

Judge Carroll did not declare a mistrial, nor did he choose to strike Cruz as a witness, but did schedule a hearing for 4:00 pm Wednesday.

In other trial action, more Central American refugees took the stand to testify. Three Salvadorans, Ana Trinidad Benavidez, 15, her brother Julio Cesar Benavidez, 17, and Miguel Angel Mejia told the jury about their flight to the United States and about the help they received from Maria Socorro Aguilar and Father Ramon Dagoberto Quinones, both of Nogales, Sonora, MEXICO.

James Brosnahan, counsel for Mrs. Aguilar did most of the questioning for the defense team Tuesday, because many of the charges against Mrs. Aguilar pertain to the assistance she gave to the Benavidez children and to Mr. Mejia. Although prosecutor Reno demonstrated to the jury that Mrs. Aguilar had provided false documents to Ana, enabling her to cross into the United States, Brosnahan established that the relationship between Mrs. Aguilar and the refugees was one based on humanitarian assistance rather than criminality.

During an offer of proof given out of the presence of the jury, Brosnahan told the Court that on their first attempt, the children were discovered by a Mexican immigration official who threatened to kill Julio and rape Ana if they did not pay him off. When they refused, they were taken to the Nogales jail.

Among other things, Ana and Julio testified that Mrs. Aguilar visited them at the Nogales jail three times per week, bringing food, clothing, money, and messages from their parents. After being deported back to El Salvador the first time, the children made a second attempt to be reunited with their parents in Phoenix, AZ, and were again helped by Mrs. Aguilar and Father Quionones.

Brosnahan also asked the children about a cousin of theirs who was abducted and murdered in El Salvador during the time the children spent in El Salvador between their two attempts to reach the United States. Over objections by prosecutor Reno, both Ana and Julio told the court that they were afraid the same fate would befall them if they stayed.

During Julio's testimony, defense attorneys objected strenuously when Judge Carroll allowed the government to ask leading questions with almost no restriction. Because the government called the refugees to the stand, it would normally be required to question the refugees under the rules of direct examination which are much more stringent than those of cross-examination. Certain exceptions can be made if the witness are considered to be "hostile" to the government.

However, in the case of Julio, there was no apparent reason for the government to consider him "hostile". Defense attorneys were similarly upset when Judge Carroll allowed Reno to continue with the blatantly leading questions during his examination of Miguel Angel Mejia.