



FOR IMMEDIATE RELEASE
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DEFENDANT CHARGED IN SOUTHERN ARIZ. ROLLOVER CRASH IN WHICH ELEVEN WERE KILLED

TUCSON, Ariz. - Oscar Garay-Mariscal, aka Oscar Garay-Lizarraga, 22, of Mexico, is in federal custody, charged by a criminal complaint with conspiracy to transport illegal aliens for profit resulting in death. Garay is alleged to have been a guide supporting the transportation of illegal aliens who were involved in a fatal crash on June 6, 2009, in southern Arizona. Eleven of the 27 occupants in the vehicle were killed. Because of the injuries he sustained, Garay-Mariscal made his initial appearance before a U.S. Magistrate in federal court on June 17, 2009. He is being detained pending trial.

Garay and other unidentified co-conspirators, agreed to transport and move illegal aliens within the United States. An unidentified co-conspirator, referred to as John Doe 1, is alleged to have driven a 2000 Ford Excursion to an unknown location in southern Arizona and ordered a second unidentified co-conspirator, John Doe 2, and other illegal aliens into the vehicle. According to the complaint filed in federal court, John Doe 1 ordered John Doe 2 to drive the vehicle and gave travel directions. As John Doe 2 drove the vehicle eastbound through the intersection of Arizona State Route 82 and State Route 83, towards Huachaca City, Ariz., John Doe 1 told John Doe 2 to first slow down, and then to speed up when the Border Patrol vehicle headed in their direction. One of tires on the vehicle appears to have failed and the vehicle was involved in a rollover crash. Many of the occupants of the vehicle were ejected, ultimately killing eleven and injuring 16 others.

Garay was identified by two material witnesses to the case as one of the guides who assisted them with their illegal entry into the U.S. The defendant and other guides are alleged to have given general instructions during their journey, threatening them with bodily injury if they did not comply or said anything to law enforcement about their involvement as guides.

A conviction for conspiracy to transport for profit resulting in death, carries a maximum penalty of death or life imprisonment, a \$250,000 fine or both. In determining an actual sentence, the assigned judge will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

A criminal complaint is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation in this case was conducted by U.S. Border Patrol, the Arizona Department of Public Safety, and U.S. Immigration and Customs Enforcement. The prosecution is being handled by the United States Attorneys Office, District of Arizona, Tucson.

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