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Restaurant's ex-workers plead guilty to ID theft

Fake Social Security cards were used to get jobs at Panda Express

By Kim Smith

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All 11 former employees of a Panda Express restaurant who were indicted in March on identity theft charges pleaded guilty Monday to criminal impersonation.

Pima County Superior Court Judge Frank Dawley could place each of the defendants on probation or sentence them to up to two years in prison at their sentencing Aug. 18.

Members of the group were originally charged with the felony crime of aggravated taking the identity of another. According to the plea agreement, Dawley will have the option of making the criminal impersonation charge a felony, a misdemeanor or leaving it undesignated.

Judges often leave charges undesignated when placing someone on probation in the hope the defendant will work toward earning a misdemeanor designation through the term of his or her probation.

The group was arrested March 18 after a three-month investigation by the Arizona Department of Public Safety.

Assistant Attorney General John Evans declined to comment on the specifics of the case Monday, but at the time of the arrests, DPS officials said they went to the restaurant at 2485 N. Swan Road, Suite 101, to look for evidence of identity theft.

Up until Monday, all 11 were being held without bail at the Pima County jail because they are suspected of being in the country illegally.

On Monday, Dawley agreed to release eight of the suspects on their own recognizance because most have been in the country more than five years, are in the process of obtaining their citizenship and have family members who are U.S. citizens. They also have no prior criminal records.

Once their release documents are processed, the federal Immigration and Customs Enforcement agency will take them to one of their facilities, Evans said.

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Legal Defender Isabel Garcia, left, discusses the case with Marlen Yobana Moreno-Peralta moments before Moreno-Peralta entered a guilty plea to criminal impersonation.

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Three of the suspects were given bonds of either \$100 or \$500 and if they are able to post their bond, ICE will pick them up as well, Evans said.

If they had been released on their own recognizance, they likely would have been deported immediately because orders of deportation have already been written for them, Evans said.

The plea agreements were the result of many months of negotiations with the suspects' defense attorneys, Evans said.

The plea agreement saves the state the expense of going to trial and allows the defendants to begin their fight in immigration court, Evans said.

"This is an identity-theft case, not an immigration case," Evans said. "Our priority is people who steal identities."

Pima County Legal Defender Isabel Garcia said she believed defense attorneys had a good chance at getting the case dismissed, but the plea offer was "decent."

In addition, there was a chance the prosecutors could have sought additional charges, Garcia said.

The defendants were accused of using fake Social Security cards to obtain employment, but at the time they used the cards it wasn't a crime, Garcia said. It did not become a crime to use fake Social Security cards until September 2007, she said.

Social Security cards were created as part of a benefits entitlement program, Garcia said.

"They had nothing to do with the IRS or Homeland Security," Garcia said.

More than 80 people packed the courtroom Monday to watch the proceedings, including members of No More Deaths, Samaritans and Coalición de Derechos Humanos, all immigrants' rights groups.

Those indicted were Marlen Yobana Moreno-Peralta, Roselia Araceli Torres-Ruiz, Jose Guadalupe Pichardo-Rivera, Juan Alejandro Fontes-Trujillo, Francisco Domingo Mondaca-Duarte, Artemio Marin Bustamante, Rudy Garzal-Salas, Dario Cruz-Diaz, Norberto Hernandez Ochoa, Rosa Nohemi Gutierrez-Parra and Omar Alfredo

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