

From: Sherwood, Robert (USAAZ) <Contractor>
To: ESCALANTE, MARIO L; Johnson, Manuel J. (FBI)
Sent: 3/2/2011 6:04:08 PM
Subject: RE: Arizona Daily Star

Mario,

Thank you for the heads up. He did call us. I didn't comment beyond "active ongoing investigation."

Robbie Sherwood
AUSAO

-----Original Message-----

From: **DHS** **DHS**
Sent: Wednesday, March 02, 2011 3:57 PM
To: Sherwood, Robert (USAAZ) <Contractor>; Johnson, Manuel J. (FBI)
Cc: PASSEMENT, STEVEN; MCNEAL, ALILIA; PEREZ-JR, IGNACIO; GRANILLO, DIEGO; PADILLA, MANUEL JR
Subject: FW: Arizona Daily Star

Gentlemen,

Please see below, I received the following email from AZ Daily Star reporter Brady McCombs. He wanted comment on the questions below, but I advised that the case was still under investigation and we could not provide any comment what would affect it. I am not sure if he has reached out to either of you, but he is planning to go ahead with his article

Regards,
Mario

(A) SBPA **DHS**
Public Affairs Officer
Tucson Sector Communications Division

DHS

-----Original Message-----

From: Brady McCombs [mailto:bmccombs@azstarnet.com]
Sent: Wednesday, March 02, 2011 2:23 PM
To: ESCALANTE, MARIO L
Subject: Arizona Daily Star

Mario,

Good afternoon. I am writing a story for tomorrow about new information I have obtained about the Dec. 14 fatal shooting of Border Patrol agent Brian Terry. Court documents (FBI search warrant returns) from the federal court say that agents on Dec. 14 in Peck Canyon "deployed 'less than lethal' bean bags at the suspected aliens." before at least one of the "aliens fired back at the Border Patrol agents."

I know this is an ongoing investigation and I have questions in to the FBI, but this raises several questions for the Border Patrol as well:

- 1) Why did the agents use "less than lethal bean bags" first rather than using regular bullets?
- 2) Was this particular Bortac unit given specific instructions to use "less than lethal bean bags" before regular bullets?
- 3) What is the standard protocol for Border Patrol agents in terms of shooting with regular bullets versus non-lethal bean bags.

Cordially,

Brady McCombs
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