



United States Department of Justice

WASHINGTON, D.C. 20530

ASSISTANT ATTORNEY GENERAL

NOV 13 1979

Dr. Hector P. Garcia
Founder, American G.I. Forum
of the United States
1315 Bright Street
Corpus Christi, Texas 78405

Dear Dr. Garcia:

This is in response to your mailgram of October 8 concerning the re-sentencing of the defendants in United States v. Denson, et al., which involved the death of Joe Campos Torres.

As you know, on October 30, Judge Ross Sterling sentenced each of the three defendants, under Count I of the Indictment, to serve one year and one day concurrently with the one year sentence previously imposed under Count II of the Indictment.

Unfortunately, there is nothing further that the Department can do to change the sentence imposed by Judge Sterling. The Government has very little authority to challenge a sentence imposed by a District Court Judge. A challenge may be made only as to an illegal sentence, and that challenge may be only by way of a petition for a Writ of Mandamus. The decision of the Fifth Circuit Court of Appeals in this case expressly prohibits the Government from making an appeal to a sentence, even an unlawful sentence. Accordingly, despite our view that the sentence is not appropriate to the crime, there is no remedy available to us.

Sincerely,

A handwritten signature in black ink that reads "Drew S. Days III". The signature is written in a cursive style with a horizontal line underlining the name.

Drew S. Days III
Assistant Attorney General
Civil Rights Division