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Sent: 6/13/2011 4:10:52 PM
Subject: Terry Information: Indictment and Status
Attachments: r_GJ INDICTMT-Osorio-Arellanes.pdf

Molly: The latest public record status of Indictment in the BP Agent Terry murder prosecution is set out below.

1. Dennis proposed statement

DPP

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1. Redacted Public Indictment of April 20, 2011 is attached.
2. Trial date: June 17, 2011 was originally set, no new public record trial date now available and I suggest that any public statement should simply say, "We expect the trial to be set for later this summer."
3. Public release language of May 6, 2011:

Manuel Osorio-Arellanes Charged for the Murder of Border Patrol Agent Brian Terry

FOR IMMEDIATE RELEASE

May 6, 2011

TUCSON - A federal district judge today unsealed a 14-count indictment that includes charges against Manuel Osorio-Arellanes of El Fuerte, Mexico, for the December 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. The defendant 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."

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."

Acting Special Agent in Charge Robert C. Rudge Jr., Phoenix Division, said, "The arraignment of Manuel Osorio-Arellanes is the culmination of efforts by the FBI, our law enforcement partners and the United States Attorney's Office. As we move forward, we are mindful of the Terry family and his colleagues at the U.S. Border Patrol. The FBI and United State 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 US 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.

The indictment alleges that Osorio-Arellanes was part of an armed group of illegal aliens that got into 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 a 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 United States 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 Federal Bureau of Investigation. The prosecution is being handled by Assistant U.S. Attorneys Jesse Figueroa and Liza Granoff, District of Arizona, Tucson.

CASE NUMBER: CR-11-0150-TUC-DCB-JCG
RELEASE NUMBER: 2011-083(Osorio-Arellanes)