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May 18, 2017

VIA MAIL AND EMAIL

Annalou Tirol
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Public Integrity Section
United States Department of Justice
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Washington, D.C. 20005
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Re: United States v. Arpaio, Arizona District Court Case No. 2:16-cr-01012

Ms. Tirol and Mssrs. Keller, Salgado and Cataldo:

Pursuant to 28 C.F.R. § 16.23(c), the following is a summary of the testimony that Defendant seeks from Attorney General Jeff Sessions and Special Agent Carey Crocker:

With Respect to Attorney General Jeff Sessions:

The Honorable Jeff Sessions may be called to testify with respect to the following, *inter alia* (to the best of his knowledge, and with respect to all relevant times, including the present):

- 1) whether, and under what circumstances, the sheriff of a state law enforcement agency may direct (and actually does direct, or should direct) deputies to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States;
- 2) what constitutes “cooperat[ion] with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States” by a state law enforcement officer;



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- 3) whether, and under what circumstances, “direct[ing] deputies to arrest and deliver unauthorized persons to ICE or the Border Patrol” constitutes “cooperat[ion] with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States”;
- 4) whether state deputies may detain and/or transport unauthorized person(s) to Border Patrol (and actually do detain and/or transport unauthorized persons to Border Patrol), if Border Patrol has communicated that it will accept custody of them; and whether detaining and/or transporting unauthorized person(s) under those circumstances constitutes (or has been deemed by the Attorney General to constitute) cooperation with the Attorney General;
- 5) whether there exists, or has existed, a “clear and definite” order of any court that contravenes the Attorney General’s answers with respect to the foregoing items;
- 6) whether the preliminary injunction entered in United States District Court, District of Arizona, Case No. CV-07-2513 on December 23, 2011 contravenes the Attorney General’s knowledge or understanding with respect to the foregoing items;
- 7) whether Border Patrol/ICE agents may communicate to state deputies that they will accept custody of unauthorized persons;
- 8) whether Border Patrol/ICE agents actually do or should communicate, or have communicated, to state deputies that they will accept custody of unauthorized persons;
- 9) whether Border Patrol/ICE agents actually accept custody of unauthorized persons from state deputies, or have done so.

With Respect to Special Agent Carey Crocker:

Carey Crocker may be called to testify with respect to the following, *inter alia*:



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- 1) her investigation and personal knowledge of this case, specifically including but not limited to interviews with witnesses which she personally attended, transcribed or otherwise observed, and her notes and correspondence or other communications with witnesses in this case (including but not limited to her testimony with respect to her Form 302's and attachments, etc.), whether as impeachment or otherwise.

Sincerely,

Dennis I. Wilenchik, Esq.
Jack D. Wilenchik, Esq.

cc: Mark Goldman, Esq.