

To: Scheel, Ann (USAAZ)[AScheel@usa.doj.gov]; Cunningham, Patrick (USAAZ)[PCunningham@usa.doj.gov]
Cc: Morrissey, Mike (USAAZ)[MMorrissey@usa.doj.gov]
From: Parecki, Josh (USAAZ)
Sent: Tue 8/2/2011 7:14:26 PM
Subject: ATF Facts (consistent with some of your questions)

Emory Emails:

- (1) June 7, 2010, ATF requests Ex Parte Tax Order and guidance regarding sharing certain investigative information with the GoM.
- (2) June 9, 2010, ATF was coordinating with GoM, had provided them reports of investigation and was updating them regarding ATF purchases.
- (3) June 16, 2010, Emory summarizes the border interdiction of ATF (Morrissey and Burke), acknowledges that ATF is cooperating, but advises that ATF has been told they should make no promises reference charging (no reference to the electronic evidence or a warrant request). In email chain Newell confirms they are working with the Mexicans.
- (4) June 16, 2010, DB receives an "Outbound Seizure Report" related to ATF report notes that ATF and ICE had lookouts on ATF.
- (5) June 16, 2010, Emory send update email to DB, Morrissey, Cunningham and cc's Van Buskirk and Sukenic. In email, Emory notes that ATF, ICE and Mexican law enforcement further debriefed ATF. Emory notes a meeting with Needles ATF will be forthcoming to discuss the future of ATF.
- (6) June 22, 2010, Emory advises Morrissey that ATF attempted to cross back into Mexico at the Calixico POE. Emory also notes that ATF has indicated that ATF is not cooperating and has turned off his phones. ATF asks for charges and Emory declines and lists rationale for declination. Emory indicates that ATF has known that ATF was being uncooperative 4 days earlier but had failed to notify the USAO.
- (7) June 24, 2010, Emory responds to Cunningham inquiry regarding grenade recoveries bulletin USAO received. Emory notes the bulletin is the ATF case and informs Cunningham, Morrissey, Cocio, Logan, Sukenic and DB that ATF was becoming "less than cooperative" and that they should interview him at the Calixico border. Emory then asks ATF to continue to work up the AECA violation.
- (8) July 26, 2010, ATF requests additional personnel to add to the 6e list.
- (9) June 28, 2010, ATF advises Emory that further cooperation with the Mexicans must be placed on hold because ATF may have info on Mexican corruption. ATF advises that further prosecution and investigation strategy should be further discussed at a meeting.
- (10) July 27, 2010, Emory is notified by Van Buskirk that she is going to serve notice on ATF regarding the Court's 2703d order related to ATF's email.
- (11) September 2, 2010, Emory receives notice that ATF has discovered a grenade recovery in Mexico with grenade components identical to those ordered by ATF. Email to Emory references a conversation with Emory regarding this topic. [LATER ATF RECOVERED NO EVIDENCE AFFIRMATIVELY LINKING THIS RECOVERY TO ATF]
- (12) February 22, 2011, Emory inquires regarding the licensing determination and pretrial certification. ICE indicates they obtained the certification. Email chain indicates the certification was attached to the email.
- (13) March 9, 2011, DB inquires as to the status of ATF. Hurley explains the certification process and indicates that the process takes quite a bit of time. Indicates that he received the certification in December but that he has not had the time to get the case indicted.

- (14) April 19, 2011, ATF asks to add more agents to the 6e list because they have discovered other grenade body cases and would like to determine links. ATF asks Emory if he is ready to indict yet because they had been advised the certification has been received.

What did ATF do between June 2010 and May 2011:

- (1) Placed a [ATF]
- (2) Made several trips to Mexico after SEDENA made cartel grenade recoveries to inspect grenades and [ATF] (Sept 2010);
- (3) Identified a possible SOI (a person who had lived with [ATF] in 2007 and had traveled with [ATF] and firearms into Mexico), interviewed [ATF] (February 2011).
- (4) Used explosive detection dogs to investigate [ATF] previous California address (SOI said he found completed re-manufactured grenades in [ATF] workshop and that he buried them on the property somewhere). The re-manufactured grenades were never recovered.
- (5) Obtained toll updated [ATF] toll records per Court order (February 2011).

I'll bring the emails up at 1:00 p.m.