

# Pirates Pitcher Faces Deportation If Convicted of Sex Crimes: All-Star closer Felipe Vázquez is charged with child pornography and solicitation of sex from a teenage girl

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By Louise Radnofsky and Jared Diamond  
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U.S. Immigration and Customs Enforcement is tracking charges of child pornography and solicitation of sex from a teenage girl against Pittsburgh Pirates pitcher Felipe Vázquez, agency officials said Thursday, raising the possibility that the U.S. will seek to deport the All-Star closer if he is convicted of crimes.

But removing him to his native Venezuela may prove difficult for the U.S., amid political instability there and all-but-severed U.S. relations with the government of Nicolás Maduro. Vázquez could, in turn, face a lengthier sentence in state prison in the U.S., because his attorneys would be unable to argue for leniency in exchange for deportation.

Vázquez's immigration status and citizenship adds a new layer of complexity to a case that is already complicated because it spans two states, Florida and Pennsylvania. The case has little precedent in U.S. major league sports because players with the most egregious legal difficulties have typically been American citizens.

Authorities arrested Vázquez on Tuesday on a Florida warrant, on charges that he had used a computer device to solicit a minor for sex and provided obscene material to a minor. Later that day, additional charges were filed against him in Pennsylvania, including statutory sexual assault and unlawful contact with a minor.

Vázquez admitted to police that he had sexual contact with a 13-year-old girl and exchanged sexually explicit photos and videos with her, according to a criminal complaint in Pennsylvania released Wednesday. He is being held without bond in the Allegheny County Jail.

A Pirates spokesman confirmed Thursday that Vázquez, 28, is a Venezuelan national who has a green card allowing him to permanently live and work in the U.S. Such a card, however, can be revoked and the holder ordered removed in cases involving aggravated felonies, a definition that typically includes child sex offenses and pornography, depending on the exact wording of state statutes.

The spokesman added that the Pirates "have not communicated directly to anyone in regards to his immigration status."

"ICE is aware of the charges and is closely monitoring the case," ICE officials said Thursday.

The agency declined to comment on its ability to effect removals to Venezuela.

Francisco Symphorien, a Venezuelan-American attorney in Orlando who has a large client base of Venezuelans fighting removal orders in cases that don't involve serious crimes, said he was unaware of the Trump administration being able to carry one out this year.

"I think there's a theoretical possibility, but as a practical matter it's very difficult to get it done," he said.

To deport a foreign national, the U.S. generally needs the person's home country to provide travel documents and agree to accept the person. The U.S. has recognized opposition politician Juan Guaidó as Venezuela's sole legitimate leader, and imposed a total economic embargo on the Maduro government. The U.S. has also suspended all commercial and cargo flights to Venezuela over security concerns.

The U.S. has sometimes been able to persuade a third country to accept a deportee, typically in situations

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involving people from the Middle East. It's not clear that other countries have agreed to accept Venezuelans removed from the U.S. because of serious crimes, though some, such as Colombia, have taken in refugees fleeing across the border between the two countries.

Symphorien said Venezuelans can also seek to fight removal in court, citing deteriorating Venezuelan conditions to argue that it would be in contravention of provisions such as the Convention Against Torture. Venezuelans have faced acute food shortages, and a lack of access to power or running water, in recent years.

Vázquez would likely serve any prison sentence in the U.S. before ICE stepped in to attempt a removal. Defense attorneys for foreign nationals facing removal sometimes try to argue for no prison time, or reduced prison time, because the person is already facing the punishment of removal. The obstacles in Venezuelan removal means that option appears to be unavailable to Vázquez, whose attorney declined to respond to multiple messages Wednesday and Thursday.

If Vázquez is convicted and sentenced to prison time, he will be moved into ICE custody on his release. What happens next depends on whether the situation in Venezuela has changed by that time. If it has improved, he would be less able to make a torture claim, and the U.S. would probably be able to make the removal happen.

If it hasn't, ICE will hold him until they can arrange his removal. If it drags on past six months, he would likely be declared "unremovable" and attorneys would push for his release, said David Leopold, a partner and head of the immigration law group at Ulmer & Berne LLP.

Vázquez, who goes by the nickname "Nightmare" in Major League Baseball, is in the second season of a four-year contract with the Pirates worth a guaranteed \$22 million. The deal includes multiple club options that could increase his compensation to more than \$40 million. Since debuting in the major leagues in 2015, Vázquez has earned about \$8.5 million in salary. He has been one of the best relievers in baseball in 2019, posting a 1.65 ERA and striking out 90 batters in 60 innings.

He would not forfeit the money if he faced removal, attorneys said. "The money he's already earned is his money," Leopold said.

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