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PIMA COUNTY ATTORNEY

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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF ARIZONA**

13 THE STATE OF ARIZONA, by and
14 through Pima County Attorney,
15 LAURA CONOVER,

16 *Plaintiff/Petitioner,*

17 v.

18 PAM BONDI, in her official capacity as
19 Attorney General of the United States;

20 GADYACES S. SERRALTA, in his
21 official capacity as Director of the
22 United States Marshals Service;

23 KRISTI NOEM in her official capacity
24 as Secretary of Homeland Security;

25 VAN BAYLESS in his official capacity
26 as United States Acting Marshal for the
District of Arizona;

No.

**APPLICATION FOR WRIT OF HABEAS
CORPUS AD PROSEQUENDUM AND
COMPLAINT AND APPLICATION FOR
PRELIMINARY INJUNCTION**

1 TIMOTHY COURCHAINE in his
2 official capacity as United States
3 Attorney for the District of Arizona;

4 JOHN DOES 1-3, in their official
5 capacities as Bureau of Prisons
6 officials;

7 ROBERT ROES 1-3, in their official
8 capacities as United States Marshals
9 and Deputy United States Marshals,

10 *Defendants/Respondents.*

11 Plaintiff/Petitioner the State of Arizona by and through Pima County
12 Attorney, LAURA CONOVER (herein the “State”), alleges in support of this
13 Application for a Writ of Habeas Corpus ad Prosequendum and Complaint and
14 Application for Preliminary Injunction the following:

15 INTRODUCTION

16 1. Julio Cesar Aguirre has committed multiple violent crimes that the
17 State seeks to prosecute. Those crimes include first-degree murder, aggravated
18 assault, and aggravated burglary, among others. The State cannot actively prosecute
19 its already indicted case against Aguirre because the United States, without coherent
20 explanation, has refused to produce him for an initial appearance or arraignment in
21 state court.

22 2. The State’s case involves several victims, two in their late 70s. Their
23 testimony is critical to the State’s case, but it cannot be preserved until they are
24 deposed. Those depositions, in turn, cannot take place until Aguirre has an initial
25 appearance and arraignment in state court. The United States is aware of this. Its
26

1 continued obstructionism therefore risks spoliating critical evidence without which
2 Aguirre cannot be held fully accountable for his crimes.

3 3. To date, the United States has offered no justification, legal or
4 otherwise, for its refusal to cooperate with the State beyond content-free, conclusory
5 appeals to the “integrity” of their case.

6 JURISDICTION AND VENUE

7
8 4. This Court has subject matter jurisdiction over this action pursuant to
9 28 U.S.C. §§ 1331 because this action arises under the laws of the United States and
10 the United States Constitution.

11 5. This Court may grant injunctive relief pursuant to Rule 65 of the
12 Federal Rules of Civil Procedure.

13 6. Venue is proper in the District Court for the District of Arizona under
14 28 U.S.C. § 1391(b) and (e)(1) because each defendant is an agency of the United
15 States or an officer of the United States sued in their official capacity; Plaintiff is a
16 duly elected official whose territorial jurisdiction falls within the District of Arizona;
17 a substantial part of the events or omissions giving rise to this action occurred and
18 continue to occur in the District of Arizona; and upon information and belief, the
19 United States is holding Aguirre in a federal detention facility within the District of
20 Arizona.

21 PARTIES

22
23 7. Plaintiff State of Arizona is a sovereign with the federal constitutional
24 authority to bring criminal prosecutions for violations of its laws. Arizona is
25 represented here by Pima County Attorney Laura Conover, the duly elected public
26

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1 prosecutor of Pima County, Arizona, empowered and required to represent the State
2 of Arizona in prosecutions for public offenses within geographical Pima County.

3 8. Defendant Pam Bondi, in her representative capacity, is the Attorney
4 General of the United States with the authority to set policy for the Department of
5 Justice, which includes the United States Attorneys for each United States federal
6 judicial district.

7 9. Defendant Gadyaces S. Serralta, in his representative capacity, is the
8 Director of the United States Marshals Service oversees and manages the operations
9 of the Marshals Service and all United States Marshals Service personnel within
10 their respective federal judicial district.

11 10. Defendant Kristi Noem, in her representative capacity, is the United
12 States Secretary of Homeland Security with the authority to enforce laws relating to
13 immigration and border security.

14 11. Defendant Van Bayless, in his representative capacity as United States
15 Acting Marshal for the District of Arizona, oversees and manages the operations of United
16 States Marshals Service personnel within the federal judicial district of Arizona.

17 12. Defendant Timothy Courchaine, in his representative capacity as United
18 States Attorney for the District of Arizona, has the authority to implement the policies set
19 by the Attorney General of the United States within the federal judicial district of Arizona.

20 13. Defendants John Does 1-3, Bureau of Prisons officials, in their representative
21 capacities, are unknown at this time but, upon information and belief, oversee and manage
22 the operations of the federal detention facility where Julio Cesar Aguirre is presently held.
23 That location is unknown to the State at this time.

24 14. Defendants Richard Roes 1-3, United States Marshals and Deputy United
25 States Marshals, in their representative capacities, oversee, manage, and carry out the
26 operations of United States Marshals Service personnel within the federal judicial district

1 in which Julio Cesar Aguirre is presently held. That location is unknown to the State at
2 this time.

3 4 **GENERAL ALLEGATIONS**

5 15. On June 30, 2025, Julio Cesar Aguirre went on a one-man crime spree
6 in Tucson, Arizona, culminating in the murder of R.M., and his victimization of six
7 additional people.

8 16. Aguirre tried to enter into the home of R.T., breaking a bathroom
9 window and pointing a gun at R.T. when R.T. investigated the sound of the breaking
10 glass.

11 17. Aguirre shot R.M. while attempting to steal his truck. R.M. died the
12 same day from the gunshot wound.

13 18. Aguirre pointed his gun at K.O. and R.S., two neighbors who had
14 witnessed the murder.

15 19. Aguirre broke into the home of A.Q. and O.Q., a Tucson couple in their
16 late 70s. While inside, Aguirre pointed a gun at them, threatened them, and tried to
17 get them to drive him to Nogales. Their son-in-law, A.R., eventually arrived at the
18 home to come to his parents-in-law's aid, and Aguirre threatened him with the gun.
19 A.R. eventually helped his parents-in-law escape. A.R.'s niece, A.Q.'s and O.Q.'s
20 granddaughter, was showering and locked in a bathroom for the entire incident.

21 22 **FACTUAL BACKGROUND**

23 **A. First incident: Aguirre breaks into the home of a sleeping couple.**

24 20. At just before 6:30 a.m., Aguirre broke into R.T.'s home while he and
25 his wife were asleep in their bedroom. They heard their bathroom window break.
26 R.T. went into the bathroom to investigate and saw a man, later identified as Aguirre,

1 standing in the backyard outside the window. Aguirre pulled a black handgun from
2 his waistband and pointed it at R.T. R.T. went back into his bedroom, and Aguirre
3 fled. (Tucson Police Department reports, attached as Exhibit [Ex.] 1 at 29.)

4
5 **B. Second incident: Aguirre shoots and kills R.M. while trying to steal**
6 **his truck.**

7 21. At approximately 6:47 a.m., R.S. saw Aguirre arguing with R.M. as
8 R.M. sat inside his truck, and Aguirre stood outside it. R.S. asked them what was
9 going on, and Aguirre became very angry. R.S. told Aguirre, “Whatever you are
10 doing, it’s not worth it.” Aguirre responded, “My life is already over,” pulled out a
11 black handgun, and shot R.M. R.S. retreated to her apartment in fear for her life.
12 R.M. was transported to the hospital, where he was pronounced deceased at 7:25
13 a.m. (Ex. 1 at 20, 74-75, 93.)

14 22. K.O., who had been watering plants near R.M.’s truck witnessed
15 Aguirre say to R.M., “I’m going to shoot you on the count of three if you don’t give
16 me the keys.” She heard R.M. resist, and when Aguirre noticed K.O., he pointed his
17 gun at her. K.O. sprayed Aguirre with the watering hose, and Aguirre turned away.
18 K.O. went inside her home and called 911. (Ex. 1 at 66.)

19 **C. Third incident: Aguirre breaks into a home and holds three people at**
20 **gunpoint.**

21 23. At around 7:15 a.m., Aguirre burglarized another home. He arrived at
22 the home of A.Q. and O.Q. A.Q. had been tending to his prickly pear cactus outside
23 when he noticed Aguirre walking toward him. A.Q. tried closing the door behind
24 him and locking Aguirre out of the home, but Aguirre forced his way inside. O.Q.
25 noticed that Aguirre’s arm was bleeding, and she grabbed a bandage and applied a
26 tourniquet. O.Q. was able to place a call to her daughter for help. Aguirre noticed

1 and told her, “les va a muy mal” (Eng.: “things will go very badly for all of you”).
2 (Ex. 1 at 32, 85, 124-126.)

3 24. Aguirre asked A.Q. for a ride to Nogales, but A.Q. refused. Aguirre’s
4 handgun was visible during this exchange. Aguirre forced A.Q. and O.Q. to swear
5 to God that they were not going to call the police. Aguirre told them, “Si no, les va
6 a pasar algo” (Eng.: “If not, something will happen to all of you.”) Aguirre touched
7 his gun while he was making them swear to God. Their son-in-law, A.R., then
8 entered the home and confronted Aguirre. Aguirre pointed the gun at A.R.’s head.
9 A.R. told Aguirre that the police had arrived, and Aguirre raised his gun at A.R. and
10 his mother- and father-in-law, then pointed it at his own head, stating he was going
11 to kill himself and was not going to be taken alive. A.R. then started to guide his
12 mother and father-in-law out the front door and meet the law enforcement officers
13 assembled there. During this incident, A.Q. and O.Q.’s granddaughter had locked
14 herself inside the bathroom and was physically unharmed. (Ex. 1 at 85; 125-127.)

15 25. Aguirre then fled the home. He headed to a nearby alleyway. Police
16 surrounded the area and began searching for Aguirre. With the help of a police K9
17 unit, officers eventually located Aguirre in a backyard shed. Police apprehended
18 Aguirre and took him into custody at 9:16 a.m. They took Aguirre to Banner
19 University Medical Center for treatment of his injuries. (Ex. 1 at 83, 93, 98.)
20

21 **D. Procedural history**

22 26. On July 2, 2025, the United States filed a criminal complaint in this
23 Court. (Complaint, attached as Ex. 2.) Aguirre then was taken from the hospital
24 into federal custody. (Ex. 1 at 41.)

25 27. On July 2, 2025, the State filed a criminal complaint and warrant in the
26 Pima County Consolidated Justice Court.

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1 28. On July 25, 2025, a Pima County, Arizona grand jury indicted Aguirre
2 on 12 felony counts, including first degree murder:

3 Count One: First Degree Murder of R.M.

4 Count Two: Attempt to Commit Armed Robbery of R.M.

5 Count Three: Aggravated Assault with a Deadly Weapon of K.O.

6 Count Four: Aggravated Assault with a Deadly Weapon of R.S.

7 Count Five: First Degree Burglary of a Residential Structure belonging to O.Q.

8 Count Six: Aggravated Assault with a Deadly Weapon of A.Q.

9 Count Seven: Aggravated Assault with a Deadly Weapon of O.Q.

10 Count Eight: Aggravated Assault with a Deadly Weapon of A.R.

11 Count Nine: First Degree Burglary of a Residential Structure belonging to R.T.

12 Count Ten: Aggravated Assault with a Deadly Weapon of R.T.

13 Count Eleven: Possession of a Deadly Weapon by an Undocumented Alien

14 Count Twelve: Possession of a Deadly Weapon by a Convicted Felon

15 (State Indictment, attached as Ex. 3.)

16 29. On July 30, 2025, a federal grand jury indicted Aguirre on five felony
17 counts: (1) attempted carjacking resulting in the death of R.M., described in the
18 Federal Indictment as “John Doe,” (2) use and discharge of a firearm during and in
19 relation to a crime of violence causing John Does’s death, and constituting first
20 degree murder (3) illegal alien in possession of a firearm, (4) illegal reentry of a
21 removed alien, and (5) felon in possession of firearm in and affecting interstate
22 commerce. (Federal Indictment, attached as Ex. 5.)

23 30. As of the filing of this pleading, the United States has not charged
24 Aguirre for any crimes against victims other than R.M. (See Ex. 5.)
25
26

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E. Communications from the United States have been inconsistent, contradictory, and devoid of factual or legal support.

31. As a matter of course, the United States produces defendants in federal custody for proceedings in state court. The United States did just this less than a year ago in *United States v. Samuel Lopez-Ozuna*, CR 24-06035-TUC. This is an ongoing first-degree murder case that arose from the same incident giving rise to both federal and state criminal charges. Without objection, the United States produced Lopez-Ozuna for arraignment in *State v. Samuel Lopez-Ozuna*, Pima County Superior Court no. CR20243146. The United States also produced Lopez-Ozuna for depositions by the State at the Evo A. DeConcini United States Courthouse.

32. Despite historic cooperation between the Pima County Attorney's Office (PCAO) and the United States in many other similar cases, and an initial July 9, 2025, agreement that the United States was "willing to approve your request to writ Aguirre but only for the state IA with an immediate return to federal custody following the IA," (Email exchange between PCAO and the United States, attached as Ex. 4, at 0006) the United States since then has refused multiple written requests from PCAO to produce and make Aguirre available for an initial appearance and arraignment on the Arizona charges. (Ex. 4.)

33. Because the United States has refused to produce and make Aguirre available for an initial appearance and arraignment on the Arizona charges, the State cannot prosecute the criminal charges against him under the State Indictment. As such, the State cannot undertake efforts to preserve critical evidence necessary for its prosecution, including testimony from the asserted victims, including both A.Q. and O.Q.

34. On July 2, 2025, Raquel Arellano, Assistant United States Attorney and Violent Crimes Section Chief, and Adam Rossi, Assistant United States Attorney,

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1 met with members of the Tucson Police Department (TPD) and Pima County
2 Attorney's Office. Present at that meeting were Kimberly Hunley, Chief Deputy
3 Pima County Attorney, and Joshua Moser, Chief Criminal Deputy Pima County
4 Attorney. Arellano and Rossi instructed TPD to cooperate with the United States
5 Attorney's Office and Federal Bureau of Investigation (FBI).

6 35. At the July 2, 2025, meeting, Rossi, Arellano, Hunley, and Moser spoke
7 about the case. Rossi and Arellano verbally reiterated to Moser the United States's
8 commitment to attempt to accommodate requests for transportation of Aguirre in the
9 future to facilitate his state prosecution.

10 36. Later on July 2, 2025, the United States filed a criminal complaint in
11 this Court. (Ex. 2.) Aguirre then was taken into federal custody. (Ex. 1 at 41.) Both
12 Arellano and Rossi, after Aguirre's arrest verbally reiterated to Moser the United
13 States's agreement to allow the State to have custody of Aguirre as needed to
14 facilitate his state prosecution.

15 37. On July 9, 2025, and after repeated requests by the Pima County
16 Attorney's Office, Arellano agreed in writing to approve the State's request to
17 produce Aguirre for an initial appearance in State court but not for any other
18 hearings, including a preliminary hearing where victim testimony would be taken.
19 (Ex. 4 at 0005-0006.)

20 38. On July 10, 2025, the State responded to Arellano's email, noting the
21 United States's position was not only inconsistent with the long-standing practice
22 between the two offices but also undermined the rights of the victims in the case,
23 some of whom may not live to see the crimes against them prosecuted.

24 39. On July 29, 2025, after the State obtained the grand jury indictment, the
25 State again requested that the United States make Aguirre available for an initial
26 appearance and arraignment for the purposes of appointing him state court defense

1 counsel and setting depositions to preserve critical victim and eyewitness testimony.
2 (Ex. 4 at 0004.)

3 40. On August 6, 2025, the United States formally reneged on its offer to
4 make Aguirre available for an initial appearance in state court. Christopher Brown,
5 Chief Assistant United States Attorney, responded via email to Moser, stating “we
6 have decided it is not in the interests of justice to turn over Aguirre to the County on
7 a writ for an initial appearance, or for any other parallel proceedings in state court.”
8 (Ex. 4 at 0001-0002.)

9 41. In that same email, the United States stated it has “grave concerns” that
10 producing Aguirre for state court proceedings would negatively “impact the integrity
11 of each” case “given the material differences in pretrial procedures in state and
12 federal court.” The United States did not attempt to explain what those differences
13 are or how they would affect each case. (Ex 6 at 0001.)

14 42. In that same email, the United States cited “victim impact” as a
15 justification for refusing to produce Aguirre for state court proceedings. Exactly the
16 opposite is true, as the United States continues to ignore Aguirre’s six other victims.
17 As of the filing of this pleading, the United States has not charged Aguirre with any
18 crimes for the acts he committed against those six victims. (Ex. 4 at 0001.)
19

20 **F. The United States’s conduct in this case risks spoliating evidence.**

21 43. The assertions of fact in ¶¶ 44-47 are supported by the affidavit of E.Q.,
22 daughter of A.Q. and O.Q., which will be filed later as Ex. 6.

23 44. A.Q. is 78 years old. O.Q. is 76 years old. Upon information and belief,
24 O.Q. was recently diagnosed with leukemia and is prediabetic. She also has trouble
25 remembering things.
26

1 45. No one from the United States government has contacted A.Q., O.Q.,
2 or A.R.

3 46. The United States has actual knowledge of the underlying facts in this
4 case, including the ages of A.Q. and O.Q., just two of the victims in the State
5 Indictment, the possibility they may be unavailable to provide critical testimony, and
6 the high likelihood their memories of the incident, as those of any victim of or
7 witness to a crime, will fade with the passage of time. The testimony of the other
8 victims, of varying ages and health conditions, also cannot be preserved unless and
9 until the United States makes Aguirre available to the State for purposes of engaging
10 in pre-trial evidence preservation. The United States's decision to hamstring the
11 State's prosecution of Aguirre potentially constitutes spoliation of evidence that
12 could irreparably harm both the pending federal case against Aguirre as well as the
13 State's ability to prosecute Aguirre, secure justice for his victims, and protect public
14 safety.

15 47. The United States's decision to hamstring the State's prosecution of
16 Aguirre also irreparably harms the victims whom it continues to ignore.

17 48. In sum, the United States has offered no coherent factual or legal
18 justification for refusing to produce and make Aguirre available for his state
19 prosecution proceedings. Its justification comprises solely conclusory statements
20 with no explanation or legal support. Its proffered justification is contradictory on
21 its face, and it offends the rights of Aguirre's six other victims who have no voice in
22 his federal prosecution, nor is the United States offering them any justice for the
23 crimes he committed against them. (Ex. 4 at 0001.)

24 49. The Federal Public Defender has been appointed to represent Aguirre
25 in all proceedings in Federal Court. (See 4:25-cr-03393-RM-MAA, Dkt. 5.)
26

50. The State has secured representation for Aguirre from the Pima County Public Defender's Office for when or if the United States produces him for initial appearance and arraignment in state court.

51. The State stands ready and willing to assist in Aguirre’s participation in state court proceedings, including, for example, by facilitating virtual appearances or conducting depositions in the Evo A. DeConcini United States Courthouse, such that the United States need not relinquish physical custody of Aguirre.

LEGAL AUTHORITY

52. Pima County Attorney Laura Conover is the public prosecutor of Pima County, Arizona. She has an Arizona constitutional and statutory mandate to represent the State of Arizona in prosecutions for public offenses within geographical Pima County. Ariz. Const. art. XII, § 3; A.R.S. § 11-532(A)(1).

53. Conover has an Arizona constitutional mandate to safeguard and vindicate the rights of crime victims in Pima County, including each of Aguirre's victims as described in paragraphs 9 through 13, *supra*. Ariz. Const. art. II, § 2.1. Those rights include the right to be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process; the right to be present at and, upon request, to be informed of all criminal proceedings where the defendant has the right to be present; the right to be heard at any proceeding involving a post-arrest release decision, a negotiated plea, and sentencing; the right to confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition of the case and to be informed of the disposition; the right to receive prompt restitution from the person convicted of the criminal conduct that caused the victim's loss or injury; and the

1 right to a speedy trial or disposition and prompt and final conclusion of the case after
2 the conviction and sentence. *Id.*

3 54. The United States has a corresponding obligation to respect the rights
4 of crime victims. Those rights include the right to reasonable, accurate, and timely
5 notice of any public court proceeding, or any parole proceeding, involving the crime
6 or of any release or escape of the accused; the right not to be excluded from any such
7 public court proceeding; the right to be reasonably heard at any public proceeding
8 in the district court involving release, plea, sentencing, or any parole proceeding; the
9 reasonable right to confer with the attorney for the Government in the case; the right
10 to full and timely restitution as provided in law; the right to proceedings free from
11 unreasonable delay; the right to be treated with fairness and with respect for the
12 victim's dignity and privacy; and the right to be informed in a timely manner of any
13 plea bargain or deferred prosecution agreement. 18 U.S.C. § 3771(a).

14 55. This Court is empowered to grant writs of habeas corpus ad
15 prosequendum pursuant to 28 U.S.C. § 2241(a) to require the United States to
16 produce criminal defendants in federal custody for state court criminal proceedings.

17 56. This Court is empowered to issue preliminary injunctive relief.
18 Judiciary Act, 1789, ch. 20, 1 Stat. 78; Fed. R. Civ. P. 65(a).

19
20 **RELIEF REQUESTED**

21 A. A writ of habeas corpus ad prosequendum requiring the United States to
22 produce and make Aguirre available, upon the State's reasonable request, for
23 initial appearance and arraignment and discovery proceedings under the State
24 Indictment in Arizona courts.

25 B. A hearing on the State's application for preliminary injunction consolidated
26 with a trial on the merits pursuant to Fed. R. Civ. P. 65(a)(2).

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C. A preliminary injunction requiring the United States to produce and make Aguirre available, upon the State’s reasonable request, for all court and related proceedings for Arizona’s prosecution of him pursuant to the State Indictment, including but not limited to initial appearance, arraignment, witness depositions, evidentiary hearings, and trial.

DATED this 15th day of August 2025.

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By /s/ James W. Rappaport
J. William Brammer, Jr.
James W. Rappaport
Joshua Moser
Deputy County Attorneys

EXHIBIT 2

United States District Court		DISTRICT of ARIZONA
United States of America v. Julio Cesar Aguirre DOB: 1982; Citizen of Mexico.		DOCKET NO.
		MAGISTRATE'S CASE NO. 25-06320MJ
Complaint for violations of Title 18, United States Code, Sections §§ 2119, 924(c)(1)(A)(iii), and 922(g)(5)(A) and 924(a)(8).		
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:		
COUNT 1: On or about June 30, 2025, at or near Tucson, in the District of Arizona, the defendant, JULIO CESAR AGUIRRE , with the intent to cause death and serious bodily harm, attempted to take a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the person or presence of another by force and violence or by intimidation. All in violation of Title 18, United States Code, Section 2119.		
COUNT 2: On or about June 30, 2025, at or near Tucson, AZ, in the District of Arizona, the defendant, JULIO CESAR AGUIRRE , did knowingly use, carry, and discharge a firearm during and in relation to, and possessed a firearm in furtherance of, a crime of violence, that is, carjacking, a felony crime prosecutable in a Court of the United States. All in violation of Title 18, United States Code, Section 924(c)(1)(A)(iii).		
COUNT 3: On or about June 30, 2025, at or near Tucson, AZ, in the District of Arizona, the defendant, JULIO CESAR AGUIRRE , knowing he was an alien illegally or unlawfully in the United States, did knowingly possess a firearm, in and affecting interstate and foreign commerce, to wit: one (1) Smith & Wesson, M&P 2.0, 9mm caliber pistol. All in violation of Title 18, United States Code, §§ 922(g)(5)(A) and 924(a)(8).		
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:		
According to Tucson Police Department ("TPD") case P2506300026, on or about June 30, 2025, at approximately 6:28 a.m., TPD officers responded to a burglary call at a residence in the 3300 block of E. 27th Street in Tucson, Arizona. When officers arrived, they encountered the victim resident ("Witness 1") who told officers he and his wife were asleep when they heard a window break in their bathroom. When Witness 1 entered the bathroom and looked out the window, he observed a subject described as a white male, approximately 5'6" to 5'7", thin build, wearing tan pants and a blue and white striped collared shirt. The subject had short black hair and was carrying a backpack. When Witness 1 spoke to the subject, the subject pulled a black pistol from his waistband and pointed it at Witness 1. Witness 1 initially retreated from his bathroom, waited a few minutes, and checked outside, no longer seeing the subject. At approximately 6:47 a.m., TPD received a call regarding a person shot at a parking lot located in the 2100 block of S. Winstel in Tucson, Arizona. When officers arrived, they found a white male victim ("Victim 1") with a gunshot wound to his upper left chest area in the driver's seat of a red Toyota Tundra bearing Arizona license plate YTA81F. Victim 1 died of his injuries. Investigators observed blood outside the truck, and one spent 9mm cartridge casing just outside the driver's side of the truck as well as two live 9mm rounds next to the spent casing. (BASIS OF COMPLAINT CONTINUED ON REVERSE.)		
MATERIAL WITNESSES IN RELATION TO THE CHARGE: N/A		
DETENTION REQUESTED Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT (official title) STEVEN MOLESKY Digitally signed by STEVEN MOLESKY Date: 2025.07.02 12:26:58 -07'00'
AUTHORIZED BY AUSA <i>A. Rossi</i> Digitally signed by ADAM ROSSI Date: 2025.07.02 12:16:24 -07'00'		OFFICIAL TITLE Special Agent Steven Molesky, FBI
Sworn to telephonically.		
SIGNATURE OF MAGISTRATE JUDGE ¹⁾ <i>Synnette C. Kimmi</i>		DATE July 2, 2025

1) See Federal rules of Criminal Procedure Rules 3, 4.1 and 54

(BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED CONTINUED.)**Page 2 of 3.**

Investigators interviewed several witnesses to the carjacking and shooting. Witness 2 told investigators she was going to work when she observed Victim 1 inside his truck and a Hispanic male subject standing outside the vehicle. Witness 2 saw the subject holding a gun and said to him not to ruin his life. The subject responded that he had already ruined his life and then shot Victim 1. Witness 2 ran back into her apartment. Another resident, Witness 3, was outside when she heard the subject demand Victim 1 give him the keys to his vehicle. Witness 3 heard the subject tell Victim 1 he was "going to shoot you on the count of three if you don't give me the keys." Witness 3 observed the subject count to 3 and then shoot Victim 1. Witness 3 described the subject as a Hispanic male, approximately 5'11", medium build, short hair, and a tattoo on his midsection area. Lastly, Witness 4 was outside watering her plants when she heard Victim 1 say "Don't do that." Witness 4 looked and saw a male subject standing at Victim 1's truck telling Victim 1 he needed Victim 1's car to help his mother. The subject looked at Witness 4 and pointed his gun at her. Witness 4 began spraying water on the subject, and when he turned, she ran into her apartment. She then heard a gunshot.

At approximately 7:13 a.m., TPD received a call from a residence located in the 3700 block of E. 33rd Street in Tucson, Arizona, in reference to a burglary. When officers arrived, the victim resident ("Witness 5") told officers he was in his backyard when a subject entered the yard and told Witness 5 he needed a car for his mother. Witness 6, who is the spouse of Witness 5 and was also in the backyard, noticed the subject was bleeding and attempted to apply a tourniquet to his arm. The subject pointed a gun at Witness 5 and reiterated he needed a car. The subject entered the residence with Witnesses 5 and 6 and continued to demand their car. Eventually the subject placed the gun to his head and talked about killing himself. Witnesses 5 and 6 were able to exit the residence and encountered officers, who entered the residence to rescue a potential hostage who was still inside the residence, but the subject had fled already. Witnesses 5 and 6 described the subject as a Hispanic male, with no shirt, bleeding from the arm, having a tattoo on his stomach, with a slim build and shaggy hair.

Subsequently, investigators observed a blood trail which started outside the truck and led northwest out of the parking lot. The blood trail continued southbound on the sidewalk, crossed S. Winstel and continued westbound down the alleyway between 33rd Street and Shepherd Place. The blood trail continued west through the alleyway up to the rear of a residence in the 3700 block of E. Shephard, approximately 40 yards to the east of the residence of Witnesses 5 and 6.

While investigators were on scene at the residence of Witnesses 5 and 6, Witness 7 approached them and reported a naked male just ran west in the north alleyway of 33rd Street. Witness 7 reported the man crossed Dodge Boulevard and continued to flee westbound. TPD officers set up a containment area and searched for the subject within that area. TPD officers located the subject, later identified as **JULIO CESAR AGUIRRE ("AGUIRRE")**, hiding in a storage shed inside the yard of a residence located in the 2100 block of S. Richey Boulevard in Tucson, Arizona. On one of the shelves of the storage shed, within reach of **AGUIRRE**, was a black Smith & Wesson, M&P 2.0, 9mm caliber pistol, bearing serial number NDN5223 with what appeared to be blood on it. An ATF nexus expert was contacted and gave a preliminary finding that the firearm traveled in or affected interstate commerce. During the arrest, **AGUIRRE** had been bitten on the upper left leg by a TPD K9 officer. **AGUIRRE** was transported to the hospital to treat his injuries. Paramedics told investigators that prior to treating him, **AGUIRRE** told the paramedics his name was "Julio Aguirre." While at the hospital, **AGUIRRE** volunteered to a TPD officer that he was sorry for all the things he did and that his life was already over.

(BASIS OF COMPLAINT CONTINUED ON NEXT PAGE.)

(BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED CONTINUED.)**Page 3 of 3.**

Subsequent records checks revealed **AGUIRRE** was on parole and did not have an Arizona Driver's License. On the parole return, there were some descriptors that appeared to match **AGUIRRE**, including a tattoo on his abdomen. A visual comparison of **AGUIRRE**'s tattoo matched the tattoo in the parole return. In addition, **AGUIRRE**'s criminal history reveals **AGUIRRE** was arrested at least 12 times between 2007 and 2013 for illegal entry or alien admissibility crimes. A search of United States Homeland Security Investigations records revealed **AGUIRRE** is a Mexican Citizen, had a Final Order of Removal and was removed from the United States on March 8, 2013, and was deported via the Nogales, AZ, port of entry.

EXHIBIT 4

From: Brown, Christopher (USAAZ) 5 <Christopher.Brown7@usdoj.gov>
Sent: Wednesday, August 6, 2025 5:22 PM
To: Joshua Moser <Joshua.Moser@pcao.pima.gov>
Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>; Rossi, Adam (USAAZ) <Adam.Rossi2@usdoj.gov>; Kreamer Hope, Frances (USAAZ) <Frances.Kreamer.Hope@usdoj.gov>; Arellano, Raquel (USAAZ) <Raquel.Arellano@usdoj.gov>; Russell, Craig (USAAZ) <Craig.Russell@usdoj.gov>
Subject: FW: Aguirre Case

Good afternoon Josh,

After lengthy internal discussions, we have decided it is not in the interests of justice to turn over Aguirre to the County on a writ for an initial appearance, or for any other parallel proceedings in state court. Consistent with this decision, should the grand jury charge Maldonado and/or Harris following additional review and consideration of DOJ policy, we do not expect to seek to writ them over from the County for parallel proceedings in the Federal case. Given the nature and seriousness of both of our cases, including victim impact and potential punishment, we have grave concerns that parallel prosecutions involving charges that arise out of the same conduct would be fraught with pitfalls that could impact the integrity of each of our cases in, potentially, consequential ways, particularly given the material differences in pretrial procedures in state and federal court. Therefore, in order to protect the integrity of the Federal case, as well as any subsequent County prosecution, the interests of justice will best be served by completing the Federal prosecution of Aguirre before he is transferred to the State to answer the County's charges there, and applying the same rationale to Maldonado and Harris if they are charged federally.

Regards,

0001

Chris



Christopher A. Brown
Chief Assistant U.S. Attorney
United States Attorney's Office | District of Arizona
405 W. Congress St., Suite 4800, Tucson, Arizona 85701

From: Arellano, Raquel (USAAZ)
Sent: Tuesday, August 5, 2025 4:48 PM
To: Joshua Moser <Joshua.Moser@pcao.pima.gov>
Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>; Rossi, Adam (USAAZ) <Adam.Rossi2@usdoj.gov>;
Kreamer Hope, Frances (USAAZ) <Frances.Kreamer.Hope@usdoj.gov>
Subject: RE: Aguirre Case

Hi Josh,

Thank you for your emails. My leadership hopes to respond by close of business tomorrow, but by Thursday at the latest.

Raquel

From: Joshua Moser <Joshua.Moser@pcao.pima.gov>
Sent: Tuesday, August 5, 2025 4:12 PM
To: Arellano, Raquel (USAAZ) <Raquel.Arellano@usdoj.gov>
Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>; Rossi, Adam (USAAZ) <Adam.Rossi2@usdoj.gov>;
Kreamer Hope, Frances (USAAZ) <Frances.Kreamer.Hope@usdoj.gov>
Subject: [EXTERNAL] RE: Aguirre Case

Hello,

I want to be mindful of the 10-day notice period the Marshal's need and that would be tomorrow. The Marshal's will not accept service of a writ without the USAO agreeing to its terms. As stated previously, we will conduct an initial appearance and an arraignment and Mr. Aguirre will be sent back/picked up and be in the custody of the Marshals again after the hearing.

Please let me know. Thank you,

Josh

From: Joshua Moser
Sent: Monday, August 4, 2025 2:26 PM
To: Arellano, Raquel (USAAZ) <Raquel.Arellano@usdoj.gov>
Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>; Rossi, Adam (USAAZ) <Adam.Rossi2@usdoj.gov>;
Kreamer Hope, Frances (USAAZ) <Frances.Kreamer.Hope@usdoj.gov>
Subject: RE: Aguirre Case

I continued the hearing to August 15th. Let me know if that works and we will get a writ out to the Marshals.

Thank you-

Josh

From: Arellano, Raquel (USAAZ) <Raquel.Arellano@usdoj.gov>
Sent: Wednesday, July 30, 2025 12:09 PM
To: Joshua Moser <Joshua.Moser@pcao.pima.gov>
Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>; Rossi, Adam (USAAZ) <Adam.Rossi2@usdoj.gov>;
Kreamer Hope, Frances (USAAZ) <Frances.Kreamer.Hope@usdoj.gov>
Subject: RE: Aguirre Case

Next Friday August 8th is not enough lead time. We will get back to you early next week about your request.

Raquel

From: Joshua Moser <Joshua.Moser@pcao.pima.gov>
Sent: Wednesday, July 30, 2025 11:38 AM
To: Arellano, Raquel (USAAZ) <Raquel.Arellano@usdoj.gov>
Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>; Rossi, Adam (USAAZ) <Adam.Rossi2@usdoj.gov>;
Kreamer Hope, Frances (USAAZ) <Frances.Kreamer.Hope@usdoj.gov>
Subject: [EXTERNAL] RE: Aguirre Case

If you get the green light for an IA/Arrestment, when would be a good date to continue it to? Would next Friday, August 8th, work? Thank you for the fast response.

Josh

From: Arellano, Raquel (USAAZ) <Raquel.Arellano@usdoj.gov>
Sent: Wednesday, July 30, 2025 11:33 AM
To: Joshua Moser <Joshua.Moser@pcao.pima.gov>
Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>; Rossi, Adam (USAAZ) <Adam.Rossi2@usdoj.gov>;
Kreamer Hope, Frances (USAAZ) <Frances.Kreamer.Hope@usdoj.gov>
Subject: RE: Aguirre Case

Hello Josh,

The marshals usually need about 10 days lead time to writ an individual out. Thus, a writ for the IA occurring this Friday 8/1 does not give them enough time. However, I am checking with higher ups about your request to writ him just for the IA/arrestment.

Raquel

Raquel Arellano | Assistant U.S. Attorney
Section Chief – Violent Crimes Unit
UNITED STATES ATTORNEY'S OFFICE | District of Arizona
Evo A. DeConcini United States Courthouse
405 West Congress, Suite 4800
Tucson, Arizona 85701-5040
T: 520.620.7382 | F: 520.620.7320 | iPhone: 520.429.9214
Email: raquel.arellano@usdoj.gov



From: Joshua Moser <Joshua.Moser@pcao.pima.gov>
Sent: Wednesday, July 30, 2025 11:22 AM
To: Arellano, Raquel (USAAZ) <Raquel.Arellano@usdoj.gov>
Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>; Rossi, Adam (USAAZ) <Adam.Rossi2@usdoj.gov>
Subject: [EXTERNAL] RE: Aguirre Case

Notwithstanding a response to the depositions, any issue with us serving the Marshals today with a writ for Mr. Aguirre for the IA/Arraignment on Friday? He will be returned to the Marshal's custody after the hearing.
Josh

From: Joshua Moser
Sent: Tuesday, July 29, 2025 4:43 PM
To: 'Arellano, Raquel (USAAZ)' <Raquel.Arellano@usdoj.gov>
Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>; 'Rossi, Adam (USAAZ)' <Adam.Rossi2@usdoj.gov>
Subject: RE: Aguirre Case

Hi Raquel and Adam,

We went to GJ last Friday on the case. I have attached our Indictment. We served his state appointed counsel this afternoon. His Initial Appearance/Arraignment on the case is scheduled this Friday, August 1st at 1:30pm. We can have a writ over first thing tomorrow morning delivered to the Marshals,

Since you all vetoed the preliminary hearing, it is very important for my case, and yours as well, to conduct depositions of my victims, your witnesses, especially the ones in their 70s. I am willing to head over to District Court and participate in depositions (and go second) and coordinate with the State defense attorney to ensure they are present. I did this in a prior case with USAO and it worked out very nicely. I am worried, given how long I anticipate your case will take, especially if it ends up being a death penalty case, that my victims and your witnesses may no longer be around by the time it goes to trial. That was the reason why we wanted a preliminary hearing in the first place. I am going to request the State court order depositions occur in the next 60 days. This is a lot of time to prepare for them and it will give me, and the appointed defense attorney, court authorization to do them. We are happy to work with you on the dates, times, and locations for the depositions. Obviously, neither the State court nor I can order USAO to do anything, but I believe it is imperative to do depositions as soon as we can for the good of both of our cases.

Josh

From: Joshua Moser
Sent: Thursday, July 10, 2025 2:58 PM
To: Arellano, Raquel (USAAZ) <Raquel.Arellano@usdoj.gov>

Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>; Rossi, Adam (USAAZ) <Adam.Rossi2@usdoj.gov>

Subject: RE: Aguirre Case

Raquel,

We received your communication denying transport of Aguirre for purposes of preliminary hearing, or any "additional requests to writ Aguirre for future state hearings beyond the IA."

This is troubling in light of the decades long cooperation between our agencies.

In a preliminary hearing we would be asking the *victims* to testify about the truth of what occurred, to preserve their testimony, to no detriment to your case. We would also have the case detective testify, similar to what would occur in a grand jury proceeding. Detectives investigating the facts already obtained the victims' recorded witness statements. If your office wishes to question the victims and other witnesses at the hearing, and have federal defense counsel present as well, you could make arrangements to do so.

We are bringing charges in State court on behalf of our victims, especially our elderly victims, some of whom may not see justice if this matter is delayed. As you are no doubt aware, federal prosecutions like these can take many years to resolve.

USAO's proposed approach, that denies our office the opportunity to seek justice for elderly victims, is inconsistent with long-standing practice between our offices. This is also inconsistent with what was communicated to our office on July 2, 2025. We remain committed to share transport of Aguirre.

Thank you for your time and attention.

Josh

Joshua Moser

Chief Criminal Deputy



Pima County Attorney's Office
32 North Stone Ave.
Tucson, AZ 85701
Desk: (520) 724-5341
Joshua.Moser@pcao.pima.gov

From: Arellano, Raquel (USAAZ) <Raquel.Arellano@usdoj.gov>

Sent: Wednesday, July 9, 2025 5:21 PM

To: Joshua Moser <Joshua.Moser@pcao.pima.gov>

Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>; Rossi, Adam (USAAZ) <Adam.Rossi2@usdoj.gov>

Subject: RE: Aguirre Case

Hello Josh and Kim,

We are willing to approve your request to writ Aguirre *but only for the state IA with an immediate return to federal custody following the IA*. I understand that you wish to have a PH, however, there is a significant federal interest in this case due to Aguirre being in the country illegally and having been previously removed from the United States. In addition, we are anticipating indicting Aguirre for a carjacking he committed in Phoenix just days before the Tucson attempted carjacking/homicide. It is not in our interest to have witnesses in our case testify in parallel proceedings. For that reason, we are not approving any additional requests to writ Aguirre for future state hearings beyond the IA.

Please send a draft of your writ to transfer Aguirre only for the state IA with an immediate return to federal custody thereafter. I'd like to review it before finalizing the writ.

Thank you,

Raquel

Raquel Arellano | Assistant U.S. Attorney
Section Chief – Violent Crimes Unit

UNITED STATES ATTORNEY'S OFFICE | District of Arizona
 Evo A. DeConcini United States Courthouse
 405 West Congress, Suite 4800
 Tucson, Arizona 85701-5040
 T: 520.620.7382 | F: 520.620.7320 | iPhone: 520.429.9214
 Email: raquel.arellano@usdoj.gov



From: Joshua Moser <Joshua.Moser@pcao.pima.gov>
Sent: Tuesday, July 8, 2025 2:10 PM
To: Arellano, Raquel (USAAZ) <Raquel.Arellano@usdoj.gov>
Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>; Rossi, Adam (USAAZ) <Adam.Rossi2@usdoj.gov>
Subject: [EXTERNAL] RE: Aguirre Case

Hi Raquel and Adam,

To give both of you more context for why we need Mr. Aguirre for a Preliminary Hearing and Initial Appearance (and later court appearances). We have charged Aguirre with 6 counts of Aggravated Assault, and two counts of First-Degree Burglary arising out of his crime spree, in addition to the First-Degree Murder and Attempted Armed Robbery for Mr. Miller. Some of our victims are elderly (78, 76, and 70 years old) and we need to preserve their testimony as quickly as possible. We already reached out to the office of court appointed counsel to obtain counsel for Mr. Aguirre in advance of the preliminary hearing. Without the presence of Mr. Aguirre on our charges, we will not be able to obtain justice for these victims because they are not encompassed in the federal complaint.

Our offices have worked together through these types of cases before. A very recent example is the prosecution of Samuel Lopez-Ozuna (CR 24-06035-TUC-AMM). Mr. Lopez Ozuna was arrested for fleeing from Border Patrol agents last year while transporting seven illegal aliens. Unfortunately, he crashed his SUV and several of them were severely injured, and one victim passed away. Pima County

is contemporaneously prosecuting Mr. Lopez-Ozuna for First-Degree Murder, Unlawful Flight from Law Enforcement, and nine counts of Aggravated Assault. We have shared custody of Mr. Lopez-Ozuna, enabling both agencies to prosecute him to the fullest. In fact, I appeared on the record in District Court before Judge Markovich yesterday, July 7, 2025, at Mr. Lopez-Ozuna's change of plea.

Per our conversations at TPD and over the phone last Wednesday, July 2, 2025, all of us agreed to work together to ensure Mr. Aguirre's timely appearance in court for both the federal and state cases. We look forward to continuing to work with your office on this and future cases to ensure justice for victims in Pima County.

I look forward to hearing from you tomorrow afternoon.

Josh

From: Joshua Moser
Sent: Tuesday, July 8, 2025 9:30 AM
To: Arellano, Raquel (USAAZ) <Raquel.Arellano@usdoj.gov>
Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>; Rossi, Adam (USAAZ) <Adam.Rossi2@usdoj.gov>
Subject: RE: Aguirre Case

Raquel,
Thank you for getting back to us and keeping us updated.

Josh

From: Arellano, Raquel (USAAZ) <Raquel.Arellano@usdoj.gov>
Sent: Tuesday, July 8, 2025 9:27 AM
To: Joshua Moser <Joshua.Moser@pcao.pima.gov>
Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>; Rossi, Adam (USAAZ) <Adam.Rossi2@usdoj.gov>
Subject: RE: Aguirre Case

Good morning, Josh and Kim—

We met yesterday afternoon with Tucson upper management but will continue our discussions tomorrow/Wednesday afternoon with management in Phoenix. I will let you know more following that meeting what we decide to do regarding your writ request.

Raquel

Raquel Arellano | Assistant U.S. Attorney
Section Chief – Violent Crimes Unit
UNITED STATES ATTORNEY'S OFFICE | District of Arizona
Evo A. DeConcini United States Courthouse
405 West Congress, Suite 4800
Tucson, Arizona 85701-5040
T: 520.620.7382 | F: 520.620.7320 | iPhone: 520.429.9214
Email: raquel.arellano@usdoj.gov



From: Joshua Moser <Joshua.Moser@pcao.pima.gov>
Sent: Monday, July 7, 2025 12:48 PM
To: Arellano, Raquel (USAAZ) <Raquel.Arellano@usdoj.gov>; adam.rossi@usdoj.gov
Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>
Subject: [EXTERNAL] RE: Aguirre Case

Thanks! I appreciate it.

From: Arellano, Raquel (USAAZ) <Raquel.Arellano@usdoj.gov>
Sent: Monday, July 7, 2025 12:38 PM
To: Joshua Moser <Joshua.Moser@pcao.pima.gov>; adam.rossi@usdoj.gov
Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>
Subject: RE: Aguirre Case

Hello Josh and Kim,

Adam and I are planning on discussing the Aguirre matter with the Chief Asst and the Criminal Chief this afternoon.

I'll let you know after that meeting.

Raquel

Raquel Arellano | Assistant U.S. Attorney
Section Chief – Violent Crimes Unit
UNITED STATES ATTORNEY'S OFFICE | District of Arizona
Evo A. DeConcini United States Courthouse
405 West Congress, Suite 4800
Tucson, Arizona 85701-5040
T: 520.620.7382 | F: 520.620.7320 | iPhone: 520.429.9214
Email: raquel.arellano@usdoj.gov



From: Joshua Moser <Joshua.Moser@pcao.pima.gov>
Sent: Monday, July 7, 2025 12:28 PM

To: Arellano, Raquel (USAAZ) <Raquel.Arellano@usdoj.gov>; adam.rossi@usdoj.gov

Cc: Kimberly Hunley <Kimberly.Hunley@pcao.pima.gov>

Subject: [EXTERNAL] Aguirre Case

Hi Raquel and Adam,

We want to have an IA and PH for Mr. Aguirre on State charges. Do you have an estimate on when he will be available to be picked up?

We will arrange for him to be transported back to federal custody after that with the understanding that we will request him at times for important hearings in State court that we can talk about and work through the logistics of as the cases progress (and assist in arrangements for him to go back into federal custody after those hearings).

Thanks
Josh

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EXHIBIT 5

TIMOTHY COURCHAIINE
United States Attorney
District of Arizona
ADAM D. ROSSI
FRANCES M. KREAMER HOPE
Assistant U.S. Attorneys
United States Courthouse
405 W. Congress Street, Suite 4800
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frances.kreamer.hope@usdoj.gov
Attorneys for Plaintiff

FILED

2025 JUL 30 PM 1:09

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

VICTIM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Julio Cesar Aguirre,

Defendant.

CR25-03393 TUC-RM(MAA)

INDICTMENT

VIO: 18 U.S.C. § 2119(3)
(Attempted Carjacking Resulting in
Death)
Count One

18 U.S.C. §§ 924(c)(1)(A)(iii) and
924(j)(1)
(Use/Carrying of a Firearm During
a Crime of Violence Causing Death)
Count Two

18 U.S.C. §§ 922(g)(5)(A) and
924(a)(8)
(Possession of a Firearm by an
Illegal Alien)
Count Three

8 U.S.C. § 1326(a) (enhanced by
8 U.S.C. § 1326(b)(1))
(Reentry of Removed Alien)
Count Four

18 U.S.C. §§ 922(g)(1) and 924(a)(8)
(Possession of a Firearm by a
Convicted Felon)
Count Five

THE GRAND JURY CHARGES:

COUNT ONE

On or about June 30, 2025, in the District of Arizona, defendant JULIO CESAR

1 AGUIRRE, with the intent to cause death and serious bodily harm, attempted to take a
2 motor vehicle that has been transported, shipped, or received in interstate or foreign
3 commerce, to wit: one (1) red Toyota Tundra, from the person or presence of another,
4 victim John Doe, by force and violence or by intimidation, resulting in the death of John
5 Doe.

6 All in violation of Title 18, United States Code, Section 2119(3).

7 **COUNT TWO**

8 On or about June 30, 2025, in the District of Arizona, defendant JULIO CESAR
9 AGUIRRE did knowingly use, carry, and discharge one (1) Smith & Wesson, M&P 2.0,
10 9mm caliber pistol, during and in relation to a crime of violence, that is: Attempted
11 Carjacking Resulting in Death, as alleged in Count One, in violation of Title 18, United
12 States Code, Section 2119(3), for which a person may be prosecuted in a court of the United
13 States, and in the course of committing a violation of Title 18, United States Code, Section
14 924(c)(1)(A)(iii), caused the death of John Doe through the use of a firearm, and the killing
15 constituted first degree murder, as defined in Title 18, United States Code, Section 1111.

16 All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and
17 924(j)(1).

18 **COUNT THREE**

19 On or about June 30, 2025, in the District of Arizona, defendant JULIO CESAR
20 AGUIRRE, knowing he was an alien illegally and unlawfully in the United States, did
21 knowingly possess a firearm, in and affecting interstate and foreign commerce, to wit: one
22 (1) Smith & Wesson, M&P 2.0, 9mm caliber pistol.

23 All in violation of Title 18, United States Code, Sections 922(g)(5)(A) and
24 924(a)(8).

25 **COUNT FOUR**

26 On or about June 30, 2025, in the District of Arizona, to wit: at or near Tucson,
27 Arizona, defendant JULIO CESAR AGUIRRE, an alien, entered and was found in the
28 United States of America after having been denied admission, excluded, deported, and

1 removed therefrom at or near Nogales, Arizona, on or about March 8, 2013, and not having
2 obtained the express consent of the Attorney General or the Secretary of the Department
3 of Homeland Security to reapply for admission thereto; in violation of Title 8, United States
4 Code, Section 1326(a), enhanced by Title 8, United States Code, Section 1326(b)(1).

5 **COUNT FIVE**

6 On or about June 30, 2025, in the District of Arizona, defendant JULIO CESAR
7 AGUIRRE, knowing he had previously been convicted of a crime punishable by
8 imprisonment for a term exceeding one year, knowingly possessed a firearm in and
9 affecting interstate commerce, to wit: one (1) Smith & Wesson, M&P 2.0, 9mm caliber
10 pistol.

11 All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

12 **NOTICE OF SPECIAL FINDINGS**

13 The allegations of Counts One and Two of this Indictment are hereby realleged and
14 incorporated by reference as if fully set forth herein.

15 As to Counts One and Two, JULIO CESAR AGUIRRE:

- 16 1. Was 18 years of age or older at the time of the offenses (18 U.S.C. § 3591(a));
- 17 2. Intentionally killed John Doe (18 U.S.C. § 3591(a)(2)(A));
- 18 3. Intentionally inflicted serious bodily injury that resulted in the death of John Doe
19 (18 U.S.C. § 3591(a)(2)(B));
- 20 4. Intentionally participated in an act, contemplating that the life of a person would
21 be taken or intending that lethal force would be used in connection with a person, other
22 than a participant of the offense, and John Doe died as a direct result of the act (18 U.S.C.
23 § 3591(a)(2)(C));
- 24 5. Intentionally and specifically engaged in an act of violence, knowing that the act
25 created a grave risk of death to a person, other than a participant of the offense, such that
26 participation in the act constituted a reckless disregard for human life and John Doe died
27 as a direct result of the act (18 U.S.C. § 3591(a)(2)(D));
- 28

A TRUE BILL

ISI

TIMOTHY COURCHAIINE
United States Attorney
District of Arizona

REDACTED FOR
PUBLIC DISCLOSURE

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United States of America v. Julio Cesar Aguirre
Indictment Page 4 of 4

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): The State of Arizona, by and through Pima County Attorney, Laura Conover , ;	Defendant(s): Pam Bondi , Attorney General of the United States; Kristi Noem , Secretary of Homeland Security; Timothy Courchaine , United States Attorney for the District of Arizona; Gadyaces S. Serralta , Director of the United States Marshals Service; Van Bayless , United States Acting Marshal for the District of Arizona;
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County of Residence: Pima

County of Residence: Outside the State of Arizona

County Where Claim For Relief Arose: Pima

Plaintiff's Atty(s):

J. William Brammer, Jr. , Deputy County Attorney
Pima County Attorney's Office
32 North Stone Avenue
Tucson, Arizona 85701
(520) 724-5600

James William Rappaport , Deputy County Attorney
Pima County Attorney's Office
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(520) 724-5600

Joshua Moser , Chief Criminal Deputy County Attorney
Pima County Attorney's Office
32 North Stone Avenue
Tucson, Arizona 85701
(520) 724-5600

Defendant's Atty(s):

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IFP REQUESTED

REMOVAL FROM COUNTY, CASE #

II. Basis of Jurisdiction: **2. U.S. Government Defendant**

III. Citizenship of Principal Parties(Diversity Cases Only)

Plaintiff:- **N/A**

Defendant:- **N/A**

IV. Origin : **1. Original Proceeding**
V. Nature of Suit: **890 Other Statutory Actions**

VI.Cause of Action: **28 U.S.C. § 2241(a); Fed. R. Civ. P. 65. The State of Arizona requests a writ of habeas corpus ad prosequendum and preliminary injunction requiring the United States to produce a federal inmate for state prosecution.**

Class Action:

No

Dollar Demand:

No

Jury Demand:

VIII. This case **IS RELATED** to Case Number 4:25-cr-03393-RM-MAA assigned to Judge Hon. Rosemary Marquez.

Signature: James William Rappaport

Date: August 15, 2025

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.