



# Department of Justice

U.S. Attorney's Office  
Southern District of Texas

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**FOR IMMEDIATE RELEASE ANGELA DODGE**  
**TUESDAY, FEB. 2, 2011 PUBLIC AFFAIRS OFFICER**  
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## **DEPARTMENT OF HOMELAND SECURITY HELICOPTER PILOT CHARGED WITH LYING TO INVESTIGATORS**

(HOUSTON) – A four-count sealed indictment charging a Department of Homeland Security (DHS) helicopter pilot with lying to federal agents investigating the drowning death of a Mexican national in the Rio Grande River has been unsealed, United States Attorney José Angel Moreno and DHS - Office of Inspector General (DHS-OIG) Special Agent in Charge Ron Moore announced today.

The indictment, returned under seal on Jan. 24, 2011, was unsealed today following the arrest of James Peters, 41, by DHS-OIG agents at the Air Operations Division for Customs and Border Protection in Houlton, Maine, where he is currently stationed. Peters is expected to make his initial appearance before a U.S. Magistrate Judge in Bangor, Maine, before being ordered to appear in a Houston court to stand trial. The issue of bond is expected to be raised and possibly decided by the federal court in Maine.

Peters is charged with four counts of making false statements to a DHS-OIG agent in January 2006 arising from an investigation initiated by the DHS-OIG upon learning of the drowning death of a Mexican national in the Rio Grande River on Dec. 14, 2005.

According to the allegations in the indictment, Peters, employed by DHS since 1997, became an Air Interdiction Agent (AIA) or helicopter pilot in September 2003. On Dec. 14, 2005, U.S. Border Patrol (BP) agents on the ground saw two individuals on a flotation device in the Rio Grande River close to International Bridge II in Laredo, Texas.

BP agents on the ground observed a BP helicopter hover at low altitude over the individuals in the Rio Grande River in close proximity to International Bridge II. A BP pole

camera video showed a BP helicopter hovering over the Rio Grande River in close proximity to International Bridge II. Internal records of BP helicopter N5185B indicate that on that date BP helicopter N5185B was being operated in close proximity to International Bridge II. Internal radio transmissions indicate that the identified pilot of the helicopter told a BP agent by radio transmission he was going to try to make the individuals “go back.” The BP agent observed one of the individuals separate from the flotation device due to the helicopter’s rotor wash. BP was informed later that day that a Mexican national had drowned in the Rio Grande near International Bridge II. On Dec. 14, 2005, according to the allegations in the indictment, Peters was the pilot and flying BP helicopter number N5185B.

Peters is accused of making four separate false statements to the DHS-OIG agent investigating the circumstances of the foreign national’s drowning. Specifically, the indictment accuses Peters of lying when he told the investigating agent on Jan. 25, 2006, that he had not encountered any undocumented immigrants close to International Bridge II, he had never flown at the bridge level or below the bridge level due the hazards associated with flying at a low altitude in that area, he had never flown or hovered over undocumented immigrants at a low altitude while they were in the river and that he had flown low enough to move the cane in different areas of the river, but never in close proximity to International Bridges I and II.

The penalty for making a false statement to an investigating agent is a maximum five-year-term of imprisonment and a \$250,000 fine.

Assistant United States Attorneys Ruben R. Perez and Joe Magliolo are prosecuting the case.

***An indictment is a formal accusation of criminal conduct, not evidence.***

***A defendant is presumed innocent unless and until convicted through due process of law.***

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