The roadblock encounter began at approximately 1320 on Wednesday April 30, 2014 along the eastbound lane of traffic on SR-86 near mile post 146.6. PCSD Deputy Avila was already present at the Border Patrol roadblock when defendant arrived. His patrol vehicle was stationed near the edge of the roadblock on the South side of the road closest to the eastbound lane of traffic. Two Border Patrol agents were stationed at primary. The stopping agent did not have a visible name tag other than the first initial. Three more agents were present on the South side of the road sitting down underneath the canopy. A Wackenhut transport vehicle was also present at the roadblock with the driver standing near his vehicle.

After defendant stops at primary at 31:21:40, the stopping agent approaches the vehicle and stands there saying nothing. The following exchange takes place after several seconds:

- **DB (1320):** “What's your name agent?”
- **AT (1320):** “Agent Tackett. U.S. Citizenship sir...Mr Bressi?”
- **DB (1320):** “Agent Ball. Tackett, what's your first name agent?”
- **AT (1321):** “Sir, I'm asking the questions here. Are you a United States citizen?”
- **DB (3121):** “Actually, I'm asking the questions too. What's your first name?”
- **AT (3121):** “OK, (unintelligible)”

[Agent Tackett grabs a spike strip and throws it in front of defendant's vehicle. Approximately 35 seconds have transpired since the initial stop. Defendant beeps horn after spike strip thrown down to warn motorists of the obstruction and to get attention of Agent Tackett's supervisor]

- **DB (3121):** “You detaining me agent?”
- **AT (3121):** “As of right now yes I am...”
- **DB (3121):** “Are you detaining me agent?”
- **AT (3121):** “Yes I am”
- **DB (3121):** “What's your basis for detaining me agent?”
- **AT (3121):** “I am detaining you right now”
- **DB (3121):** “Are you the supervisor?”
- **AS (3121):** “Sir”
- **DB (3121):** “You the supervisor”
- **AS (3121):** “Yes sir and you are being detained.”
- **DB (3121):** “Why is your agent detaining me here Agent Serrano?”
- **AS (3121):** “Yes, he has a right to detain you to question you as to your citizenship sir”
- **DB (3121):** “Yep, he's questioned me. Now he can allow me to go on my way”
• **AS (3121):** “And did you answer his question?”
• **DB (3121):** “I have no legal obligation to answer your questions. You know it quite well.”
• **AS (3121):** “Can you roll down your window so I can hear you better?”
• **DB (3121):** “No”
• **AS (1321):** “OK, standby sir”

[Agent Serrano walks to rear of vehicle & pulls out radio. Defendant honks horn to warn other motorists of the obstruction in the road, to get the attention of the deputy & to protest the illegal detention]

• **AT (1322):** “Sir just so you know you have a spike strip in front of your tire”
• **DB (1322):** “You ready to let me go agent or are you going to continue to illegally detain me agent?”
• **AS (1322):** “Ah yes after the sheriff's deputy speaks to you for impeding traffic we'll let you get on your way. He's coming up right now sir.”
• **DB (1322):** “Don't be ridiculous, your the one who's impeding traffic here.”
• **DB (1323):** “Avila. Hi agent...ah...deputy Avila. Are you working for the Border Patrol today?”
• **PA (1323):** “I'm working for Pima County Sheriff's Department today”
• **DB (1323):** “And what's your role here at a suspicionless Border Patrol checkpoint?”
• **PA (1323):** “Can you roll your window down? I can't here you.”

[Defendant rolls window partially down]

• **PA (1323):** “Would you like to take this conversation away from the Border Patrol?”
• **DB (1323):** “No I'd like to go on my way here”
• **PA (1323):** “Roll down your window please”
• **DB (1323):** “This is good enough. We can talk just fine with the window where it is”
• **PA (1323):** “I understand you're recording. Are you a constitutionalist?”
• **DB (1323):** “Are you detaining me?”
• **PA (1323):** “Sir, the Border Patrol's detaining you. I'm asking why you're blocking traffic.”
• **DB (1323):** “Because they're detaining me. You just answered your own question there. I want to go on my way. I told them I want to go on my way and they're not allowing me to.”
• **PA (1323):** “Do you have your driver's license on you sir?”
• **DB (1323):** “Are you detaining me?”
• **PA (1323):** “Sir, do you have your driver's license?”
• **DB (1323):** “Are you detaining me?”
• **PA (1323):** “I haven't detained you sir but I need to know your name.”
• **DB (1323):** “Why do you need to detain me if you don't know my name...and if you're not detaining me”
• **PA (1324):** “Sir, what is your name?”
• **DB (1324):** “Why do you need to know that?”
• **PA (1324):** “What is your name sir?”
• **DB (1324):** “Why do you need to know that?”
• **PA (1324):** “I'm a citizen just like you. I'd like to know who I'm speaking with.”
• **DB (1324):** “Well, you can speak to me just fine.”
• **PA (1324):** (Avila starts talking with BP supervisor) “OK, do you want him to go to
secondary?"

- AS (1324): “He wont answer our questions”
- PA (1324): “OK...”
- DB (1324): “Are you taking jurisdiction for this stop here?”
- PA (1324): “You need to follow the lawful order of the U.S. Border Patrol sir.”
- DB (1324): “I have”
- PA (1324): “No you have not”
- DB (1324): “Of course I have. I have no obligation to answer his questions and he has no legal basis to continue detaining me unless he has probable cause to believe I'm here illegally which he doesn’t”
- PA (1324): “You need to follow their orders OK You are blocking traffic. You are now violating traffic laws here”
- DB (1324): “Actually if I'm free to go I'll be on my way. I'll be happy to go.
- AS (1324): (to deputy) “Cut him loose.”
- PA (1324): (to supervisor) “All right.”
- AS (1324): “Cut him loose. I know who he is”
- PA (1324): “All right.”
- PA (1324): “What's your name. I can get it from your registration. Just tell me your first name.”
- DB (1324): “Do whatever you're going to do. If you're not....Are you responsible for this stop?
- PA (1324): “No sir”
- DB (1324): “No? Well then why are you questioning me?”
- PA (1324): “Because...”
- DB (1324): “Are you being paid by a federal grant under Operation Stonegarden?”
- PA (1324): “Get on your way sir...just get on your way. You're not listening to me. I'm trying to answer your questions but you're not asking one question...”
- DB (1324): “So, I'm free to go? I'm free to go?”
- PA (1325): “I'm not stopping you”
- DB (1325): “All right. Great. Thank you.”
- PA (1325): “I will in a minute”

[Defendant drives off only to be stopped by Deputy Avila a few miles down the road. Avila approaches the passenger side of the vehicle]

- PA (1327): “Roll it down all the way sir. Now I am stopping you.”
- DB (1327): “What basis are you stopping me for officer?”
- PA (1327): “Roll it down and I'll tell you.”
- DB (1327): “Why don't you tell me why you stopped me. You clearly...”
- PA (1327): “Roll down your window or I'll have you step out of your vehicle.”

[Defendant rolls down window]

- PA (1327): “All right”
- DB (1327): “What's going on officer Avila?”
- PA (1328): “OK here's what's going on. Yes my name is deputy Avila. Hang up your phone and I'll tell you exactly what's going on here. This is a legitimate traffic stop. Hang up your phone”
- DB (1328): “What's the basis of this traffic stop.”
• **PA (1328):** “Hang up your phone and I'll tell you.”
• **DB (1328):** “Tell me what the traffic stop is...”
• **PA (1328):** “OK, the use of your horn back at the Border Patrol station is a violation of Arizona revised statute”
• **DB:** “What statute would that be officer?”
• **PA:** “I'll quote it to you in a minute when I have it”
• **DB:** “Hmm”
• **PA:** “It is a violation of Arizona statute”
• **DB:** “Of course you don't have it.”
• **PA:** “Hang up the phone. All right, step out of your car.”
• **DB (1328):** “It stopped automatically”
• **PA:** “AVILA moves to driver's side) “Step out of your car. You don't have to be this way sir. Step back here where it's safe OK”
• **DB:** “What's your badge number?”
• **PA:** “7308. Step over here sir so we're not hitting the cars, come on. All right”
• **DB:** “Are you operating under a federal operation stone garden grant right now?”
• **PA:** “Yes”
• **DB:** “You are?”
• **PA:** “Yes”
• **DB:** “So you are working under special assignment with the Border Patrol aren't you?”
• **PA:** “I'm autonomous of them but I'm assisting them with traffic control at the checkpoint”
• **DB:** “Traffic control. What else are you doing at that roadblock?”
• **PA:** “Will you let me ask a question of you and you stop talking sir please. I give you that courtesy. I'll answer your questions if you answer mine. Get your hands at your side where I can see them.”
• **DB:** “You can see my hands just fine.”
• **PA:** “Give me your driver's license, registration and insurance.”
• **DB:** “It's in the truck”
• **PA:** “OK, let's go get them. Where's your driver's license?”
• **DB:** “I don't know. It's somewhere in the truck.”
• **PA:** “OK, you refuse to identify yourself to me sir”

[Border Patrol agent from the roadblock with no name tag approaches]

• **DB:** “Why is this agent here?
• **PA:** (garbled) “...is a violation...”
• **DB:** “Why is this agent here?”
• **PA:** “Sir, he is not involved in this traffic stop.”
• **DB:** “He's not? Then why is he standing right there?”
• **PA:** “...I ask a question of you and you answer my question. What is your name?”
• **DB:** “My name is Terry Bressi”
• **PA:** “Terry Bressi? Have we ever met before?”
• **DB:** “I have no idea. Have we?”
• **PA:** “We have never met before. Have you met me before?”
• **DB:** “I have no idea.”
PA: “Why are you acting this way?”
DB: “Why? Because you...why don't you tell me.”
PA: “I asked you the question sir.”
DB: “Hmm”
PA: “OK, I have no beef with you. You apparently have a beef with me.”
DB: “You're the one who stopped me. You're the one impeding my travel”
PA: “OK sir”
DB: “And you're doing at the beheadst of your handlers in the federal government it looks like
to me.”
PA: “I need to see your driver's license”
DB: “Uh huh. So am I free to...?”
PA: “No, you are not free to go. You have to hand me your driver's license.”
DB: “Am I free to go get my driver's license?”
PA: “Yes. I will accompany you to the front of your vehicle.”
DB: “You don not have consent to search my vehicle.”
PA: “I'm not searching your vehicle.”
DB: “You do not have consent to enter my vehicle.”
PA: “Sir”
DB: “You do not have consent to search me, is that clear? I want to make sure that's clear
before we go back to my vehicle.”
PA: “I'm not going to enter your vehicle.”
DB: “Is that clear.”
PA: “That's clear.”
DB: “OK”
PA: “Let's go.”
DB: “All right (starts moving toward vehicle).”
PA: “What's this agent's name (pointing to Border Patrol agent)? I need...because he's a witness
here...”
DB: “You don't need to step in your vehicle. You...”
PA: “I don't know where my information is. I have to dig it out.”
DB: “Do you have any weapons in the vehicle?”
PA: “Yes. Do you have any weapons in the vehicle because if you reach for anything it may
cause problems. All right.”
DB: “I'm going to go get my drivers license and the other information that you've requested.
That means I have to reach for things.”
PA: “And I'm going to stand by your door and watch you, OK so do that. Go ahead and do that.
Watch your head.”
DB: “What's the name of your supervisor?”
PA: “Sergeant Phillips.”
DB: “Sargent Phillips. Is Sergeant Phillips around today?”
PA: “No he's not on duty.”
DB: “Not on duty, so you're out here on your own?”
“Yes sir. Your driver's license please. I'll answer your questions...”

“Who's your on duty supervisor?”

“I'll answer your questions after you hand me your driver's license.”

“You'll be answering them in a couple different forums.”

“I'll answer all your questions sir.”

“Of course you will.”

“Give me your driver's license.”

“So you're on patrol under Operation Stonegarden. And you're not really on patrol. You had your vehicle stationed at the Border Patrol roadblock.”

“That's a really old license sir. All right. Do you have proof of insurance also? Excellent. All right, if you'll just hang out by the rear of your vehicle, we'll make sure everything's current here.”

“(walks to rear of vehicle) “834, 266741. What's your name agent and why are you here? (speaking to Border Patrol agent with no name tag)”

“Sir, I'm just here for his safety.”

“Oh you are. So you guys are working together then? Did he call you here?”

“No...”

“(Avila rushes over between agent and defendant) “Mr. Bressi, may I ask you to stand by the foot of your vehicle please?”

“What's your name?”

“He will answer your questions when I'm done with my traffic stop. Right there. Have a seat on your bumper.”

“What's your name agent? What's your name? Who's your supervisor agent?”

“(1334): “Having a hard time finding the border today agent? You guys are kind a geographically challenged aren't you?”

“Do you have your permit for operating that checkpoint back there, from the Arizona Department of Transportation?”

“(additional Border Patrol vehicles arrive on-scene) “Hey look at this. We have so many agents out here not patrolling the border we need multiple agents out her for a county sheriff’s traffic stop. This is quite interesting. Hey look at that, we have one, two, three, four Border Patrol vehicle here lined up on the side of the road for a Pima County Sheriff Department traffic stop that has nothing to do with the Border Patrol or its checkpoint. It's quite interesting.”

“(1336): “We have, all right, 266914, 266741 with an agency number of E1058. Look at that, two more Border Patrol agents. We have three out here on the side of the road along SR86 just outside Three Points, Arizona. More agents who can't find the border they're paid to patrol.

“What's your names agents? What's your name?”

“How's it going?”

“What’s that?”

“(Mr. Bressi. Stand by the back of your vehicle. Thank you.”

“Could you have these gentlemen stand by the back of their vehicle please? They're interfering with this stop here.”

“They're not interfering with me at all.”

“Of course they're not. Of course they're not”

“(another BP vehicle drive's away) “M15716, 260549, K14649 260...something...44”

“We're going to have all sorts of witnesses for this one.”
DB (1338): “So did they tell you you were going to be harassing domestic traffic inside the country when you first signed up for the Border Patrol? Did you actually think you were going to be doing something useful and lawful for the country instead of harassing people inside the country absent individualized suspicion?”

DB: “Feeling like the Border Patrol misled you by any chance? I wonder how many illegal aliens have crossed the border since you guys have setup shop forty miles North of it no where near it giving them plenty of opportunity to do so. You really should get rid of the word border in your agency's name. It really isn't applicable anymore.”

PA (1340): “Mr. Bressi, this will conclude our part of this. If you want to talk to the Border Patrol agent....”

DB: “This will not conclude our part of it. You can guarantee that.”

PA: “All right, well let me explain to you. I have found the statutes for you for violating that Arizona statute. It is 28-954(B) just so you have it on your recorder OK. It is excessive use of horn. You're only allowed to use your horn as a warning not as a constant beep or annoyance”

DB: “Actually the First Amendment allows me to use the horn to express my thought and my opinions and what I consider a warning with regards to what I consider the Border Patrol illegally detaining me at the checkpoint.”

PA: “OK, if that's what you believe you're welcome to contest this ticket.”

DB: “Of course I will.”

PA: “OK, let me finish getting through my instructions.”

DB: “Of course I will”

PA: “In this envelope, there is instruction on how to contact the Pima County Justice Court. You have a court date of May 20, 2014 at 8:30 in the morning. You can attend that to request a hearing.”

DB: “When was that again?”

PA: “May 20th”

DB: “May 20th, 2014”

PA: “It's right there on there. My name, Avila, badge number 7308 for your benefit but it's also there in writing OK”

DB: “OK”

PA: “Violation of 28-954(B) Excessive use of horn at the Border Patrol checkpoint. That's all you're being cited for. That's why I stopped you today.

DB: “Yes well you must have really had to dig for that one there.”

PA: “No sir, it is a common used, a common used statute.”

DB: “Have you checked the permits that the Border Patrol is required to have to...”

PA: “I'm not required to check their permit sir. I'm only conducting my traffic stop on you, OK”

DB: “Well so...”

PA: “Do you have any questions for me?”

DB: “Yest I do have a question and I'm trying to express but you keep on interfering with my attempt to do so.”

PA: “What's your question sir?”

DB (1342): “My question is you as a county...as a Pima County Sheriff's Dept deputy here are obligated to enforce Arizona's rules, regulations and laws is that correct?”

PA: “That is correct.”

DB: “OK, so one of the rules, regulations and laws that applies to the Border Patrol and their particular checkpoint back there at mile marker 146.6 is that they are required to apply for an
encroachment permit to the Arizona Department of Transportation and they are required to have
that permit on site at all times and they have to renew it annually OK Now the last time I
checked, they hadn't had their permit on the premises and they refused to verify whether or not
they've even applied for that required encroachment permit so since you found that it was
reasonable to sit there with your deputy's vehicle to assist the Border Patrol with harassing
domestic traffic I was just wondering if you had made sure the Border Patrol was in compliance
with Arizona state law through having a valid permit on the premises and that they are in
compliance with all terms of that particular permit.”

• PA: “Sir, I have no clue what you're talking about”
• DB: “Of course you don't. Of course you don't”
• PA: “I don't enforce those types of laws. So you can take that up with the Pima County Justice
  Court and the county attorney's office”
• DB: “Oh yes, yes, don't worry I will be.”
• DB: “So you're getting paid time and a half for this dispatchment aren't you?
• PA: “That's correct.”
• DB: “Yes, that's right so and this is through....”
• PA: “Sir you're very well informed about what we do out here so you don't have a answer...ask
  anymore questions you know what we're doing”
• DB: “No, I don't know for sure. I'm asking you the questions to verify OK”
• PA: “My traffic stop is completed. I have no other business for you. I have no more reason to
detain you. You are free to go. Have a good day.”
• DB: “OK Are you happy being a lap dog for the Department of Homeland Security?”
• DB (1344): (Border Patrol agent begins running off) ”You, what's your name agent? 266741.
  What's your star number agent? E11058, 266741 (agent drive's off)”

[Both the PCSD deputy and the BP agent drive off in the same direction towards Three
Points, Arizona. Defendant returns to his vehicle and continues his travels only to find
the deputy and the agent who the deputy stated he wasn't working with, pulled off the
road in front of the CBP Substation parking/staging area in Three Points, AZ talking
together. Defendant approaches and the following encounter takes place]

• DB (1348): “Deputy, I need this agent's name as a witness.”
• PA: “Sir, you need to leave you're blocking us.”
• DB: “Are, are...”
• PA: “Back up.”
• DB: “Could you tell me what this agent's name is?”
• PA: “Back up.”
• DB: “Are you refusing to tell me what his name is?”
• PA: “Sir, I don't know what his name is so back up”
• DB: “You're here talking with him (defendant backs up and get's out to go over and talk with
  deputy)”
• DB: “Deputy do you know...”
• PA: “Are you going to start harassing this guy?”
• DB: “No, I need to know his name...”
• PA: “For a traffic...”
• DB: “This was an incident where he was a witness. I need to know his name so that when I go
to court I can have him properly subpoenaed...”
PA: “You can call the Border Patrol station and subpoena him...”

DB: “So...”

PA: “Listen, listen and subpoena everyone at that Border Patrol checkpoint if you want. OK
The traffic stop was me and you. They have nothing to do with it. I'm happy to go and talk to a
judge with you.”

DB: “So you're telling me that you honestly do not know this agent's name.”

PA: “I have no idea who this agent is.”

DB: “OK, so why are you here with him on the side of the road?”

PA: “I don't work with these agents. I'm out here like you said with Operation Stonegarden.”

DB: “You don't work with them so why are...”

PA: “Listen, I check on, I stay in my patrol vehicle. I patrol the area. I respond to them if they
need assistance but if they don't need assistance they don't...”

DB: “So you just park at their roadblock?”

PA: “I park there until needed, Yeah.”

DB: “Oh, OK wow that's pretty interesting. But you don't know the name of that agent you
were just conversing with on the side of the road?”

PA: “Are you a lawyer?”

DB: “Huh, would you like to find out?”

PA: “Listen, I said no.”

DB: “OK, you don't know his name. All right”

PA: “Do you want me to state it again. I do not know that agent's name or any of the agents that
you spoke with today”

DB: “OK All right. Can you get his name for me?”

PA: “No”

DB: “OK, I'm going to go up and ask him his name. Is that all right?”

PA: “You're welcome to do whatever you want but understand he's a federal agent and you're
harassing him now. They operate under a completely different jurisdiction and law....”

DB: “I'm well aware and that's why I'm very interested to find out what the court's going to
think about the Pima County Sheriff's Department assisting the Border Patrol with harassing
domestic traffic...”

PA: “Sir I understand. With all due respect you like to talk in court so I'm going to get out of
here because I have nothing more to say to you.”

DB: “See you later”

[Defendant begins walking over toward Border Patrol agent who quickly puts his vehicle in
reverse and drives away while refusing to identify himself. Defendant leaves the scene at
approximately 1351]