



Friends Of The Border Patrol

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U.S. Government vs. Jose Compean & Ignacio Ramos

Clearing up the Johnny Sutton's myths behind America's greatest modern injustice

U.S. Attorney Johnny Sutton's office in West Texas has ignored all the facts, many of which were stated under oath in an El Paso Federal Court Room, and presented a total and complete distortion of the truth to the American people in order to build support for what is a false case and violation of the civil rights under the color of law as the prosecution should have been against Osbaldo Aldrete-Davila, and NOT Border Patrol Agents Compean and Ramos.

The agents were doing their jobs in the face of danger

Myth: The government states that there was no credible evidence that the agents were in a life-threatening situation and that Aldrete-Davila did not have a weapon, and that Agent Juarez never felt the agents were in any danger.

While in an open area with no place to take cover agents feared for their lives and shot at a man who was pointing what they perceived to be a gun at them. What Agent Juarez testified to was not and is not credible as he changed his story several times on the stand. Agent Juarez testified in court he had been threatened by Assistant U.S. Attorney Jose Luis Gonzalez into doing so. The reason Agent Juarez didn't feel there was a threat was because all he had in front of him was an abandoned van full of marijuana. Unlike Agent Compean and Ramos who were in an open area and a fleeing smuggler pointing what they thought was a gun at them. Mr. Juarez could not have seen if the smuggler was armed or unarmed simply because not only was he not at the scene after the incident occurred, but he was also at a different ground level.

In this case law enforcement officers shot at a man who was fleeing and pointing what they believed was a gun. To which the government's own medical expert testified to that this man's injury supporting Ramos and Compean's testimony.

The agents did not file a false report, while the government did

Myth: The government claimed Border Patrol agents Compean and Ramos filed a false report as it contained no information about the alleged shooting of their "victim" Aldrete.

Fact: Section 11, Subsection A of the firearms policy as followed by the Agents of the U.S. Border Patrol states as follows... "Any Service employee who participates in or observes a reportable shooting incident as defined in Subsection 3.H., shall **orally** report the incident to a Supervisor." Nothing in that policy says that an agent must file a written report with a supervisor.

In fact, the only person who must file a written report, according to the firearms policy is a Supervisory Border Patrol Agent. A non-supervisory agent can be brought up on charges, and suspended for filing a written report. When Johnny Sutton says the agents filed a falsified report, he clearly does not know what he is talking about and should read the firearms policy.

Fact: The government filed a false report when they swore out the arrest warrant for Agents Compean & The warrant stated, "Ballistic testing confirms a government issued weapon belonging to U.S. Border Patrol Agent Ignacio "Nacho" Ramos," a 96D Beretta 40 caliber automatic pistol , serial number BER067069M, fired a bullet (a 40 caliber Smith & Wesson jacketed hollow-point) which hit the victim in the left buttocks as he attempted to flee to Mexico. Where the victim was shot on U.S. Government property between the U.S. bank of the Rio Grande River and the levy. In fact, the bullet according to the ballistic report issued by the Department of Public Safety on March 18, 2006 Laboratory Case Number L4E- 46738, stated that "The manufacturer of the firearm of the copper-jacketed bullet is unknown but could include encountered models of 40 S&W caliber FN/Browning, Beretta, Heckler & Koch, and Ruger pistols. When IG Special Agent Chris Sanchez ignored the fact as reported by DPS that the manufacturer of the bullet was unknown, he swore out a false warrant on Agents Ramos & Compean. (DPS Report prepared by Joseph J.J. Correa, Criminalist IV)

Government let a smuggler go free

Johnny Sutton's office did not prefer for Aldrete to go to prison. If Sutton did his Assistant U.S. Attorneys would not have gone after these agents, but would have arrested Aldrete as soon as they found out he was driving the loaded van. If Aldrete didn't do anything illegal or broken the law, Aldrete would not have needed immunity. If it's true that Johnny Sutton's office is really in the business of getting the bad guys, Aldrete would have been arrested in court after he lied under oath and protected the people who had threatened to "put together a hunting party to go shoot some Border Patrol Agents," which violated his immunity agreement, which was never reported by Special Agent Chris Sanchez to the FBI, and was actually reported to Juarez, MX authorities. The U.S. Attorney could have tied him to the load and did so in the beginning of their so-called investigation and during the trial, thanks to Aldrete's childhood friend Agent Rene Sanchez who linked the load with Aldrete. Mr. Aldrete admitted he was driving the loaded van only to help his poor, sick mother. Fingerprints were not needed since he confessed in court. Instead the crime fighting office led by Mr. Sutton rewarded Aldrete by giving him immunity.

Agents should not of been prosecuted

There were no crimes committed by these two agents. The Border Patrol Firearms Policy states that the agents should have gotten a five-day suspension for failing to report a discharge of a firearm, not prison time. The policy also state's that it is not the agents job or duty to report or write a report about a shooting but that of a supervisor. The supervisor on the scene that day is the one who broke the law. It is impossible for an agent to shoot 15 rounds unless he/she has a movie gun. Johnny Sutton should make up his mind as to how many shots were fired and by whom, since this has repeatedly changed over the past two years.

Again this so-called innocent man smuggled drugs, refused to pull over, resisted arrest, ran away from agents attempting to apprehend him, had a scuffle with an agent, and then, while "he was just trying to go home" as the prosecution stated in court, Aldrete pointed what was believed to be a gun at two trained Border Patrol Agents. The government took the word of an admitted narcotic trafficker over two Border Patrol agents that Aldrete did not pose a threat.

The Gun Charge was improperly applied

924 C, the gun charge against Agents Compean and Ramos was completely distorted to provide for a charge to stick. The gun charge was never meant to be applied to law enforcement officers performing their official duties. It was meant for behavior outside the application of their official duties such as an assault or intimidation against a civilian behaving in a lawful matter. In this case, Aldrete had already assaulted Agent Compean and was attempting to flee a crime scene. Therefore, the amount of time is excessive as the charge was improperly applied.

Aldrete-Davila was driving the vehicle loaded with narcotics and was NOT attempting to surrender, was armed, and ran towards Mexico because he wanted to avoid arrest by the Border Patrol agents.

Fact: During the press conference after the sentencing, U.S. Attorney Johnny Sutton stated that there was no evidence linking him (Aldrete-Davila) to the van, which is patently false as the dooper admitted to driving the van to investigators and on the stand during the trial. The dooper originally told the investigators that he came in illegally across the river and was trying to get back to Mexico when he was shot by the BP agents as he was coached to do. Aldrete-Davila later changed his original statement to investigators, and on the witness stand during the trial that he, in fact, was driving the van with the narcotics. Assistant U.S. Attorney tried to play Aldrete up as a victim of circumstance in that he trafficked and moved narcotics to help his poor, sick mother.

The government stated that Aldrete was shot in the back, attempting to flee to Mexico.

The surgeon (prosecution witness) who removed the bullet, a major from Wm. Beaumont Army Medical Center, testified that the shooting wound was consistent with the border patrol agents' statements that Aldrete-Davila was in a bladed (shooting) position. Yet, the government continues to claim that Aldrete was shot in the back regardless of the facts as presented by the surgeon.

Compean & why he never requested medical assistance

Agent Compean never requested medical assistance, though he was injured and cut during the scuffle. Additionally, Agent Ramos reported to Supervisors Richards and Arnold that Agent Compean had been assaulted as he ran back to the load van. The supervisors and agents on the scene all knew Agent Compean had been assaulted and the supervisors should have reported the assault, as required under U.S. Border Patrol Policy to the FBI and failed to do so. Instead of being disciplined along with the agents for not reporting the firearm discharge and assault on Agent Compean, Field Operations Supervisor Jonathan Richards was subsequently promoted to Special Operations Supervisor.

How many shots were fired

Agent Compean fired nine shots, while Agent Ramos fired one shot. While there were 15 shells recovered weeks later from the scene of the incident, nine shells casings were new, while the other five attributed to Agent Compean were old. The slide on Agent Compean's firearm never went back indicating he had expended all shots in his clip. He did a hot-reload, but never fired his weapon again. Agent Ramos fired one shot.

Agent Compean did not remove shells from the scene

Johnny Sutton would have you believe that Agent Compean tampered with evidence by picking up his expended shells. However, if that were the case, when Agent Compean picked up and tossed the nine shells away a few seconds later, Agent Compean would have kept the shells and more properly and thoroughly discarded them so they'd never be found. Neither agent knew they'd hit Aldrete as he showed no signs of injury as he had not fallen, limped, and had not even dragged his leg, Agent Compean would have had to have been pretty stupid to leave evidence at the scene if that were his true intentions, as Johnny Sutton would have you to believe.

The Government ignored a prior U.S. Supreme Court Ruling regarding illegal aliens constitutional rights and protections

US vs. Verdugo-Urquidez... In 1990 the Rehnquist Court announced a 6-3 ruling regarding U.S. Constitutional protections for illegal aliens. In his majority opinion, Chief Justice Rehnquist made it abundantly clear that illegal aliens are not entitled to protections under the U.S. Constitution, and while entitled to human rights protection, illegal aliens are only entitled to protections under their own Constitution in their nation of origin. Aldrete admitted to illegally trafficking narcotics into the U.S. from Mexico and was therefore not entitled to U.S. Constitutional protection. Also, Agent Compean noted that Aldrete's van was lower than when he first saw him, so he did have probable cause, which as a result demonstrates that the civil rights charge was inapplicable in this case as Aldrete was committing a crime and threatening Agents Compean & Ramos.

The Government did offer a green card and limited immunity as part of the terms to induce him to testify against Agents Compean & Ramos

Contrary to Johnny Sutton's claim that Aldrete was not offered a green card, also known as a Resident Alien Card, as an inducement to testify, Aldrete was offered a green card, which was later withdrawn in October 2005 after the subsequent 1000 pound marijuana bust in which he was positively identified.

Trial delays by the government, stacked charges

Each time there was a delay in starting the trial the government offered a reduced sentence to Agents Compean & Ramos, and stacked more charges each time the plea bargain offers were refused, the last offer was 18 months. In fact, when the trial was scheduled to begin in October

2005, the government had to request a delay due to the 1000-pound marijuana bust, though they claimed to the defense that it was for subsequent surgery needed by Aldrete that never took place.

Not all cases of shootings were properly reported or investigated

In October 2004 a shooting incident took place involving El Paso Sector Border Patrol Agents based in Lordsburg that were operating out of sector in the Willcox, AZ (Tucson Sector) Area of Responsibility. In this incident an agent removed a #human trafficker from a vehicle, threw him to the ground, placed his boot on the person's back, and shot and killed the suspect. No investigation was ever conducted by OIG or OIA. **Source names withheld due to safety concerns, but are available to Members of Congress.**

For the additional case, please see Exhibit 3 (provided to Congress), from a court case regarding a termination of an agent who had an accidental discharge of his weapon due to a malfunction in his off-duty time. The character letter presented information about a murder of a suspect in Arizona and how the case was dispensed. The character letter of reference was written by a retired Border Patrol manager, and presented to a court.

In August 2006 after I testified before the House Committee on the Judiciary at a Field Hearing in El Paso Texas, sources informed me that El Paso Sector of the Border Patrol was sending a power-point presentation to stations in the sector attempting to justify using two well-known cases involving shooting incidents stating that Ramos & Compean were wrong by not reporting the shooting incident (though they never knew the suspect was allegedly wounded) with another case in which a person was shot, killed, and reported well after the incident. The claim and justification by El Paso Sector to their agents was that the agent filed a report, though late, unlike Ramos & Compean.

Aldrete was always armed - additional witnesses

When interviewed by Inland Valley Daily Bulletin Reporter Sara Carter, family members of Aldrete stated on the record that Aldrete is always armed.

Additional statements by the government in defense of Aldrete's acts of lawlessness:

- Aldrete-Davila just wanted to go home.
- He was trying to earn money to pay for medication for his sick mom.
- The agents turned on one of their' own.

Note: Information corrected as it was a human smuggler not a narcotic smuggler