

## Exhibit #7 (transcript)

### 1 Transcript – Pima County Sheriff Deputy Thomas Audetat & Defendant

2 **Incident Date:** 29 March 13

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

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

5 **A** = Deputy Audetat

6 **D** = Defendant

7 **V** = Deputy Vatterrodt

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8 Deputy Audetat arrives on-scene after being requested by CBP Agent Grayson to respond. Audetat talks  
9 with CBP agents and then approaches Defendant. Exchange begins at approximately 1555 and ends at  
10 approximately 1559:

11 **A:** *“How you doing sir?”*

12 **D:** *“Pretty good, how are you sir?”*

13 **A:** *“Pretty good. Any reason why you're stopped here?”*

14 **D:** *“Because they stopped me. I'd be on my way if they would allow me to go.”*

15 **A:** *“They're telling me that they directed you to pull over and you didn't and now you wont move.”*

16 **D:** *“Well ah, because they are currently illegally detaining me here. They know who I am. They know  
17 my immigration status. They never gave me any orders or any feedback when I first stopped at the  
18 checkpoint. They just stared at me and took out their cameras. They said nothing for on the order of a  
19 minute or two minutes. They just stared at me so I stopped at the stop sign like I'm supposed to....”*

20 **A:** *“I can barely hear you. Can you roll your window down.”*

21 **D:** *“Um, that's as far as I'm willing to roll it down right now. Um, so after they told me to stop, I  
22 stopped and here I am. So as immigration ahhh, federal law enforcement officers operating a  
23 suspicionless checkpoint they have a very limited mandate here. The scope of this checkpoint has to be  
24 limited to very brief immigration queries. They already know my immigration status. They asked me no  
25 immigration questions. I have it on video here. They just stared at me and laughed at me when I came  
26 to a complete stop. And, now they're refusing to let me go. They have a few minutes in which to stop....”*

27 **A:** *“And asked you to pull over to the secondary area which you refused to do.”*

28 **D:** *“I haven't refused to do anything.”*

29 **A:** *“OK, well that's not what they said.”*

30 **D:** *“OK, but nonetheless this is a federal checkpoint so could I ask you what your role is here? They  
31 are federal officers fully empowered to arrest individuals who have violated federal law so if they think  
32 I have violated federal law that they have authority over then they should be handling this.”*

33 **A:** *“But now you're violating state law and impeding traffic.”*

34 **D:** *“Well ah, I'm...how so? I mean they are not state peace officers. They don't have traffic control  
35 authority. They have authority to stop you briefly”*

36 **A:** *“Well I do”*

37 **D:** *“Yes you do. OK so what are you telling me to do?”*

38 **A:** *“They told you to pull over to the side. Which you refused to do. Correct?”*

39 **D:** *“I haven't refused to do anything.”*

40 **A:** *“OK then why are you sitting here then?”*

41 **D:** *“Why am I sitting here? Because they told me to stop here so I stopped.”*

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1 A: *"And (muffled) pull off to the side which you refused to do."*  
2 D: *"Sir are you asking me to do something?"*  
3 A: *"Yeah, pull over to the side."*  
4 D: *"OK, I'll pull over to the side. You are a state certified...post certified police officer..."*  
5 A: *"Do I look like I am?"*  
6 D: *"What's that?"*  
7 A: *"Do I look like I am?"*  
8 D: *"You are a sheriff's deputy who is post certified."*  
9 A: *"Correct."*  
10 D: *"So you have authority to direct traffic. They do not."*  
11 A: *"Yes I do."*  
12 D: (pulls over to side of road)

13 Deputy Audetat walks back to CBP Agents for further collaboration

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14 While Deputy Audetat was talking with CBP Agents, Agent Brandon approached Defendant and tells  
15 Defendant the BP inspection is complete but he can't leave yet because the sheriff's deputies are going  
16 to write Defendant a citation for impeding traffic. Agent Brandon walks away and Deputy Vatterrodt  
17 approaches and asks for Defendant's license. Defendant provides the license, Vatterrodt walks away  
18 with it and several minutes later deputy Audetat approaches. Exchange begins at approximately 16:12  
19 and ends at approximately 16:16:

20 A: *"Mr. Bressi"*  
21 D: *"Yes"*  
22 A: *"OK, I'm citing you for a Title 28 violation of stopping unnecessarily on a highway."*  
23 D: *"Well, how can you do that because I was ordered to stop by federal agents"*  
24 A: *"You were ordered to stop off the highway."*  
25 D: *"I was actually ordered to stop by federal agents which is what I did."*  
26 A: *"You can discuss that in court if you want but that's what you're getting cited for."*  
27 D: *"Yes, well you know a Tohono O'odham police officer tried this exact same thing once before and  
28 the judge threw it out within about five minutes...."*  
29 A: *"OK"*  
30 D: *"So um, I would like to know what....You're the only person here, you and the other deputy, are the  
31 only two individuals here that are POST certified and...are...have the authority to direct traffic here. So  
32 as you know as soon as you pulled up..."*  
33 A: *"I disagree"*  
34 D: *"As soon as you pulled up...are these Border Patrol agents POST certified?"*  
35 A: *"They may direct traffic. Yes they can"*  
36 D: *"Are they POST certified?"*  
37 A: *"No they're not."*  
38 D: *"Exactly."*  
39 A: *"They're federally certified."*  
40 D: *"Yes but they're not POST certified so they have no authority to enforce the state's laws as you  
41 know."*  
42 A: *"Arizona is within the federal government."*

**Exhibit #7 (transcript)**

1 **D:** *"Actually, Arizona is a sovereign state."*  
2 **A:** *"Right"*  
3 **D:** *"One of the several states of the United States of America"*  
4 **A:** *"Right."*  
5 **D:** *"As I'm sure you know."*  
6 **A:** *"Which is within the borders of the United States."*  
7 **D:** *"Right, but their authority here is very limited as you know without being POST certified."*  
8 **A:** *"I can't hear you."*  
9 **D:** *"Sorry about that, I know there's loud traffic. I try to ah...my throats getting a little dry here so...I'm  
10 sorry if I'm hard to hear. But as you know I fully complied with your request..."*  
11 **A:** *"Yes you did."*  
12 **D:** *"...when you came up. Um so unless you are assisting these federal agents with running a federal  
13 immigration checkpoint then you really don't have any basis here to write me a citation for this."*  
14 **A:** *"OK, I think we're going to have to take that to court because I disagree."*  
15 **D:** *"OK Audetat? Do you have a badge number sir?"*  
16 **A:** *"I do."*  
17 **D:** *"Could you tell me what it is?"*  
18 **A:** *"It's on the citation."*  
19 **D:** *"OK And the other deputy that's here with you. Could you tell me what his name is?"*  
20 **A:** *"Deputy Vatterrodt"*  
21 **D:** *"Vatterrodt?"*  
22 **A:** *"Vatterrodt"*  
23 **D:** *"Could you spell that for me?"*  
24 **A:** *"I can't spell it."*  
25 **D:** *"Could he spell it for me? I'm going to need witnesses here to so....(other deputy approaches).  
26 Sorry, I was just trying to get your name. VATTERRODT."*  
27 **V:** *"That's correct"*  
28 **D:** *"Could I get your badge number?"*  
29 **V:** *"6119"*  
30 **D:** *"6119. Um, do you have the...names of the Border Patrol agents...."*  
31 **A:** *(garbled)*  
32 **D:** *"Are you responding to...so your responding to complaints by them basically?"*  
33 **A:** *"Basically, yes"*  
34 **D:** *"So are you certified in any way to enforce federal immigration law?"*  
35 **A:** *"Which ones?"*  
36 **D:** *"I don't know, Any. Are you currently certified in any way to enforce federal immigration laws?"*  
37 **A:** *"No."*  
38 **D:** *"OK and neither is the other deputy I would imagine?"*  
39 **A:** *"No"*  
40 **D:** *"OK, all right."*  
41 **A:** *"OK?"*  
42 **D:** *"I would like the names of the Border Patrol agents. Do you have those? It looks like you were  
43 sharing some information with them."*  
44 **A:** *"I can get them for you."*  
45 **D:** *"That would be great...."*  
46 **A:** *"I'm going to give you the citation. Your license is in here as well."*  
47 **D:** *"OK"*

**Exhibit #7 (transcript)**

1 **A:** *“OK The court date's going to be on the 17<sup>th</sup> of April.”*

2 **D:** *“OK”*

3 **A:** *“115 N. Church at 8:30 in the morning.”*

4 **D:** *“OK”*

5 **A:** *“OK I'll be right back”*

6 Deputy Audetat walks over to Agent Grayson and tells him I want to talk with him. Agent Grayson then  
7 approaches.