



# 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

## DOJ Attempts Cover-up of Bogus BPA Diaz Prosecution Requests U.S. Court Seals Discovery Documents

LEOAC has just learned that the U.S. Attorney's Office for the Western District of Texas has requested a protective order from the U.S. District Court on November 9, 2011. Such an order by the court would seal all discovery documents in the case U.S. vs. Jesus E. 'Chito' Diaz, Jr.

It is our contention that this motion is in direct response to the story by World Net Daily reporter Jerry Corsi as published on November 9, 2011 in which they published a key document by the DHS Office of Professional Responsibility identifying that their part in the case was closed and that the narco-trafficker "MBE" was deemed not a credible witness. It is also stated, as reported by WND, that they were recommending the case to CBP Internal Affairs solely for administrative action. This means investigation for discipline, not prosecution. In the same document, it is stated that the U.S. Attorney's Office had also declined prosecution.

The facts in this case as presented by the government are disputed by the defense, the Diaz family, and our organization. Again, we reviewed all of the paperwork (or discovery) as well as the official court transcripts, which were provided to our organization prior to this extremely questionable request by U.S. Attorney Robert Pittman who was nominated by President Obama and confirmed in October 2011.

It must be noted that our organization requires such documentation prior to accepting a case, which goes back to the Ramos/Compean prosecution. It allows our organization a proper and thorough independent review.

The government's case is based on false testimony that is contradicted by the facts. This includes the charge that Agent Diaz was physically abusive to the then minor "MBE" as noted by court documents and transcripts in that Diaz allegedly put his knee on his back and pulled back on his handcuffs.

We contend that the 5 additional counts for lying to investigators are without merit given the facts of the case and that these charges were solely filed in retaliation for Agent Diaz' refusal of the plea bargain offered by the USAO.

The fact that both the USAO and Court ignored the report by OPR and admissions of perjury by both the so-called victim "MBE" an illegal alien from Mexico and other star-witnesses including Border Patrol agents who violated the 1 hour reporting policy by informing superiors about the alleged incident hours later, that there was no merit whatsoever in this case.

The fines instituted by the court are also without merit as is the lien that is placed upon the Diaz family home given the facts as stated above and previously in our public statements.

We contend that Agent Diaz was prosecuted by the U.S. Government with politics as the sole motivation as we saw in previous cases including U.S. vs. BPA David Sipe, U.S. vs. Stephanie Mohr, U.S. vs. BPA Gary Brugman, U.S. vs. Robert Rhodes, III, U.S. vs. Deputy Sheriff Guillermo 'Gilmer' Hernandez, and now BPA Chito Diaz.

In Rhodes case, he was prosecuted by DOJ in response to request as documented of the People's Republic of China for an incident Rhodes was cleared for by jury unanimously at the Niagara Falls, NY, Port of Entry. Secretary of State Colin Powell and DHS Secretary Tom Ridge personally communicated with the Foreign Minister and not only pledged an investigation but apologized to the FM though the facts showed the individuals who were apprehended by the POE were visa overstays meeting with an individual attempting to smuggle narcotics through the port as he was apprehended by officers, which includes Rhodes.

As the authorized pro-bono advocate for the Diaz family, LEOAC calls on the Congress to demand that this request by the DOJ be withdrawn immediately. Considering there is nothing in the documentation that should be considered of a sensitive or classified nature. However, given the sudden request by DOJ, it appears as though a cover-up, or even worse obstruction of justice, is in progress given such facts in order to prevent the Congress and the public from learning the facts firsthand.

Furthermore, we call on the Congress to launch and conduct a full Congressional investigation not only into this case, but the larger pattern that has gone unchecked for several years. That such matter be referred to the House Committee on the Judiciary, and the House Committee on Reform and Government Oversight who is already looking into misconduct by DOJ vis a vis Operation Fast & Furious and the resulting murders of Border Patrol Agent (BORTAC) Brian Terry as well as ICE Special Agent Jaime Zapata.

In 2009, the Obama Administration pledged to the American people that they would operate in complete transparency, and yet again, as demonstrated by this request by DOJ to the district court seeking an order of protection, the administration continues to do the exact opposite and attempt to hide the facts from the American people.

Meanwhile an innocent man sits incarcerated with his name and reputation destroyed and who was deemed by the court upon bond request to be a "danger to the community" for merely doing his job as he was trained to do. At the same time, his family faces a \$6,780 fine as imposed by the court at sentencing due in the very near future. All the while the drug smuggler remains free to do as he pleases though he violated the law and perjured himself as did a number of other star witnesses who continue to serve as agents and faced no discipline for the false statements they provided to the government.

Visit [AdvocatesCouncil.us](http://AdvocatesCouncil.us) or [FreeAgentDiaz.com](http://FreeAgentDiaz.com) for more information.

The Law Enforcement Officers Advocates Council is a non-profit organization dedicated to the support of law enforcement officers, at all levels of government. The Diaz Family has authorized LEOAC to represent them in all non-court matters as advocate as notarized in the State of Texas. 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 ###