

UNITED STATES DISTRICT COURT
District of Arizona

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

SEARCH WARRANT

Manuel Osorio-Arellanes (head hairs)

Case Number:

10-10251M

TO: Special Agent (SA) Scott Hunter/FBI and any Authorized Officer of the United States
Affidavit having been made before me by affiant, Special Agent (SA) Scott Hunter, who has reason to believe that / X
/ on the person of or / / / on the premises known as:

Manuel Osorio-Arellanes (head hairs)

in the District of Arizona there is now concealed a certain person or property namely (describe the person or property)

SEE AFFIDAVIT attached hereto and incorporated herein

which is (give alleged grounds for search and seizure under Rule 41(b) of the Federal Rules of Criminal Procedure)

- property that constitutes evidence of the commission of a criminal offense;
- contraband, the fruits of crime, or things otherwise criminally possessed;
- property designed or intended for use or which is probable cause, or who is unlawfully restrained
- a person for whose arrest there is probable cause, or who is unlawfully restrained.

in violation of Title 18, United States Code, Section 1114.

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before

Jan. 2, 2011
Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime 6:00 a.m. to 10:00 p.m.) (~~at any time in the day or night as I find reasonable cause has been established~~) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to D. THOMAS FERRARO as required by law.

United States Judge or Magistrate Judge

Dec 29, 2010 at 1:03 p.m.
Date and Time Issued
U.S. MAGISTRATE JUDGE
D. THOMAS FERRARO

Name and Title of Judicial Officer

[Signature]
City and State
[Signature]
Signature of Judicial Officer



RETURN

DATE WARRANT RECEIVED

12/29/10

DATE AND TIME WARRANT EXECUTED

1/4/11 1030am

COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH

MANUEL OSORIO-ARELLANES

INVENTORY MADE IN THE PRESENCE OF

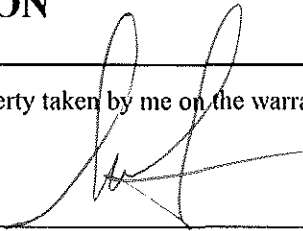
SA JON EDWARDS & MANUEL OSORIO-ARELLANES

INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT

- 1 - ENVELOPE CONTAINING COMBED HAIRS
- 1 - ENVELOPE CONTAINING PULLED HAIRS

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.



Subscribed, sworn to, and returned before me this date.



U.S. JUDGE OR MAGISTRATE JUDGE

DATE

1/5/11

UNITED STATES DISTRICT COURT
District of Arizona

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

**APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT**

Manuel Osorio-Arellanes (head hairs)

Case Number: **10-10251M**

I, Special Agent Scott Hunter, being duly sworn depose and say:

I am a Special Agent (SA) Scott Hunter with the Federal Bureau of Investigation and have reason to believe that /X/ on the person of or / / on the premises known as (name, description and/or location)

Manuel Osorio-Arellanes (head hairs)

in the District of Arizona there is now concealed a certain person or property, namely, (describe the person or property)

SEE AFFIDAVIT attached hereto and incorporated herein

which is (give alleged grounds for search and seizure under Rule 41(b) of the Federal Rules of Criminal Procedure)

- XX property that constitutes evidence of the commission of a criminal offense;
- contraband, the fruits of crime, or things otherwise criminally possessed;
- property designed or intended for use or which is probable cause, or who is unlawfully restrained
- a person for whose arrest there is probable cause, or who is unlawfully restrained..

in violation of Title 18, United States Code, Section 1114. The facts to support the issuance of a Search Warrant are as follows:

See attached Affidavit incorporated by reference herein

Continued on the attached sheet and made a part hereof. Yes No

Reviewed by AUSA *Yuse Ayer*

Signature of Affiant

Sworn to before me, and subscribed in my presence

Date *Dec 29, 2010*

U.S. MAGISTRATE JUDGE
D. THOMAS FERRARO

at

City and State

Name and Title of Judicial Officer

Signature of Judicial Officer

THE UNIVERSITY OF CHICAGO
LIBRARY

Affidavit

I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI). I have been a Special Agent since January 1999. I am currently assigned to a Violent Crime squad, with the majority of my cases being on the Indian Reservation investigations.

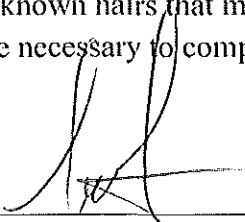
The statements contained in this affidavit are based on information provided by employees of the FBI and other law enforcement agencies, and on my experience and background as a Special Agent of the FBI. I have not included each and every fact known to me concerning this investigation.

On 12/14/2010, at approximately 11:15 pm, four United States Border Patrol Agents attempted to apprehend at least five suspected illegal aliens in Peck Canyon, which is located in Rio Rico, Arizona. One of the Border Patrol Agents, utilizing thermal binoculars, observed at least two of the suspected aliens carrying rifles. When the group of suspected aliens was near the Border Patrol Agents' location, at least one Border Patrol Agent identified himself as police and ordered the suspected aliens to drop their weapons. When the suspected aliens did not drop their weapons, two Border Patrol Agents deployed "less than lethal" bean bags at the suspected aliens. At this time, at least one of the suspected aliens fired at the Border Patrol Agents. Two Border Patrol Agents returned fire, one with his long gun, and one with his pistol.

Border Patrol Agent Brian Terry was shot with one bullet, and died shortly after. One of the suspected illegal aliens, later identified as Manuel Osorio-Arellanes, was also shot. On 12/16/2010, Osorio-Arellanes was interviewed by FBI Agents. Osorio-Arellanes was read his Miranda rights before he was interviewed, and agreed to talk to the FBI Agents without an attorney present. Osorio-Arellanes stated that he was traveling with four individuals. All of the individuals were armed, to include Osorio-Arellanes. Osorio-Arellanes stated that he had raised his weapon towards the Border Patrol Agents, but he did not fire because he had realized that they were Border Patrol Agents. At this time, he was shot.

Some of the evidence collected at the shooting crime scene included five backpacks, three gloves, two sweatshirts, a pullover, a jacket, a knit hat, a baseball cap, and a razor. The FBI Laboratory will conduct trace examinations for hairs and fibers on these items. The trace examiners need known hairs to compare to any unknown hairs that may be found on these items. Head hairs taken from Osorio-Arellanes are necessary to compare with any hairs that may be found on the clothing items.

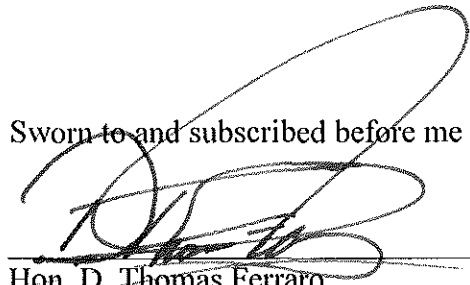
by combing and pulling out


 Scott Hunter, Special Agent
 Federal Bureau of Investigation



10-10251M

Sworn to and subscribed before me this 29th day of December, 2010, in Tucson, Arizona



Hon. D. Thomas Ferraro
United States Magistrate Judge

