
From: Smith, Jessica A. (SMO)
To: Sherwood, Robert (USAAZ) [Contractor]
Sent: 5/6/2011 5:58:33 PM
Subject: FW: Hi Do you know if/how Osorio pleaded to charges?

From: Schmalzer, Tracy (SMO)
Sent: Friday, May 06, 2011 5:58 PM
To: Smith, Jessica A.; Sweeney, Laura (SMO)
Subject: Fw: Hi Do you know if/how Osorio pleaded to charges?
Importance: High

DP

From: Attkisson, Sharyl [mailto:SAC@cbsnews.com]
Sent: Friday, May 06, 2011 05:55 PM
To: Schmalzer, Tracy (SMO)
Subject: Hi Do you know if/how Osorio pleaded to charges?



Department of Justice

United States Attorney Dennis K. Burke
District of Arizona

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FOR IMMEDIATE RELEASE
FRIDAY, MAY 6, 2011
WWW.JUSTICE.GOV/USAO/AZ/

CONTACT: ROBBIE SHERWOOD
(602) 514-7573

**MANUEL OSORIO-ARELLANES CHARGED FOR THE MURDER
OF BORDER PATROL AGENT BRIAN TERRY IN ARIZONA**

TUCSON, Ariz. – A federal district judge today unsealed a 14-count indictment that includes charges against Manuel Osorio-Arellanes, of El Fuerte, Mexico, for the Dec. 14, 2010, murder of U.S. Border Patrol Agent Brian Terry. Osorio-Arellanes, and his co-defendants, who are fugitives and whose identities remain under seal, also face weapons and conspiracy charges in addition to charges for second degree murder.

The indictment was unsealed at Osorio-Arellanes' arraignment today before U.S. District Court Magistrate Jacqueline Marshall in Tucson, Ariz. Osorio-Arellanes faces trial on June 17, 2011, before U.S. District Court Judge

David C. Bury in Tucson.

“Today’s indictment is an important step in this case, but it is only a first step to serving justice on behalf of Agent Brian Terry, his family and the other agents who were with Terry and their families,” said U.S. Attorney Dennis K. Burke. “This is an active ongoing investigation that is making more and more progress every day.”

U.S. Attorney Burke added, “Agent Terry – who served his country honorably as both a Marine and a member of the Border Patrol – made the ultimate sacrifice in service to the people of the United States. His family deserves to see justice served, and everybody involved in this investigation is deeply committed to making that happen.”

“The arraignment of Manuel Osorio-Arellanes is the culmination of efforts by the FBI, our law enforcement partners and the U.S. Attorney’s Office,” said Acting Special Agent in Charge Robert C. Rudge Jr., Phoenix Division. “As we move forward, we are mindful of the Terry family and his colleagues at the U.S. Border Patrol. The FBI and U.S. Attorney’s Office will utilize all necessary resources in an effort to ensure that those responsible for the murder of Agent Terry are brought to justice.”

“The border patrol is pleased that significant progress is ongoing in this case. We will continue to do everything possible to support the FBI and the U.S. Attorney’s Office in their efforts to bring justice to all parties responsible for the murder of Agent Terry,” said Randy Hill, Border Patrol Chief Patrol Agent of Tucson Sector.

According to the indictment, Osorio-Arellanes was part of an armed group of illegal aliens that engaged in a firefight with Agent Terry and other border patrol agents whom they encountered in a remote area known as Mesquite Seep near Rio Rico, Ariz. One of the group shot Agent Terry who died from his wound. Osorio-Arellanes, who was wounded, was apprehended, treated for his injuries and has been in federal custody since on felony immigration charges. His co-conspirators, including the gunman suspected of firing the fatal shot, fled and are being sought in connection to the murder.

In addition, the defendant is charged with conspiracy to assault a federal officer; use and carrying a firearm in furtherance of a crime of violence; possession of a firearm by a prohibited person; possession of firearm by a prohibited person and re-entry after deportation. A conviction for second-degree murder carries a maximum of life in prison. In determining an actual sentence, the assigned U.S. District Court Judge will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation preceding the indictment was led by the FBI. The prosecution is being handled by Assistant U.S. Attorneys Jesse Figueroa and Liza Granoff for the District of Arizona.

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