

A Honduran immigrant was arrested for assaulting his girlfriend, but local sanctuary city policies lead to his release. After being released, he kidnapped and threatened to kill her, leading to a nine-hour standoff with SWAT. Jeff Jackson voted against a bill which could have prevented this from ever happening.

## BACKUP:

### Luis Analberto Pineda-Anchecha is a Honduran national who entered the United States illegally:

- According to a press release from the Department of Justice, **Luis Analberto Pineda-Anchecha is a Honduran national.** “U.S. Attorney Andrew Murray announced today that Luis Analberto Pineda-Anchecha, 37, a Honduran national, has been charged with kidnapping via a federal criminal complaint filed in federal court in Charlotte.” (Department of Justice, [Federal Complaint Charges Honduran National With Kidnapping](#), 1/9/2020)
- **Luis Analberto Pineda-Anchecha was previously convicted of illegal reentry by a deported alien.** “Pineda-Anchecha is currently in federal custody. He was previously convicted of illegal reentry by a deported alien, and, on January 7, 2020, he was sentenced to seven months in prison. Pineda-Anchecha will appear in federal court on the new federal charges on Friday, January 10, 2020. The kidnapping charge carries a maximum term of life in prison.” (Department of Justice, [Federal Complaint Charges Honduran National With Kidnapping](#), 1/9/2020)

### Luis Analberto Pineda-Anchecha was arrested by police but released shortly after because of Mecklenburg County policies. After his release, he harassed and kidnapped his ex-girlfriend. Pineda-Anchecha was finally arrested and detained after a nine-hour long standoff with SWAT:

*Editor’s Note:* According to the National Conference of State Legislatures, sanctuary (and by extension, sanctuary city) policies are those that are those “applied to jurisdictions that limit cooperation with federal immigration authorities, such as failing to provide information about immigration status and limiting the length of immigration detainers.”

*Editor’s Note:* The woman who Luis Analberto Pineda-Anchecha assaulted and kidnapped was his ex-girlfriend, per the [Department of Justice release](#) on the matter.

- **The Mecklenburg County Sheriff, Garry McFadden, does not honor detainers issued by Immigration and Customs Enforcement (ICE).** “McFadden ended his office’s participation in the 287(g) program soon after taking office in 2018 and also announced he would no longer honor ICE detainers, which are separate from the 287(g) program.” (WBTB Staff, “Meck Sheriff responds after man at center of ICE conflict sentenced to 20 years in prison,” [WBTB](#), 2/25/2021)
- **Luis Analberto Pineda-Anchecha was arrested on May 15<sup>th</sup>, 2019 after assaulting and communicating threats towards a woman, his girlfriend.** “According to filed court documents, evidence presented at trial and witness testimony, on or about May 15, 2019, Charlotte-Mecklenburg Police officers arrested Pineda-Anchecha on several state charges,

including assault on a female and communicating threats.” (WBTW Web Staff, “Man at center of conflict between ICE, Meck Sheriff, sentenced to 20 years in prison for kidnapping,” [WBTW](#), 2/23/2021)

- **Luis was released on by Mecklenburg County officials, who did not honor the detainer issued by ICE.** “Mecklenburg County Sheriff Garry McFadden effectively stopped collaborating with federal authorities on immigration enforcement, including on honoring detainees, following his election in November. Pineda-Ancheta, 37, had refused to leave an apartment off Sharon Road West, barricading himself inside the walls, as police tried to serve him multiple warrants on domestic violence charges and a SWAT unit was called. Barely a week earlier, he had been booked into jail on similar charges, allegedly against the same victim, and released on bond despite the detainer.” (WBTW Web Staff, “Man at center of conflict between ICE, Meck Sheriff, sentenced to 20 years in prison for kidnapping,” [WBTW](#), 2/23/2021)
  - **Luis was released on May 17<sup>th</sup>, 2019, two days after his arrest on May 15<sup>th</sup>.** “Two days following his arrest, Pineda-Ancheta was released from state custody on bond.” (WBTW Web Staff, “Man at center of conflict between ICE, Meck Sheriff, sentenced to 20 years in prison for kidnapping,” [WBTW](#), 2/23/2021)
  - **The detainer from ICE was issued on May 16<sup>th</sup>, 2019 between Luis’s arrest and release from the Mecklenburg County Jail.** “He was then arrested on May 15, when he was charged with assault on a female, communicating threats, felony larceny, simple assault and injury to personal property, according to jail records. ICE placed a detainer on him the following day, and he was released from jail one day later, on May 17.” (Teo Armus and Jane Wester, “Inmate was released from Mecklenburg jail despite ICE detainer. He ended up in standoff,” [WBTW](#), 5/24/2019)
- **On May 21, 2019, Luis Analberto Pineda-Ancheta kidnapped his ex-girlfriend and communicated threats towards her.** “On May 21, 2019, the female victim was approached by two masked men as she was walking to her vehicle parked at her apartment complex in Charlotte. The victim recognized one of the masked men as the Pineda-Ancheta, who allegedly proceeded to grab the victim by the arm, stuff a cloth in her mouth, and then wrap a cord or rope around her head so the cloth would stay in place. Court documents say that Pineda-Ancheta and the other masked man then forced the female victim against her will into the passenger seat of a vehicle. Pineda-Ancheta then told the female victim “I love you and I’m going to kill you.” The other masked individual did not accompany Pineda-Ancheta and the female in the vehicle.” (WBTW Web Staff, “Man at center of conflict between ICE, Meck Sheriff, sentenced to 20 years in prison for kidnapping,” [WBTW](#), 2/23/2021)
- **Luis Analberto Pineda-Ancheta dragged his ex-girlfriend into the woods after communicating threats towards her.** “According to court documents, Pineda-Ancheta drove his vehicle on Lancaster Highway. While driving, court documents say that he held a tight grip on the plastic rope tied around the victim’s face. After driving a short while on Lancaster Highway, Pineda-Ancheta parked his vehicle on the side of the road near a wooded area and turned off the engine. Court documents say that he held his grip on the plastic rope around the female victim’s face, pulled her out of the car and dragged her toward the wooded area near the road. Following a struggle, the female victim was able to escape and run into the middle of the highway, and was assisted by drivers who stopped to offer help. According to court documents, the female victim identified Pineda-Ancheta as the person who had

assaulted her.” (WBTv Web Staff, “Man at center of conflict between ICE, Meck Sheriff, sentenced to 20 years in prison for kidnapping,” [WBTv](#), 2/23/2021)

- Luis Analberto Pineda-Ancheta’s arrest was successful following a nine-hour long standoff with SWAT.** “The man arrested following a nine-hour standoff in south Charlotte Thursday had been released from county jail last week – even though immigration officials had placed a detainer on him, federal authorities say. The case of Luis Pineda-Ancheta is the result of Mecklenburg County’s shifting policies on how local law enforcement does – or doesn’t – cooperate with federal officials on immigration enforcement. Mecklenburg County Sheriff Garry McFadden effectively stopped collaborating with federal authorities on immigration enforcement, including on honoring detainers, following his election in November.” (Teo Armus and Jane Wester, “Inmate was released from Mecklenburg jail despite ICE detainer. He ended up in standoff.,” [WBTv](#), 5/24/2019)

**Jeff Jackson voted “No” on S.B. 101, the “Require Cooperation with ICE 2.0” Act, which would have required local law enforcement to cooperate with Immigration and Customs Enforcement (ICE) Agents and would have established a reporting system between offices:**

- Jeff Jackson voted “No” on S.B. 101.** (NC General Assembly, [Senate Roll Call Vote Transcript for Roll Call #44](#), 3/11/2021)

SB 101: Require Cooperation with ICE 2.0.		Vote: Second Reading	
Roll Call #44	Total votes: 47	Ayes: 27	
Outcome: PASS	Noes: 20	Not Voting: 0	
Sponsor: EDWARDS	Excused Absence: 3	Excused Vote: 0	
Time: 3/11/2021 12:58 p.m.			
<b>Ayes (Democrat)</b>	<b>Ayes (Republican)</b>		
None	T. Alexander; Ballard; Barnes; Berger; Britt; Burgin; Corbin; Craver; Daniel; Edwards; Ford; Galey; Harrington; Hise; B. Jackson; Jarvis; Johnson; Krawiec; Lazzara; Lee; Newton; Perry; Proctor; Rabon; Sanderson; Sawyer; Steinburg		
<b>Noes (Democrat)</b>	<b>Noes (Republican)</b>		
Batch; Blue; Chaudhuri; Clark; Crawford; deViere; Fitch; Foushee; Garrett; J. Jackson; Lowe; Marcus; Mayfield; Mohammed; Murdock; Nickel; Robinson; Salvador; Waddell; Woodard	None		
<b>Excused Absence (Democrat)</b>	<b>Excused Absence (Republican)</b>		
Bazemore; D. Davis	McInnis		

(NC General Assembly, [Senate Roll Call Vote Transcript for Roll Call #44](#), 3/11/2021)

- S.B. 101 would have required local law enforcement to cooperate with ICE agents if an individual (of to-be-determined legal status) is charged with certain offenses.** “Section 1.(a)... When any person is confined for any period in a county jail, local confinement facility, district confinement facility, satellite jail, or work release unit, the administrator or other person in charge of the facility shall attempt to determine if the prisoner is a legal resident of the United States by an inquiry of the prisoner, or by examination of any relevant document, or both, if the person is charged with any of the following offenses: (1) A felony under G.S. 90-95. (2) A felony under Article 6, Article 7B, Article 10, Article 10A, or Article 13A of Chapter 14 of the General Statutes. (4) Any violation of G.S. 50B-4.1. If the administrator or other person in charge of the facility is unable to determine if that prisoner is a legal resident or citizen of the

United States or its territories, the administrator or other person in charge of the facility holding the prisoner shall make a query of Immigration and Customs Enforcement of the United States Department of Homeland Security. If the prisoner has not been lawfully admitted to the United States, the United States Department of Homeland Security will have been notified of the prisoner's status and confinement at the facility by its receipt of the query from the facility.” (NC General Assembly, [SENATE BILL 101](#), 2/16/2021)

- **The listed articles that would trigger a determination of a legal status check includes several drug and assault charges.** (NC General Assembly, [SENATE BILL 101: Require Cooperation with ICE 2.0](#), 3/16/2021)

- (1) **G.S. 90-95- Felonies related to the Controlled Substance Act (Not simple possession or other misdemeanors.)**
- (2) **A felony offense under any of the following:**
  - Article 6 of Chapter 14- Homicide offenses.
  - Article 7B of Chapter 14- Rape and Other Sex Offenses.
  - Article 10 of Chapter 14- Kidnapping and Abduction.
  - Article 10A of Chapter 14- Human Trafficking offenses.
  - Article 13A of Chapter 14- Offenses in violation of the North Carolina Criminal Gang Suppression Act.
- (3) **An A1 misdemeanor or felony Assault. (This would include Assault on a Female and the other most serious misdemeanors but not a simple assault.)**
- (4) **A violation of a Domestic Violence Protective Order.**

(NC General Assembly, [SENATE BILL 101: Require Cooperation with ICE 2.0](#), 3/16/2021)

- **S.B. 101 would have established a reporting system between federal and local offices.** “SECTION 1.(b) Beginning October 1, 2022, and annually thereafter, the administrator or other person in charge of each county jail, local confinement facility, district confinement facility, or satellite jail or work release unit within the State shall report to the Joint Legislative Oversight Committee on Justice and Public Safety on each of the following with regard to compliance with G.S. 162-62 from the preceding July 1st to June 30th: (1) The number of times the facility made a query of Immigration and Customs Enforcement. (2) The number of times Immigration and Customs Enforcement responded to a query. (3) The number of times Immigration and Customs Enforcement sent a detainer request for a prisoner. (4) The number of times a prisoner was held for the full 48 hours. (5) The number of times a prisoner was held then released following the satisfaction of proof of legal residence or citizenship required by that subsection. (6) The number of times a prisoner was held who would have otherwise been eligible for release from custody. (7) The number of times Immigration and Customs Enforcement took custody of a prisoner after notification from the administrator or other person in charge of the facility holding the prisoner.” (NC General Assembly, [SENATE BILL 101](#), 2/16/2021)
- **S.B. 101 would have stipulated that a prisoner, who a detainer has been issued for, shall be released by whichever condition is met first.** (NC General Assembly, [SENATE BILL 101](#), 2/16/2021)

(b1) When any person charged with a criminal offense is confined for any period in a county jail, local confinement facility, district confinement facility, satellite jail, or work release unit, and the administrator or other person in charge of the facility has been notified that Immigration and Customs Enforcement of the United States Department of Homeland Security has issued a detainer and administrative warrant that reasonably appears to be for the person in custody, the following shall apply:

- (1) Prior to the prisoner's release, and after receipt of the detainer and administrative warrant, or a copy thereof, by the administrator or other person in charge of the facility, the prisoner shall be taken without unnecessary delay before a State judicial official who shall be provided with the detainer and administrative warrant, or a copy thereof.
- (2) The judicial official shall issue an order directing the prisoner be held in custody if the prisoner appearing before the judicial official is the same person subject to the detainer and administrative warrant.



- (3) Unless continued custody of the prisoner is required by other legal process, a prisoner held pursuant to an order issued under this subsection shall be released upon the first of the following conditions:
  - a. The passage of 48 hours from receipt of the detainer and administrative warrant.
  - b. Immigration and Customs Enforcement of the United States Department of Homeland Security takes custody of the prisoner.
  - c. The detainer is rescinded by Immigration and Customs Enforcement of the United States Department of Homeland Security.

(NC General Assembly, [SENATE BILL 101](#), 2/16/2021)

*Editor's Note:* Because a detainer was issued to Mecklenburg County Sheriff's Office, Luis Analberto Pineda-Anchecta would have had to remain in custody for at least 48 hours before being released into the public (granted no other legal processes bound him to detention) or ICE would have had to either followed through on their detainer or rescind their detainer.