



H. S. Garcia
United States Attorney
District of Puerto Rico

Exhibit G

Torre Chardon Suite 1201
350 Carlos Chardon Street
San Juan, Puerto Rico 00918

(787) 766-5656

October 21, 2005

VIA FACSIMILE/REGULAR MAIL
Fax Number: (787)724-4770

Roberto J. Sánchez-Ramos
Secretary of Justice
Commonwealth of Puerto Rico
Department of Justice
PO Box 9020192
San Juan, PR 00902-0192

Dear Secretary Sanchez:

I received and hereby acknowledge your letter of October 19th. As I understand the letter, you are asking primarily for another meeting for us to continue the discussion begun at our meeting of Tuesday, October 17th. In keeping with our representations to you that we are willing to negotiate pursuant to our obligations under 28 C.F.R., of course we would be glad to meet with you again and continue our discussions. To that end, I am having my Legal Assistant, Ivette Figueroa, contact your secretary to set up such a meeting.

I do want to take this opportunity to address what appears to be some misunderstandings expressed in your letter. First, I want to address your statement that our willingness to disclose some of the things requested in the subpoena is consistent with your "view that 28 C.F.R. sec. 16.26 (b)(5) does not prevent the disclosure of the items requested." That statement paints with too broad a brush. As we told you several times during our meeting, we place the items requested in three categories--those that can be provided once the OIG investigation as well as other ongoing investigations are completed, those that can never be provided because they fall under 16.26 (b)(5) or other exceptions and, finally, those that we do not understand well enough or could be limited in scope so that we could place them in either of the two preceding categories. I hope this clarifies our position.

Second, your statement that I told you or suggested to you that you should call Ms. Ochoa because she had instructed us not to divulge the items requested is simply not accurate. All three of us, First Assistant Rodriguez, Chief Fernandez and I, are very clear that what we told you at least three different times was that our position came in consultation with our legal counsel, the Executive

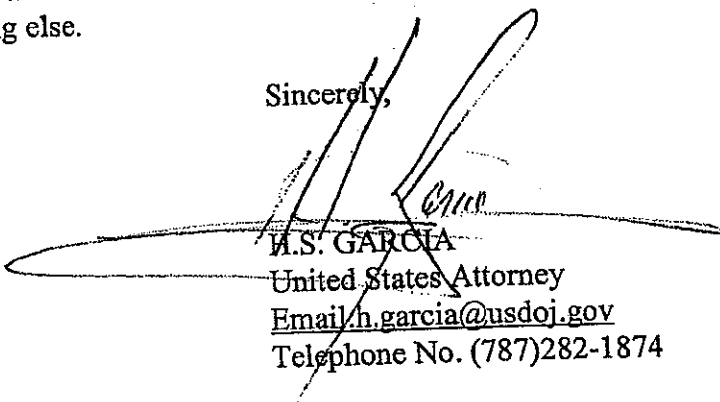
Letter to Roberto J. Sánchez-Ramos
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Office For U.S. Attorney's Office of General Counsel (OGC). To be perfectly clear, Ms. Ochoa's office, the Department of Justice's Office of Inspector General (OIG), is a completely separate and independent office from ours. That is part of what makes their investigations trustworthy. OIG does not have the authority or responsibility to direct us to or not to produce the items, nor would we seek such guidance from them. To do so would infringe on that independence between our office and theirs. When you suggested you might call Ms. Ochoa, I merely agreed with you that if you wanted to do that you should (frankly, I thought that you were considering calling Ms. Ochoa to find out how long she thought their investigation would take, although I will admit that you did not say that). For me to have done otherwise would have been tantamount to infringing on that independence between our offices I refer too.

Finally, I must note with interest that despite the assurances you gave to Mr. Fernandez the day before yesterday that you would not be speaking to the press about the status of your subpoena and our discussion, Mr. Goyco was quoted extensively in the press yesterday regarding that very subject. I am sure you understand when I say that such actions do not lead to a relationship of trust.

Nonetheless, I look forward to our next meeting. Please call me before that if I can be of assistance or can clarify anything else.

Sincerely,



H.S. GARCIA
United States Attorney
Email: h.garcia@usdoj.gov
Telephone No. (787)282-1874

HSG/if

c: Alberto R. González
U.S. Attorney General
USDOJ/Room #4400
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Carol F. Ochoa
Assistant Inspector General
Office of the Inspector General
950 Pennsylvania Avenue, NW
Washington, DC 20530



Office of the Attorney General
Washington, D.C.

November 2, 2005

CORRESPONDENCE

2005 NOV -7 AM 11:10

2005 NOV -7 PM 3:35
OFICINA DE LA GOBIERNADORA
ASESOR EN ASUNTOS FEDERALES

The Honorable Anibal Acevedo Vila
Governor of the Commonwealth of Puerto Rico
San Juan, PR 00902

Dear Governor Acevedo Vila:

I am writing in response to your letter dated September 26, 2005, concerning the recent shooting incident in Hormigueros, Puerto Rico. Specifically, your letter requests an independent investigation of the circumstances surrounding the death of Mr. Filiberto Ojeda Rios.

As Federal Bureau of Investigation (FBI) Director Robert Mueller indicated in his telephone call to you on September 26, he has asked the Department of Justice Inspector General to conduct a review of this shooting incident. Director Mueller's decision to refer this matter to the Inspector General reflects his commitment to an independent review of the circumstances surrounding the death of Mr. Ojeda Rios and the wounding of an FBI Agent. The Department of Justice concurs in this decision.

Please be advised that we have provided the Inspector General with a copy of your letter to ensure that your concerns are appropriately addressed. I appreciate the significant issues raised by these events and share your interest in ensuring that an independent, thorough, and expeditious review is conducted.

Please feel free to contact me in the event you have additional questions or concerns.

Sincerely,

Alberto R. Gonzales
Attorney General

cc: The Honorable Glenn A. Fine
Inspector General
U.S. Department of Justice



COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF JUSTICE

ROBERTO J. SÁNCHEZ RAMOS
ATTORNEY GENERAL

November 2, 2005

Humberto García
U.S. Attorney
Torre Chardón, Suite 1201
350 Carlos Chardón Ave.
San Juan, Puerto Rico 00918

Dear U.S. Attorney García:

As I stated during our meeting last Friday, we consider it essential for the FBI to begin cooperating immediately with our investigation into the circumstances surrounding the death of Mr. Filiberto Ojeda Ríos. You have stated, both in writing and in person, that the FBI intends to provide some of the information, documents, and objects we requested through our October 4 and October 7, 2005 demands. This is welcome news; however, we must object to your position that this cooperation should wait until the Office of the Inspector General ("OIG") inquiry ends. There is no legal, prudential, policy or practical basis for that position. None has been given, and, in fact, the OIG has stated that it takes no position on this issue.

The OIG inquiry, our investigation, and any other inquiries or investigations in connection with this matter, should proceed simultaneously. At this time in our investigation, it is critical that we obtain the FBI's cooperation, at the very least as to a certain subset of items we have requested that are important to our investigation and which clearly should be made available under the applicable legal standards. In fact, the FBI already had promised disclosure of some of the items in this subset. Specifically, Mr. Fraticelli told me, on September 27th, that, after consulting with counsel, he was committing to deliver the weapons carried and used during the intervention (as well as damaged helmets and bulletproof vests), and that they would ship the following day (September 28th). Likewise, FBI personnel at the scene told our General Prosecutor, Mr. Pedro G. Goyco Amador, that the photographs of the scene taken by the FBI, prior to the moving of the body, would be made available to us.

Therefore, we request that, by Wednesday, November 9, at twelve noon, the FBI provide the following: (i) name, rank, division, and business address and telephone number, of those individuals who can shed the most light into the events that led to Mr. Ojeda's death, in terms of chronology and nature of events on the field, and in terms of the key decisions regarding the

Humberto García
October 31, 2005

manner and conduct of the intervention; (ii) date, time, and place where each of these individuals would be available for an interview by personnel from our Department; (iii) items 4, 5, 6, 10, 11, and 16, as described in our October 7 demand.

Should the FBI comply with this request, we will postpone the initiation of a judicial action seeking to enforce the above-mentioned demands for information, documents, and objects, at least until we conduct the interviews, evaluate the physical evidence provided, and seek to obtain your specific position regarding disclosure, at such future time, of each of the remaining items. Of course, this is not intended to be, in any way, a judicially-enforceable commitment¹, but it does constitute a good-faith promise on our part that will be kept barring unforeseen or extraordinary circumstances. On the other hand, should the FBI opt not to comply with this request, we will employ all legitimate means at our disposal to seek the FBI's immediate and full cooperation with our investigation, including, but not limited to, judicial enforcement of the entirety of our written demand for information, objects, and documents.

As I have stated before, I believe the FBI's immediate cooperation is in the best interest of all parties and is the only course consistent with sound public policy, the general welfare, and the applicable law. Once again, I ask that you reconsider your position and thereby permit the FBI to begin cooperating immediately with our investigation.

Cordially,



Roberto J. Sánchez-Ramos

c Alberto R. González
U.S. Attorney General

Miguel Fernández
Chief, Civil Division
U.S. Attorney's Office
District of Puerto Rico

¹ That is, we hereby are not, in any way, waiving our right to seek judicial review, or to institute an independent judicial proceeding, at such time and under such circumstances as we deem appropriate, regarding the FBI's denial of our demand for information, documents, and objects.



COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF JUSTICE

ROBERTO J. SÁNCHEZ RAMOS
ATTORNEY GENERAL

November 3, 2005

Mr. Alberto R. Gonzales
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Gonzales,

I respectfully request your assistance in securing due cooperation from the Federal Bureau of Investigation ("FBI") in connection with our investigation into the violent death of Mr. Filiberto Ojeda Ríos. Mr. Ojeda died at his residence in Hormigueros, Puerto Rico, some time after being shot by FBI agents during an intervention, the stated purpose of which was to arrest him and to execute a search and seizure warrant upon said property. As part of its ministerial duties, the Puerto Rico Department of Justice ("PRDOJ") is conducting an investigation of these events, in order to determine whether there might be any criminal liability under local law in connection with Mr. Ojeda's death.¹

Numerous and substantial questions have been raised publicly, by elected officials, civic organizations, and private citizens, of all ideological persuasions and political parties, about the manner in which the FBI conducted said intervention. In particular, the FBI has endured severe criticism on the following fronts: (i) absence of any communication with local authorities prior to the intervention; (ii) insufficient, incomplete and inaccurate information to local authorities during, and after, the

¹ As you are surely aware, the Office of the Inspector General ("OIG") of the U.S. Department of Justice is also conducting an administrative inquiry into this matter.

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General Attorney
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intervention; (iii) insufficient and incomplete information made available publicly, and in an untimely manner; (iv) need, appropriateness, magnitude, and nature of the FBI's use of force in the particular circumstances encountered at the scene, and whether due consideration was given to alternative mechanisms to effectuate his arrest; (v) apparent lack of readiness, at the time the FBI moved towards Mr. Ojeda's residence with the stated intent of arresting him, despite the fact that the FBI publicly manifested that the arrest was to occur approximately twelve hours later and that Mr. Ojeda had been located a few days earlier; (vi) after having reason to believe that Mr. Ojeda was shot (and probably seriously wounded or dead), appropriateness of waiting nearly twenty-four hours to enter the residence.

As you may appreciate, our investigation into these matters is of the utmost public interest, particularly in the context of the substantial questions that have been raised about the FBI's intervention, and in light of the fact that Mr. Ojeda was a well-known advocate of the independence of Puerto Rico and was shot precisely on a date that is commemorated and celebrated every year by sympathizers of said movement.

As part of the PRDOJ investigation, a written demand for evidence was made almost a month ago. As will be stated in more detail below, the FBI has refused to provide any of the requested evidence, despite various meetings, conversations, and written communications with the U.S. Attorney for the District of Puerto Rico. In essence, the FBI is taking the position that no cooperation is due until the OIG inquiry runs its course. However, this position has no basis in law and, in these circumstances, is ill-advised.

On October 4, 2005, the PRDOJ, through Mr. Pedro G. Goyco Amador, General Prosecutor of the Commonwealth of Puerto Rico, and Mr. José F. Nazario Nazario, District Attorney, served Mr. Luis S. Fraticelli, Special Agent in Charge of the FBI San Juan Field Office, with a subpoena requesting certain information, objects and documents for inspection by the PRDOJ. See, Exhibit A to this letter. On October 7, 2005, in response to a letter from the FBI (dated October 5), which alleged noncompliance with the Code of Federal Regulations, 28 C.F.R. 16.21 *et seq.*, the PRDOJ, again through Mr. Goyco Amador, reiterated our

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demand for information in accordance with the FBI's interpretation of said regulation.² See, Exhibits B and C to this letter.

The FBI has refused to provide any of the requested items. Initially, the FBI asserted that all the requested evidence fell within the scope of a certain privilege. Specifically, on October 17, 2005, we received a letter from the United States Attorney for the Commonwealth of Puerto Rico, Mr. Humberto S. García, citing 28 C.F.R. sec. 16.26(b)(5) in support of his refusal to disclose any of the information, documents and objects requested.³ See, Exhibit D to this letter. In our letter dated October 19, 2005, we asked Mr. García to reconsider. See, Exhibit E to this letter. Mr. García's excessively-broad interpretation of section 16.26(b)(5) is clearly wrong - otherwise, in effect, that provision would serve as a blanket shield that would prevent and thwart any local inquiries into the acts of FBI personnel acting under color of law.

Subsequently, the FBI has stated its willingness to provide only some of the evidence requested, but not before the OIG inquiry ends. This is the gist of an October 21 letter from Mr. García. See, Exhibit F to this letter. Our response, to the effect that there is no legal or policy reason why the PRDOJ investigation and the OIG inquiry cannot proceed simultaneously, is contained in a letter sent yesterday to Mr. García. See, Exhibit G to this letter. In addition, in that letter, we requested that a number of items be delivered to the PRDOJ by Wednesday, November 9, at twelve noon (11 a.m. E.S.T.).

As has been explained, the FBI has not cooperated with the PRDOJ investigation. Our Department has acted firmly, as the circumstances dictate, but it has also shown reasonableness and flexibility in order to best advance our goal, which is to investigate, promptly and thoroughly, the circumstances surrounding Mr. Ojeda's death. Instead of responding in kind, the FBI has refused to cooperate, thus raising further questions

² The October 7, 2005, letter contains our objections and position regarding this statement.

³ Section 16.26(b)(5) states that the federal government may choose not to disclose materials to private parties when such disclosure would reveal investigatory records compiled for law enforcement purposes, interfere with enforcement proceedings or unveil investigative techniques and procedures.

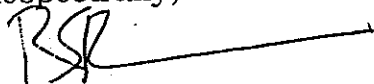
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concerning the FBI's intervention and fueling unnecessary speculation, distrust, and uncertainty.

I urge you to intervene in order to ensure the FBI's immediate cooperation. The prompt completion of all pending investigations is the only way to meet the compelling public interest in clarifying the circumstances of Mr. Ojeda's death and, in my estimation, is in the best interests of all involved.

Respectfully,



Roberto J. Sánchez Ramos

c.: Humberto S. García
United States Attorney
Torre Chardon, Suite 1201
350 Carlos Chardon Avenue
San Juan, PR 00918

11/04/05 15:04 FAX 787 766 5632

USA HUMBERTO GARCIA



U.S. Department of Justice
H. S. Garcia
United States Attorney
District of Puerto Rico

Torre Chardon Suite 1201
350 Carlos Chardon Street
San Juan, Puerto Rico 00918

(787) 766-5656

November 5, 2005

VIA FACSIMILE/REGULAR MAIL

Fax Number: (787)724-4770

Honorable Roberto J. Sánchez-Ramos
Secretary of Justice
Commonwealth of Puerto Rico
Department of Justice
PO Box 9020192
San Juan, PR 00902-0192

Handwritten signature

Dear Secretary Sánchez:

Both the tone and content of your letter of November 2, 2005, make clear that it was never your intent to work with us to reach a compromise. Our position and intent to cooperate has been made clear in my letters to you of October 17 and 21, 2005, as well as in our two meetings. In fact, in our last meeting on October 28th we made a simple request that the outstanding subpoena be withdrawn and we would in turn re-consider producing some of the items in the request. In return you make clear in your letter that you are not willing to work with us even on this. Finally, I would also point out that your representation to us that you would not be doing your "investigation" publicly flies in the face of your repeated statements to the press--the most recent in today's press coverage. Such actions leave your investigation objectives in doubt.

So it is clear, it is our intention to cooperate with your investigation to the extent that 28 C.F.R. (the regulation that applies to requests such as yours and outlines what material can be produce and what material is protected according to federal law) permits us to once the ongoing investigations, including the OIG investigation which you, the Governor, Resident Commissioner Fortuño and the FBI asked for, conclude. In fact, the FBI is currently awaiting instructions from OIG regarding delivery of many of the items you request for analysis as part of their investigation. All we want to assure is that the OIG investigation is allowed to proceed without interference.

Also to be clear, 28 C.F.R., the applicable federal law to requests such as you have made, allows appropriate disclosure of some of the items requested to agencies such as yours, while others items, as we have discussed both in person and in our letters, could not be disclosed according to law. All of this has been made clear to you in our letters and meetings.

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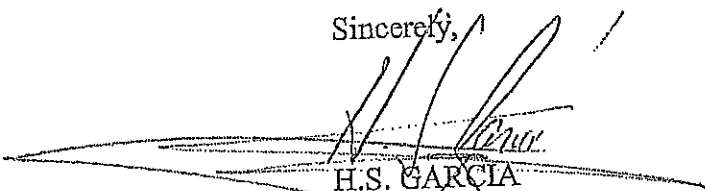
USA HUMBERTO GARCIA

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Letter to Honorable Roberto J. Sánchez-Ramos
Secretary of Justice
November 5, 2005
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Once again, we are willing to work with you to accomplish both our objectives. Please let us know if you are willing to do the same.

Sincerely,



H.S. GARCIA
United States Attorney
Telephone No. (787)282-1874
Email: hgarci@usdoj.gov

HSG/if

c: Honorable Aníbal Acevedo Vilá
Governor of PR

Alberto González
U.S. Attorney General

Miguel Fernández
Chief, Civil Division
U.S. Attorney's Office
District of Puerto Rico



U.S. Department of Justice
H.S. García
United States Attorney
District of Puerto Rico

Torre Chardón, Suite 1201
350 Carlos Chardón Street
San Juan, Puerto Rico 00918

Telephone: (787) 766-5656
Telecopier: (787) 766-6219

November 9, 2005

Via facsimile and regular mail
787-724-4770

Hand delivery to:

Hon. Roberto J. Sánchez Ramos
Secretary of Justice
Commonwealth of Puerto Rico
Department of Justice
P.O. Box 9020192
San Juan, Puerto Rico 00902-0192

Re: Investigation Into the Events Leading to the Death of Mr. Filiberto Ojeda-Ríos

Dear Mr. Sánchez Ramos:

This is in response to your letter dated November 7, 2005, in which you reiterate your threat to resort to judicial action to enforce the subpoenas issued by various dependencies of the Puerto Rico Department of Justice (PRDOJ) unless the Federal Bureau of Investigation (FBI) produces certain information, documents and materials by noon today. The nature and tone of your recent correspondence with this office, including the letter dated November 2, 2005, is unfortunate, particularly in light of the meetings and discussions we have had from the time the subpoenas were issued by PRDOJ in early October. At all times we have acted in good faith and with the utmost diligence to reach a mutually acceptable agreement that would take into account the public interest in an investigation, as well as our duties and obligations under the applicable federal statutes and regulations.

As you may recall, we have consistently informed you that the scope of the subpoenas served on the FBI was too broad and had to be limited in order to comply with the applicable federal regulations. The reasons given for our decision in our letter dated October 17, 2005, remain unchanged.¹ During our meeting on October 18, 2005, and again

¹ As we stated in our letter: "Pursuant to 28 C.F.R. § 16.26(b), a Department official is not authorized to make any disclosure in response to a demand when: '(5) Disclosure would reveal investigatory records compiled for law enforcement purposes, and would interfere with enforcement proceedings or disclose investigative techniques and procedures the effectiveness of which would thereby be impaired[.]' Disclosure of the information, documents and objects requested in the PRDOJ subpoenas would involve the conditions enumerated in § 16.26(b)(5). Moreover, the demands of the PRDOJ implicate other considerations enumerated under Section 16.26."

Honorable Roberto J. Sánchez Ramos
Secretary of Justice

on October 28, 2005, we discussed in greater detail the statutory and regulatory bars, which precluded, at this time, disclosure of all the items listed in the subpoena. We also informed you that we divided the items into three general categories, so as to identify those items, which could potentially be produced. As you may recall, there were certain items that could not be authorized for disclosure, and there were other items, which required a relevancy justification from PRDOJ prior to our determination of potential disclosure. All these discussions were conducted in an effort to limit the scope of the subpoenas and to place the FBI in a position such that compliance with your requests would not amount to a violation of the applicable regulations. To this date, we have not received either a subpoena or a request tailored in a fashion that would acknowledge the concerns, which we have conveyed to you in our correspondence and during our meetings. Instead, we have received threats and innuendos, which in no way serve the interests of justice, promote a reasoned evaluation of the legal issues we have been mutually trying to resolve, or advance a resolution of those issues.

You continue to either misunderstand or refuse to accept the role of the OIG investigation in our decision not to disclose the items requested in the PRDOJ subpoenas. The FBI has a statutory obligation to furnish to the Inspector General any information or assistance as may be necessary for carrying out its investigation. *See* Inspector General Act of 1978, § 6(b)(1), 5 U.S.C.A. App. 3. To the extent that the FBI may produce, for instance, physical evidence, to the PRDOJ, its obligation towards the OIG will be compromised. Thus, it is not that the PRDOJ investigation will "interfere with the OIG investigation," as you state in your letter, but rather that the FBI's obligations under federal law may not be set aside to accommodate the time line of the investigation being conducted by the PRDOJ. Moreover, as you are well aware, the OIG inquiry is not the only ongoing federal investigation, which may be compromised by disclosure of the materials, information and documents requested in the PRDOJ subpoenas.

Despite the foregoing observations of your misunderstandings and failure to work toward any solution, the FBI will allow the inspection and testing of the following items by the Puerto Rico Forensic Sciences Institute: items 4, 5, 6, 11 and 16 of Exhibit A, attached to your letter dated October 7, 2005, subject to the following **express conditions**:

- 1) A designated official of the FBI will be present at all times during the inspection and testing of the items, and will retain custody of the same.
- 2) The results of any tests conducted, and the reports containing any conclusions from said tests, will be promptly provided to the OIG, so that these may be included as part of their investigation.
- 3) The FBI expressly reserves, and does not waive, the right to raise any and all substantive privileges and/or procedural bars, which may be applicable to protect it from further unwarranted requests to disclose information.

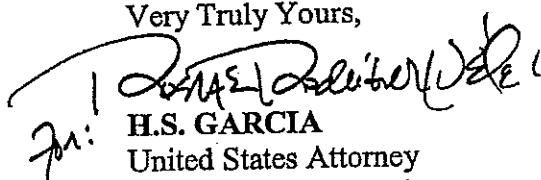
This arrangement will allow the PRDOJ access to the physical evidence relevant to its investigation, and ensure that the FBI will be in a position to comply with its statutory obligations to furnish information requested by the OIG.

Honorable Roberto J. Sánchez Ramos
Secretary of Justice

As to the remaining items in the subpoena, we reiterate our original position—that the applicable federal regulations preclude any further disclosure at this time. By the same token, we reiterate our continued interest in cooperating with your investigation, and look forward to a prompt resolution of this matter.

Should you decide to seek judicial review of our decision, please refer to the provisions of the Administrative Procedures Act, 5 U.S.C §§ 701-06. Finally, if you wish to discuss this matter in further detail, please do not hesitate to contact AUSA Miguel A. Fernández at (787) 766-5656.

Very Truly Yours,



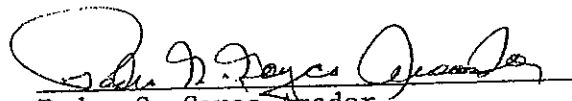
H.S. GARCIA
United States Attorney
Email: h.garcia@usdoj.gov
Telephone: (787) 282-1874

HSG/jn

c: Hon. Alberto Gonzáles
United States Attorney General

Terms and conditions agreed to this
15th day of November, 2005.

Hand delivery to:
Hon. Aníbal Acevedo Vilá
Governor, Commonwealth of Puerto Rico
Via Facsimile (787) 724-4770 / 4916


Pedro G. Goyco-Amador
General Prosecutor

Hand delivery to:
Pedro G. Goyco-Amador
General Prosecutor
Commonwealth of Puerto Rico
Department of Justice
Via Facsimile (787) 724-3380

Hand delivery to:
Luis S. Fraticelli
Special Agent in Charge
FBI San Juan Field Office

Hand delivery to:
C. Michael Faries
Chief Division Counsel
FBI San Juan Division



U.S. Department of Justice

Office of the Deputy Attorney General

Associate Deputy Attorney General

Washington, D.C. 20530

December 27, 2005

The Honorable Roberto J. Sánchez Ramos
Attorney General
Commonwealth of Puerto Rico
P.O. Box 9020192
San Juan, Puerto Rico 00902-0192

901 11 11 1:00

Mr. Sánchez Ramos:

I write in response to your letter to United States Attorney General Alberto R. Gonzales, dated November 3, 2005, regarding information and evidence that your office had previously requested from the United States Attorney's Office for the District of Puerto Rico (USAO) and the Federal Bureau of Investigation (FBI). On behalf of Attorney General Gonzales, I inquired into the issues you raised in your letter.

In response to my inquiry, the USAO advised that: 1) since November 3, 2005, it has provided your office with a portion of the requested information and physical evidence; 2) there is a reasonable justification for withholding from your office a portion of the requested information and physical evidence; 3) the USAO provided your office with this justification; 4) the USAO informed your office that it will continue to work with you to ensure that all requested information and physical evidence that can be released to your office will be provided at the appropriate time; and 5) your office recently expressed satisfaction with the current level of cooperation it is receiving from the USAO and the FBI related to your request as outlined in your November 3, 2005 letter. Accordingly, it appears that the USAO and the FBI are appropriately cooperating with your request for information and evidence.


If, contrary to my information, you remain less than satisfied with the current level of cooperation or if you become dissatisfied in the future, please feel free to contact Crystal Roberts, Director, Office of Intergovernmental and Public Liaisons at 202-514-3465, at your

The Honorable Roberto J. Sánchez Ramos

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convenience to discuss relevant issues. I appreciate your working with the USAO in an effort to accommodate the interests of both the Department of Justice and the Commonwealth of Puerto Rico in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David Margolis", written in a cursive style.

David Margolis
Associate Deputy Attorney General

cc: H.S. Garcia
United States Attorney
District of Puerto Rico



COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF JUSTICE

ROBERTO J. SÁNCHEZ RAMOS
ATTORNEY GENERAL

January 20, 2006

Humberto García
U.S. Attorney
Torre Chardón, Suite 1201
350 Carlos Chardón Ave.
San Juan, Puerto Rico 00918

Dear U.S. Attorney García:

I am writing to solicit the continued cooperation promised by the Federal Bureau of Investigations (FBI), and reiterated by you, both in writing and in person, regarding the Puerto Rico Department of Justice's (PRDOJ) investigation into the circumstances surrounding the death of Mr. Filiberto Ojeda Ríos. In particular, I would like to again request the production of certain information indispensable to our investigation: the contact information for those individuals who can shed the most light into the chronology and nature of the events that transpired on the field during the intervention with Mr. Ojeda Ríos; as well as regarding the key decisions concerning the manner and conduct of said intervention. It is essential that you also provide us with specific dates, times, and places where personnel from the PRDOJ may be able to interview each of these individuals.

Given the urgency and public import of the PRDOJ's investigation, I would like to receive the requested information as soon as possible, and, in any case, no later than Friday, January 27, 2006.

As we have stated before, we consider it essential for the FBI to cooperate with our government's inquiry into this matter. We are eager to conclude our investigation and will, therefore, take all steps necessary to do so in a prompt, thorough, and responsible manner. Finally, if you have any

Humberto García
January 20, 2006
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questions or doubts regarding our present request¹, please feel free to contact me so that we may promptly discuss any such issues during the upcoming week.

Cordially,



Roberto J. Sánchez-Ramos

c

Alberto R. Gonzáles
U.S. Attorney General

David Margolis
Associate Deputy Attorney General

Crystal Roberts
Director, Office of Intergovernmental and Public Liaisons

Aníbal Acevedo Vilá
Governor of Puerto Rico

Miguel Fernández
Chief, Civil Division
U.S. Attorney's Office
District of Puerto Rico

John G. Burke
Special Assistant to the President
Office of Intergovernmental Affairs

¹ As you know, the information requested in this letter is only a subset of our complete demands for information, documents and objects sent on October 4 and October 7, 2005. Needless to say, the PRDOJ is still interested in obtaining all the items initially requested. Consequently, I would also appreciate if you could produce all additional items requested, as soon as possible, for their inspection and/or reproduction by the PRDOJ.



U.S. Department of Justice
H. S. Garcia
United States Attorney
District of Puerto Rico

Torre Chardon Suite 1201
350 Carlos Chardon Street
San Juan, Puerto Rico 00918

(787) 766-3656

January 26, 2006

Hon. Roberto J. Sánchez Ramos
Attorney General, Commonwealth of Puerto Rico
Department of Justice
P.O. Box 9020192
San Juan, Puerto Rico 00902-0192

Re: Investigation Into the Events Leading to the Death of Mr. Filiberto Ojeda-Ríos.

Dear Mr. Sánchez Ramos:

This is in response to your correspondence dated January 20, 2006, in which you request that the Federal Bureau of Investigation (FBI) identify and submit contact information of individuals who have knowledge of: (a) the events surrounding the intervention with Mr. Ojeda Rios; and (b) the decisions pertaining to the actions taken during said intervention. You have also renewed your request for the remaining items listed in the Puerto Rico Department of Justice (PRDOJ) subpoenas dated October 4 and 7, 2005.

Before addressing your latest request, we would like to reiterate, as we have done on previous meetings and in our correspondence, our continued commitment to collaborate with your ongoing investigation. Our mutual collaboration in this matter, which has led to a significant disclosure of physical evidence for inspection by the PRDOJ, is ill-served by your most recent correspondence. The arbitrary imposition of self-serving deadlines, accompanied by impractical threats, solely serves as a distraction to the continued cooperation between our agencies. This is not the first instance in which we have expressed our concern with the manner in which the PRDOJ has directed its demands to the FBI. The PRDOJ's self-imposed sense of urgency to complete this investigation continues to impair its ability to appreciate the statutory and regulatory constraints which limit the FBI's authority to disclose these materials.

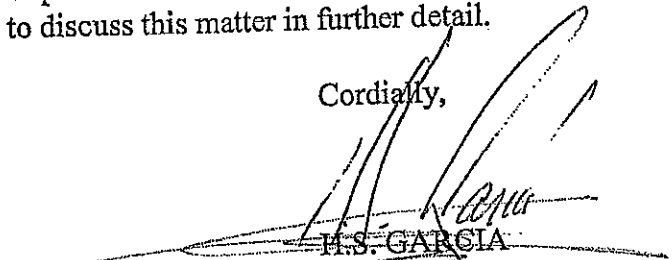
As agreed in our letter dated November 9, 2005, the FBI has provided the PRDOJ the following physical evidence for inspection: (1) the bullet proof vests and helmets damaged during the intervention (items 4 and 5 of the subpoenas); (2) the weapons fired during the intervention (item 6); (3) the vehicle used to enter Mr. Ojeda Rios' residence (item 11); and (4) the photographs taken before, during and after the intervention (item 16). These items were produced subject to certain specific terms and conditions set forth in our November 9, 2005 letter. The terms and conditions

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were accepted by PRDOJ and the document was signed by General Prosecutor Pedro Goyco Amador with your prior authorization. In particular, the parties agreed that: "(3) The FBI expressly reserves, and does not waive, the right to raise any and all substantive privileges and/or procedural bars, which may be applicable to protect it from further unwarranted requests to disclose information."

Despite your eagerness to conclude this investigation, we must continue to abide by the legal parameters which mandate non-disclosure in this situation. For all the reasons we have explained in our prior written communications, and during our numerous meetings, we are unable to comply with your January 20, 2006 request at this time. Please do not hesitate to contact Assistant U.S. Attorney Miguel Fernandez to discuss this matter in further detail.

Cordially,


H.S. GARCIA
United States Attorney
Email: h.garcia@usdoj.gov
Telephone: (787)282-1874

HSG/jn

c: Hon. Alberto Gonzales
United States Attorney General

Hon. Aníbal Acevedo Vilá
Governor, Commonwealth of Puerto Rico
Via Facsimile (787)724-4770/4916 and hand delivery

Pedro G. Goyco-Amador
General Prosecutor
Commonwealth of Puerto Rico
Department of Justice
Via Facsimile (787)724-3380 and hand delivery

Luis S. Fraticelli
Special Agent in Charge
FBI San Juan Field Office
Via hand delivery

C. Michael Faries
Chief Division Counsel
FBI San Juan Division
Via hand delivery



COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF JUSTICE

ROBERTO J. SÁNCHEZ RAMOS
ATTORNEY GENERAL

February 13, 2006

Honorable Alberto R. Gonzales
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Gonzales,

In my letter dated November 3, 2006, I requested your assistance in securing due cooperation from the Federal Bureau of Investigation ("FBI") in connection with our investigation into the violent death of Mr. Filiberto Ojeda Ríos. On that occasion, I described the hurdles that the Puerto Rico Department of Justice was facing in obtaining the information, objects and documents requested from the FBI as part of the criminal investigatory process.

I appreciate the inquiry into this matter made by your Office through David Margolis, Associate Deputy Attorney General, who wrote on December 27, 2005. However, I am now writing to express that the PRDOJ is not satisfied with the FBI's cooperation. Therefore, I again request your prompt assistance in securing the proper response and attention from the FBI to the reasonable demands we have made in the exercise of our powers, duties, and obligations as a law enforcement agency.

As you surely are aware, on November 2005, the FBI finally agreed to deliver a small subset of the objects requested. Regarding the remaining information, objects and documents demanded, the FBI declined disclosure, again, claiming its confidentiality under 28 C.F.R. sec. 16.26(b)(5) and alleging that further consideration of this matter must wait until the Office of the Inspector General of the United States ends its inquiry into these same events. Nevertheless, as indicated in our October 7, 2005, and November 2, 2005, letters to the United States Attorney for

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the Commonwealth of Puerto Rico, Mr. Humberto S. García (attached as Exhibits C and G, respectively, to the November 3, 2005 letter sent to you), the cited regulation is inapplicable to this particular situation, and we understand that there is no legal or policy reason why the PRDOJ investigation and the OIG inquiry cannot proceed simultaneously.

Accordingly, on January 20, 2006, due to the high priority of this investigation and its public import, the PRDOJ yet again demanded that the FBI disclose another extremely important subset of the information, objects and documents originally requested on our October 4, 2006 communication to the FBI. See Exhibit A to this letter. In a letter dated January 26, 2006, the FBI again refused to provide the essential information requested, reiterating its untenable position described above. See Exhibit B to this letter.

As part of our effort to fully exercise our government's authority and jurisdiction over this investigation, and to obtain the information and collaboration requested, I hereby urge you to intervene to ensure the FBI's due cooperation and guarantee that the public interest of all involved be well served.

Should you need further information, please do not hesitate to contact me at 787-721-7700. I am also available to discuss this matter in person.

Respectfully,



Roberto J. Sánchez Ramos

c.: John G. Burke
Special Assistant to the President
Office of Intergovernmental Affairs

David Margolis
Associate Deputy Attorney General

Crystal Roberts
Director, Office of Intergovernmental and Public Liaisons

Humberto S. García
U.S. Attorney, Commonwealth of Puerto Rico