attorney General (Phil) Weiser is concerned about reports of ICE arrests at state courthouses interfering with state criminal prosecutions and having a chilling effect on witnesses and victims in criminal cases,” Pacheco said. “Federal immigration arrests at courthouses make our communities less safe and violate state law.”

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