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Notorious South-Central Drug Figure Again Battling to Avoid Long Prison Term

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Twice in his long and storied crack-dealing career, "Freeway" Ricky Ross has stared down the barrel of a life sentence. Twice, after sensational trials that called America's drug war into question, he has dodged the bullet.

Some would say he is Los Angeles' slipperiest dope man, others the most persecuted. This month, he is scheduled to be resentenced in U.S. District Court in San Diego, where he will be portrayed, once again, as either the victim of an overzealous government, or an opportunist with a flair for evading justice. Both views are sure to be bolstered by Ross' latest defense — that the informant who snared him, a paroled Nicaraguan smuggler with whom he had longtime ties, was unlawfully provided a green card and should have been deported.

"Can you imagine how outrageous that should be to the judge?" the 39-year-old high school dropout, who built a multimillion-dollar drug cartel on the streets of South-Central L.A., said in an interview from jail. "The legal system's supposed to be fair."

This latest chapter of the "Freeway" Ricky saga stems from his 1996 drug trafficking conviction in San Diego, a case that sparked a national furor after the San Jose Mercury News reported that the CIA, with the help of Nicaragua's anti-communist rebels, had used Ross to ignite the crack epidemic in South-Central during the previous decade. The newspaper eventually backed off its claim, and Ross' jury concluded that, even if true, such a conspiracy would be irrelevant to a drug deal so many years later. With two convictions from Ohio and Texas already to his name, he was sentenced to life without parole.

But Ross is nothing if not resourceful. He appealed, and in September 1998, the U.S. 9th Circuit Court of Appeals threw out his life term, ruling that his two earlier strikes were a product of the same investigation and should have been counted as one. Ross was originally due just to be sentenced at his Nov. 19 court hearing, but he has now ensured that a whole new allegation of misconduct — the

fudging of paperwork by a U.S. Immigration and Naturalization Service agent – will also be on the agenda.

This time, he is even using a government report to back him up.

While Ross' appeal was pending, the U.S. Justice Department's inspector general, Michael Bromwich, was conducting a probe of the Mercury News' charges. In his report, "The CIA-Contra-Crack Cocaine Conspiracy," Bromwich concluded that Ross' chief accuser, Oscar Danilo Bandon, had no ties to the intelligence agency and only the most tenuous of ties to the Nicaraguan Contras. But deep in the 407-page document, Bromwich did reveal that Bandon had been granted permanent U.S. residency through a series of obfuscations – and that the truth of his immigration status had been misrepresented during Ross' trial.

"Bandon received the benefit of a green card in a wholly improper manner," the report concluded, adding that the official version of how he obtained it was "incorrect and misleading."

Bandon, who came to this country to escape the Sandinista revolution of 1979, was Ross' first big supplier of cocaine, selling him tons of the drug during the mid-1980s. After his own trafficking conviction in 1992, which could have brought a life sentence, Bandon agreed to cooperate with U.S. authorities. As a reward, he was paroled from prison after just 28 months – and soon was luring his former customer into a sting, for which Bandon later received \$40,000 from the government.

Under normal circumstances, a noncitizen convicted of a serious felony would have been deported upon his release. But as long as Bandon did undercover work for the Drug Enforcement Administration, the government agreed to suspend those proceedings; indeed, the U.S. attorney's office asked the INS to supply Bandon with documents that would allow him to travel freely between the United States and Nicaragua.

The official in charge of making those arrangements, INS Special Agent Robert Tellez, had several legal options for obtaining papers that would have provided Bandon with temporary residency. Instead, Tellez arranged for Bandon to receive the most favorable status available – legal permanent residency, or LPR – even though convicted felons are not eligible for such a benefit.

To accomplish that, according to the inspector general's report, Tellez "deliberately withheld the fact of Bandon's conviction" from the INS examiners who processed his application. Had they known of his criminal history, those INS officials "would not have allowed Bandon's application for adjustment to

LPR to be approved,” and they have since begun taking steps to revoke it.

In the meantime, Tellez added another layer of misinformation to the case, writing in his own reports that the INS had granted Blandon a green card in 1990 – two years prior to his arrest, instead of two years after. Assistant U.S. Atty. L.J. O’Neale repeated that error at Ross’ trial, during which the former kingpin was found guilty of conspiring to buy 220 pounds of cocaine from Blandon.

Despite his harsh assessment, the inspector general ultimately attributed this lapse to “laziness, not any corrupt intent.” Assistant U.S. Atty. Laura Parsky, who is now prosecuting the case, argues that Ross’ guilt was so overwhelming that he would have been convicted even without testimony from Blandon.

“This new evidence could not have possibly altered the jury’s verdict,” Parsky wrote in court papers last month.

But Ross and his attorneys believe the case should be dismissed, or at least a new trial granted. “Blandon received one of the most incredible benefits ever given a government witness: lies and deceit by an INS agent to a United States agency and a federal court to keep him in the country,” Ross’ longtime lawyer, Alan Fenster, contended.

If U.S. District Judge Marilyn Huff rejects that argument, she is expected to move on to the question of a proper sentence for Ross’ crimes.

His first drug case, in 1989, could also have brought a life term, but Ross cut a deal with prosecutors, testifying against a squad of Los Angeles narcotics officers on trial for corruption. In exchange, he ended up serving only four years for his Ohio conviction, then another nine months for the Texas case.

He had been free for just six months when he was arrested again in San Diego. A probation report recommends a 22-year sentence.

Times staff writer Tony Perry in San Diego contributed to this report.