



# Law Enforcement Officers Advocates Council

A Nonprofit Law Enforcement Advocacy Corporation  
Supporting Officers Defending America

---

**\* NEWS RELEASE \* NEWS RELEASE \* NEWS RELEASE \* NEWS RELEASE \***

---

Date Of Release: For Immediate Release  
Contact: Andy Ramirez, President  
Contact #: (323) 952-4357

## LEOAC Calls for Immediate Release of BP Agent Diaz

The Law Enforcement Officers Advocates Council, who has served as public advocate for USBP Agent Jesus E. 'Chito' Diaz, Jr. in non-courtroom matters throughout his ordeal, is demanding: 1. Agent Diaz' immediate release from a U.S. Federal Correctional Institution where he has served his prison sentence; 2. exoneration by the government; 3. subsequent reinstatement by the Border Patrol including back pay and benefits; 4. a formal apology by the United States Government to Agent Diaz and his family.

LEOAC has also requested Congress through Congressman Duncan Hunter (R-CA), who has led the inquiry by Congress into the Diaz' case, refers Chito's case to Chairman Darrell Issa (R-CA) of the House Oversight and Government Reform Committee, and Chairman Lamar Smith of the House Judiciary Committee. It is imperative that this be done given a key statement made by Presiding Judge E. Grady Jolly during the U.S. 5<sup>th</sup> Circuit Court of Appeals' oral arguments phase of Agent Diaz' appeal, which just heard Chito's case on July 12, 2012 in New Orleans, LA

Judge E. Grady Jolly stated as follows during the appeal hearing, "Nobody's arguing, really, that the officer did the right thing or that it can be justified so much. The question is it just sounds more like a misdemeanor instead of a felony to me..."

That point of view is similar to what many U.S. Congressman and Senators concluded during their 2006-2007 investigations into the case U.S. vs Ramos/Compean, the Border Patrol Agents prosecuted by then U.S. Attorney Johnny Sutton's El Paso office. The sentiment on that case was the 924c discharge of a firearm charge against the agents was believed to be an overreach by the government. President Bush commuted the 11 and 12 year prison sentences against Ramos and Compean on January 19, 2009 at the end of his 2<sup>nd</sup> term.

The following statement was provided to LEOAC by Congressman Hunter, who has led the fight for justice on Capitol Hill for Agent Diaz, for inclusion in our press release: "It's good to see that this case may be finally receiving the impartial attention and due process it deserves, both for the personal respect of Agent Diaz and his family, and for the 'far-reaching implications on law enforcement personnel,' as the defense stated in its appeal. I'm looking forward to the court's decision, which I'm confident will be in Agent Diaz's favor."

"We, LEOAC, have long investigated this pattern of government protecting illegal alien drug cartel smugglers by the Justice Department who prosecutes Border Patrol agents instead of bad guys. Agent Diaz' case screams for oversight review, as an innocent agent has been imprisoned for 16 months including jail time", stated Andy Ramirez, LEOAC President.

Agent Diaz' case is another overreach by DOJ to give the Mexican Government a scalp, while they protected the drug smuggling MBE (Bernal). In fact, a key aspect of the Diaz appeal is error by Federal Judge Alia Moses who might as well have prosecuted the case for the government, her former employer given her countless rulings in the

favor of the government. The court transcripts and audio of oral arguments before the 5th Circuit Court of Appeals prove this fact”, continued Ramirez.

Our Border Patrol Agent sources continue to report the grave dangers on the U.S. – Mexico Border and how they are not backed up by the Justice Department when assaulted, rocked, or shot at by illegal alien drug smugglers, human traffickers, and other individuals who have waged this war against our agents. The message sent to agents, in the form of such a prosecution is very clear, ‘thou shalt not apprehend illegal alien drug cartel smugglers’”, concluded Ramirez.

Agent Diaz was maliciously prosecuted by DOJ by request of and to appease the Mexican Government for allegedly violating the “constitutional civil rights protections” of illegal alien drug smuggler Bernal. The Mexican Government shielded the identity of Bernal during the investigation of the case by the DHS’ Office of Inspector General, and Office of Professional Responsibility, until receiving a favorable deal with the USAO and DHS’ CBP Internal Affairs.

Agent Diaz is not guilty of any injury to the “victim”. This certainly was not a premeditated act as claimed by DOJ during the appeal, other than perhaps hurting the victim’s feelings while Bernal along with his accomplice and co-conspirator “Sanchez” were apprehended by USBP agents in the process of committing a felony against the people of the United States in Eagle Pass, TX, stated Dave Stoddard, LEOAC VP and retired Supervisory Border Patrol Agent.

Ultimately, the brave men and women who serve in the U.S. Border Patrol are put into the untenable situation of having to act with political correctness while risking their lives for the American people as evidenced by the murder of Agent Brian Terry who was ordered to utilize non-lethal bean bags while dealing with known and heavily armed drug smugglers and rip crews in Rio Rico, Arizona on December 15, 2010”, concluded Mr. Stoddard.

LEOAC has loaded the audio recording of the Oral Arguments portion of the appeal to our websites, AdvocatesCouncil.us and FreeAgentDiaz.com

The Law Enforcement Officers Advocates Council is a non-profit organization dedicated to the support of law enforcement officers, at all levels of government. LEOAC is comprised of civilian experts, retired senior managerial federal law enforcement officers, and defense counsels. Our highly experienced team advocates, educates, investigates, and reports our findings back to the American people. We also litigate and provide amicus curiae (friend of the court) briefs where appropriate and necessary.

### End of Release ###