



Written by [Alex Newman](#) on October 25, 2011

Critics Furious As Border Agent Diaz Gets Two Years in Prison

Critics and family members berated the decision — especially because of the legal precedent it establishes. It could have been much worse, however. And the battle is not over yet.

“Well I can't say the sentence was good because this entire case is an injustice,” agent Diaz' wife, Diana, who still works for the Border Patrol, told *The New American*. “It could have been worse, so I am glad that it is almost time for him to come home. Although the fight to clear his name has just begun, doing it together is much easier.”



Diaz was prosecuted by the Obama administration on charges of “civil rights” violations and allegedly lying to investigators. The Mexican government also [filed](#) an official complaint, claiming that the agent had pulled on the handcuffs of a young drug smuggler apprehended near the border.

But according to experts who reviewed the evidence, the whole prosecution was built on lies. “The government's case is based on false testimony that is contradicted by the facts,” noted a statement from the [Law Enforcement Officers Advocates Council](#) (LEOAC), a non-profit organization that has taken up the Diaz family's cause.

“The Mexican Consul claimed injuries to the drug smuggler's ribs, and Diaz knee on his back. However, there were no marks on ribs, back, or on his wrists from the handcuffs whatsoever,” LEOAC President Andy Ramirez told *The New American*. “The sole marks on his body are the strap marks from the backpack due to the drug load.”

Among other problems with the case, LEOAC also noted that some of the “witnesses” admitted to perjuring themselves. Many of their claims were contradictory, too. And the agent standing next to Diaz testified that he did not see any of the alleged mistreatment.

Diaz' story, on the other hand, was consistent from the beginning, LEOAC said. Plus, he had already been cleared of wrongdoing by the Office of Professional Responsibility and the Inspector General.

The court and the prosecutor went ahead with the case anyway. And pictures proving that the drug smuggler did not suffer any arrest-related injuries were sealed during the trial. After being granted immunity by the federal government, the illegal immigrant even admitted during the first trial that he had lied to the grand jury.

Despite all of that, following a mistrial, Diaz was convicted. And on October 20, he was sentenced to 24 months in prison. Incredibly, the judge even asked Diaz to apologize to the drug smuggler and his fellow officers.

“Like the true man he is, he just stood there and said nothing,” Diana recounted, noting that the judge arrived 30 minutes late to the sentencing hearing. “How can you apologize for doing your job?”



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The time is expected to be especially tough for the former agent, largely because law-enforcement officers are routinely targeted by other inmates. Diaz also has six children at home.

"The kids don't know anything about what has transpired, they think their dad is away working," explained Diana, obviously upset. "To them their dad left a good guy, and that is what he is coming back as: A good guy."

And the fight is far from finished. LEOAC and others have promised to keep working until Diaz obtains justice.

Heavy hitting lawmakers have also come to Diaz' defense. U.S. Representative and GOP presidential hopeful Michelle Bachmann, for example, told a group of conservatives earlier this month that she would work to free the agent.

And LEOAC chief Ramirez is not giving up either. "We will continue to lead this fight and stand by Chito, Diana, and their children until his name is cleared," he said. "Having worked on as many cases as we have, this one is, without question, the most atrocious yet. It is clear that our government gave Mexico City the scalp of yet another agent."

Ramirez also noted that, while the sentence was light compared to what it could have been, "Agent Diaz is a hero and this case never should have gone forward." The whole prosecution should be scrutinized and investigated, Ramirez said — the drug smugglers and the "witnesses" who perjured themselves should have been the ones facing charges.

"Where is the justice in this case? Once again, our government is far more concerned with the so-called rights of criminal illegal alien dopers than our agents who continue to be prosecuted for doing their job," Ramirez concluded. "Congress needs to investigate this case and the pattern of misconduct and abuse that has resulted in an innocent agent going to prison yet again."

Diana also pointed out that all agents should be concerned about the legal precedent established by her husband's case. "I pray that everything gets reversed and that this case gets thrown out," she noted. "This case law is detrimental to any and all law-enforcement officers. Just think how many times handcuffs are placed on an individual on any given day."

The potential for lawmen to be charged with "civil rights" violations over alleged pain suffered while handcuffing a suspect is troubling. "All handcuffs hurt, that is what they are meant to do," Diana said. "If they were meant not to hurt they would be made out of cotton."

While Diaz could have faced another decade in prison, the fact that he did not get the toughest possible sentence offered little comfort to his friends, family, and supporters. But with more organizations, activists, lawmakers, and talk-radio hosts getting involved, there is still hope.

An appeal is currently being planned, and support for Diaz continues to grow. Even if the conviction is not overturned soon, however, he could be out in significantly less than two years with good behavior.

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