



# FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

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February 13, 2020

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

Dear Attorney General Barr,

Our Association is writing to you to express our serious concern regarding the recent court decision by the United States Court of Appeals for the District of Columbia Circuit (DC) in *United States v. Garcia Sota*, No.17-3091, which vacated the conviction of two defendants under 18 U.S.C. Section 1114. Unfortunately, the DC Circuit ruled in this case that 18 U.S.C. Section 1114, which criminalizes the killing of an officer or employee of the United States, does not apply extraterritorially.

This DC Circuit ruling flies in the face of two lower court rulings and if left unchallenged, sends a chilling effect among the ranks of federal law enforcement including FLEOA's 28,000 members. The message this ruling sends is one of open season on federal law enforcement officers who can now be targeted overseas. Under this ruling, criminals and terrorists will take liberties that targeting a U.S. federal law enforcement officer, will bear no additional punishment, and if apprehended, may never be charged for their death in a United States Court.

Sadly, the *United States v. Garcia Sota* case began in February 15, 2011 when ICE HSI Special Agents Jamie Zapata and Victor Avila were ambushed in Mexico by members of the Los Zetas Cartel's "hit" team in a brazen roadside attack. Despite being shot multiple times by their assailants, both Agents performed heroically. Agent Zapata managed to safely drive their car away from the attack location and Avila called for help and bravely tended to the critically injured Zapata.

These Agents and the thousands of others deployed around the world protect and defend the United States from extremely dangerous cartels, transnational criminals, and terrorists. They do so with the understanding that the United States government will always protect them and if attacked, will seek justice. The Court of Appeals ruling is far from the justice these Agents and their families deserve.

Our Association demands justice for the Zapata family, Victor Avila and his family, and the ranks of the U.S. federal law enforcement. We are requesting that the U.S. Department of Justice appeal this unfair decision to ensure that justice is pursued at every turn and to send a clear and convincing message to criminals and terrorists around the world that if a United States federal agent is attacked, justice will be served.

Sincerely,

*Larry Cosme*

National President  
Federal Law Enforcement Officers  
Association

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