
From: Cunningham, Patrick (USAAZ)
To: Axelrod, Matthew (ODAG) (SMO)
CC: Scheel, Ann (USAAZ); Hernandez, Rachel (USAAZ); Burke, Dennis (USAAZ)
Sent: 4/26/2011 11:44:06 AM
Subject: RE: Draft Terry Indictment

Matt: I spoke to Felicia Chambers, Civil Attorney, this morning about her work at ATF. She is working now to ensure compliance with the Congressional subpoena and I advised her she would get our 6 e letter by email today. She has never worked with 6 e before, and I gave her a quick tutorial. PJC

From: Axelrod, Matthew (ODAG) (SMO)
Sent: Tuesday, April 26, 2011 6:34 AM
To: Burke, Dennis (USAAZ); Cunningham, Patrick (USAAZ)
Cc: Scheel, Ann (USAAZ); Hernandez, Rachel (USAAZ)
Subject: RE: Draft Terry Indictment

Thanks, Dennis.

From: Burke, Dennis (USAAZ)
Sent: Tuesday, April 26, 2011 9:34 AM
To: Axelrod, Matthew (ODAG); Cunningham, Patrick (USAAZ)
Cc: Scheel, Ann (USAAZ); Hernandez, Rachel (USAAZ)
Subject: Re: Draft Terry Indictment

Yes and yes.

From: Axelrod, Matthew (ODAG) (SMO)
Sent: Tuesday, April 26, 2011 08:36 AM
To: Cunningham, Patrick (USAAZ)
Cc: Burke, Dennis (USAAZ); Scheel, Ann (USAAZ); Hernandez, Rachel (USAAZ)
Subject: RE: Draft Terry Indictment

Pat,

Two questions: Was the Terry indictment in fact returned last week? Does it remain under seal? Thanks.

Matt

From: Cunningham, Patrick (USAAZ)
Sent: Friday, April 15, 2011 6:43 PM
To: Axelrod, Matthew (ODAG)
Cc: Burke, Dennis (USAAZ); Scheel, Ann (USAAZ); Hernandez, Rachel (USAAZ)
Subject: Draft Terry Indictment

Matt: Information you requested this am. Thanks. PJC

1. The Terry murder Indictment is expected to be presented on April 20, 2011. The indictment will be sealed until Osorio-Arellanes is arraigned as we are preparing Provisional Arrest Warrants.

2. Summary of Facts: At approximately 11:15 p.m. on December 14, 2010 in a remote area 10 miles north of the international border there was an exchange of gunfire between four Border Patrol Agents and five suspects. In the exchange, a bullet struck and killed BP Agent Brian Terry. Manuel Osorio-Arellanes, who

suffered multiple gunshot wounds, gave a statement which identified the other people in the group, then invoked his rights and is not cooperating. Manuel Osorio-Arellanes claimed that the group was returning to Mexico and were carrying weapons that they found in the desert. The FBI investigators do not have any proof regarding who fired the shot that killed Brian Terry. Current theory is the group was a security crew for the Sinaloa cartel going to the border area to provide security for drug loads or to pick up a load of marijuana that was lost. Except for Manuel Osorio-Arellanes all the suspects are believed to be in Mexico.

3. Defendants to be indicted are: Manuel Osorio-Arellanes, Jesus Rosario Favela-Astorga and Ivan Soto-Barraza. Manuel Osorio -Arellanes is in custody. Jesus Rosario Favela-Astorga and Ivan Soto-Barraza were positively identified through forensic evidence. Two other defendants who are known only as "Laco," and "Lionel" will be named in the indictment.
4. Planned charges are Second degree murder, conspiracy to assault a federal officer, Using and carrying a firearm in furtherance of a crime of violence, Assault on a federal officer. Manuel Osorio-Arellanes Jesus Rosario Favela-Astorga and Ivan Soto-Barraza will be charged with Re-Entry After Deportation. Only Manuel Osorio-Arellanes will be charged with Possession of a Firearm by a Prohibited Person.
5. As to the purchase of two weapons that **ATF** purchased that were found at the Terry murder scene, there was no surveillance going on the day of the purchase and the ATF was not notified of the sale until three days after the sale took place and the weapons were gone. Further, at this point despite testing, neither gun is tied to the Officer Terry Shooting. It is an investigative goal to identify the weapon used in the murder of Agent Terry.