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**From:** Weich, Ron (SMO)  
**To:** Schmaler, Tracy (SMO); Goldberg, Stuart (ODAG); Monaco, Lisa (ODAG)  
**Sent:** 2/16/2011 12:48:31 PM  
**Subject:** RE: AZ statement

Was there a statement on this yesterday? If so, would be good for us to have it in case it becomes relevant to ongoing Grassley oversight.

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**From:** Schmaler, Tracy (SMO)  
**Sent:** Tuesday, February 15, 2011 3:26 PM  
**To:** Goldberg, Stuart (ODAG); Monaco, Lisa (ODAG); Weich, Ron (SMO)  
**Subject:** RE: AZ statement

can remove that reference. will check w USA office -- think they only ran it by FBI ...

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**From:** Goldberg, Stuart (ODAG)  
**Sent:** Tuesday, February 15, 2011 3:24 PM  
**To:** Schmaler, Tracy (SMO); Monaco, Lisa (ODAG); Weich, Ron (SMO)  
**Subject:** RE: AZ statement

DP

Stuart M. Goldberg  
Chief of Staff for the  
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U.S. Department of Justice  
Room 4210  
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Washington, D.C. 20530  
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**From:** Schmaler, Tracy (SMO)  
**Sent:** Tuesday, February 15, 2011 3:10 PM  
**To:** Monaco, Lisa (ODAG); Weich, Ron (SMO); Goldberg, Stuart (ODAG)  
**Subject:** AZ statement  
**Importance:** High

heads up - AZ USAO wants to say below when these 3 folks enter pleas today -- they were picked up near the scene of the BP agent shooting and media and others have tied them to the crime. upon investigation - it seems these 3 had no connection. this will likely generate news so better to be clear about that now. my edits are in blue, below. tight timeframe since 3rd guy is pleading in the next hour

ATF

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**DP**

**From:** Sherwood, Robert (USAAZ) <Contractor>  
**Sent:** Tuesday, February 15, 2011 1:28 PM  
**To:** Smith, Jessica A.  
**Subject:** Another heads up

Jessica,

I'm not sure how closely you've followed the ongoing investigation into the shooting death of BP Agent Brian Terry, but there will be some news breaking on that today and wanted to let you know about it. Originally when the shooting occurred, one suspect was wounded and taken into custody and reportedly three others were taken into custody nearby. In reality, the other three were determined not to have been involved (wrong place, wrong time) and there is still a manhunt on (in Mexico) for the other accomplices. We've never commented about the status of these other three (however it was reported accurately in one Arizona Republic article, anonymous source).

Later today, those three are going to plead to the immigration charges they were being held on (charged w felonies, plead to misdemeanors) and will be deported with time served. Media will have lots of wtf questions in regards to their connection or non-connection to the Terry case, and what's the status of the case now with only one suspect (not indicted, being held on felony immigration charges) in custody. In the early days of the investigation BP and Marshalls reported that we had 4 of the 5 suspects in custody, and we've never on the record corrected that, though it's not the case. We had a conference call with Border Patrol and FBI this morning to talk about a consistent message going forward, did some wordsmithing and here is our draft statement, which we plan to share with the other members of the team.

Please let me know if you have any comments or concerns and I'll share with Dennis right away.

Draft statement:

**ATF**

**DP**