

COUNSEL

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In this case, Mendoza, presenting himself as Daniela Mendoza, posed as an employee of the INS and sold false employment documents to illegal aliens. (In April 1998, he was raided by INS agents at his workplace and arrested.)

Defense counsel argued that the adjustment could not be imposed under United States v. Castellanos, 6 reading that case as barring adjustments based on treating all persons of a particular targeted ethnicity as vulnerable. The district judge distinguished Castellanos: "This is a different case, in my view, because the vulnerability is not that they are Hispanic; the vulnerability is that they are illegal. They are people who are T* -0.2004fymg 0.2004046h a imposeda cloud and

applies to offenses involving an unusually vulnerable victim in which the defendant knows or should have known of the victim's unusual vulnerability. The

"may be supported by the more generalized finding that the members of a targeted group share a particular susceptibility,"¹⁴ which is to say, that the vulnerability may apply to a class of victims. The holding was that Hispanics were not "vulnerable victims" for the particular crime in the particular circumstances.¹⁵

tices, and that they were illiterate, so they had to rely on what the teller said about the papers.**22**

line," so "although any victim of abusive sexual contact with a minor might be described as vulnerable on account of her

would ordinarily be government agencies and employers
tricked by the papers.**29**

