

Exhibit #6 (transcript)

1 Transcript – CBP Agent J. Grayson & Defendant

2 **Incident Date:** 29 March 13

3 **Case #:** TR-13-050961

4 **Location:** SR-86, Milepost 146.6, Southern, AZ (CBP Roadblock)

5 **G** = CBP Agent Grayson

6 **B** = CBP Supervisor Brandon

7 **D** = Defendant

8 As Defendant enters the roadblock and comes to a stop in front of two stop signs, agents Grayson and
9 McKnight pull out personal recording devices, point them at Defendant and Grayson starts making
10 unprofessional harassing remarks. Total elapsed time from initial stop until the arrival of Deputy
11 Audetat is 2:46:

12 **G:** *"Hey it's Mr. Bressi. It never gets old does it?"*

13 **D:** (beeps horn to get attention of supervisor)

14 **G:** *"It never gets old huh?"*

15 **D:** (begins to move slowly)

16 **G:** *"Hey, hey, hey, hey.... Get back here. Back up right now. Back up right now. We didn't authorize you
17 to leave. Back it up. All right pull it over. Pull it over. We can do this all day. Pull it over. Pull over the
18 truck right now"* (agent McKnight standing right next to passenger door, agent Grayson sticking
19 camera back in shirt pocket as his supervisor approaches)

20 **B:** *"What are you going to do?"* (supervisor talking to agent Grayson)

21 **G:** (muffled) (talking on radio)

22 **B:** *"Do we need to run his plate?"*

23 **G:** (muffled) (talking on radio)

24 **G:** *"You're impeding traffic"*

25 **D:** *"I'm ready to go whenever you wave me through."*

26 **G:** *"...we need a sheriff's deputy out here."* (talking on radio)

27 **D:** *"E11060. We have agents J. Grayson here. We have a field supervisor...ah Brandon. We have
28 another agent with a drug dog running a drug vehicle...err...drug dog around vehicles. These agents
29 know who I am. They know my immigration status yet they are illegally detaining me here"*

30 **G:** *"I think we've got him coming right now"* (talking to Brandon regarding a sheriff's deputy)

31 **B:** *"Could you put the window down"*

32 **D:** *"I can hear you just fine."*

33 **B:** *"OK, can you here me?"*

34 **D:** *"Yes I can"*

35 **B:** *"All right. We're going to have...ah...looks like county sheriff come and get you to escort your
36 vehicle off to the side right now. You're impeding our operations. Did you want to voluntarily move
37 over? No?"*

38 Deputy Audetat arrives at the roadblock and both agents walk over to him

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1 After Deputy Audetat writes Defendant a citation, Audetat has Grayson come over to talk with
2 Defendant. Agent Grayson walks over at about 16:16:

3 G: "What can I do for you sir?"
4 D: "I just need names. So you are Agent J..."
5 G: "I can't hear you. Can you roll down the window?"
6 D: "That's as...you can hear me just fine. J. Grayson, J. Grayson"
7 G: "Yep"
8 D: "That's your name. What's your first name?"
9 G: "It's J. Grayson"
10 D: "Well yeah, J isn't your full name unless it's Jay. What's your employee number?"
11 G: "I don't even know my employee number"
12 D: "You don't? Who's your supervisor then?"
13 G: "My supervisor's right here, Mr. Brandon. Do you want to speak with him?"
14 D: "Mr. Brandon. BRANDON?"
15 G: "That's correct. Would you like to speak with him?"
16 D: "Sure...what other...ID criteria is used to differentiate T. Grayson from J. Grayson for instance?"
17 G: "Everybody knows me as J. Grayson"
18 D: "OK"
19 G: "Do you understand the situation here alright. Personally, don't have anything against you OK
20 You're probably a nice guy, alright. You obviously have an issue with us. You have an issue with our
21 checkpoint."
22 D: "You obviously have an issue with me so..."
23 G: "Not personally. I don't know you."
24 D: "Of course you do because when I stopped at the checkpoint there, you didn't utter one word to me.
25 You didn't ask me any immigration related questions. You obviously know...I'm sorry?"
26 G: "Because I knew you. You come through and I usually wave you through"
27 D: "So you know me"
28 G: "Yep"
29 D: "So you know my immigration status"
30 G: "I decided that because you like to videotape me, I decided to videotape you and you personally
31 don't seem to like that very much."
32 D: "Oh, no. I don't have a problem with that at all but I find it very interesting that you have admitted
33 that you know who I am.."
34 G: "Yes"
35 D: "...and because the scope of your checkpoint is immigration. Once you know the immigration status
36 of the individuals going through you have an obligation to wave them through."
37 G: "That had nothing to do with it. OK, I'll explain it to you"
38 D: "Explain it for me please"
39 G: "OK, I'll explain it to you. I've seen you many times. Normally we just wave you through despite the
40 fact you're rude to us. I would normally wave you through OK but it is up to me to say you are free to
41 go. I did not utter those words and you left."
42 D: "OK, so why did you hold me there then?"
43 G: "I wasn't holding you."
44 D: "Oh so I was free to go?"
45 G: "You're free to go when I tell you you're free to go."
46 D: "But wait, wait, wait, just...just so we're clear here OK on exactly the sequence OK You just said

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1 *that you weren't holding me at the checkpoint."*

2 **G:** *"You were detained."*

3 **D:** *"OK, so you were detaining me. On what, on what basis were you detaining me?"*

4 **G:** *"I wanted to get a better look at you."*

5 **D:** *"But you already knew who I was"*

6 **G:** *"OK, regardless of that, you still took off without my authorization and then, and then, I'm almost
7 done. I instructed you to go to secondary so I could explain to you the safety issue, you refused to do
8 so. This checkpoint is my jurisdiction whether you like it or not. If you don't like it, I can't do anything
9 about it, OK You can contact Napolitano. You can contact any senator you want OK but taking your
10 anger out on me and my fellow officers, that's just being a bully OK"*

11 **D:** *"Actually, that's what you were doing when you detained me because you wanted to get a better
12 look at me even though you knew who I was. Your obligation as a federal law enforcement officer
13 operating a suspicionless federal immigration checkpoint was to wave me through once you knew what
14 my immigration status was. You just admitted you didn't do that. You wanted to hold me there just
15 because."*

16 **G:** *"I know your truck but I don't know your face. I don't know who's driving this truck. I see some guy
17 with a video camera, I videotape him back OK And normally I do as a courtesy wave the vehicle
18 through OK Again, I don't know you. You're probably a very nice guy who has an issue with us,
19 misguided or not, I don't know. That's none of my business alright."*

20 **D:** *"You're the one who stopped and seized me. I didn't stop and seize you."*

21 **G:** *"I detained you because of the situation alright but I'm not going to go around in circles with you.
22 Again, I don't know or understand your issues with the Border Patrol OK Misguided or not, I don't
23 know. Again, you're probably a nice guy OK I don't hold anything against you. You're probably a really
24 nice person who just has anger issues with us for whatever reason OK"*

25 **D:** *"I don't have any anger issues with you. You're the one who seizes me while I'm trying to get back
26 and forth to work."*

27 **G:** *"It would be so much better if we could just get along. Most people who come through I just say,
28 'How you doing sir. Have a nice day' OK But when people act in such a negative manner towards me, I
29 get suspicious OK, so for now on, let's have a better repour. I'll just give you a wave alright. You don't
30 have to sit there and videotape us. We're not trying to do anything illegal OK"*

31 **D:** *"It sound like you're the one who has an issue with being videotaped. Do you not like
32 transparency?"*

33 **G:** *"No, I don't care."*

34 **D:** *"If you don't care then why didn't you just wave me through?"*

35 **G:** *"You obviously care because you hit the horn as soon...and you took off as soon as we started
36 videotaping you."*

37 **D:** *"Oh, not as soon as"*

38 **G:** *"yes"*

39 **D:** *"I waited there for you to give me some instruction. You stopped me. I stopped at the checkpoint.
40 Most officers who are standing at the primary stop location, they ask a few questions and then they
41 wave through. You didn't say a word to me so I did exactly what the stop sign instructed me to do. I
42 stopped, I waited, I filmed and then you guys were just standing there looking at me, making jokes and
43 taking video so I figured you were done with me."*

44 **G:** *"First of all your window was closed. We weren't making jokes. I can't talk to you if your window is
45 closed. I have before in the past asked you to open your window. All you do is pickup the camera and
46 videotape."*

47 **D:** *"My windows are always cracked. I can always hear what you guys are saying and given the fact*

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1 *I've interacted with quite a few of you guys over the years with my window cracked as much as I had it*
2 *cracked today, I know that you can hear me too when we want to communicate with one another."*
3 **G:** *"This is the very first time I've heard your voice"*
4 **D:** *"Well, that's because most...every other time you've waved me through instead of holding me there*
5 *so that you could harass me for some..."*
6 **G:** *"How about we...let's bury the hatchet OK"*
7 **D:** *"Bury the hatchet? Why don't you take care of this then (holding up citation). Because first of all*
8 *I'm going to fight this and I'm going to win because I've done so before"*
9 **G:** *"Go right ahead"*
10 **D:** *"So now you have...you are really wasting my time with this and..."*
11 **G:** *"You wanted to come talk to me and you violated the law according to the sheriff's department*
12 *alright. You wanted to talk to me. I'm talking to you. I explained to you what's going on OK I'm*
13 *just...I'll be more cordial to you if you're more cordial to me OK We have to be here. I don't have a*
14 *choice OK"*
15 **D:** *"You do have a choice with regards to how you conduct yourself at the checkpoint."*
16 **G:** *"And so do you. And so do you OK"*
17 **D:** *"And the way I'm conducting myself is perfectly legal. The way you're conducting yourself*
18 *is...marginally..."*
19 **G:** *"So it's OK for you to videotape me but not for me to videotape you."*
20 **D:** *"You're the one who stopped and seized me. Not the other way around. I'm not seeking you guys*
21 *out"*
22 **G:** *"I'm not going around in circles with you. Again, I don't know you. You're probably a nice guy and*
23 *let's be done with it alright."*
24 **D:** *"Could you tell me the name of the other officer who was with you at the primary stop location?"*
25 **G:** *"Probably Mr. McKnight. The black guy?"*
26 **D:** *"McKnight was his name? He had just walked across the street from the other side so I assume he*
27 *had just got on-scene"*
28 **G:** *"Do you want to speak to him as well?"*
29 **D:** *"I'd like to speak to your supervisor next."*
30 **G:** *"OK Mr Brandon..."*

31 Agent Grayson yells to his supervisor and walks towards him. This sequence ended at approximately
32 16:23