

STATE OF ARIZONA  
OFFICE OF THE ATTORNEY GENERAL  
SPECIAL INVESTIGATIONS SECTION  
REPORT

DATE WRITTEN BY AGENT: July 26, 2012

LF NUMBER: P002-2012-0345  
Doc#2810074

CASE NAME: PCSO Complaint

REPORT TYPE: Review of evidence of threats against Jose Orozco

AGENT: Mike Edwards *ME* SUPERVISOR: Andy Rubalcava *AR*

PAGE 1 OF 4 PAGE(S)

---

This report will review evidence of threats against Jose Orozco.

On 7/19/2012 investigators met with Jose Orozco and had Jose Orozco confirm any areas where he believed he was threatened. Jose Orozco agreed these were the only areas in which he might have felt threatened.

- A. Phone call on 9/4 from [REDACTED]
- B. Chris DeRose sent an e-mail requesting to meet to settle "outstanding issues".
- C. Melissa Weis-Riner relayed that Chris DeRose, Paul Babeu's attorney had asked about Jose Orozco's immigration status.
- D. Receipt of a Christmas card from the sheriff at the address at Jose Orozco did not believe Paul Babeu was aware of.
- E. Text messages from Paul Babeu.

A. In the initial interview of Jose Orozco, he said he felt threatened by the phone call from [REDACTED] because he was a police officer. Orozco interview, page 2 bottom. Jose Orozco received a phone call later from a guy who identified himself at [REDACTED] [REDACTED] said they had met at a party, but Jose Orozco just hung up on him. Jose Orozco said he was Paul Babeu's friend who was a police officer with the Arizona Department of Public Safety. He later remembered that [REDACTED] last name was [REDACTED]. Jose Orozco said "I was scared that he was calling me."

[REDACTED] stated in his interview, page 2 numbers 5 & 6. That he didn't know anything regarding a relationship between Babeu and Orozco until one morning in early 9/2011. At approximately 0200 hours, [REDACTED] received a "panic" text message from Babeu. [REDACTED] recalled the text message read something like, "Jose has gone crazy" and asked [REDACTED] if he had the phone numbers for St. Jacques and Cusanovich. At first, [REDACTED] didn't even know who "Jose" was and had to think about it for a while before he was able to figure it out. Babeu also mentioned something in the text message about hacking into a Facebook or Twitter account, but [REDACTED] said he was half asleep at the time and could not recall any specifics. [REDACTED] sent Babeu the phone numbers for St. Jacques and Cusanovich and asked Babeu if there was anything he could do to help. Babeu replied with the phone number for Orozco and

asked [REDACTED] to call Orozco to try and "talk some sense into him." [REDACTED] called Orozco and started to say, "Hi, Jose. This is [REDACTED] Dwayne and Kurt's friend..." but Orozco hung up before he could finish. [REDACTED] tried calling Orozco again but this time Orozco answered and hung up immediately.

B. After Jose Orozco "reestablished" the passwords and complied with the demands in the cease and desist letter from Chris DeRose on September 6<sup>th</sup>, Chris DeRose sent an email to Jose Orozco that included the following: " If so, please let me know your availability this week or next to come to my office and discuss settling these outstanding claims. If you are serious about an amicable resolution to this, it is critical that no further offensive actions against my client be taken in the meantime. This should go without saying."

In the interview of Chris DeRose, he said that he wanted Jose Orozco to come into his office to sign a non-disclosure agreement.

In his interview, Jose Orozco said he did not know what "outstanding claims" meant, and he felt threatened by that. His response was to obtain legal counsel, Melisa Weis-Riner.

C. In the interview of Melisa Weis-Riner (page 3 last paragraph) she states that while talking on the phone to Chris DeRose, they had reached a stalemate with Chris DeRose wanting the agreement signed and Melissa Weis-Riner saying that Jose Orozco would not sign an agreement. Chris DeRose said that her client should be interested in an agreement, and Melissa Weis-Riner asked why. Chris DeRose said it was his understanding that Jose Orozco was here on a student visa that was expired. At that point it became a very heated conversation, but the conversation did not last long after that. Melissa Weis-Riner said she was shocked because nothing like that had come up previously. She told Chris DeRose "Are you kidding? This is why you want my client to sign this agreement!" Chris DeRose said yeah. Melissa Weis-Riner said that it would be embarrassing for his client to make those allegations about Jose Orozco. Chris DeRose asked why it would be embarrassing and Melissa Weis-Riner said because Paul Babeu takes such a strong stand on illegal immigration, and now you are trying to tell me Jose Orozco is here illegally.

In the interview of Chris DeRose, he stated the following: (page 4) I said that Melissa Weis-Riner said that he had told her that Jose Orozco was here on an expired tourist visa. Chris DeRose responded that he had no idea or never even thought as to whether Jose Orozco might be legal or illegal. It never even crossed his mind. I asked if that was something that he told her and Chris DeRose said no. I asked how she would come up with this and Chris DeRose said he did not know. I asked if he made any overt or concealed threat that Jose Orozco would be deported and Chris DeRose said no, absolutely not. Chris DeRose recommended we review the cease and desist letter. He closely researched the statutes and was sure of each of the statutes

he cited in the letter. That alone would be sufficient deterrent. Chris DeRose said it was a pleasant conversation he had with Melissa Weis-Riner, though he did not remember much of it.

Chris DeRose did not have any notes or any kind of file on this matter, but he was adamant that there was never any mention about the immigrations status of Jose Orozco.

D. Jose Orozco stated that he felt threatened by receiving a Christmas card from Paul Babeu because Paul Babeu did not know his current address. Jose Orozco believed this was some undefined plan by Paul Babeu to demonstrate that he was tracking the whereabouts of Jose Orozco. He believed this was a conscious attempt to violate the verbal agreement to just stay away from each other.

In the interview of Paul Babeu, he adamantly stated that there was no plan to intimidate Jose Orozco, and he provided the campaign finance list with Jose Orozco's address on it. The Christmas card was sent out en mass to everybody on the list. The campaign finance report showed that Jose Orozco had made a \$50 campaign donation to the Sheriff reelection campaign on August 6, 2011.

In the initial interview of Jose Orozco, he could not remember making a campaign donation in August of 2011.

Investigators were able to determine that Jose Orozco attended a campaign fundraiser on August 6, 2011 in Maricopa sponsored by Women of the West. Jose Orozco had received 2 free tickets from Cheryl Chase to the event. Jose Orozco brought 2 people with him, so \$50 cash was paid for the 3<sup>rd</sup> person. Apparently the campaign donation form was filled out in Jose Orozco's name with his current address. (The campaign did not have the original documentation.)

E. A.D. Horan provided text messages which were copied from the phone of Jose Orozco. They came from Paul Babeu at [REDACTED] 166. The text messages included the following:

9/4/2012 10:00 AM You can never have business after this and you will harm me and many others in process...including yourself & your family.

9/6/2011 7:46 AM You and Website Results, LLC will be sued..you have crossed the line. Better get an attorney. You brother will also be contacted.

**Other review.**

The review of electronic evidence from Pinal County did not show any documents or e-mails that made any threat against Jose Orozco.

The review of ACJIS showed 2 occurrences when Jose Orozco was run by the police for wants, warrants, or driver's license. In one instance in 2009 regular patrol deputy stopped a suspicious person in the area of Paul Babeu's house, and ran a warrant check. In the interview with Jose Orozco he confirmed the circumstances of the stop. In the second instance, a Phoenix Police Officer during normal patrol ran the license plate of a vehicle belonging to Jose Orozco, and then ran the driver's license number for wants/warrants. There was no contact with Jose Orozco.

Immigration and Customs Enforcement (ICE) checked their data bases and could not find any occurrences when Jose Orozco was checked for his immigration status. ICE stated they did not have the ability to check back on all their data bases though.

End of report.