

Rediscovering: Killed through the border fence

Episode 3: A historic legal showdown

KVOA: *“The trial is underway for a Border Patrol agent charged with second degree murder. Lonnie Swartz is accused of firing through the border fence into Mexico”*

On March 20, 2018, 100 potential jurors walked into the Evo Deconcini federal courthouse in Tucson. The selection of 12 men and women, plus four alternates, would set off a historic trial that would last one month.

Lonnie Swartz, a Border Patrol agent, had been placed on unpaid leave since his indictment three years earlier. He faced three separate charges in the shooting and killing of 16-year-old José Antonio Elena Rodríguez.

What we knew up until then was that just after 11:30 p.m. on October 10, 2012, he approached the border fence. He took out his .40 caliber Heckler & Koch P2000 pistol and emptied the magazine.

He fired 13 shots into Mexico. Then he reloaded and fired three more times all in the span of 34 seconds.

AZPM: *“Schwartz shot the teen ten times through the border fence in Nogales- leading to the first prosecution of a federal agent for a shooting across the international border.”*

The most severe of the charges was for second degree murder, that means prosecutors believed Lonnie had intentionally killed José Antonio.

But now it was their responsibility to prove that in court.

Under federal statutes, if convicted for second degree murder, Lonnie would face up to life in prison.

(music cue)

José Antonio’s mother, Araceli Rodríguez, and grandmother, Taide Elena, had waited more than six years for this day. They would finally get the chance to hold Lonnie accountable for José Antonio’s death.

ACLU Video Araceli: *“Si lo declaran inocente, osea, iba a ser una burla. Osea, como, hay un video donde lo estan asesinando y como lo asesinan. No ha pasado por mi mente que el hombre gane el juicio.”*

In 2017, Araceli couldn’t fathom an innocent verdict. She pointed to video evidence of the shooting and told ACLU lawyers that if Lonnie was found innocent it would be a mockery of her son’s death.

She and Taide would show up every day of the trial and come face to face with Lonnie inside the courtroom in Tucson.

Taide: *“Empezó nuestro calvario ir y venir, mirar las cortes, mirar esto, mirar lo otro oír esto.”*

Taide said looking at the video and photo evidence and listening to the testimony from witnesses reopened painful wounds that years later still had not healed.

Taide: *“Cuando presentaron al hombre a la corte para leerle sus derechos, era un iba vestido pues como de soldado, pero no era traje de soldado, pero parecido, no?”*

She took note of how Lonnie showed up to court the first time when they read him his rights. Although he was charged with murder, he was not taken into custody.

Taide remembers him wearing an outfit that resembled a soldier’s uniform.

After that, each day of the trial Lonnie showed up to court dressed in a suit and tie.

Prosecutors, and José Antonio’s family, sat to the right side of the judge. Lonnie and his defense attorneys sat on the opposite side.

In between them, the court seats filled with dozens of reporters, off-duty Border Patrol agents, and community members who had staked their support for Lonnie or for José Antonio’s family.

Sean Chapman, one of Lonnie’s lawyers, said the great deal of attention the trial received made the border agent fearful.

Sean Chapman: *“He was afraid for himself and his family, given the fact that almost every time we walked into the courthouse, there was a protest or multiple protesters either out front or in the courtroom. And it really took a toll on him.”*

Aside from releasing his name, under order from the court, his attorneys and Border Patrol disclosed few other details about Lonnie. He had been put on unpaid leave, but it was unclear if he still remained in Arizona.

While there were no serious threats to his safety, the concern spoke to the highly charged political environment under which the trial began.

Sean Chapman: *“People in southern Arizona feel so strongly about immigration. You know, there’s a contingent of the population that wants to give you a medal if you’re a Border Patrol agent just for being an agent. And there’s a contingent that wants to throw you in jail, even if you haven’t done anything wrong.”*

(Cue theme music)

Welcome to season three of Rediscovering, a podcast from The Arizona Republic and azcentral dot com. This time, we’re focusing on a cross border shooting that would change the way the U.S. patrols its southern boundary with Mexico.

It involves a U.S. border agent, a Mexican teenager, and the firestorm that erupted after he was killed through the border fence.

(music pause)

I'm Rafael Carranza. I write about immigration and border issues and have been covering the U.S.-Mexico borderlands for more than a decade.

The criminal trial against Lonnie Swartz in Tucson was historic, but the odds were stacked against prosecutors from the start.

Rob: *"He's the first agent to get tried federally. And only the third agent that I know of to be charged at all. And both of those were local charges and neither of those stuck. So it's just inherently the way it's set up."*

Data reporter Rob O'Dell had been covering this case since he joined the Arizona Republic in 2012. Along with another colleague, Rob conducted an investigation and found that federal agents were rarely held accountable when they used excessive or deadly force along the U.S.-Mexico border.

Until this point, the chances of getting agents charged for cross-border shootings and convicted was almost non-existent.

Rob: *"That may be a sad statement, but that's the reality of it."*

Bringing Lonnie Swartz to trial in Tucson took more than six years and that process was filled with many hurdles.

One of the biggest complicating factors was the location of the shooting the night of October 10, 2012. Lonnie was on the Arizona side of the U.S.-Mexico border when he fired his gun and killed José Antonio, who was standing on the Mexican side.

This made it a binational crime scene.

(music break)

Just as the FBI began its investigation in Arizona, federal prosecutors in Mexico began theirs.

They interviewed witnesses, they collected evidence. Sonora state officials did an autopsy. If they were to pursue a case in the U.S., attorneys for José Antonio's family needed to get access to that information.

So, Roberto Montiel, the family's lawyer, called up an attorney in Mexico that he was friends with.

Montiel: *"He went over and he knew the prosecutor and talked the prosecutor into allowing the U.S. feds to come in and hand over formally the evidence that they needed to prosecute. So we had gotten a lot of the things that the prosecution needed to get going on the case."*

Sean Chapman, Lonnie's attorney, said that during the three-year period, between the shooting and when a grand jury indicted the border agent in 2015, all they could do is wait.

During that time, U.S. prosecutors were busy gathering physical evidence from Mexico, a complicated and lengthy process.

Sean Chapman: *“They spent a long time, I think, utilizing the mutual legal assistance treaty - MLAT treaty - to get physical evidence from Mexico. I think that’s one of the reasons why it took so long, because they felt that they needed the actual bullets that were recovered in Mexico and that took three years to get.”*

There were other issues that came up after federal prosecutors filed murder charges in the U.S. A remote controlled camera mounted on top of an 80 foot pole, not far from the site of the shooting - caught everything on video.

Before the trial began, Chapman tried to get this key piece of evidence dismissed.

Rob: *“The Border Patrol ultimately either deleted or threw out the hard drive that had the original video so this was a murder case. We didn’t have the original video because the Border Patrol threw it out and no one at the FBI, you know, demanded that they keep it.”*

Prosecutors instead relied on a duplicate copy of the surveillance footage.

The quality was so poor that Chapman argued it was flawed, but the judge kept the video as part of the evidence in the case.

Montiel was also unhappy with how the situation with the video was handled.

Montiel: *“When we saw the film, it was very, very snowy and it was very poorly done. And I hadn’t seen videos from those cameras before and they sure didn’t look like that. And when we started looking into it, we found out that they had allegedly lost the machine and they had to redo this and redo that. Maybe it’s true. I’m not willing to concede that.”*

But attorney’s were successful in other areas, like keeping Lonnie’s military history out of the trial. He had joined the Army at 19, but he deserted and was discharged months later. The judge said more than ten years had passed since then. He excluded that info.

As the first day of the murder trial approached, attorneys for both sides began preparing.

While prosecutors solidified their case and gathered evidence, Chapman and Jim Calle, Lonnie’s attorneys, also sought their own experts who could help prove that he was innocent and that he was acting in self defense.

Jim Calle: *“The truth is, it took, I think, fairly it took us a long time, you know, to uptake 12 to 14000 pages of documents, the testimony, the statements, the opinions of all these experts.”*

(cue music)

AZPM: *“A federal trial with national attention began this week in Tucson. Border Patrol agent Lonnie Swartz is charged with murdering a Mexican citizen, 16-year-old José Antonio Rodríguez in 2012.”*

The month-long murder trial against Lonnie kicked off in March 2018 at the Evo DeConcini Federal Courthouse in Tucson, about 60 miles north of Ambos Nogales.

The attention the trial against Lonnie received meant the courtroom was packed nearly every single day. In fact, there was so much interest in this case that the court opened an overflow

room.

Perla: *“So you had a lot of the advocates. You had Border Patrol agents, especially from the union, in support of Lonnie Swartz. You had a TV and print reporters from all over the place.”*

Perla Trevizo started working for a Tucson newspaper, The Arizona Daily Star, two months after the shooting in 2012 and followed the case closely. She’s currently an investigative reporter with ProPublica and the Texas Tribune.

I covered the trial for The Arizona Republic, as a border reporter living in Tucson.

Perla and I often sat each next to each other as we listened to new details about the shooting emerge from the witness stand.

(music break)

First up, prosecutors with the U.S. Attorney’s Office in Arizona made their case to the jury.

Recordings were not allowed inside the courtroom. This is an excerpt taken from the transcript of Mary Sue Feldmeier’s opening arguments. She said: *The facts of this case show that the shooting was unjustified from the moment the defendant left cover and calmly and deliberately walked to the fence.*

Here’s the counter argument Lonnie’s attorney Sean Chapman presented to the jury.

Sean Chapman: *“We believed that Lonnie Swartz was in a very dangerous environment, that he and his fellow agents were at risk of being injured and that he fired at rock throwers on the Mexican side of the border to stop that from happening. We tried to portray that that was done out of fear and a need to protect his fellow agents, which we personally believe was true.”*

There is a lot of information we didn’t know about the shooting that surfaced during this trial, so we’ll focus on the key takeaways.

(music break)

The first takeaway was the question at the center of the shooting: was José Antonio throwing rocks at Lonnie and the other border agents?

The answer to the question was especially relevant because it would determine whether Lonnie had been justified in shooting José Antonio to protect himself and other agents as his defense attorneys argued.

Early on there was a surprise. Rob O’Dell summarized it best.

Rob: *“It was originally thought that José Antonio Elena Rodríguez was just walking down the street, minding his own business, and he was shot just walking down the street. And then, of course, we found out during the trial that even the prosecutors felt like he was working for a narcotics organization, probably as a lookout.”*

In their opening statement, and despite the family’s objections, prosecutors conceded that José Antonio was throwing rocks. But they argued that it should not have been a death sentence.

After all, prosecutors argued, the rocks thrown would have had to clear a height of a three-story building in order to make it over the fence to where agents were standing in Arizona.

During the trial they played the grainy copy of the surveillance footage taken by the Border Patrol cameras. It was the first time the public got to see the full video showing Lonnie's movements as well.

In the video, Nogales police and Border Patrol agents had caught two men smuggling marijuana bundles into Arizona. The two men had climbed to the top of the border fence.

Lonnie and several other agents stationed at the DeConcini border crossing approached the scene.

Perla: *"So you had rocks being thrown at the agents. And, and they start, you know, some of the officers start taking cover behind their vehicles. But Lonnie Swartz does something that the other officers don't do. So he puts his gun through the four inch slats of the border fence and shoots. Then he moves further to the right and shoots again. He reloads his weapon and puts it again through the slats and continues to shoot."*

The video showed a figure on the Mexican side making rock throwing motions, but the image is so pixelated it's hard to say definitively who it was. José Antonio's family continues to assert that he was not throwing rocks and the evidence presented at the trial reaffirmed that for them.

Taide, José Antonio's grandmother, was called to the stand. She said she felt frustrated that she could only answer what she was asked.

Taide: *"Pero si le dije. José Antonio, era izquierdo, José Antonio no era derecho como lo pintaron ustedes ahí"*

She told the jury that José Antonio was left-handed - not right-handed like the court reconstructions depicted the rock thrower...

KVOA: *"Jurors in the Lonnie Ray Swartz trial made a visit to the scene where a Mexican teenager was killed."*

Lonnie's defense team requested that the jury visit the site of the shooting in Nogales. So, nine days after the trial started, all 12 jurors and the alternates traveled to the American side of the border fence. They visited the site at night.

Chapman: *"It was something that couldn't have gone better for the defense because we were trying to convey that this was a dangerous area and that impacted Agent Swartz's decision to fire his weapon. And that was a visible example of that."*

The murder trial against Lonnie also revealed more details about the extent of the injuries that the spray of bullets caused José Antonio.

Graphic photo evidence taken by Mexican investigators the night of the shooting showed José Antonio's body covered in blood on the sidewalk.

Gabriela López, his aunt, said it was a very painful moment for the family, who had made it a point to show up every day.

Gabriela López: *“It was heart tearing every time you would see the images of José Antonio's body laying there with all those gunshots to his... just the autopsy the pictures of the autopsy were horrifying.”*

Through the photo evidence, prosecutors were intent on proving one thing: that José Antonio was alive after Lonnie shot him.

(music break)

Prosecutors argued in court that José Antonio did not die immediately.

Instead, they claimed that photo evidence showed that he went down with the gunshots, but then he tried to pull himself up briefly before the final bullet struck him in the head.

Defense attorneys claimed José Antonio died right away.

This was important because if he was alive after the first shot, prosecutors argued, it showed that Lonnie had intentionally killed him. He had continued firing after the threat of rocks had been eliminated.

All of this was being debated in front of José Antonio's family.

Perla: *“There was a moment where to that point, especially the mom had been very stoic and kind of not showing a lot of emotion. And all of a sudden you hear just sobbing.”*

When Perla and I were able to get seats inside the courtroom, we usually sat in the middle. So we had José Antonio's family to our left and Lonnie to the right.

Perla: *“And it's when they were asking experts to talk about, you know, whether the head was facing one direction or the other. And that was kind of to try to determine whether, you know, he had been alive past the first shot. And so you can only imagine how that must have felt for them. And hearing her sobbing uncontrollably also had a kind of a chilling effect in the courtroom.”*

Prosecutors had argued that the position in which José Antonio fell indicated that he had been alive past the first shot. His left hand was slightly raised, he had several blood stains on his fingers, and scrapes on his chin. The prosecutor's expert witness testified that these were indications that he had moved.

The family stepped out during the most graphic moments.

Taide: *“Todavía estaba vivo. Él todavía pensaba como que trataba de querer salir de ahí. Y eso duele mucho.”*

Taide said it hurt to think he was still alive at that moment trying to get out of there.

After the federal prosecutors rested their case, Sean Chapman and Jim Calle called out their witnesses to prove Lonnie had acted in self-defense.

Their first witness was a woman who was introduced by her initials as A-O. Her home is on the Arizona side of the border fence in Nogales. She had told the attorneys that she had seen José

Antonio by her house the night of the shooting.

Perla: *“She had been set up by the defense as this key witness that was going to like once and for all, show you how José Antonio had been on the US side.”*

But when she took the stand, A-O did something that stunned the courtroom.

She told Chapman that she hadn't seen José Antonio after all.

Perla: *“He was trying to ask her in different ways the same question. And she was like, Nope, nope, nope. And like, after like a minute, she's basically dismissed. And so that was very is like, like what's going on here? This is supposed to be a key witness, what just happened?”*

People gasped. Small chatter broke out in the courtroom.

It didn't go the way he hoped, but Chapman said it didn't hurt their case too much.

Chapman: *“The reason why we decided to put her on is because we firmly believed that she was denying that, because she was terrified because of where she lived. And she didn't want to be involved. And that was the most logical explanation. And so from our perspective, that helped convey to the jury how dangerous and sketchy the area where the shooting was.”*

But after this hurdle, the defense would need stronger testimony to convince the jury that Lonnie was not guilty of murder. His attorneys did something that up until this point, we didn't know if it would happen.

The blockbuster moment of the trial: they called Lonnie to the stand.

(music break)

We would finally get the chance to hear from Lonnie himself what happened that night. When he took the stand, the courtroom buzzed with anticipation.

Lonnie said he left the DeConcini crossing with two other agents. They ran over to the site near the border fence where they had been listening to a smuggling attempt on the radio. When he approached the fence, Lonnie said two men were attempting to scale it. One was struggling to get up.

One of the half a dozen officers and agents already on the scene told Lonnie one of them had a knife. Lonnie said he heard a loud ping at the top of the border fence.

The courthouse does not allow recordings of court proceedings. We're going to share excerpts from his testimony in court read by one of my colleagues.

Lonnie: *“I knew it was a rock immediately. I've experienced this in the past. I knew exactly what that sound was.”*

Lonnie testified that he remembered hearing an agent say he had been hit, then someone else said a police dog had also been struck. But earlier, those officers and agents had testified they had not been hit.

So what is under scrutiny is Lonnie's perception of that night.

Lonnie: *"I was scared. I was scared to be hit by a rock. I was scared for my partner that had just been hit by a rock. I was – I had other agents behind me that I didn't know where they were at, but I knew they were in the vicinity. And I knew that we were getting rocked at this point."*

"So what did you do?" Chapman asked Lonnie.

Lonnie: *"I elected to defend myself and my fellow agents and that officer."*

Lonnie immediately drew his gun.

He walked toward the fence and peeked through the metal slats.

It was dark on the Mexican side, but he said he saw a shadow make a rock throwing motion.

So he fired.

Lonnie: *"We're trained to stop the threat. And from my perception, from that point, that individual appeared to be stopped. And that's why I stopped firing and I went westbound down the fence to see if there was any more rock throwers."*

He said he thought he saw another rock thrower, then he fired again.

In the cross-examination, the prosecutor asks Lonnie how many times he fired.

Lonnie: *"I don't recall, sir."*

When he finished firing his pistol, Lonnie backed away from the fence. He picked up the spent magazine from the ground, put it in his pocket. Then he bent over and threw up.

He got on his radio and called in "10-7 Mike side." The numbers 10-7 mean that there's a person down. Mike side refers to Mexico.

Someone is down on the Mexican side.

During his testimony, Lonnie broke down crying as he described the moments after the shooting. It was one of the very few times during the trial when he showed emotion.

Prosecutors hammered Lonnie about his recollection of that night's events.

Lonnie: *"Since that night I don't know why I can't remember certain things. I've struggled with this for five and a half years."*

They pointed out that the border agent remembered clearly certain details from before the shooting, like hearing an agent say he got hit, but then his mind went blank on important details of the shooting.

Montiel, the family's attorney, felt that was too convenient.

Montiel: *"But I think it was a reaction to getting caught. That was my impression. Yeah, you got*

caught, I'd cry, too. And I'm sure they put him up to crying. Hmm. Why not?"

Calle said what Lonnie experienced was not unique. And that traumatic events have the potential to hinder the ability to remember certain details.

Jim Calle: *"In this environment, whether it's a law enforcement officer or a soldier or someone defending themselves, you know, at their home, you start to realize that this is the norm. The memory is not pristine. You're gonna have these sorts of gaps and that's just the norm."*

Even though he couldn't remember everything, Chapman said it was important for the jury to hear directly from Lonnie.

Sean Chapman: *"What he said happened never changed. It was like he was replaying a tape reel in his brain because it was such a traumatic event. And he was so earnest and forthright and honest about it that we thought we had to have him testify and tell the jury what he perceived. And we felt like they would believe him."*

On April 16, 2018, after 16 days of testimony and closing arguments from both sides, the jury began deliberating.

On two occasions they turned to the judge because they were unable to reach a verdict. He instructed them to continue.

Then, on April 23, on day 20 of the trial, they came to a unanimous decision.

KVOA: *"After four days of deliberating... the jury has found Border Patrol Agent Lonnie Swartz not guilty of second degree murder."*

With Lonnie and José Antonio's family in the courtroom, the jury acquitted the border agent of second degree murder.

It's a victory for Chapman.

Chapman: *"The fact that we got a unanimous verdict for not guilty was very surprising. But we also would have considered a hung jury a victory at that point."*

But jurors were unable to reach a decision on the two lesser charges of manslaughter. The judge set a hearing three weeks later so prosecutors could decide what to do next.

The verdict was devastating for José Antonio's family. They had fought for more than five years to bring the case to trial, hoping the U.S. court system would deliver justice to them.

Taide, the Mexican teenager's grandmother, said it brought them tears instead.

Taide: *"Es imposible no llorar de ver una injusticia tan grande. Pero si les dije yo. Le dije yo. Yo no voy a parar aquí."*

She said it was impossible not to cry, to see such great injustice and that she would not stop there.

Taide: *"Yo voy a seguir luchando mientras pueda y mientras que haya una puertita, una*

ventanita, un hoyito donde yo me pueda meter. Yo voy a seguir luchando porque este es un crimen de los más cobardes que ha habido.”

Taide said she would continue fighting as long as she can, and as long as there's an opening for her to take. She called José Antonio's shooting one of the most cowardly crimes there's been.

Nats “no justice, no peace”

Soon after news of the verdict reached the activists waiting outside the federal courthouse in Tucson protests erupted. After filing a quick story on the verdict, I went outside as more protesters began arriving at the courthouse.

This is Isabel Garcia, a Tucson activist, addressing the crowd in front of me.

Isabel: *“Our society is responsible for the ignorance that underlies all of those jurors - to have believed that he was justified in killing José Antonio - a 16yo that we know only because of his death and the courage of his family. And so we demand yes, a retrial.”*

Protesters blocked Congress Avenue in front of the federal courthouse forcing police to close the road to traffic. The protesters would remain out there for more than five hours.

Despite the not guilty verdict on the murder charge, Chapman and Jim Calle, the attorneys for Lonnie, prepared for what was next.

Jim Calle: *“It was never a question about whether they would proceed forward with a second trial.”*

The decision was made official on May 11, 2018.

Prosecutors announced they intended to seek a retrial. This time Lonnie, who was not present at that hearing, would face lesser charges of voluntary and involuntary manslaughter.

The start date was set for October 23rd, five months away.

I spoke to Araceli, José Antonio's mother, after the hearing, as she made her way out of the packed courthouse.

Araceli Rodríguez: *“Yo te puedo asegurar que no puede decir ‘yo gane’ porque pues que esta ganando? Osea, seguir exhibiendo su mentira? Porque el sabe que asesino a mi hijo.”*

She told me there's no way Lonnie can say he won. What did he win, she questioned. Araceli said Lonnie can keep telling his lies but that he knows he killed her son.

On October 23, 2018, the second trial kicked off once again at the federal courthouse in Tucson.

Initially, the defense had tried to get the case moved to Phoenix, claiming finding an unbiased jury would be difficult in Tucson given the attention the first trial received. But the judge denied the motion.

The second trial lasted about a month as well. It was essentially a replay of the first trial.

The only major difference was that Lonnie didn't take the stand this time. Neither did A-O, the witness that had recanted her testimony.

After 14 days, jurors began deliberations on the voluntary and involuntary manslaughter changes that Lonnie faced.

On the third day, the jury found themselves in the same position as last time. They couldn't reach a verdict. Again, the judge instructed them to continue.

And on Nov. 21, they came to a decision.

KGUN: "The jury found agent Lonnie Swartz not guilty of involuntary manslaughter. They did not rule on the stiffer charge of voluntary manslaughter."

Jurors acquitted Lonnie for a second time. Chapman secured two not guilty verdicts. He remembered Lonnie's reaction for the first one.

Sean Chapman: "When the jury acquitted him, he started weeping. And I think we shed a few tears as well. Carrying the threat of imprisonment for over five years on his shoulders. And it was finally lifted. And it's a burden that no one should have to carry. And when it was gone, that's how he reacted, which is normal."

Unlike the last time, prosecutors decided not to seek a third trial on voluntary manslaughter charges.

On December 14, the court terminated the case. Lonnie Swartz was a free man.

(music cue)

Art del Cueto, the president of the Border Patrol union in southern Arizona, praised the verdict.

Art del Cueto: "We've always held our agents accountable when they do something wrong and in a case like this we've always backed up our agents when we believe that they did the right thing."

The federal prosecutors who tried the case against Lonnie declined requests for an interview. But their boss, Gary Restaino, the U.S. Attorney for the District of Arizona, said they brought the charges because they had concluded that Lonnie had committed a crime when he shot José Antonio.

Restaino: "I'm proud of the discretion our lawyers showed during the prosecution of the case and their grace under pressure throughout."

Even though it didn't go their way, he said he respected the two juries' verdicts that found Lonnie not guilty of second degree murder and involuntary manslaughter.

Restaino: "A young life was lost tragically, and our lawyers engaged in the search for the truth."

Once again, José Antonio's family faced disappointment. They were angry that federal prosecutors would not seek a third retrial.

José Antonio's aunt, Gabriela, wondered about the repercussions for similar cases in the future.

Gabriela López: *"So they're going to continue shooting us like we're dogs from the street."*

Rafa: *"Do you think that's the. Do you think that's the message that is being sent?"*

Gabriela: *"Yes, that is the message that is being sent by those verdicts. That is the message that is being sent. Kill them. Their lives don't matter."*

But not all hope was lost for the family. While the trials against Lonnie were happening, they had also been pursuing a civil lawsuit.

(music cue)

And while the juries had acquitted Lonnie of criminal charges, the family had more success in the civil case.

Just when they thought they were on the verge of getting justice for José Antonio's death, they ran into another major roadblock. The civil case against Lonnie was put on pause.

That's because the U-S Supreme Court took on another case involving a Border Patrol agent who shot and killed a Mexican teenager.

But that shooting happened 263 miles to the east, in El Paso, Texas. And the results of that case would have lasting repercussions for José Antonio's.

(music fade)

(theme music cue)

Next time on Rediscovering

Pfander: *"If you're injured outside the United States, it's very difficult to see what sort of redress you might be able to secure."*

Montiel: *"I'm sure the Supreme Court must have been thinking, if we take this case, how many more are going to come here"*

SC Audio-Roberts: *"We'll hear argument next in Case 17, 16, 78, Hernández versus Mesa"*

As a note to our listeners, we interviewed Sean Chapman, Lonnie's attorney, a year before he died. He passed away from cancer in June 2020.

This podcast was edited and produced by Maritza Dominguez and Amanda Luberto. Reporting by myself, Rafael Carranza and Maritza Dominguez. Script supervision came from News Director Kathy Tulumello.

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