

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States  
House of Representatives

COMMITTEE ON THE JUDICIARY

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June 4, 2026

The Honorable Stephen Descano  
Commonwealth's Attorney  
Office of the Fairfax County Commonwealth's Attorney  
4110 Chain Bridge Road, Suite 114  
Fairfax, VA 22030

Dear Commonwealth's Attorney Descano:

We write in response to your recent testimony before the Subcommittee on Immigration Integrity, Security, and Enforcement about Fairfax County's refusal to cooperate with federal immigration officials and its prioritization of illegal and criminal aliens over American citizens.<sup>1</sup> Despite knowing of the Committee's interest in these sanctuary policies for several months,<sup>2</sup> you were unable to answer basic questions during the hearing about how your office carries out your policy's directives.<sup>3</sup> For this reason, we write to request information about your office's preferential treatment of illegal alien criminals that you were unable to answer during your testimony.

During the hearing, several members cited your office's policy about treating illegal aliens differently than American citizens, and your previous pledge to do that.<sup>4</sup> For years, in fact, you promised Fairfax County voters that your office would, "[w]herever possible . . . take immigration consequences into account when making charging and plea decisions."<sup>5</sup> You argued that "[i]f two people commit the same crime, but only one's punishment includes deportation, that's a perversion of justice and not a reflection of the values of Fairfax County."<sup>6</sup> Weeks before the hearing, and after the Committee began investigating your office's policies, you removed the

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<sup>1</sup> See *Fairfax County, Virginia: The Dangerous Consequences of Sanctuary Policies: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf't, H. Comm. on the Judiciary*, 119th Cong. (2026).

<sup>2</sup> The Committee first wrote to you in January 2026 requesting information about Fairfax County's sanctuary policies and their effect on the enforcement of federal law. Letter from Chairman Jim Jordan, H. Comm. on the Judiciary, to Steve Descano, Fairfax Cnty. Commw. Att'y (Jan. 15, 2026).

<sup>3</sup> See *Fairfax County, Virginia: The Dangerous Consequences of Sanctuary Policies: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf't, H. Comm. on the Judiciary*, 119th Cong. (2026).

<sup>4</sup> *Id.*

<sup>5</sup> See *Community: Protecting Immigr. Communities*, Steve Descano, <http://www.stevedescano.com/community> (archived Mar. 10, 2026, at <https://web.archive.org/web/20260310203213/http://www.stevedescano.com/community>).

<sup>6</sup> *Id.*

pro-illegal alien promises from your campaign website.<sup>7</sup> However, this pledge is still reflected in your office’s official policy, which states that prosecutors “shall consider immigration consequences where possible and where doing so accords with justice.”<sup>8</sup>

At the hearing, Chairman Jordan asked about your office’s treatment of criminal cases involving Marvin Morales-Ortez, an alleged MS-13 member from El Salvador who was released from law enforcement custody after your office “decided not to move forward with prosecuting him on charges of malicious assault and pointing/brandishing a gun” last year.<sup>9</sup> One day after the dismissal of charges against him, Morales-Ortez allegedly murdered a man in Reston, Virginia.<sup>10</sup> When Chairman Jordan asked about how your office policy affected the charging decisions with respect to Morales-Ortez, you denied that your office considered immigration consequences for Morales-Ortez.<sup>11</sup>

Chairman Jordan later returned to the topic of Morales-Ortez and asked you about the cases in which your office had considered immigration consequences in making charging, plea bargaining, and sentencing decisions.<sup>12</sup> Instead of denying that such cases existed, you replied, “Sir, I . . . don’t have those cases with me.”<sup>13</sup> You testified:

Q. Now, here’s what I want to know. And maybe your office, Mr. Descano, is willing to give us this information because . . . you said immigration status had no determination on the decision relative to Mr. Morales-Ortez.

I want to know in cases where it did, what were the cases where you changed the plea agreement or you changed the charging decision that were based on consideration of their immigration status?

If you say this doesn’t matter anymore; “We took it down off the website. I didn’t really believe what I told the voters” – if that is

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<sup>7</sup> Nick Minock, *Fairfax County prosecutor Steve Descano works with feds, ICE to arrest illegal immigrant*, ABC 7 NEWS (Apr. 24, 2026, 5:15 PM), <https://wjla.com/news/local/fairfax-county-prosecutor-steve-descano-works-feds-ice-arrest-illegal-immigrant>.

<sup>8</sup> See Guidelines for Plea Bargaining, Charging Decisions, and Sentencing, Commonw. Att’y Procedure Memo. (Dec. 15, 2020), <https://www.fairfaxcounty.gov/commonwealthattorney/plea-bargaining-charging-decisions-and-sentencing-policy>.

<sup>9</sup> Tom Roussey, *Man illegally in the US with criminal history now charged in Reston homicide*, ABC 7 NEWS (Dec. 18, 2025, 5:49 PM), <https://wjla.com/news/local/reston-deadly-shooting-marvin-morales-ortez-el-salvador-ms-13-gunman-suspect-fairfax-county-police-department-manhunt-investigation-drone-unit-k9-special-operations-school-lockdown-dogwood-elementary-school>.

<sup>10</sup> *Id.*

<sup>11</sup> *Fairfax County, Virginia: The Dangerous Consequences of Sanctuary Policies: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf’t, H. Comm. on the Judiciary*, 119th Cong. (2026) (Mr. Descano replying, “No, they weren’t,” and “They absolutely were not,” when questioned about the potential effect a consideration of immigration consequences had on cases involving Morales-Ortez).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

the case, I want to know, did you ever use immigration status as a reason to impact the sentence and the charging decision or plea agreement?

A. Well, sir.

Q. Can you get us that information? That's what I'm asking. Just give us that information. I want to know what – here are the cases where we took into account this individual's immigration status and we changed the charging decision. Can you give us those cases?

A. Sir, I . . . don't have those cases with me.

Q. Well imagine that–

A. I'd love to talk to you about the policy because I think it's been–

Q. You don't have those cases with you? Is it a significant number?

A. Well, sir, if I may dig into the policy, I think it will be illustrious.

Q. No, I asked you about the cases. I want to know the number of times you took into their – because here's what everyone sees. And you are trying to say it is not the case. Everyone sees you have got an American citizen who does a crime. You have got an illegal immigrant who does the exact same crime. Your policy strong – it seems to me says that this person will get a different sentence or a different charge – excuse me – a different plea agreement than the American citizen.

A. It absolutely–

Q. And I want to know if that ever happened.

A. It absolutely says in the policy in black and white that a – that an immigrant will not get a better outcome than a U.S. citizen. That is in the policy. That's later. You read one-half sentence, sir. This is a two-paragraph policy.<sup>14</sup>

Your response to the questions in this exchange and your denial that your office considered immigration consequences for Morales-Ortez suggest that your office tracks or maintains such

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<sup>14</sup> *Id.*

information and that it is accessible.<sup>15</sup>

Later in the hearing, Members returned to this topic and your testimony suggested that illegal aliens' immigration status may have a factor in some prosecutorial decisions. When Representative Gill asked about how your office "weigh[ed] the defendant's immigration status" in reference to Ander Jose Cortez-Mendez, an illegal alien sex offender.<sup>16</sup> You replied, "I was not the lead prosecutor in that case."<sup>17</sup> When pressed on whether your office considered the defendant's immigration status in the case, you claimed that prosecutorial decisions in the case were "based on the evidence."<sup>18</sup> When Representative Gill asked again about whether prosecutors considered immigration consequences in Cortez-Mendez's case, you replied, "I don't believe so," later stating that prosecutors in your office "should *not* have taken" immigration consequences into account.<sup>19</sup> You further claimed that the case "should not have fallen under the rubric of this policy," which you said was meant to be a "narrow policy."<sup>20</sup> Subsequently, you testified that your pro-illegal alien prosecution policy was "written with *legal permanent residents* in mind for minor crimes."<sup>21</sup>

These assertions contradict your own policy. Although you claimed that prosecutors in your office "should not have" considered immigration consequences for Cortez-Mendez, your policy does not include a prohibition against considering immigration consequences in any case, including the most violent or heinous cases.<sup>22</sup> Instead, your policy memorandum describes "[t]he weight accorded to potential adverse immigration consequences" as existing "on a sliding scale."<sup>23</sup> Your written policy, therefore, does not include exceptions for illegal alien sex offenders like Cortez-Mendez or limit its application to specific crimes.<sup>24</sup> Even though you claimed your policy was intended to apply to lawful permanent residents, nothing in your office's policy limits its application to legal immigrants alone.<sup>25</sup>

Given your unclear and evasive testimony, the Committee and Subcommittee remain concerned that your office's pro-crime, pro-illegal immigration policies undermine public safety and hinder the effective enforcement of federal law. To assist the Committee with its continued oversight of federal immigration policy and to inform potential legislative reforms to address

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<sup>15</sup> *Id.* Subcommittee Members asked about additional cases handled by your office, including cases involving criminal defendants Abdul Jalloh and Hyrum Baquedano-Rodriguez. *See id.*

<sup>16</sup> *See* Press Release, ICE, federal partners arrest illegal Guatemalan sex offender in Northern Virginia, U.S. Immigr. and Customs Enf't (Apr. 7, 2025), <https://www.ice.gov/news/releases/ice-federal-partners-arrest-illegal-guatemalan-sex-offender-northern-virginia>; *see also* Off. of the Att'y Gen., Commw. of Va., Investigative Rep.: Fairfax Cnty. Commw.'s Att'y, <https://files.constantcontact.com/d3e83e11901/ef28d4a6-6b90-4907-b606-4e11d0bf8777.pdf?rdr=true>.

<sup>17</sup> *Fairfax County, Virginia: The Dangerous Consequences of Sanctuary Policies: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf't, H. Comm. on the Judiciary*, 119th Cong. (2026).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* (emphasis added).

<sup>20</sup> *Id.*

<sup>21</sup> *See id.* (emphasis added).

<sup>22</sup> *See* Guidelines for Plea Bargaining, Charging Decisions, and Sentencing, *supra* note 8.

<sup>23</sup> *See id.*

<sup>24</sup> *See id.*

<sup>25</sup> *See id.*

sanctuary policies, we ask that you provide the following information:

1. The number of cases for which the Fairfax County Commonwealth's Attorney's Office entered a *nolle prosequi* from the period January 1, 2020, to the present, including the nationality of the defendant in each case and the associated charges;
2. The categories of aliens to which your policy, Guidelines for Plea Bargaining, Charging Decisions, and Sentencing, applies, including clarification of whether the policy applies only to aliens with lawful status in the United States or to both aliens with and without lawful status in the United States; and
3. All cases in which the Fairfax County Commonwealth's Attorney's Office considered immigration consequences, as directed by the office's Guidelines for Plea Bargaining, Charging Decisions, and Sentencing, from the period January 1, 2020, to the present, including, but not limited to, whether the office considered immigration consequences or received immigration-related pleas in any case involving the following individuals<sup>26</sup> and the associated charges, dispositions, and criminal histories for each case:
  - a. Marvin Morales-Ortez;
  - b. Abdul Jalloh;
  - c. Wilmer Osmany Ramos-Giron;
  - d. Hyrum Baquedano-Rodriguez;
  - e. Maldin Anibal Guzman;
  - f. Wis Alonso Sorto-Portillo;
  - g. Ander Cortez Mendez;
  - h. Jose Fabricio Veizaga Vargas;
  - i. Yohandri Mosquera Rosas;
  - j. Jorge Armando Melendez-Gonzalez;
  - k. Denis Humberto Navarette Romero;
  - l. Juan Rodriguez Alfaro;
  - m. Oscar Roberto Zaldivar;
  - n. Simon Parina Sandi;
  - o. Carlos Humberto Sanchez Hernandez;
  - p. Jesus Arevalo Cruz;
  - q. Marlon Joel Arita Figueroa;
  - r. Luis Fernando Guardado Moreno;
  - s. Victor Manuel Matrigales;
  - t. Fredy Ronaldy Ochoa Ramirez;

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<sup>26</sup> See Off. of the Att'y Gen., Commw. of Va., Investigative Rep.: Fairfax Cnty. Commw.'s Att'y, <https://files.constantcontact.com/d3e83e11901/ef28d4a6-6b90-4907-b606-4e11d0bf8777.pdf?rdr=true>; *Fairfax County, Virginia: The Dangerous Consequences of Sanctuary Policies: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf't, H. Comm. on the Judiciary*, 119th Cong. (2026) (statement of Sean Kennedy, President, Virginians for Safe Communities), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/2026-05/Kennedy-Testimony.pdf>.

- u. Luis Alonso Patríz Hernández;
- v. Gerson Alexis Paz Ramos;
- w. Julio Gabriel Rivera Molina;
- x. Marvin Alberto Rodríguez Corvera;
- y. José Martín Mendoza Ramírez;
- z. Wilson Giova Menjivar Guerra; and
- aa. Cristóbal Liobardo Vasquez-Sánchez.<sup>27</sup>

If your office did not consider immigration consequences for these cases, please indicate that clearly.

Please provide the information requested as soon as possible but no later than 5:00 p.m. on June 18, 2026. The Committee is authorized to conduct oversight of federal immigration law pursuant to the Rules of the House of Representatives.<sup>28</sup> Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan  
Chairman



Tom McClintock  
Chairman  
Subcommittee on Immigration  
Integrity, Security, and Enforcement



Ben Cline  
Member of Congress



Brandon Gill  
Member of Congress

cc: The Honorable Jamie Raskin, Ranking Member

The Honorable Pramila Jayapal, Ranking Member, Subcommittee on Immigration  
Integrity, Security, and Enforcement

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<sup>27</sup> See Jessica James & Nick Minoch, *Illegal immigrant with criminal past released prior to sexually assaulting Arlington woman*, ABC 7 NEWS (May 28, 2026, 2:44 PM), <https://wjla.com/news/local/illegal-immigrant-charged-arlington-sexual-assault-was-let-go-despite-criminal-past-ice-detainer-el-salvador-vasquez-sanchez-sanctuary-policies-spanberger>; Virginians for Safe Communities (@VA4SafeComm), X (May 28, 2026, 4:05 PM), <https://x.com/VA4SafeComm/status/2060090214601871457>.

<sup>28</sup> Rules of the U.S. House of Representatives, R. X (2025).