

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR
MARGARET E. DAUM, MINORITY STAFF DIRECTOR

February 28, 2017

Thomas D. Homan
Acting Director
U.S. Immigration and Customs Enforcement
Department of Homeland Security
500 12th St., SW
Washington, D.C. 20536

Dear Acting Director Homan:

The Committee on Homeland Security and Governmental Affairs is examining the past and current enforcement of federal immigration law. On March 1, 2017, the Committee will hold a public hearing entitled “The Effects of Border Insecurity and Lax Immigration Enforcement on American Communities.”¹ The Committee is expected to hear testimony about the real-life consequences of the unsecure border and the lax enforcement of our nation’s immigration laws. We will hear testimony about crimes allegedly committed by illegal aliens, as well as how the unsecure border has contributed to the opioid epidemic. Accordingly, I write to request information about these criminal illegal aliens.

The Committee has invited Julie Nordman of Montgomery County, Missouri, to testify at the hearing. On March 8, 2016, Mrs. Nordman’s husband, Randy Nordman, was allegedly murdered by Pablo Antonio Serrano-Vitorino, an illegal immigrant with a violent criminal past who had previously been deported.² On March 7, 2016, Mr. Serrano-Vitorino allegedly murdered four people in Kansas City, Kansas.³ The following morning, Mr. Serrano-Vitorino reportedly entered the Nordmans’ property just outside of New Florence, Missouri and shot and killed Randy Nordman.⁴ Ms. Nordman hid in the attic while her husband fought for his life against Mr. Serrano-Vitorino.⁵

¹ *The Effects of Border Insecurity and Lax Immigration Enforcement on American Communities Before the S. Comm. on Homeland Security and Gov’t Affairs*, 115th Cong. (2017).

² John Pepitone and Michelle Pekarsky, *Deported Mexican citizen now suspect in five murders in Kansas and Missouri*, FOX 4 KC, March 9, 2016, <http://fox4kc.com/2016/03/09/36-year-old-father-among-4-killed-in-kck-allegedly-by-man-who-illegally-entered-us-after-previous-deportation>.

³ *Id.*

⁴ Kim Bell and Joel Currier, *5th victim found dead amid manhunt for suspect in KC slayings; fugitive was in U.S. illegally*, ST. LOUIS POST-DISPATCH, March 8, 2016, http://www.stltoday.com/news/local/crime-and-courts/th-victim-found-dead-amid-manhunt-for-suspect-in-kc/article_2213da93-6d19-5100-b7ff-053a87011495.html.

⁵ Kim Bell, *Missouri woman who hid in attic says fatal attack on husband ‘keeps playing in my mind’* ST. LOUIS POST-DISPATCH, March 11, 2016, http://www.stltoday.com/news/local/crime-and-courts/missouri-woman-who-hid-in-attic-says-fatal-attack-on/article_72898188-f2b5-5990-8218-55cf8f1f6b85.html.

According to media reports, Mr. Serrano-Vitorino is a criminal illegal alien with multiple violent criminal charges on his record.⁶ In 2003, Mr. Serrano-Vitorino was convicted in Los Angeles County, California of making a felony terrorist threat and was sentenced to two years in prison.⁷ ICE placed a detainer on Mr. Serrano-Vitorino and removed him to Mexico in April 2004.⁸ Mr. Serrano-Vitorino subsequently illegally re-entered the United States on an unknown date.⁹ In 2014, Mr. Serrano-Vitorino was arrested for driving under the influence in Coffey County, Kansas.¹⁰ On June 15, 2015, the Kansas City, Kansas Police Department arrested Mr. Serrano-Vitorino for domestic assault.¹¹ In September 2015, Mr. Serrano-Vitorino was reportedly fingerprinted in Overland Park, Kansas; however, local authorities released him because ICE apparently issued the detainer to the wrong jurisdiction.¹²

The Committee will also receive testimony from Chief Deputy Ryan Rectenwald of the Grant County Sheriff's Office in Grant County, Washington. In December 2016, officials recovered the body of 31-year-old Jill Sundberg, a mother of four, on the side of the road near George, Washington.¹³ Representatives from the Grant County Sheriff's office have informed Committee staff that the suspects and killing may have had some connection to a transnational drug cartel.¹⁴

Five illegal immigrants have been arrested in connection with Ms. Sundberg's murder. The alleged killer, Gustavo Tapia Rodriguez, has had an extensive history of violent crimes. Two other illegal immigrants, Ambrosio Mendez Villanueva and Julio Mendez Villanueva, have also been charged with first-degree murder and other felonies in connection to Ms. Sundberg's murder.¹⁵ The two remaining illegal immigrants connected to this case, Fernando Marcos Gutierrez and Salvador Espinoza Gomez, are being held as material witnesses to Ms. Sundberg's murder and on immigration charges.¹⁶

On January 25, 2017, President Trump issued an Executive Order entitled, "Enhancing Public Safety in the Interior of the United States."¹⁷ The Executive Order ordered the Department of Homeland Security to "provide proactive, timely, adequate, and professional

⁶ Tony Rizzo, *Pablo Serrano-Vitorino, accused of five murders, has history of violent acts*, KANSAS CITY STAR, March 17, 2017, <http://www.kansascity.com/news/local/crime/article66764522.html>.

⁷ Immigration and Customs Enforcement, *ICE Statement*, <https://localtyvdaf.files.wordpress.com/2016/03/ice-statement.pdf>.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² John Pepitone and Michelle Pekarsky, *Deported Mexican citizen now suspect in five murders in Kansas and Missouri*, FOX 4 KC, March 9, 2016, <http://fox4kc.com/2016/03/09/36-year-old-father-among-4-killed-in-kek-allegedly-by-man-who-illegally-entered-us-after-previous-deportation>.

¹³ KHQ Q6 News, *5 suspects arrested in connection to Grant County homicide*, Jan. 24, 2017, <http://www.khq.com/story/34336381/5-suspects-arrested-in-connection-to-grant-county-homicide>.

¹⁴ Call between Comm. Staff and Grant County Sheriff's Office, Feb. 14, 2017.

¹⁵ KHQ Q6 News, *5 suspects arrested in connection to Grant County homicide*, Jan. 24, 2017, <http://www.khq.com/story/34336381/5-suspects-arrested-in-connection-to-grant-county-homicide>.

¹⁶ *Id.*

¹⁷ Exec. Order 13768, 82 Fed. Reg. 8799 (Jan. 25, 2017).

services to victims of crimes committed by removable aliens and the family members of such victims.”¹⁸ In implementing the Executive Order, Secretary Kelly established the Victims of Immigration Crime Engagement (VOICE) Office. The goal of VOICE is to “create a programmatic liaison between ICE and the known victims of crimes committed by removable aliens.”¹⁹ In addition, the VOICE Office “will facilitate engagement with the victims and their families to ensure, to the extent permitted by law, that they are provided information about the offender, including the offender’s immigration status and custody status, and that their questions and concerns regarding immigration enforcement efforts are addressed.”²⁰ I am encouraged by this outreach and hope it will help provide a voice for victims such as Julie Nordman and the family of Jill Sundberg.

This committee has a record of bipartisan oversight, which I fully intend to continue. Once a permanent director has been confirmed, and the impact of this administration's new immigration enforcement and border security policies can be assessed, I look forward to responsibly performing our necessary oversight.

In order to assist the Committee in understanding the circumstances leading to these tragedies and the changes in immigration enforcement policy, I respectfully request the following information and material:

1. Please provide all ICE documents referring or relating to Mr. Serrano-Vitorino’s immigration status.
2. Please provide all ICE documents referring or relating to the five illegal aliens currently detained and/or charged in connection to Jill Sundberg’s murder.
3. Please provide a timeline of all detainers ICE issued on Mr. Serrano-Vitorino and the five individuals held in connection to Ms. Sundberg’s.
4. Did Mr. Serrano-Vitorino or the five individuals held in connection to Ms. Sundberg’s murder ever apply for any immigration benefits?
5. Would any of the crimes that Mr. Serrano-Vitorino and/or the five individuals held in connection to Ms. Sundberg’s murder committed prior to the 2016 murders make them a priority for removal under revised enforcement priorities outlined in President Trump’s Jan. 25 Executive Order, “Enhancing Public Safety in the Interior of the United States”?²¹ Please Explain.

¹⁸ *Id.*

¹⁹ Memorandum from John Kelly, Secretary, Dep’t Homeland Security, to Kevin McAleenan, et. al, “Enforcement of the Immigration Laws to Serve the National Interest”, at 4.

²⁰ *Id.*

²¹ Exec. Order 13768, 82 Fed. Reg. 8799 (Jan. 25, 2017).

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6. Will the VOICE initiative facilitate or permit victims of crimes by illegal aliens to testify or make statements at both state-level criminal proceedings and federal immigration hearings? Please explain.

Please provide this information as soon as possible, but no later than 5:00 p.m. on March 15, 2017.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency and economy of operations of all branches of the Government.”²² S. Res. 73 (114th Congress) authorizes the Committee to examine “the efficiency and economy of operations of all branches and functions of Government with particular references to (i) the effectiveness of present national security methods, staffing, and processes”²³

If you have any questions regarding this letter, please ask your staff to contact Kyle Brosnan of my staff at (202) 224-4751. For purposes of this request, please refer to the definitions and instructions in the enclosure. Thank you for your prompt attention to this matter.

Sincerely,



Ron Johnson
Chairman

cc: The Honorable Claire McCaskill
Ranking Minority Member

Enclosure

²² S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

²³ S. Res. 73 § 12, 114th Cong. (2015).