



Legal Research 4

Case Law Research



What Kind of Court Opinions Should be published?

1. establishes a **new** rule of law, or alters or modifies an existing rule of law, or applies an established rule to a novel fact situation;
2. creates or resolves a **conflict** of authority either within the circuit or between this circuit and another;
3. discusses a legal or factual issue of continuing **public interest**;
4. is accompanied by a **concurring or dissenting opinion**;
5. addresses a lower court or **administrative agency decision** that has been published; or,
6. is a decision that has been reviewed by **the United States Supreme Court**.



Where are court documents?

- Appellate Courts (High & Intermediate)
 - Court Clerk's case files: appellate **briefs**
 - Printed Reporters: Opinions, Orders
 - Databases: Westlaw, Lexis, Bloomberg Law, etc.
 - Court Web Sites: Opinions, Orders
- Trial Courts
 - Court Clerk's case files: petitions, answers, subpoenas, motion, orders, **briefs**, discovery materials, verdict forms, jury instructions, notices, exhibits, etc



Early Publishers

- Governments (Non-commercial)
- Commercial: John West – West publishing
 - Office Supply Salesman
 - Observed growing concern of attorneys unable to read exploring case volume
 - Began syllabi of Minnesota case law
 - **National Reporter System (1887 – present)**
- Commercial publishers quickly eclipsed governmental - speedier



'Official' and 'Unofficial'

- Official Reporter = Published or Recognized as a result of statute
 - First ones nationally for the States were MA, NY and KY in early 1800s
- Unofficial Reporter = Published by Commercial or Nonprofit entity, not as a result of an enacted law
- Not all jurisdictions have or had 'official' reporters



And the Winner is....

- West Publishing: The 800 lb Gorilla
 - Westlaw
 - Treatises / Hornbooks / Nutshells
 - Encyclopedias
 - Casebooks
 - Opinions
 - Statutes



Types of West Case Reporters

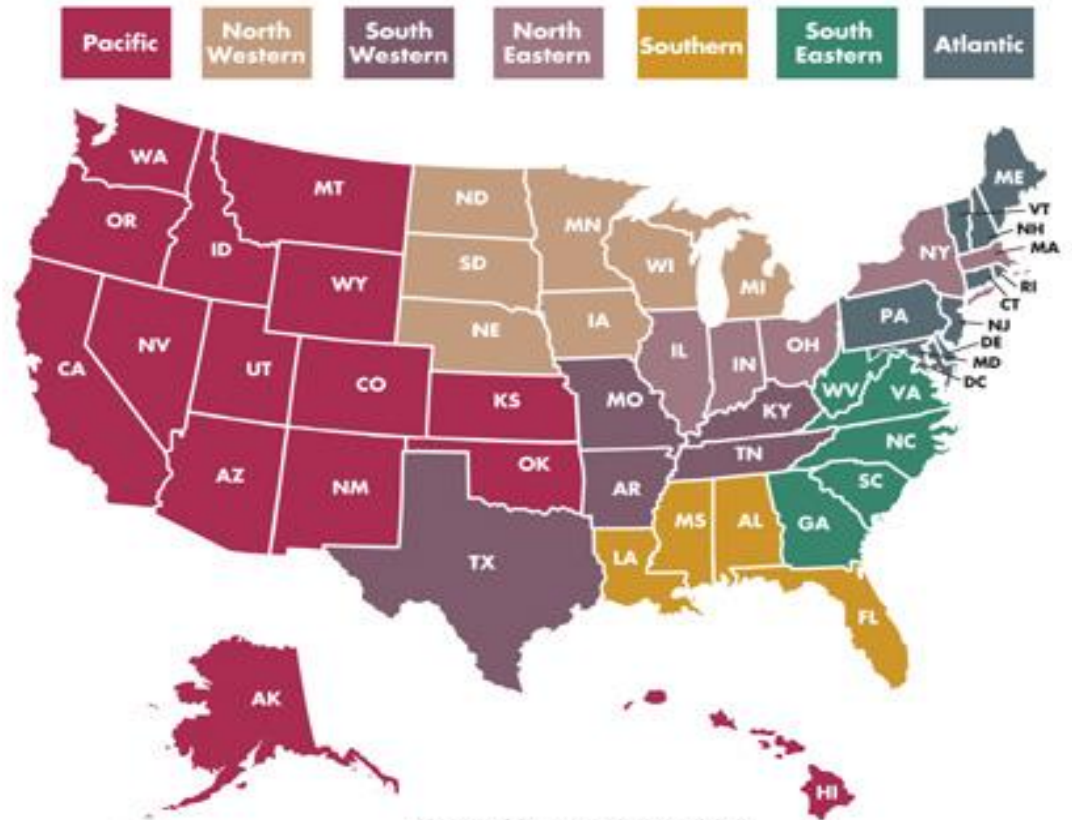
- Jurisdictional
 - Federal (e.g. Supreme Court Reporter)
 - State-based (e.g. Missouri Cases)
- Topical
 - E.g. Bankruptcy Reporter
 - E.g. Federal Rules Decision
- Regional (states' cases)
 - 7 Geographic Regions
 - Unique to West

West's Regional Reporter System

Regional Reporter System

- State Appellate Case Law **ONLY**
- 7 Regions
- Each Region has Reporter
- Most Reporters in 2nd or 3rd series

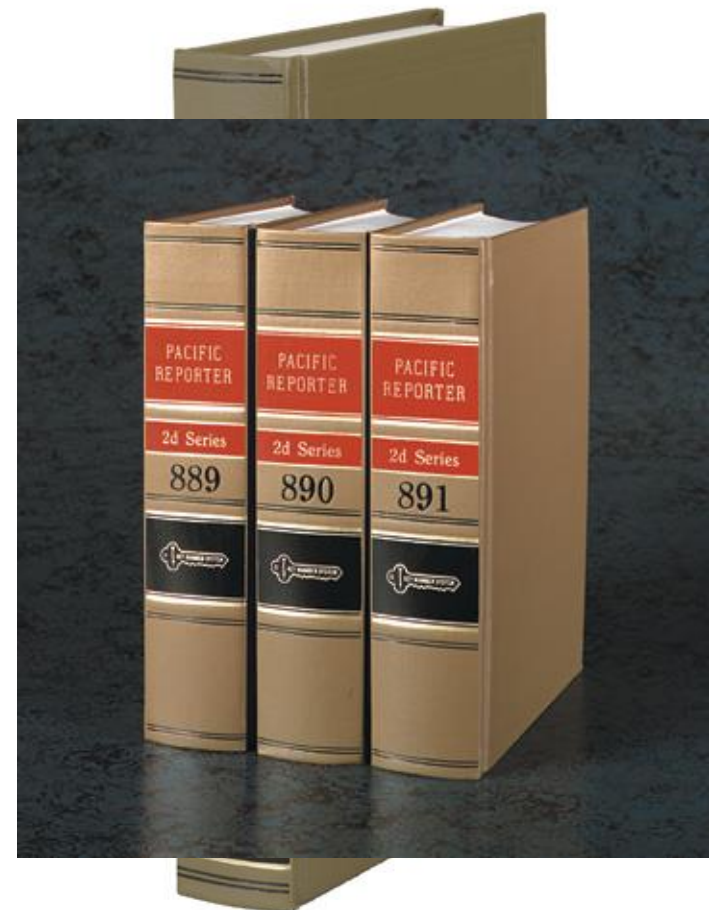
Regional Reporters (State Cases)



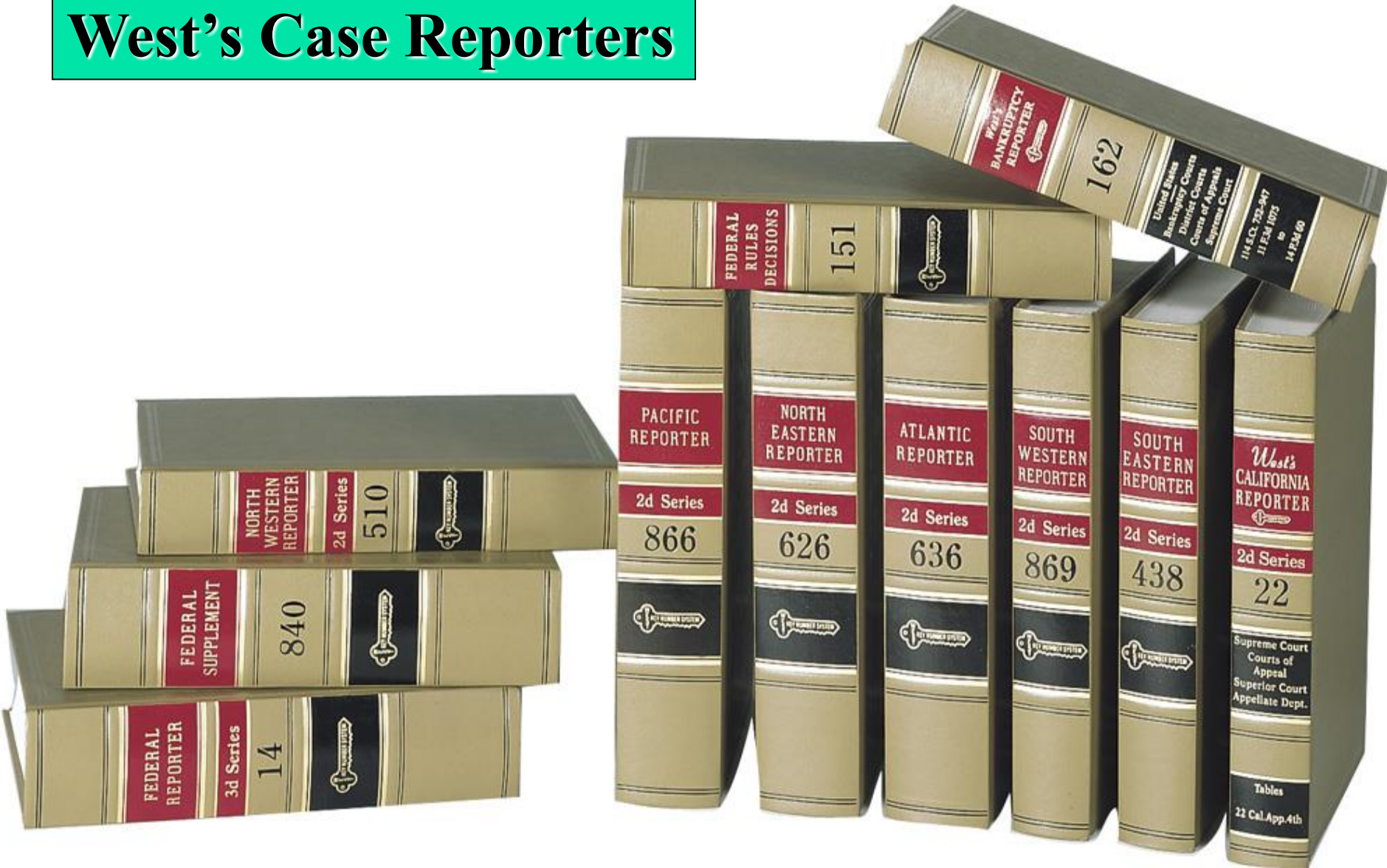
National Reporter System Map
showing the states included in each reporter

West Reporters – State Cases

- Regional Reporters
 - Collections of state appellate cases from a region
 - Chronologically printed and compiled
- Individual State Reporters
 - West extrapolates out cases from a particular state in separate publication

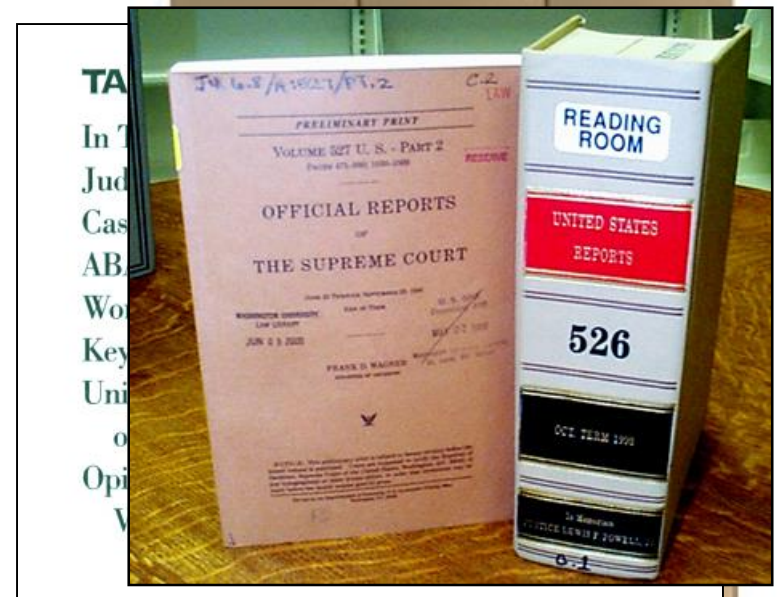


West's Case Reporters



Case Publication Cycle - Print

- Slip Opinion
 - Single Opinion issued in Pamphlet Form
 - Typically 'Official'
- Advance Sheet
 - Collection of Opinions (Pre-binding)
 - Consistent Numbering system
- Bound Reporter in Print Series



Structure of a Case

Party Names

■ Elements of Case

of every evidentiary r
McGuire, 502 U.S. 62
L.Ed.2d 385 (1991); *B*
— U.S. —, 113 S.C.
353 (1993). The point
“the hearsay rule may
chanistically to defeat
93 S.C.
unde
ning
vita
cannot refuse to admit
better reason than that
era, 915 F.2d at 281–82
does give a “better rea
and *Green* have served their purpose—to
relax the stranglehold of maxims and get
judges to think functionally. “*Chambers* did
not do away with the hearsay rule. The
Supreme Court contemplated
hat
d...
hani
state
to show any concern for the
fact-finding process. *Chambers* means that

UNITED STATES of America,
Plaintiff–Appellee,

v.

Allan PARMELEE, Ewa Brozek–Lu-
kaszuk, Alojzy Sandrzyk, Tadeusz So-
biecki, and Lester Lukaszuk, Defen-
dants–Appellants.

v.

Allan PARMELEE, Ewa Brozek–Lu-
kaszuk, Alojzy Sandrzyk, Tadeusz So-
biecki, and Lester Lukaszuk, Defen-

Court

United States Court of Appeals,
Seventh Circuit.

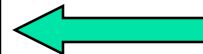
Date of Decision

Decided Dec. 9, 1994.

there is little point in case-by-case federal
review of evidentiary rulings.” *Lee*, 933 F.2d
at 538 (emphasis in original).

En Banc Denied Jan. 27, 1995 in Nos.
92–3479, 92–3500, 92–3559, 93–1265.

Publisher's
Summary



Illinois has conformed its domestic law of
111 Ill.2d 58
2d 995, 100
nder *Bowel* i
erable assur
1 Ill.2d at 67
at 1000. The
and appellate courts of Illinois conclud
ed that William Carson had not satisfied this
standard. The conclusion was reasoned and
is reasonable. Cf. Joseph L. Hoffman &
William J. Stuntz, *Habeas After the Revolu-
tion*, 1993 Sup.Ct.Rev. 65, 99–108. Whether
or not it is the conclusion members of this
panel would have reached had one of us
presided at William's trial is not dispositive.

Defendants were convicted by the United
States District Court for the Northern
District of Illinois, James B. Zagel, J., of
conspiring to transport illegal aliens within
United States, and knowingly bringing aliens
into United States at place other than desig-
nated port of entry, and they appealed. The
Court of Appeals, Flaum, Circuit Judge, held
that: (1) district court's failure to instruct
jury that defendants knew they were further-
ing aliens' illegal entry by transporting them
was harmless beyond reasonable doubt, and
(2) evidence was insufficient to support find-
ing that defendant pilot acted as manager or
supervisor in smuggling ring to justify three-
level increase in his sentencing level.

Disposition

Affirmed in part and remanded in part.

Defendants were convicted by the United States District Court for the Northern District of Illinois, James B. Zagel, J., of conspiring to transport illegal aliens within United States, and knowingly bringing aliens into United States at place other than designated port of entry, and they appealed. The Court of Appeals, Flaum, Circuit Judge, held that: (1) district court's failure to instruct jury that defendants knew they were furthering aliens' illegal entry by transporting them was harmless beyond reasonable doubt, and (2) evidence was insufficient to support finding that defendant pilot acted as manager or supervisor in smuggling ring to justify three-level increase in his sentencing level.

U.S. v. Parmelee

Topic Name

Key Number

Headnote

Headnote Number

2. Aliens ◊56

To convict defendant for transporting illegal aliens, government must prove beyond reasonable doubt not only that defendant knew alien being transported had entered this country in violation of immigration law, but also that defendant knowingly transported alien to further that violation. Immigration and Nationality Act, § 274(a)(1)(B), 8 U.S.C.(1988 Ed.) § 1324(a)(1)(B).

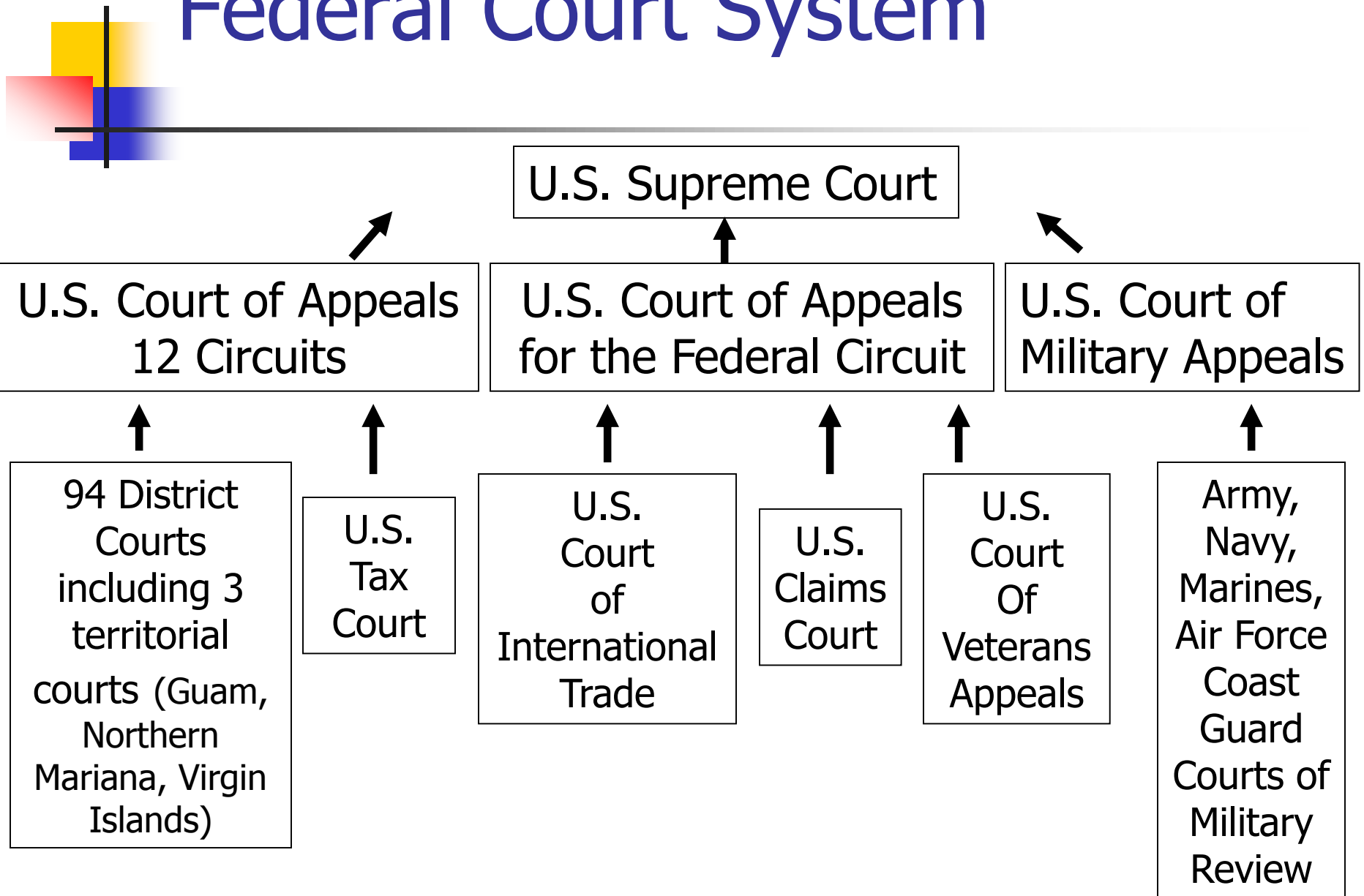
3. Aliens ◊56

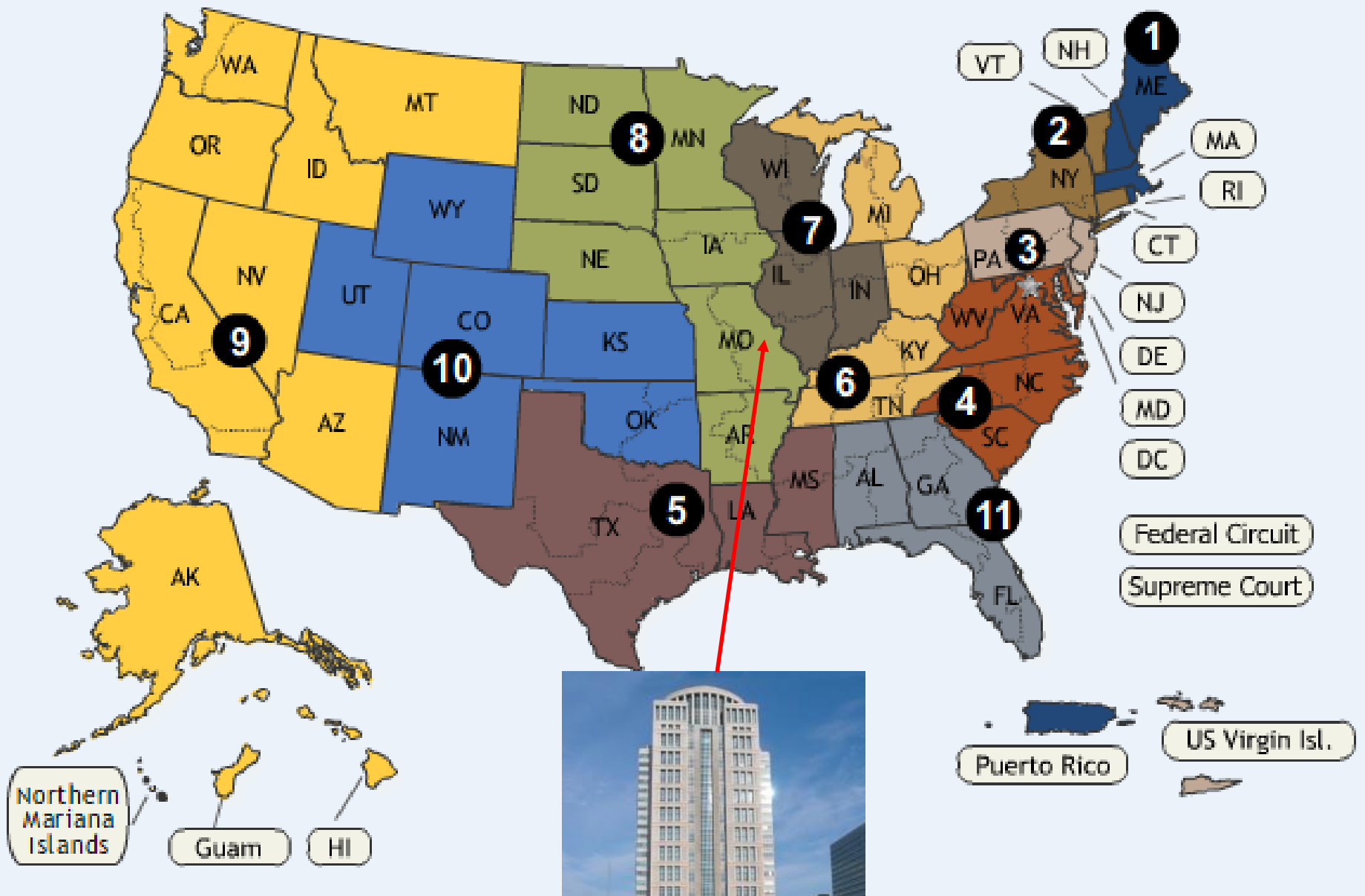
Defendant's guilty knowledge that his transportation activity furthers alien's illegal presence in United States is essential element of crime of transporting illegal aliens. Immigration and Nationality Act, § 274(a)(1)(B), 8 U.S.C.(1988 Ed.) § 1324(a)(1)(B).

aliens' illegal entry into United States by transporting them include whether defendant received compensation for his transportation activity, whether defendant took precautionary efforts to conceal illegal aliens, and whether illegal aliens were defendant's friends or co-workers or merely human cargo. Immigration and Nationality Act, § 274(a)(1)(B), 8 U.S.C.(1988 Ed.) § 1324(a)(1)(B).

Police into suspicious activity at Grimsby Airpark, a small, rural airstrip located approximately one hour southwest of Toronto, Ontario, just north of the Canada-United States international border. Several individuals reported seeing a small Piper Cherokee plane landing on numerous occasions when the airpark was closed, taking on passengers, and departing after being on the ground a short time. Once it was determined that the

Federal Court System





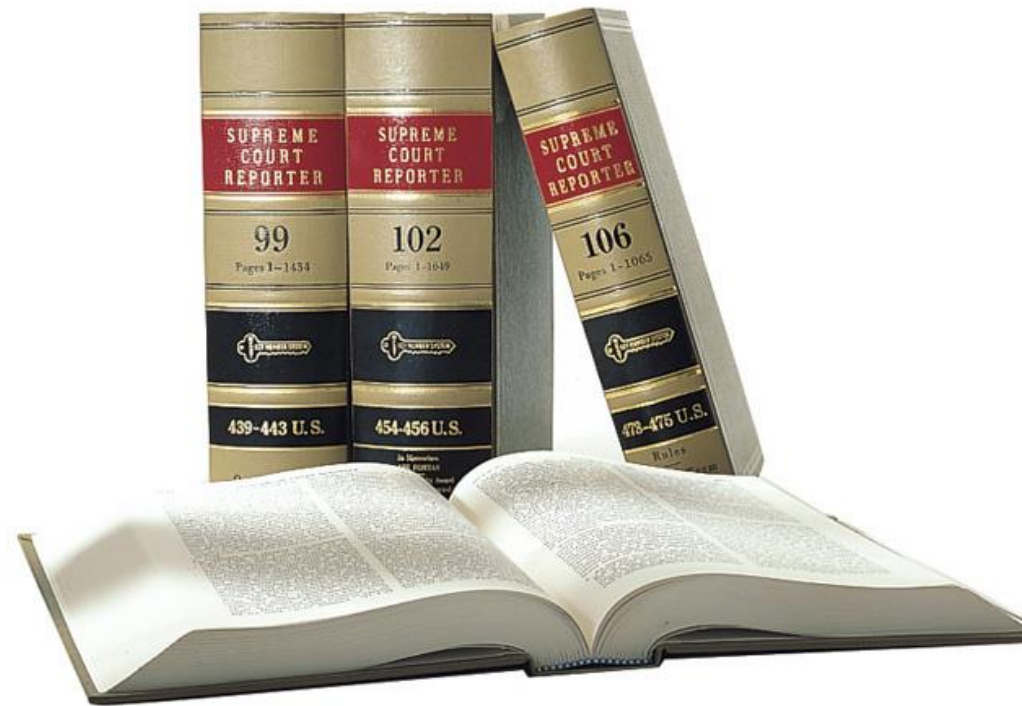


Supreme Court Opinions: Where are they?

- Official Reporter
 - U.S. Reports
- Commercial Reporters (Print and Digital)
 - Supreme Court Reports (WEST)
 - Lawyer's Edition (LEXIS)
- Digital – Online
 - Web – Multiple Sources

Unofficial Reporters – Federal: West Publishing

- Federal Level – Supreme Court
 - Supreme Court Reporter (West)
 - Began in 1882 (Vol 106 of U.S. Reports forward)



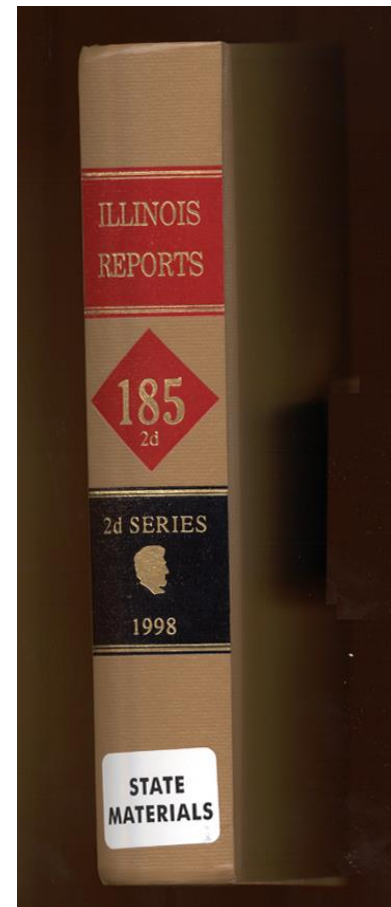
West Reporters - Federal

- Federal Appellate Courts
 - Federal Reporter
 - Three Series: 1st v.1-300 (1880-1924), 2d. V.1-999 (1925-1987), 3rd v.1- (1988-), as of 9/12/14: V.752
 - Includes opinions from all 13 Federal Circuit Courts
- Trial Courts
 - Federal Supplement



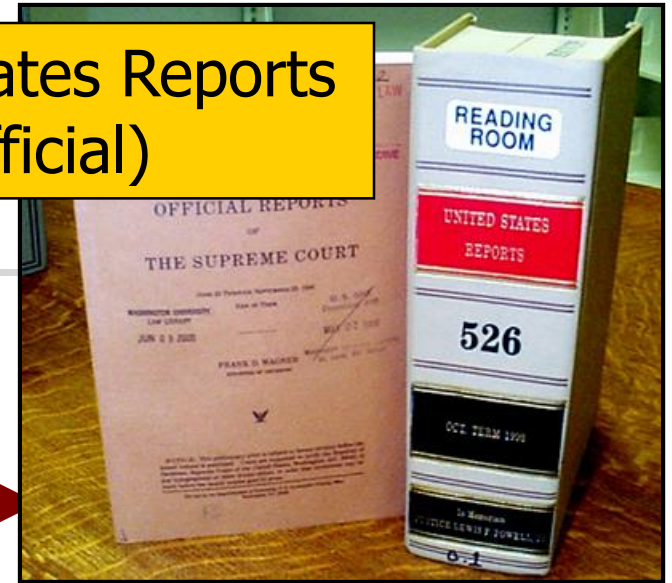
Official Reporters - States

- States
 - 1804 – Massachusetts, New York and Kentucky passed laws authorizing publication of Official Case Reporter
 - Commercial publisher (West Publishing) designated 'official' in some states



Review

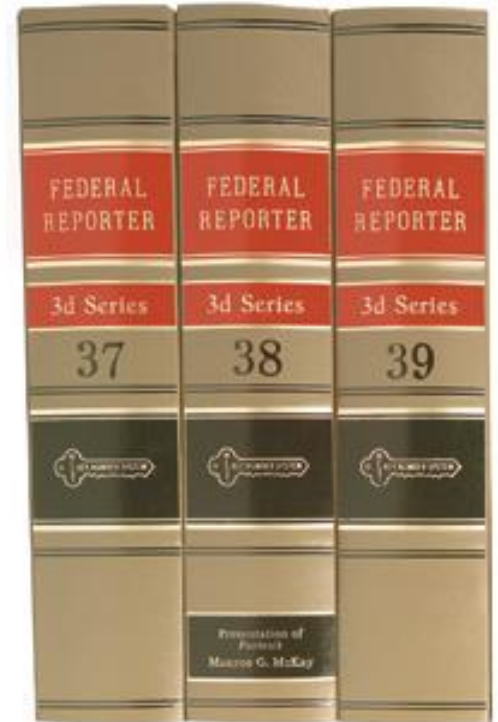
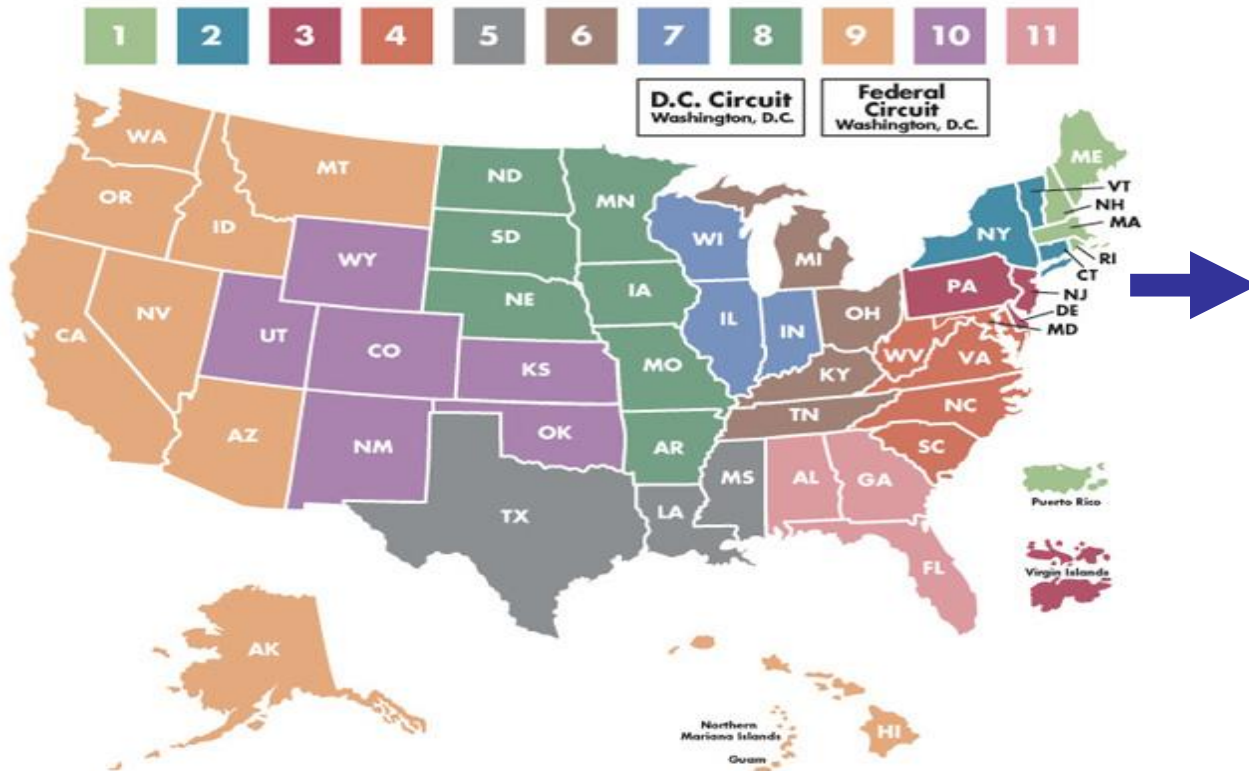
United States Reports
(Official)



Supreme Court Reporter
(West)

Review

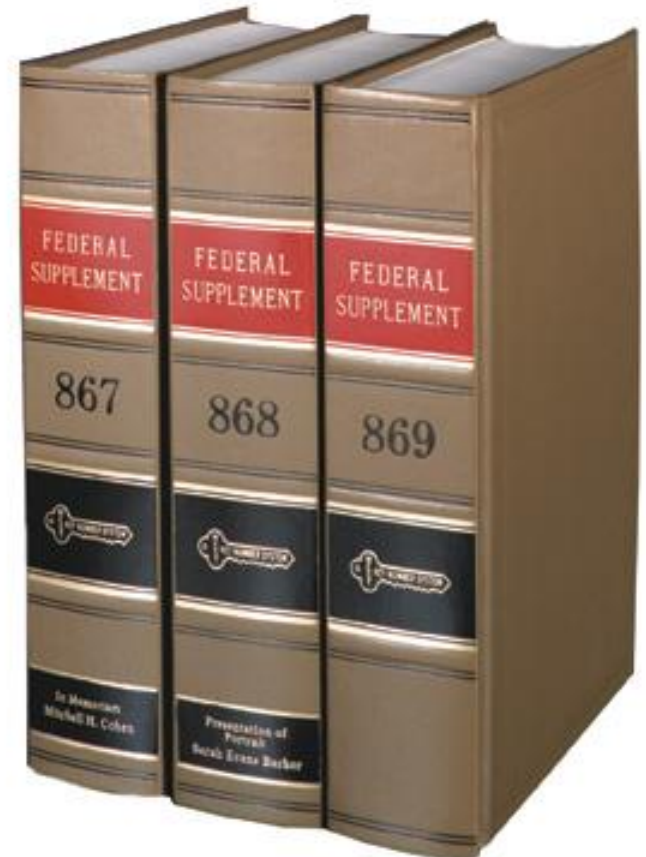
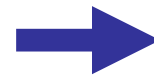
The Thirteen Federal Judicial Circuits



Review – Federal Trial (District) Courts

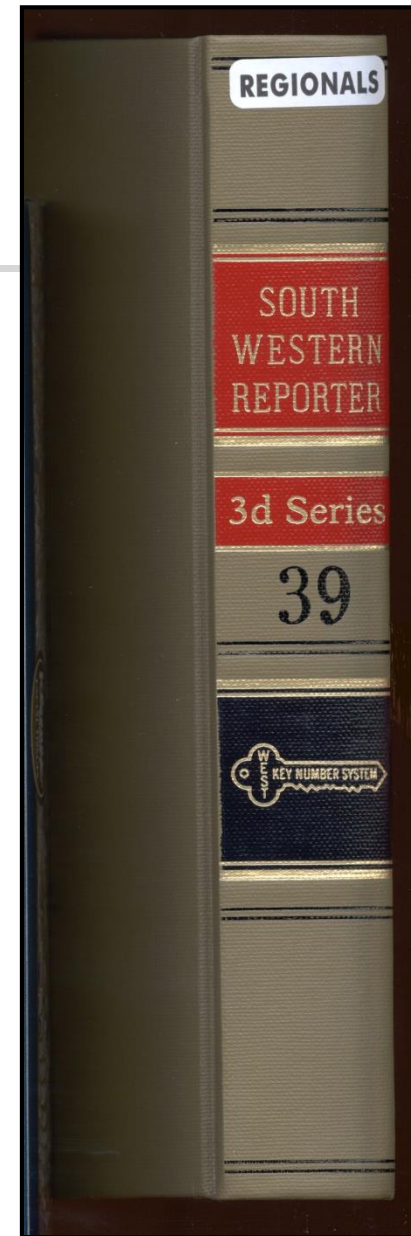


Welcome
to the
Western
District
of
Missouri



Review: State Court Opinions

- Missouri cases



U.S. v. Parmelee



1. Criminal Law ⇌1173.2(2)

District court's erroneous failure to instruct jury that defendants knew they were furthering aliens' illegal entry into United States by transporting them was harmless beyond reasonable doubt; rational jury, which found that defendants knew aliens were illegal, would necessarily have found that defendants knew their activity furthered aliens' violation of law, where defendants furtively transported aliens late at night, drove evasively to elude police surveillance, and received compensation by carload for delivery of luggage laden and foreign-speaking aliens who were strangers to defendants. Immigration and Nationality Act, § 274(a)(1)(B), 8 U.S.C.(1988 Ed.) § 1324(a)(1)(B).

2. Aliens ⇌56

To convict defendant for transporting illegal aliens, government must prove beyond reasonable doubt not only that defendant knew alien being transported had entered this country in violation of immigration law, but also that defendant knowingly transported alien to further that violation. Immigration and Nationality Act, § 274(a)(1)(B), 8 U.S.C.(1988 Ed.) § 1324(a)(1)(B).

3. Aliens ⇌56

Defendant's guilty knowledge that his transportation activity furthers alien's illegal presence in United States is essential element of crime of transporting illegal aliens. Immigration and Nationality Act, § 274(a)(1)(B), 8 U.S.C.(1988 Ed.) § 1324(a)(1)(B).

4. Aliens ⇌59

Relevant considerations bearing on defendant's knowledge that he was furthering aliens' illegal entry into United States by transporting them include whether defendant received compensation for his transportation activity, whether defendant took precautionary efforts to conceal illegal aliens, and whether illegal aliens were defendant's friends or co-workers or merely human cargo. Immigration and Nationality Act, § 274(a)(1)(B), 8 U.S.C.(1988 Ed.) § 1324(a)(1)(B).

5. Criminal Law ⇌1251

Evidence was insufficient to support finding that defendant pilot involved in transporting illegal aliens played supervisory role in smuggling ring to justify three-level increase in his base sentencing level for being manager or supervisor in offense; he received money for his services, he purchased keeper to inform codefendant of flight departures and arrivals, and he was responsible for upkeep and rental of plane, these activities were inherent in his role as pilot without necessarily indicating that he managed or supervised others. Immigration and Nationality Act, § 274(a)(1)(B), 8 U.S.C.(1988 Ed.) § 1324(a)(1)(B); U.S.S.G. § 3B1.1(b), 18 U.S.C.A.App.

Madeleine S. Murphy, Asst. State's Atty., Crim. Div. (argued), Chicago, IL, Barry Randolph Elden, Asst. U.S. Atty., Crim. Receiving, Appellate Div., Chicago, IL, for U.S.

Kathleen T. Zellner, Michael Hemstreet (argued), Zellner & Associates, Naperville, IL, for Allan Parmelee.

Kent R. Carlson (argued), Jerry B. Kurz, Kathryn Hall, Hall & Kurz, Chicago, IL, for Ewa Brozek-Lukaszuk.

Joseph J. Cavanaugh, Soso & Cavanaugh, Chicago, IL (argued), for Alojzy Sandrzyk.

Michael P. Mullen, Mullen, Raleigh & Cahill, Chicago, IL (argued), for Tadeusz Sobiecki.

Before POSNER, Chief Judge, and COFFEY, and FLAUM, Circuit Judges.

FLAUM, Circuit Judge.

This case arose out of an investigation initiated by the Royal Canadian Mounted Police into suspicious activity at Grimsby Airpark, a small, rural airstrip located approximately one hour southwest of Toronto, Ontario, just north of the Canada-United States international border. Several individuals reported seeing a small Piper Cherokee plane landing on numerous occasions when the airpark was closed, taking on passengers, and departing after being on the ground a short time. Once it was determined that the

West's American Digest System



■ Types of Digests

1. Decennial
2. General
3. Federal
4. Regional (e.g. Northeastern)
5. State (e.g. Missouri Digest)
6. Subject (e.g. Bankruptcy Digest)

■ Digests for all West Reporters



How do I find a Case on my issue using a West Digest?

- Descriptive Word Index or Words & Phrases Index
 - Identify key legal or factual terms
- Analysis or Topic Review
 - Identify areas of law involved, review list of West topics and choose appropriate subtopics therein
- One good case method
 - Locate case in Table of Cases
 - Determine matching Topic/Key Number



West's Outline of American Law

- **450** General Topics organized under Seven Categories
 1. Persons
 2. Property
 3. Contracts
 4. Torts
 5. Crimes
 6. Remedies
 7. Government



West Key Number System®

Numerical List of Digest Topics

- 1 Abandoned and Lost Property
- 2 Abatement and Revival
-
- 413 Workers' Compensation
- 414 Zoning and Planning
- 450 Merit Systems Protection
- For more info about Digest Topics:
<http://west.thomson.com/documentation/westlaw/wlawdoc/wlres/keynmb06.pdf>



THE TOPIC AND KEY NUMBER SYSTEM: AN EXAMPLE

- Each topic is broken down into subheadings.
- This process continues until further breakdown of a point of law is unproductive and a specific key number is assigned. *See, **92k90.1(1.2)*** below.
- There are over 100,000 specific key numbers.

92 Constitutional Law (Topic)

92V Personal, Civil and Political Rights (Sub-Heading)

92k90 Freedom of Speech and of the Press

92k90.1 Particular Expressions and Limitations

92k90.1(1.2) k. Election Regulations

VIEW: <<

Overview	5
Cases	395
Key Numbers	12
Trial Court Orders	0
Statutes	0
Regulations	0
Administrative Decisions & Guidance	0
Secondary Sources	83
Forms	0
Briefs	98
Trial Court Documents	76
Expert Materials	0
Jury Verdicts & Settlements	0
Proposed & Enacted Legislation	0
Proposed & Adopted Regulations	0
Arbitration Materials	0
Public Records	🔍
All Results	652

Overview (5)

Select all items | No items selected

Cases | View all 395

Buckley v. Valeo

Supreme Court of the United States | January 30, 1976 | 424 U.S. 1 | 96 S.Ct. 612

Various candidates for federal office and political parties and organizations brought action challenging constitutionality of Federal Election Campaign Act. The Dis the District of Columbia, 387 F.Supp. 135, denied application for three-judge court and certified constitutional questions to the Court of Appeals. In No. 75-346, the

...(Formerly **92k90.1(1.2)**, 92k90.1(1))...

...(Formerly **92k90.1(1.2)**, 92k90.1(1))...

Field v. Hall

Supreme Court of Arkansas. | October 14, 1940 | 201 Ark. 77 | 143 S.W.2d 567

Appeal from Circuit Court, Third Division, Pulaski County; J. S. Utley, Judge. Mandamus proceeding by Ralph Field and others against C. G. Hall, Secretary of State. Adverse judgment, the plaintiffs appeal. Affirmed.

...(Formerly **92k90.1(1.2)**)...

Key Numbers - Points of Law Found in Cases | View all 12

Arkansas

CONSTITUTIONAL LAW

92k90.1688 POLITICS AND ELECTIONS > Elections, voting, or ballot access in general

All Federal

CONSTITUTIONAL LAW

92k90.1681 POLITICS AND ELECTIONS > Political speech, beliefs, or activity in general

92k90.1709 POLITICS AND ELECTIONS > Advertisements

92k90.1469 POLITICAL RIGHTS AND DISCRIMINATION > Campaign finance, contributions, and expenditures

92k90.1715 Initiatives > Circulation of petitions

Secondary Sources | View all 83

POLITICAL MONEY

Election Law Journal | 2009 | 8 Election L. J. 349



WestlawNext: Case Research: Two Approaches

- Key Number System: subject keywords
- Full Text Case Search: use connectors to run searches

VIEW: <<

Overview	15
Cases	1,181
Key Numbers	10
Trial Court Orders	33
Statutes	117
Regulations	51
Administrative Decisions & Guidance	10,000
Secondary Sources	987
Forms	2
Briefs	2,352
Trial Court Documents	4,900
Expert Materials	840
Jury Verdicts & Settlements	518
Proposed & Enacted Legislation	2,120
Proposed & Adopted Regulations	470
Arbitration Materials	6,476
Public Records	30,047
All Results	30,047

Overview (15)

 Select all items | No items selected

Cases

[View all 1,181](#)**U.S. v. Hitchcock**

United States Court of Appeals, Fifth Circuit. | November 26, 2004 | 115 Fed.Appx. 703 | 2004 WL 2699545

CRIMINAL JUSTICE - Instructions. Submission of jury instruction was harmless error.

...Submission of jury instruction regarding the financial-gain element of offense of **transportation** of **illegal aliens** within the United States, aiding and abetting the **transportation** of **illegal aliens**, where defendant's sentence did not exceed the statutory maximum of five years for the **transportation** of **illegal aliens**. Immigration and Nationality Act, § 274(a)(1)(A)(v)(II), (a)(1)(B)(ii), 8 U.S.C.A. § 1324(a)(1)(A)(v)(II).

...Roger Ervin Hitchcock appeals his conviction and sentence for the **transportation** of **illegal aliens** within the United States....

**Arbegast v. Board of Educ. of South New Berlin Cent. School**

Court of Appeals of New York. | June 06, 1985 | 65 N.Y.2d 161 | 480 N.E.2d 365

High school student teacher injured during donkey basketball game when donkey she was riding put its head down, and she fell off, which provided donkeys seeking recovery of damages. After settling her claim with the board, the Supreme Court, Otsego County, granted judgment in favor...

... The game, sponsored as a fund-raising event for the senior class, was staged under contract by the defendant Buckeye Donkey Company, which provided donkeys, helmets for each of the players, and an employee who **transported** and handled the animals, gave instructions to the participants in return for which the company received a percentage of the receipts....

**Key Numbers - Points of Law Found in Cases** | [View all 10](#)**ALIENS, IMMIGRATION, AND CITIZENSHIP**[240-777 Facilitating unlawful entry or unlawful presence > Transporting alien](#)

VIEW: <<

Overview	13
Cases	1,114
Key Numbers	10
Trial Court Orders	12
Statutes	63
Regulations	0
Administrative Decisions & Guidance	66
Secondary Sources	542
Forms	5
Briefs	1,878
Trial Court Documents	2,391
Expert Materials	5
Jury Verdicts & Settlements	1
Proposed & Enacted Legislation	27
Proposed & Adopted Regulations	0
Arbitration Materials	4
Public Records	0
All Results	6,108

Overview (13)

Select all items | No items selected

Cases | View all 1,114

U.S. v. Barajas-Chavez

United States Court of Appeals, Tenth Circuit. | January 07, 1999 | 162 F.3d 1285 | 1999 WL 5075

Defendant was charged with knowingly transporting two named undocumented aliens in furtherance of aliens' illegal presence within United States. Judgment of acquittal. After jury returned guilty verdict, the United States District Court for the District of New Mexico, Martha Vazquez, J., 991 F.Supp. 1285 (1999), affirmed. **transporting** and...

...Formerly 24k56 To establish a violation of statute which proscribes transporting illegal aliens, the government must prove: (1) the transporting of an illegal alien.

...24 777 k. Transporting alien. (Formerly 24k56 Within statute proscribing transporting illegal aliens, the phrase " in furtherance of " such violation is not required.)

U.S. v. Aguirre

United States Court of Appeals, Fifth Circuit. | December 07, 2009 | 354 Fed.Appx. 916 | 2009 WL 4572843

CRIMINAL JUSTICE - Immigration. Evidence produced at trial was sufficient to convict defendant of conspiracy to transport illegal aliens.

...(2) evidence was not sufficient to convict defendant of transporting an illegal alien; (3) indictment was not ambiguous, duplicitous or potentially prejudicial.

...and sufficiency. Evidence was not sufficient to convict defendant of transporting an illegal alien; there was no direct evidence that defendant had transported an illegal alien.

Key Numbers - Points of Law Found in Cases | View all 10

ALIENS, IMMIGRATION, AND CITIZENSHIP

24-777 Facilitating unlawful entry or unlawful presence > Transporting alien

24-795(4) Evidence > Weight and sufficiency

VIEW: <<

Overview	7
Cases	60
Key Numbers	0
Trial Court Orders	0
Statutes	4
Regulations	0
Administrative Decisions & Guidance	13
Secondary Sources	42
Forms	0
Briefs	106
Trial Court Documents	54
Expert Materials	0
Jury Verdicts & Settlements	0
Proposed & Enacted Legislation	0
Proposed & Adopted Regulations	0
Arbitration Materials	0
Public Records	0
All Results	279

Overview (7)

 Select all items | No items selected

Cases | View all 60

 U.S. v. Cabrera

United States Court of Appeals, Ninth Circuit. | February 01, 2000 | 201 F.3d 1243 | 2000 WL 108160

CRIMINAL JUSTICE - Prosecutorial Misconduct. Prosecutor could comment on defendant's failure to produce corroborative witnesses.

...14, 2000. Filed Feb. 1, 2000. Defendant was convicted of **knowingly transporting illegal aliens** and bringing aliens into the United S
...110k706(5) Prosecutor did not engage in misconduct during trial for **knowingly transporting illegal aliens** in asking defendant during
any...

 U.S. v. Navarette-Benitez

United States Court of Appeals, Eighth Circuit. | December 12, 2007 | 256 Fed.Appx. 876 | 2007 WL 4322253

CRIMINAL JUSTICE - Sentencing. Defendant waived challenges to Guidelines calculations when he withdrew his objections to the pres

...States District Court for the Northern District of Iowa to **knowingly transporting illegal aliens** for commercial advantage and private
...at the sentencing hearing, on conviction by guilty plea to **knowingly transporting illegal aliens** for commercial advantage and private

Statutes | View all 4

 § 1324. Bringing in and harboring certain aliens

8 USCA § 1324 | United States Code Annotated

United States Code Annotated

Title 8. **Aliens** and Nationality

Chapter 12. Immigration and Nationality

Subchapter II. Immigration

Q- Enter search terms, citations, databases, anything ...



Browse

All Content

Federal Materials

State Materials

Practice Areas

Tools

Cases

Key Numbers

Trial Court Orders

Statutes & Court Rules

Regulations

Administrative Decisions & Guidance

Secondary Sources

Forms

Briefs

Trial Court Documents

Expert Materials

Jury Verdicts & Settlements

Proposed & Enacted Legislation

Proposed & Adopted Regulations

Arbitration Materials

Practical Law

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Dockets

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News and Insight from REUTERS



Q&A: ABA's Howard Feller on international antitrust enforcement

REUTERS LEGAL | 9/12/2014

[Home](#)

West Key Number System

[Add to Favorites](#)**Search for Key Numbers relevant to your issue** ⓘ

Q Enter terms e.g., landlord duty of care to trespassers

Jurisdiction selected: AR, All Fed. | [Change Jurisdiction](#) Search all content Specify content to search

1	ABANDONED AND LOST PROPERTY	136	DOWER AND CURTESY	286	PARLIAMENTARY LAW
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7	ACCESSION	143	ELECTION OF REMEDIES	291	PATENTS
8	ACCORD AND SATISFACTION	145	ELECTRICITY	294	PAYMENT
9	ACCOUNT	146	EMBEZZLEMENT	295	PENALTIES
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11	ACCOUNT STATED	149	ENTRY, WRIT OF	297	PERJURY
11A	ACCOUNTANTS	149E	ENVIRONMENTAL LAW	298	PERPETUITIES
12	ACKNOWLEDGMENT	149T	EQUITABLE CONVERSION	300	PILOTS
13	ACTION	150	EQUITY	302	PLEADING
14	ACTION ON THE CASE	151	ESCAPE	303	PLEDGES
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..... 24X Offenses, Penalties and Prosecutions (5,892)
..... 24 774 Facilitating Unlawful Entry or Unlawful Presence (426)
..... 24 777 Transporting alien. (147)

1. U.S. v. Cardenas-Meneses

United States Court of Appeals, Fifth Circuit. | April 5, 2013 | 532 Fed.Appx. 505

Headnote: Government was not required to prove beyond a reasonable doubt the correct identities of the deceased **aliens** in order to support defendant's convictions of **transporting** an **alien** within the United States resulting in the death of said **alien**; neither the name of a **transported alien** nor the name of the person who died as a result of an **alien transporting** offense was an element of the offense. Immigration and Nationality Act, § 274(a)(1)(A)(ii), (a)(1)(A)(v)(II), (a)(1)(B)(iv), 8 U.S.C.A. § 1324(a)(1)(A)(ii), (a)(1)(A)(v)(II), (a)(1)(B)(iv).

Document Preview: CRIMINAL JUSTICE - Sentencing. Defendant's sentence was not unreasonably disproportionate to those of his coconspirators.

2. U.S. v. South Carolina

United States District Court, D. South Carolina, Charleston Division. | November 15, 2012 | 906 F.Supp.2d 463

Headnote: South Carolina statutory provisions creating state felony to **transport**, move, or attempt to **transport** or conceal, harbor, or shelter person with intent to further that person's unlawful entry or to help that person avoid apprehension or detection by state or federal authorities, were preempted by federal law; provisions infringed upon a comprehensive federal statutory scheme and would interfere with the federal government's supremacy in the realm of immigration, and the statutory provisions would allow state officials to exercise discretion regarding the prosecution of persons allegedly harboring or sheltering persons unlawfully present in the United States, creating a conflict with federal law since that discretion had previously been the exclusive province of the federal government. Immigration and Nationality Act, §§ 273, 274, 278, 8 U.S.C.A. §§ 1323, 1324, 1328; S.C.Code 1976, § 16-9-460(B, D).

Document Preview: CRIMINAL JUSTICE - Immigration. Certain South Carolina statutes criminalizing conduct assisting undocumented **aliens** were preempted.

3. Zavala v. Wal Mart Stores Inc.

United States Court of Appeals, Third Circuit. | August 9, 2012 | 691 F.3d 527

Headnote: Undocumented workers' allegations that they were **transported** to retailer's location were insufficient to state a claim for **transporting** illegal immigrants, as predicate act required to support Racketeer Influenced and Corrupt Organizations Act (RICO) claim, absent allegation that retailer was ever involved in **transport**. Immigration and Nationality Act, § 274(a)(1)(A)(i, ii), 8 U.S.C.A. § 1324(a)(1)(A)(i, ii); 18 U.S.C.A. § 1961(1)(F).

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777 —Transporting alien (31)

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24 ALIENS, IMMIGRATION, AND CITIZENSHIP (Up to 10,000)

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24 774 Facilitating Unlawful Entry or Unlawful Presence (426)

24 777 Transporting alien. (147)

1. U.S. v. Pineda-Doval

United States Court of Appeals, Ninth Circuit. | August 10, 2010 | 614 F.3d 1019

Headnote: In order to convict for transportation of illegal aliens resulting in death, defendant must have (1) **known** or been in reckless disregard of the fact that the person he was transporting was (2) an alien who was (3) in the United States illegally; (4) the defendant must have transported the alien in order to help him or her enter or remain in the United States illegally; and (5) the defendant's transportation must have resulted in the death of some person. Immigration and Nationality Act, § 274(a)(1)(A)(ii), (a)(1)(B)(iv), 8 U.S.C.A. § 1324(a)(1)(A)(ii), (a)(1)(B)(iv).

Document Preview: CRIMINAL JUSTICE - Immigration. Proximate cause was element of offense of transportation of illegal aliens resulting in death.

2. U.S. v. Vega

United States Court of Appeals, Third Circuit. | June 19, 2006 | 184 Fed.Appx. 236

Headnote: Evidence was sufficient to support finding that defendant **knowingly** attempted to transport alien illegally through the United States; alien testified that she was in the United States unlawfully, defendant had previously agreed to help illegal aliens to travel within the United States, and had reason to **know** that alien was in the country illegally and he nevertheless made arrangements to provide alien with immigration documents and to usher her through the customs process to ensure that she could travel into the United States. Immigration and Nationality Act, § 274(a)(1)(A)(ii), 8 U.S.C.A. § 1324(a)(1)(A)(ii).

Document Preview: CRIMINAL JUSTICE - Immigration. Evidence was sufficient to sustain conviction for production or possession of fraudulent immigration papers.

3. U.S. v. Rodriguez-Morales

United States Court of Appeals, Fifth Circuit. | April 24, 2006 | 178 Fed.Appx. 335

Headnote: Guilty plea was sufficient to support conviction for transporting an undocumented alien within the United States for financial gain, where defendant admitted that she **knowingly** transported 12 aliens by means of a motor vehicle and in furtherance of their illegal status in the United States, for profit. Immigration and Nationality Act, § 274(a)(1)(B)(i), 8 U.S.C.A. § 1324(a)(1)(B)(i).

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 2. U.S. v. Vega

United States Court of Appeals, Third Circuit. | June 19, 2006 | 184 Fed.Appx. 236

Headnote: Evidence was sufficient to support finding that defendant **knowingly** attempted to transport alien illegally through the United States; alien testified that she was in the United States unlawfully, defendant had previously agreed to help illegal aliens to travel within the United States, and had reason to **know** that alien was in the country illegally and he nevertheless made arrangements to provide alien with immigration documents and to usher her through the customs process to ensure that she could travel into the United States. Immigration and Nationality Act, § 274(a)(1)(A)(ii), 8 U.S.C.A. § 1324(a)(1)(A)(ii).

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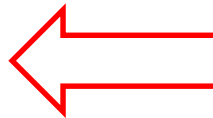
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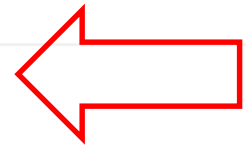
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777 —Transporting alien (1)

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24 ALIENS, IMMIGRATION, AND CITIZENSHIP (6,567)

..... 24X Offenses, Penalties and Prosecutions (340)

..... 24 774 Facilitating Unlawful Entry or Unlawful Presence (14)

..... 24 777 Transporting alien. (3)

1. U.S. v. Hernandez

United States Court of Appeals, Eighth Circuit | September 10, 1990 | 913 F.2d 568

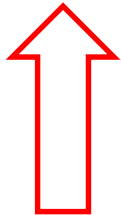
Headnote: In order to show a violation of statute prohibiting transporting illegal aliens, Government is required to prove that defendant transported an alien within United States, that the alien was in United States in violation of the law, that such fact was **known** to the defendant, and that defendant acted willfully in furtherance of alien's violation of the law. Immigration and Nationality Act, § 274(a)(1)(B), 8 U.S.C.A. § 1324(a)(1)(B).

Document Preview: Defendant was convicted in the United States District Court for the Eastern District of Arkansas, Stephen M. Reasoner, J., of transporting illegal aliens, and he appealed. The Court of...

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Original Image of 913 F.2d 568 (PDF)



913 F.2d 568
United States Court of Appeals,
Eighth Circuit.

UNITED STATES of America, Appellee,
v.
Miguel Reyna HERNANDEZ, Appellant.

No. 90-1623. | Submitted Aug. 8, 1990. | Decided Sept. 10, 1990.

Defendant was convicted in the United States District Court for the Eastern District of Arkansas, [Stephen M. Reasoner, J.](#), of transporting illegal aliens, and he appealed. The Court of Appeals held that evidence, which established that aliens told defendant that they had no "papers" and that defendant assisted them in navigating around a highway checkpoint, was sufficient to support defendant's conviction for transporting illegal aliens, despite Government's failure to adduce the specific nationality of the transported aliens.

Affirmed.

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1 Aliens, Immigration, and Citizenship Transporting Alien

In order to show a violation of statute prohibiting transporting illegal aliens, Government is required to prove that defendant transported an alien within United States, that the alien was in United States in violation of the law, that such fact was **known** to the defendant, and that defendant acted willfully in furtherance of alien's violation of the law. Immigration and Nationality Act, § 274(a)(1)(B), 8 U.S.C.A. § 1324(a)(1)(B).

11 Cases that cite this headnote

2 Aliens, Immigration, and Citizenship Weight and Sufficiency

Evidence, which established that aliens told defendant that they had no "papers" and that defendant assisted them in navigating around a highway checkpoint, was sufficient to support defendant's conviction for transporting illegal aliens, despite Government's failure to adduce the specific nationality of the transported aliens. Immigration and Nationality Act, § 274(a)(1)(B), 8 U.S.C.A. § 1324(a)(1)(B).

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United States Court of Appeals, Ninth Circuit. | June 14, 2005 | 135 Fed.Appx. 61 | 2005 WL 1394975

CRIMINAL JUSTICE - **Immigration**. Evidence supported conviction for **transporting illegal aliens** in furtherance of their violation of **immigration law**....Central District of California Gary A. Feess, J., for knowingly **transporting illegal aliens** in furtherance of their violation of **immigration law**. Defendant appealed. Holding: The Court of Appeals held that evidence......the United States illegally, as required to support conviction for **transporting illegal aliens** in furtherance of their violation of **immigration law**, defendant stipulated that he knew his passengers were illegal aliens... 2. **Renteria-Gonzalez v. I.N.S.**

United States Court of Appeals, Fifth Circuit. | November 11, 2002 | 322 F.3d 804 | 2002 WL 32063111

IMMIGRATION - Deportation or Removal. Court had jurisdiction over petition to review removal order....Act did not confer jurisdiction to vacate alien's conviction for **transporting illegal aliens** within United States; (2) district court lacked equitable authority to......in removal proceedings; (4) conviction remained valid for purposes of **immigration laws** even if it was properly vacated by district court; (5... 3. **U.S. v. Neel**

United States Court of Appeals, Ninth Circuit. | July 12, 2010 | 386 Fed.Appx. 740 | 2010 WL 2782634

CRIMINAL JUSTICE - Pleas. Court did not abuse its discretion in rejecting defendant's Alford plea after he maintained he had no knowledge of crime.

...instruction, which incorporated necessary element of "intent to violate the **immigration laws** by **transporting** the **illegal alien** or helping to **transport** him in the vehicle." Immigration and Nationality Act, § 274......which incorporated the necessary element of "intent to violate the **immigration laws** by **transporting** [the **illegal alien**] or helping to **transport** him in the vehicle." See id. (explaining that "[c]ases in... 4. **U.S. v. Zlatogur**

United States Court of Appeals, Eleventh Circuit. | October 31, 2001 | 271 F.3d 1025 | 2001 WL 1337609

CRIMINAL JUSTICE - Evidence. Defendant procured witness's unavailability and thus could not object to hearsay testimony.

Oct. 31, 2001. Defendant was convicted of conspiracy to violate **immigration laws** and **transportation of illegal aliens**, following jury trial in

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21. U.S. v. Cruz

United States District Court, D. Puerto Rico. | July 14, 1999 | 59 F.Supp.2d 340 | 1999 WL 512476

Following conviction for transporting illegal alien within United States, defendant moved for judgment of acquittal. The District Court, Dominguez, J., held that there was sufficient evidence that defendant had knowledge that aliens had entered country illegally and that defendant knowingly transported aliens to further that violation to support...

...had knowledge that aliens had entered country in violation of immigration law and that defendant knowingly transported aliens to further that violation, to support conviction for transporting illegal aliens within United States; defendant was asked by his biggest customer...

22. U.S. v. Hernandez-Garcia

United States Court of Appeals, Ninth Circuit. | March 26, 2002 | 284 F.3d 1135 | 2002 WL 453261

CRIMINAL JUSTICE - Immigration. Proof of "entry" was not required for conviction for transporting undocumented aliens within United States.

...district court also instructed the jury on the elements of transporting illegal aliens in violation of section 1324(a)(1)(A)(ii) as...

that the Defendant acted with the intention of violating the immigration laws of the United States. The third element of the charge...

23. U.S. v. Parmelee

United States Court of Appeals, Seventh Circuit. | December 09, 1994 | 42 F.3d 387 | 1994 WL 687661

Defendants were convicted by the United States District Court for the Northern District of Illinois, James B. Zagel, J., of conspiring to transport illegal aliens within United States, and knowingly bringing aliens into United States at place other than designated port of entry, and they appealed. The Court of Appeals, Flaum, Circuit Judge, held...

...777 k. Transporting Alien. (Formerly 24k56 To convict defendant for transporting illegal aliens, government must prove beyond reasonable doubt not only that defendant...

...alien being transported had entered this country in violation of immigration law, but also that defendant knowingly transported alien to further that...

24. U.S. v. Rojas-Pedroza

United States Court of Appeals, Ninth Circuit. | May 28, 2013 | 716 F.3d 1253 | 2013 WL 2320307

CRIMINAL JUSTICE - Immigration. Evidence did not support defendant's collateral attack of underlying deportation order in illegal reentry prosecution.

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 **U.S. v. Parmelee**

United States Court of Appeals, Seventh Circuit. | December 9, 1994 | 42 F.3d 387 | 133 A.L.R. Fed. 599 (Approx. 19 pages)

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 **2** **Aliens, Immigration, and Citizenship**  **Transporting Alien**


To convict defendant for **transporting illegal aliens**, government must prove beyond reasonable doubt not only that defendant knew alien being transported had entered this country in violation of **immigration law**, but also that defendant knowingly transported alien to further that violation. Immigration and Nationality Act, § 274(a)(1)(B), 8 U.S.C.(1988 Ed.) § 1324(a)(1)(B).

[5 Cases that cite this headnote](#)**3** **Aliens, Immigration, and Citizenship**  **Transporting Alien**

Defendant's guilty knowledge that his transportation activity furthers alien's illegal presence in United States is essential element of crime of transporting illegal aliens. Immigration and Nationality Act, § 274(a)(1)(B), 8 U.S.C.(1988 Ed.) § 1324(a)(1)(B).

[5 Cases that cite this headnote](#)

(Tr. 2954-56). The defendants argue that these instructions allowed the jury to find them guilty simply for transporting illegal aliens even if they did not know they were furthering the aliens' violation of the law.

 2 3 4 We have no question that [section 1324\(a\)\(1\)\(B\)](#) implicitly requires the government to prove beyond a reasonable doubt not only that the defendant knew the alien he transported had entered this country in violation of immigration law, but also that the defendant knowingly transported the alien to further that violation, that is, acted willfully. See, e.g., *United States v. Chavez-Palacios*, 30 F.3d 1290, 1294 (10th Cir.1994); *United States v. Diaz*, 936 F.2d 786, 788 (5th Cir.1991); *United States v. Medina-Garcia*, 918 F.2d 4, 7 (1st Cir.1990); *United States v. Hernandez*, 913 F.2d 568, 569 (8th Cir.1990) (per curiam); *United States v. Morales-Rosales*, 838 F.2d 1359, 1360 (5th Cir.1988); *United States v. Merkt*, 764 F.2d 266, 270 (5th Cir.1985) (per curiam); *United States v. Moreno*, 561 F.2d 1321, 1322 (9th Cir.1977). Without a *mens rea* requirement, [section 1324\(a\)\(1\)\(B\)](#) could penalize purely innocent conduct. *Staples v. United States*, 511 U.S. 600, ---, 114 S.Ct. 1793, 1799, 128 L.Ed.2d 608 (1994); ***391** *Liparota v. United States*, 471 U.S. 419, 426, 105 S.Ct. 2084, 2088, 85 L.Ed.2d 434 (1985). For example, it could conceivably criminalize the actions of a cab driver who transports in a routine commercial transaction an individual who announces his illegal alien status during the course of the ride. We do not read [section 1324\(a\)\(1\)\(B\)](#) as enacting such sweeping liability. See *United States v. Turkette*, 452 U.S. 576, 580, 101 S.Ct. 2524, 2527, 69 L.Ed.2d 246 (1981) (absurd results are to be avoided); *United States v. Wilson*, 503 U.S. 329, ---, 112 S.Ct. 1351, 1354, 117 L.Ed.2d 593 (1992) (same); *Matter of Udell*, 18 F.3d 403, 410-12 (7th Cir.1994) (Flaum, J., concurring) (same). Rather, we hold that a defendant's guilty knowledge that his transportation activity furthers an alien's illegal presence in the United States is an essential element of the crime stated in [section 1324\(a\)\(1\)\(B\)](#). In so holding, we decline to adopt a special test for determining guilty knowledge. See *United States v. 1982 Ford Pick-Up*, 873 F.2d 947, 950-51 (6th Cir.1989) (comparing "direct or substantial relationship" and "intent-based" approaches). As in other criminal prosecutions that require *mens rea*, the government may prove the defendant's knowledge by reference to the facts and the circumstances surrounding the case. *Liparota*, 471 U.S. at 434, 105

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Cases (9)

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United States Court of Appeals, Ninth Circuit. | June 14, 2005 | 135 Fed.Appx. 61 | 2005 WL 1394975

CRIMINAL JUSTICE - **Immigration**. Evidence supported conviction for **transporting illegal aliens** in furtherance of their violation of **immigration law**.

...the Central District of California Gary A. Feess, J., for **knowingly transporting illegal aliens** in furtherance of their violation of **immigration law**. Defendant appealed. Holding: The Court of Appeals held that evidence...

...Sufficiency. (Formerly 24k59 Evidence was sufficient to prove that defendant **knowingly transported** aliens in order to help them to remain in the United States illegally, as required to support conviction for **transporting illegal aliens** in furtherance of their violation of **immigration law**; defendant stipulated that he knew his passengers were **illegal aliens**, and evidence showed that defendant drove away from residence where...

 2. U.S. v. Cruz

United States District Court, D. Puerto Rico. | July 14, 1999 | 59 F.Supp.2d 340 | 1999 WL 512476

Following conviction for **transporting illegal alien** within United States, defendant moved for judgment of acquittal. The District Court, Dominguez, J., held that there was sufficient evidence that defendant had **knowledge** that **aliens** had entered country **illegally** and that defendant knowingly **transported aliens** to further that violation to support...

...Sufficiency. (Formerly 24k59 There was sufficient evidence that defendant had **knowledge** that aliens had entered country in violation of **immigration law** and that defendant **knowingly transported** aliens to further that violation, to support conviction for **transporting illegal aliens** within United States; defendant was asked by his biggest customer...

 3. U.S. v. Latysheva

United States Court of Appeals, Ninth Circuit. | January 10, 2006 | 162 Fed.Appx. 720 | 2006 WL 44782

CRIMINAL JUSTICE - Currency Violations. Evidence was sufficient to sustain money laundering convictions.

...24 792 Prosecutions 24 798 k. Instructions. (Formerly 24k59 General "**knowledge**" instruction did not conflict with instructions the court gave on intent to harbor or **transport illegal aliens**, as crime of **transporting** aliens was a general intent crime and did not require intent to violate the **immigration laws**. Immigration and Nationality Act, § 274(s)(1)(A)(ii)...

 4. Renteria-Gonzalez v. I.N.S.

United States Court of Appeals, Fifth Circuit. | November 11, 2002 | 322 F.3d 804 | 2002 WL 32063111

5. U.S. v. Boerner

United States Court of Appeals, Fifth Circuit. | February 27, 1975 | 508 F.2d 1064 |

Defendants were convicted in the United States District Court for the Southern District of Florida, Charles B. Fulton, Chief Judge, after trial to jury, of wilfully and knowingly conspiring to bring into the United States by means of a vessel a number of **aliens** not lawfully entitled to enter the United States, one defendant was additionally...

...98 k. In General. Indictment charging defendants with violation of **immigration law** prohibiting **transportation** into United States of **illegal aliens** was not insufficient to allege an offense because terms "wilfully" and "**knowingly**" were not repeated to modify each and every element of...

6. Langoria-Castenada v. Immigration and Naturalization Service

United States Court of Appeals, Eighth Circuit. | January 19, 1977 | 548 F.2d 233 |

Petition was brought to review deportation order entered by the Board of **immigration** Appeals. The Court of Appeals, Henley, Circuit Judge, held that evidence in the record supported **immigration** judge's findings that **alien** knowingly aided and abetted others in commission of misdemeanor offense against United States by **illegal** entry into country,....

...alien traveled from his Kansas home to New Mexico to **transport illegal aliens** to Texas, that alien traveled into Mexico to look for...

...returned to United States and that alien's intent to violate **immigration laws** was formed before he left country, remained operative during his...

7. U.S. v. Parmelee

United States Court of Appeals, Seventh Circuit. | December 09, 1994 | 42 F.3d 387 | 1994 WL 687661

Defendants were convicted by the United States District Court for the Northern District of Illinois, James B. Zagel, J., of conspiring to **transport illegal aliens** within United States, and knowingly bringing **aliens** into United States at place other than designated port of entry, and they appealed. The Court of Appeals, Flaum, Circuit Judge, held...

...777 k. Transporting Alien. (Formerly 24k56 To convict defendant for **transporting illegal aliens**, government must prove beyond reasonable doubt not only that defendant knew alien being **transported** had entered this country in violation of **immigration law**, but also that defendant **knowingly transported** alien to further that violation. Immigration and Nationality Act, §...

8. U.S. v. Hernandez-Garcia

United States Court of Appeals, Ninth Circuit. | March 26, 2002 | 284 F.3d 1135 | 2002 WL 453261

CRIMINAL JUSTICE - **Immigration**. Proof of "entry" was not required for conviction for **transporting** undocumented **aliens** within United States.

...district court also instructed the jury on the elements of **transporting illegal aliens** in violation of section 1324(a)(1)(A)(ii) as...

...Fourth, that on or about January 24, 2000, the defendant **knowingly transported** or moved Daniel Ibanez-Pizano and/or Manuel Vargas-Amezcu...

9. U.S. v. Maloney

United States Court of Appeals, Seventh Circuit. | November 29, 1995 | 71 F.3d 645 | 1995 WL 702145

Religious Organization

4 Religious Organization
§ 16:23

...upon reasonable sus
person's alien status.
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initial immigration bill..

Briefs

Brief of Appellant

UNITED STATES OF
Plaintiff/Appellee, v. M
AGUILAR-REYES,
Defendant/Appellant.
United States Court of
Circuit.

March 23, 2012

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illegal aliens); United
Chavez-Palacios , 30
(10th Cir. 1994) (mere
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insufficient as a matter

Brief for Responde

Jesus Alberto HERNAN
GUZMAN, Petitioner, v
ASHCROFT, Attorney
United States, Respon
United States Court of
Circuit.

January 29, 2002

...1) that Hernandez w
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Hernandez should not
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 1. [United States v. Hernandez-Guardado, 228 F.3d 1017](#)

We must decide whether a person who **knowingly transports** an **illegal alien** in the United States but does so in the course ...

Overview: Convictions for transporting an illegal alien were upheld where the evidence showed a direct and substantial relationship between the defendants' actions and the furtherance of aliens' illegal presence in the United States.

Jurisdiction

U.S. Federal

Court9th Circuit Court of
Appeals**Date**

Sep 07, 2000

 2. [United States v. Guerra-Garcia, 336 F.3d 19](#)

... Denial of defendants' motion for acquittal was affirmed where defendants **transported** an **illegal alien** within the United States, **knowing** or recklessly disregarding his illegal alien status in furtherance of ...

... transport an illegal alien. However, the instant court disagreed. Defendants **transported** an **illegal alien** within the United States, **knowing** or recklessly disregarding his illegal alien status in furtherance of ...

... engage in any conspiracy to commit the substantive act of **knowingly** or recklessly **transporting** an **illegal alien**, which makes it a crime to "engage[] in any conspiracy to commit" the substantive act of **knowingly** or recklessly **transporting** an **illegal alien**. The statutory basis for Count IV, 8 U.S.C. § ...

Overview: Denial of defendants' motion for acquittal was affirmed where defendants transported an illegal alien within the United States, knowing or recklessly disregarding his illegal alien status in furtherance of his unlawful presence in the United States.

Jurisdiction

U.S. Federal

Court1st Circuit Court of
Appeals**Date**

Jul 16, 2003

 3. [United States v. Parmelee, 42 F.3d 387](#)

... a jury could convict our aforementioned hypothetical cab driver for **transporting** a **known illegal alien** without also finding that the cab driver did so knowingly ...

Jurisdiction

U.S. Federal


Court

7th Circuit Court of

Q United States v. Hernandez-Guardado, 228 F.3d 1017

Copy Citation

United States Court of Appeals for the Ninth Circuit

August 10, 2000, Argued and Submitted,  San Francisco, California; September 7, 2000, Filed

No. 99-10342, No. 99-10480

Reporter

228 F.3d 1017 | [2000 U.S. App. LEXIS 22532](#) | 2000 Cal. Daily Op. Service 7467 | 2000 Daily Journal DAR 9909

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. RAMON HERNANDEZ-GUARDADO, Defendant-Appellant. UNITED STATES OF AMERICA, Plaintiff-Appellee, v. DARIO JIMENEZ-FRIAS, Defendant-Appellant.

Prior History: Appeals from the United States District Court for the Eastern District of California. D.C. No. CR-97-05254-MDC. M. D. Crocker, Senior District Judge, Presiding.

Disposition: AFFIRMED.

Core Terms

transported, district court, sentence, aliens, van, illegal alien, passengers, enhancement, convicted, serious bodily injury, Guideline, imprisonment, indictment, mistrial, conspiracy, driver, presentence report, substantial risk, double jeopardy, recklessly, trip, plain error, declaration, recommendation, counts, double jeopardy claim, reasonable doubt, deliberations, manifest, maximum

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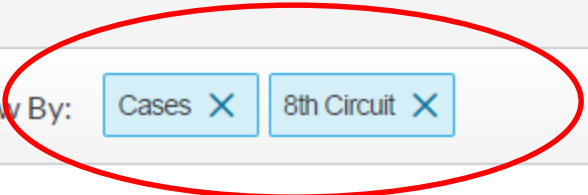
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1. [Thomas v. United States, 1988 U.S. Dist. LEXIS 6632](#)

... Count 2, a violation of 18 U.S.C. § 922(g)(5) (an **illegal alien knowingly** possessing firearms **transported** in commerce). Three other counts were dismissed by the government ...

Jurisdiction
U.S. Federal

Court
Missouri Western District Court

Date
Jul 06, 1988

◀ 1 ▶

1. [U.S. v. Hernandez](#)

United States Court of Appeals, Eighth Circuit. | September 10, 1990 | 913 F.2d 568

Headnote: In order to show a violation of statute prohibiting transporting illegal aliens, Government that the alien was in United States in violation of the law, that such fact was **known** to the defend: Immigration and Nationality Act, § 274(a)(1)(B), 8 U.S.C.A. § 1324(a)(1)(B).



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[Transportation of Undocumented Noncitizens](#) ▼

HN1 ⚡ The appellate court will conclude that there is sufficient evidence to support a conviction if, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. [Shepardize - Narrow by this Headnote](#)

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HN2 ⚡ Where an appellant does not make or renew an earlier motion for an acquittal at the close of all evidence, the appellate court reviews only for plain error and to prevent a miscarriage of justice. [Shepardize - Narrow by this Headnote](#)

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HN3  Pursuant to [8 U.S.C.S. § 1324 \(a\)\(1\)\(A\)\(ii\)](#), the imposition of criminal sanctions is imposed upon on any person who knowingly or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law. [Shepardize -](#)

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- *State v. Echols*, 175 Wis.2d 653, 680, 499 N.W.2d 631, 640 (Wis. 1993), *cert. denied*, 510 U.S. 899 (1993).



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- Smith v. State, 745 So. 2d 922 (Ala. Crim. App. 1999).
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- *Britton v. Doehring*, 242 So. 2d 666 (Ala. 1970).



Questions?

