



November 15, 2023

**VIA USPS CERTIFIED MAIL**

Customs and Border Protection  
Ajo Station  
850 North Highway 85  
Why, AZ 85321-9634

Customs and Border Protection  
Office of Associate Chief Counsel  
4742 N. Oracle Rd., Ste. 111  
Tucson, AZ 85705

Re: Notice of Claim under Federal Tort Claim Act for the Wrongful Death of Raymond Mattia on May 18, 2023

Customs and Border Protection Legal Counsel:

This letter and attached SF-95 is intended to provide notice under the Tort Claims Act (FTCA) 28 U.S.C. § 2671 that the siblings and children of Raymond Mattia are filing a tort claim against Customs and Border Protection (CBP) for the wrongful death of Raymond Mattia on May 18, 2023. According to a statement and body camera footage released by CBP, agents responded to a report of shots being fired by a rifle about 30 minutes before they arrived.

An unknown group of CBP agents met at the Menengers Dam Recreation Center and prepared to look for the alleged subject of the call to police that reported the shots fired. The TOPD officer present informed the CBP agents "I don't know exactly where that motherfucker is at" and then the agents deployed in an aggressive manner to find the alleged suspect. At no point does the body camera footage show the officers overhearing shots fired or any signs of distress from any residents.

Contrary to the objective lack of urgency and imminent harm to anyone, the CBP agents acted aggressively and eventually approached Raymond Mattia's home. Agents ordered Mr. Mattia out of his house and he walked out of the front of his home carrying a sheathed hunting knife. When directed by the CBP agents, he tossed the knife toward them in a non-threatening and compliant manner.

The CBP agents responded to Mr. Mattia's compliant and non-threatening behavior by acting in a highly aggressive fashion and drew their weapons. Throughout the encounter, Mr. Mattia was

compliant and standing in front of his house, with plenty of space between himself and the officers. Use of force policy demands that agents seek to deescalate interactions by seeking space and time between people. There was abundant space and time in the agents' interaction with Mr. Mattia, and the agents violated their use of force policy when they unnecessarily escalated the encounter at every turn. Consistent with Mr. Mattia's compliance, when CBP agents ordered him to take his hand out of his pocket, he complied. The video shows Mr. Mattia holding his cellular phone in his hand. Despite being unarmed and compliant, the agents fired approximately 38 shots, which struck and killed Mr. Mattia. The medical examiner's report is attached and leaves no doubt that his cause of death was gunshot wounds inflicted by CBP agents.

Mr. Mattia's five siblings and two children seek justice for his wrongful death. Mr. Mattia was a loved and valued member of his community. He was a talented artist, storyteller, and a loving father to his children and family. Further, Mr. Mattia was a respected member of his community and the Tohono O'odham Nation Chairman and Vice Chairwoman released a statement in which they stated that their "hearts and prayers remain with Raymond Mattia's family and friends during this incredibly difficult time."

All five of Mr. Mattia's siblings and his two children are represented by the law firms of McKenzie Scott and Stitt Vu Trial Lawyers APC. Mr. Mattia's siblings and children are:

- Annette Mattia
- Floyd Mattia
- Mitchell Mattia
- Fred Mattia
- Delores Heredria
- Ariel Mattia
- Raymond Mattia Jr.

Mr. Mattia's family seeks to recover a measure of what was wrongfully taken from them. They collectively hope that public recognition of Mr. Mattia's wrongful death and the terrible mistakes made by the agents will serve to rebuild trust in law enforcement and deter future similar actions.

CBP's unjustified killing of Mr. Mattia violated Arizona assault, battery and wrongful death laws, and the agents' actions further violated the United States Constitution by using excessive force, improperly seizing him by ordering him out of his home and pointing guns at him without cause.

Mr. Mattia's death has caused immeasurable grief and loss by his family, children and community. His family seeks a just settlement from CBP to account for this loss and they demand \$15,000,000, a public and fulsome account of exactly what happened, and a public review of CBP's role in assisting local law enforcement in law enforcement duties outside the stated mission of CBP. If CBP is unwilling to reach a just settlement with the Mattia family, they plan to file a civil rights lawsuit in district court and pursue their claims to the fullest extent of the law.


Sincerely,

*s/Timothy A. Scott*

Timothy A. Scott  
McKenzie Scott PC

*s/Ryan W. Stitt*

Ryan W. Stitt  
Stitt Vu Lawyers

<b>CLAIM FOR DAMAGE, INJURY, OR DEATH</b>		<b>INSTRUCTIONS:</b> Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.			FORM APPROVED OMB NO. 1105-0008	
1. Submit to Appropriate Federal Agency:  Customs and Border Protection Ajo Station 850 North Highway 85 Why, AZ 85321-9634				2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code.  Please see the attachment and accompanying letter.		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN		4. DATE OF BIRTH	5. MARITAL STATUS	6. DATE AND DAY OF ACCIDENT  05/18/2023		7. TIME (A.M. OR P.M.)  9:40 p.m.
8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).  On May 18, 2023, Border Patrol Agents shot and killed Raymond Mattia in front of his home on the Tohono O'odham Nation Reservation. Mr. Mattia was unarmed, and the agents acted negligently, unlawfully, and unreasonably in shooting him.  Further details are contained in the attachment to this form.						
<b>9. PROPERTY DAMAGE</b>						
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).  Mr. Mattia's home on the Tohono O'odham Nation Reservation where he was shot and killed.						
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side).  Mr. Mattia's home was damaged by the hail of bullets fired at him.						
<b>10. PERSONAL INJURY/WRONGFUL DEATH</b>						
STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.  Mr. Mattia suffered and died from nine gunshot wounds inflicted by the Border Patrol Agents. Attached is his autopsy report which leaves no doubt about his cause of death.  Further details are contained in the attachment to this form.						
<b>11. WITNESSES</b>						
NAME			ADDRESS (Number, Street, City, State, and Zip Code)			
Border Patrol Agent Shooter 1			Unknown			
Border Patrol Agent Shooter 2			Unknown			
Border Patrol Agent Shooter 3 - et seq.			Unkonwn			
12. (See instructions on reverse). <span style="float: right;"><b>AMOUNT OF CLAIM</b> (in dollars)</span>						
12a. PROPERTY DAMAGE		12b. PERSONAL INJURY  \$1,000,000		12c. WRONGFUL DEATH  \$14,000,000		12d. TOTAL (Failure to specify may cause forfeiture of your rights). \$15,000,000
<b>I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.</b>						
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side).  				13b. PHONE NUMBER OF PERSON SIGNING FORM  619-794-0451		14. DATE OF SIGNATURE  11/14/2023
<b>CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM</b>				<b>CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS</b>		
The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).				Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)		

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident Insurance?  Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number.  No

This is not applicable to the Mattia Family's claim.

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible?  Yes  No 17. If deductible, state amount.

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).

19. Do you carry public liability and property damage insurance?  Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code).  No

INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filled by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

- (a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.
(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.
(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.
(d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. Authority: The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

- B. Principal Purpose: The information requested is to be used in evaluating claims.
C. Routine Use: See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.
D. Effect of Failure to Respond: Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

ATTACHMENT TO SF-95 AND CLAIM FOR INJURY, DAMAGE, OR DEATH

CLAIMANTS: Annette Mattia, Floyd Mattia, Mitchell Mattia, Fred Mattia, Delores Heredria, Ariel Mattia, and Raymond Mattia Jr. both individually and on behalf of the Estate of (and as Successors in Interest to) Raymond Mattia.

2. CLAIMANTS AND REPRESENTATIVE

This claim is submitted on behalf of seven claimants individually and on Raymond Mattia's behalf as successors in interest to Raymond Mattia and/or the Estate of Raymond Mattia:

- Annette Mattia
- Floyd Mattia
- Mitchell Mattia
- Fred Mattia
- Delores Heredria
- Ariel Mattia
- Raymond Mattia Jr.

All claimants listed here are represented by the law firms of McKenzie Scott and Stitt Vu Trial Lawyers APC. Counsel can be reached by email to [bperez@mckenziescott.com](mailto:bperez@mckenziescott.com), [mbourassa@mckenziescott.com](mailto:mbourassa@mckenziescott.com), and [rstitt@stittvu.com](mailto:rstitt@stittvu.com) or by mail addressed to:

McKenzie Scott PC  
Attn: Bianca Perez  
1350 Columbia St. Suite 600,  
San Diego CA 92101.

8. BASIS OF CLAIM:

As set forth in our accompanying letter, on or about May 18, 2023, Customs and Border Protection (CBP) agent unlawfully seized, assaulted, and killed claimants' beloved family member, Raymond Mattia. CBP agents responded to a report of shots being fired some time earlier in the evening before they arrived to the Tohono O'odham Nation. An unknown group of CBP agents met at the Menengers Dam Recreation Center and prepared to look for the alleged subject of the call to police that reported hearing gunshots. Without any just cause or adequate suspicion, agents deployed in an aggressive manner around Raymond Mattia's home, purportedly seeking to find the alleged suspect connected to unidentified gunshots earlier. CBP was, at bottom, helping investigate a report of loud bangs earlier in the evening from an unidentified location. Throughout their involvement, the only guns or gunshots the CBP agents saw or heard were their own. The only signs of any person in any distress were those of Raymond Mattia after CBP agents shot him.

Agents ordered Mr. Mattia out of his house and he walked out of the front of his home carrying a sheathed hunting knife. When directed by the CBP agents, he tossed the knife toward them in a non-threatening and compliant manner. CBP had no objective basis for using any force, nor was

there any urgency or risk of imminent harm to the public. Accordingly, CBP's immediate recourse to swarming Mr. Mattia's home, pointing firearms, and escalating directly to deadly force were unlawful under both state and federal law.

The CBP agents responded to Mr. Mattia's compliant and non-threatening behavior by acting in a highly aggressive fashion: yelling, drawing their weapons, and continuing to threaten deadly force by pointing their firearms at him. Throughout the encounter, Mr. Mattia was calmly and nonthreateningly standing in front of his house, with plenty of space between himself and the officers. Use of force policy demands that agents not improperly escalate to threatening deadly force and seek to deescalate interactions. CBPs actions against Mr. Mattia immediately and obviously violated both these principles. After having improperly escalated to threatening deadly force, CBP had abundant time and space in which to deescalate. Instead, CBP ordered Mr. Mattia to take his hand out of his pocket. When he complied with their instruction, CBP agents shot and killed him. Mr. Mattia was holding his cellular phone in his hand. None of the agents should have been pointing their weapons at him, let alone made the decision to fire upon him. Despite being unarmed and compliant, the agents fired approximately 38 shots, which struck and killed Mr. Mattia.

Among other things, CBP's behavior and the unjustified killing of Mr. Mattia violated Arizona assault, battery, and wrongful death laws. They were negligent, reckless, and worse. The agents' actions further violated the United States Constitution because they involved, at least, an unlawful seizure and excessive force.

#### 10. NATURE OF INJURY:

Mr. Mattia suffered and lost his life as a result of CBP's unlawful actions. He was a talented artist, storyteller, and a loving father to his children and family. The medical examiner's report is attached and leaves no doubt that his cause of death was gunshot wounds inflicted by CBP agents. His murder has caused immeasurable grief, suffering, and other losses to claimants, family, children and the community who all valued Mr. Mattia in life and benefitted from his support, love, and companionship. This claim seeks recovery and justice for both Mr. Mattia's own injuries before he died and those of his surviving family who are claimants here.

**RAYMOND MATTIA**

23-1802

MEDICAL EXAMINER REPORT

PIMA COUNTY, ARIZONA

TOHONO O'ODHAM POLICE DEPARTMENT

AGENCY CASE # 230518045

MAY 19, 2023



**FINDINGS**

- I. Perforating gunshot wound of torso (GSW #1)
  - A. Entrance: Anterior right shoulder
  - B. Perforates right shoulder and right upper back
  - C. Exit: Right upper back
  - D. No projectile or projectile fragments recovered
  - E. Direction: Backward and slightly downward
  
- II. Penetrating gunshot wound of torso (GSW #2)
  - A. Entrance: Left upper abdomen
  - B. Penetrates left hip
  - C. Projectile recovered
  - D. Direction: Leftward, downward, and backward
  
- III. Penetrating gunshot wound of torso (GSW #3)
  - A. Entrance: Left flank
  - B. Perforates colon, mesentery, liver, right hemidiaphragm, right sixth intercostal space; penetrates musculature of right chest sidewall
  - C. Associated with 300 mL hemoperitoneum and 700 mL right hemothorax
  - D. Projectile recovered
  - E. Direction: Rightward and upward
  
- IV. Perforating gunshot wound of torso (GSW #4)
  - A. Entrance: Left side of back
  - B. Fractures left twelfth rib; perforates left kidney, spleen, left hemidiaphragm, left eighth intercostal space; contuses left lung; penetrates left chest sidewall
  - C. Associated with 300 mL hemoperitoneum and 600 mL left hemothorax
  - D. Exit: Sidewall of left side of chest
  - E. No projectile or projectile fragments recovered
  - F. Direction: Leftward, slightly upward, and slightly forward
  
- V. Perforating gunshot wound of torso (GSW #5)
  - A. Entrance: Left buttock
  - B. Perforates soft tissues of torso
  - C. Exit: Right side of scrotum
  - D. No projectile or projectile fragments recovered
  - E. Direction: Forward and slightly rightward
  
- VI. Penetrating gunshot wound of right forearm (GSW #6)
  - A. Entrance: Ventral right forearm
  - B. Penetrates right forearm
  - C. Projectile recovered
  - D. Direction: Upward and backward

- VII. Penetrating gunshot wound of left upper extremity (GSW #7)
  - A. Entrance: Posterolateral left elbow
  - B. Penetrates left forearm
  - C. Projectile recovered
  - D. Direction: Downward
  
- VIII. Perforating gunshot wound of right thigh (GSW #8)
  - A. Entrance: Proximal anterior right thigh
  - B. Perforates right thigh
  - C. Exit: Anteromedial right thigh (two exit wounds)
  - D. Projectile recovered
  - E. Direction: Downward and leftward
  
- IX. Penetrating gunshot wound of left thigh and torso (GSW #9)
  - A. Entrance: Anterolateral left thigh
  - B. Perforates soft tissues of left thigh and penetrates soft tissues of abdomen
  - C. Projectile recovered
  - D. Direction: Upward, slightly rightward, and slightly forward
  
- X. Graze wound of right second finger
  
- XI. Shrapnel injury of right forearm
  
- XII. Blunt force injuries
  - A. Skin abrasions, contusions/ecchymoses, and laceration
  - B. Fracture of right humerus
  
- XIII. Toxicology detected methamphetamine, methamphetamine metabolite amphetamine, ethanol, and free oxycodone; see separate Toxicology Report

**OPINION**

In consideration of the known circumstances surrounding this death, the available medical history, and the examination of the remains, the cause of death is gunshot wounds.

The manner of death is homicide.

Paige Peterson, MD  
Paige A. Peterson, M.D.  
Medical Examiner

June 14, 2023  
Date Signed

RAYMOND MATTIA

Page 4

**DATE OF DEATH:** May 18, 2023      **TIME OF DEATH:** 2206 Hours

**DATE OF EXAM:** May 19, 2023      **TIME OF EXAM:** 0830 Hours

**PLACE OF EXAM:** Pima County Office of the Medical Examiner  
2825 East District Street  
Tucson, Arizona 85714

**PERFORMED BY:** Paige A. Peterson, M.D.

**WITNESSED BY:** Detective Rivas  
Tohono O'odham Police Department

Special Agent Avilas  
Federal Bureau of Investigation

Special Agent McGee  
Federal Bureau of Investigation

**CIRCUMSTANCES OF DEATH**

According to investigative information, this 58-year-old man was shot by United States Border Patrol agent(s) at his residence. Death was pronounced at the scene.

**PHOTOGRAPHS**

Photographs are taken during the examination by Paige A. Peterson, M.D.

**PRESENTATION OF THE BODY**

The body is received in the supine position within a white body pouch, which is sealed with blue Pima County tamper-evident seal number 13006. The body is wrapped in a bloodstained white transport sheet, which is tied at the head and feet. Paper evidence bags are over the hands, secured with tape.

**CLOTHING AND PERSONAL EFFECTS**

See "Property/Evidence Log" for a complete list of clothing and personal effects received with the body.

**EVIDENCE OF MEDICAL INTERVENTION**

1. A black tourniquet encircles the left thigh.
2. Two clear adhesive defibrillator backings are on the back, overlying gunshot wounds, further described below; no soot or gunpowder stippling is seen on the underside of the defibrillator backings.

RAYMOND MATTIA

Page 5

### **EXTERNAL EXAMINATION**

*Injuries are described in a separate section, below.*

**General:** The body is that of a well-developed, overnourished, medium-complexioned male appearing consistent with the listed age of 58 years. The body length is 66 inches, and the weight is 228 pounds. The body mass index (BMI) is 36.8 kg/m<sup>2</sup>. The body is cold. Rigor mortis is fully developed in the jaw and extremities. Livor mortis is pink-purple and minimally blanching in a posterior distribution. The body is well preserved. The body is soiled with rocks, plant material, and dirt. Liquid blood and dried blood are on multiple body surfaces.

**Head:** The head is normocephalic. The scalp is covered with short mixed gray and black hair. The ears are normally formed. The irides are brown. Arcus senilis is present. The corneas are clear. The sclerae are white. The nose is intact. The lips are normally formed. The teeth are natural and in poor condition. The facial hair consists of mustache and stubble beard.

**Neck:** The larynx is in the midline.

**Chest and abdomen:** There are no palpable subcutaneous masses of the chest. The abdomen is slightly protuberant and slightly firm.

**External genitalia:** The external genitalia are those of an adult male. A testis is palpated in the left side of the scrotum. An implant is palpated in the right side of scrotum.

**Upper extremities:** The upper extremities are well-developed. Blue material is smeared on the dorsal aspects of the left thumb, second finger, and third finger as well as the pads of the fingers of the left hand. Blue material is smeared on the right second, third, and fourth fingers as well as the ventral right wrist.

**Lower extremities:** The lower extremities are well-developed without absence of digits. The toenails are intact. There is no edema of the lower extremities.

### **IDENTIFYING SCARS**

1. Right thigh, 3-1/8 inches
2. Right inguinal area, obliquely-oriented linear, 4-3/8 inches
3. Midline anterior torso, vertical linear, 9 inches
4. Dorsal right hand, 1-3/4 inches
5. Anterior and medial left lower leg, multiple irregular scars, up to 2 inches

### **TATTOOS**

1. Right upper arm, monochromatic
2. Left lower leg, monochromatic

RAYMOND MATTIA

Page 6

**EVIDENCE OF INJURY**

*There are gunshot wounds and blunt force injuries of the body. The injuries are described by injury type and body region and are numbered for descriptive purposes only; no sequence is implied. The directions are stated with reference to standard anatomic planes.*

**Gunshot Wounds:**

**1. Perforating Gunshot Wound of Torso (GSW #1):**

A gunshot entrance wound is located on the anterior right shoulder, centered 9 inches below the top of the head and 6-1/2 inches right of midline. It is a 3/8 x 1/4 inch oval defect. There is a 1/16 inch pink circumferential abrasion rim. There is a small amount of purple ecchymosis surrounding the wound. There is no soot or stippling of the adjacent skin.

The projectile perforates the skin and soft tissues of the anterior right shoulder before exiting the soft tissues and skin of the right upper back. There is hemorrhage along the wound path.

A gunshot exit wound is located on the right upper back, centered 14-1/4 inches below the top of the head and 6-7/8 inches right of midline. It is a 5/8 x 1/8 inch slit-like defect. There is no abrasion of the wound edges.

No projectile or projectile fragments are recovered.

The direction this projectile traveled is backward and slightly downward.

**2. Penetrating Gunshot Wound of Torso (GSW #2):**

A gunshot entrance wound is located on the left upper abdomen, centered 25-1/8 inches below the top of the head and 1-1/2 inches left of midline. It is a 1/2 x 1/2 inch U-shaped defect with surrounding 3/4 x 5/8 inch pink abrasion. There is no soot or stippling of the adjacent skin.

The projectile perforates the skin and soft tissues of the abdomen before penetrating the soft tissues of the left hip. There is hemorrhage along the wound path.

Recovered from the soft tissues of the left hip is a deformed, jacketed bullet with intact base. The projectile is photographed, labeled "projectile from Lt hip," and is retained as evidence.

The direction this projectile traveled is leftward, downward, and backward.

**3. Penetrating Gunshot Wound of Torso (GSW #3):**

A gunshot entrance wound is located on the left flank, centered 27-1/8 inches below the top of the head and 8-7/8 inches left of midline. It is a 3/8 x 1/4 inch ovoid defect. There is a circumferential red abrasion rim, which maximally measures 1/16 inch at the 4 o'clock position. There is no soot or stippling of the adjacent skin.

The projectile perforates the skin and soft tissues of the left flank, descending colon, peritoneum, mesentery, right lobe of the liver, right hemidiaphragm, and right lateral sixth intercostal space and penetrates the musculature of the sidewall of the right side of the chest. There is 300 mL hemoperitoneum and 700 mL right hemothorax.

Recovered from the musculature of the sidewall of the right side of the chest is a deformed, jacketed bullet with intact base. The projectile is photographed, designated "projectile from rt chest," and is retained as evidence.

The direction this projectile traveled is rightward and upward.

**4. Perforating Gunshot Wound of Torso (GSW #4):**

A gunshot entrance wound is located on the left side of the back, centered 23 inches below the top of the head and 3/4 inch left of midline. It is a 1/4 x 1/4 inch circular defect. There is a circumferential red abrasion rim, which measures up to 1/8 inch at the 4 o'clock position. There is no soot or stippling of the adjacent skin.

The projectile perforates the skin and soft tissues of the left side of the back, fractures the posterior left twelfth rib, perforates the upper pole of the left kidney, spleen, left hemidiaphragm, and left lateral eighth intercostal space before perforating the soft tissues and skin of the sidewall of the left side of the chest to exit. There is contusion of the lower lobe of the left lung. There is 300 mL hemoperitoneum and 600 mL left hemothorax.

A gunshot exit wound is located on the sidewall of the left side of the chest, centered 17-1/2 inches below the top of the head and on the midaxillary line. It is a 1/2 x 3/8 inch U-shaped defect. There is no abrasion of the wound edges.

No projectile or projectile fragments are recovered.

The direction this projectile traveled is leftward, slightly upward, and slightly forward.

**5. Perforating Gunshot Wound of Torso (GSW #5):**

A gunshot entrance wound is located on the left buttock, centered 37-1/2 inches below the top of the head and 1-3/8 inches left of midline. It is a 1/4 inch ovoid defect. A 1/4 x 3/8 inch elliptical pink abrasion extends from the 9 o'clock position to the 12 o'clock position, maximal at the 11 o'clock position. There is no soot or stippling of the adjacent skin.

The projectile perforates the skin and soft tissues of the left buttock before perforating the soft tissues and skin of the right side of the scrotum to exit.

A gunshot exit wound is located on the right side of the scrotum, centered 36 inches below the top of the head and 1-1/2 inches right of midline. It is a 1-3/8 x 1/4 inch irregular defect. There is no abrasion of the wound edges.

No projectile or projectile fragments are recovered.

The direction this projectile traveled is forward and slightly rightward.

**6. Penetrating Gunshot Wound of Right Forearm (GSW #6):**

An atypical gunshot entrance wound is located on the ventral right forearm, centered 23-1/2 inches below the top of the head. It is a 5/8 x 3/8 inch irregular defect with surrounding 7/8 x 1/2 inch red abrasion. There is no soot or stippling of the adjacent skin.

The projectile penetrates the musculature of the right forearm. There is hemorrhage along the wound path.

Recovered from the proximal right forearm is a deformed, jacketed bullet. The projectile is photographed, designated "projectile from rt upper extremity," and is retained as evidence.

The direction this projectile traveled is upward and backward.

**7. Penetrating Gunshot Wound of Left Upper Extremity (GSW #7):**

A gunshot entrance wound is located on the posterolateral left elbow, centered 22 inches below the top of the head. It is a 5/8 x 1/4 inch irregular defect with surrounding 7/8 x 5/8 inch irregular red abrasion. There is no soot or stippling of the adjacent skin.

The projectile perforates the skin and soft tissues of the left elbow before penetrating the subcutaneous tissue of the left forearm.

Recovered from the dorsal left forearm is a deformed, jacketed bullet with intact base. The projectile is photographed, designated "projectile from Lt upper extremity," and is retained as evidence.

The direction this projectile traveled is downward.

**8. Perforating Gunshot Wound of Right Thigh (GSW #8):**

A gunshot entrance wound is located on the proximal anterior right thigh, centered 32-7/8 inches below the top of the head. It is a 1/4 inch round wound with a 1/4 inch partial-thickness laceration radiating from the 4 o'clock position. A 1/4 inch pink abrasion extends from the 9 o'clock to 11 o'clock position. There is no soot or stippling of the adjacent skin.

The projectile perforates the skin and soft tissues of the right thigh.

The gunshot wound is associated with two exit wounds of the anteromedial right thigh, with the superior exit wound centered 37-1/4 inches below the top of the head and the inferior exit wound centered 38-7/8 inches below the top of the head. The superior exit wound is a 1-3/8

RAYMOND MATTIA

Page 9

inch U-shaped defect. The inferior exit wound is a 1-1/8 inch slit-like defect with red-brown drying of the inferior wound edge.

A deformed, jacketed bullet rests on the right thigh and is connected to the superior exit wound by a thin string of connective tissue. The projectile is photographed, designated "Projectile on Rt thigh," and is retained as evidence.

The direction this projectile traveled is downward and leftward.

**9. Penetrating Gunshot Wound of Left Thigh and Torso (GSW #9):**

A gunshot entrance wound is located on the anterolateral left thigh, centered 45-3/4 inches below the top of the head. It is a 3/8 inch ovoid defect. A 3/8 x 3/8 inch elliptical red abrasion extends from the 4 o'clock position to the 8 o'clock position, maximal at the 6 o'clock position. There is no soot or stippling of the adjacent skin.

The projectile perforates the skin and soft tissues of the left thigh before penetrating the musculature of the left side of the abdomen. There is hemorrhage along the wound path.

Recovered from the musculature of the left side of the abdomen is a deformed, jacketed bullet. The projectile is photographed, designated "projectile from Lt abdomen," and is retained as evidence.

The direction this projectile traveled is upward, slightly rightward, and slightly forward.

**10. Graze Wound of Right Second Finger:**

A 3/8 x 1/4 inch wound exposing red subcutaneous tissue and fractured fingernail is located at the distal aspect of the second finger of the right hand. It is centered 34 inches below the top of the head. The direction this projectile traveled is indeterminate.

**11. Shrapnel Injury of Right Forearm:**

A 1/8 x 1/16 inch defect with surrounding 3/8 x 3/16 inch red abrasion is located on the ventral right forearm, 24 inches below the top of the head. There is scant surrounding purple ecchymosis.

**Blunt Force Injuries:**

**HEAD**

There are red abrasions on the forehead, ranging in size from 1/8 to 5/8 inch in greatest dimension. A 3/8 x 1/4 inch red abrasion is on the bridge of the nose. A 3/8 x 1/4 inch red-brown abrasion with overlapping partial thickness laceration is on the left cheek, medial to a punctate red abrasion. A punctate red abrasion is on the left side of the chin. A 1/4 x 3/16 inch red abraded contusion is on the superior right cheek.



RAYMOND MATTIA

Page 10

#### TORSO

A 5/8 x 1/4 inch red abrasion with overlapping 5/8 x 5/8 inch purple contusion is on the left lower quadrant of the abdomen. There are small, pink-tan, non-hemorrhagic abrasions on the right side of the upper back.

#### EXTREMITIES

There is a punctate purple contusion on the distal ventral right forearm. A 3/8 x 3/8 inch red abrasion is on the dorsal right hand, overlying the second metacarpophalangeal joint. There is displaced closed fracture of the right humerus. There is a small amount of hemorrhage of the musculature of the right upper arm.

A 2-1/2 x 1-3/4 inch purple ecchymosis is on the proximal lateral left forearm. A 1-1/4 x 1/2 inch pink contusion is on the distal medial left forearm.

Tan, non-hemorrhagic abrasions are on the left knee, up to 1/4 inch. Punctate, brown, scabbed abrasions are on the anterior left lower leg.

*These injuries, having been described, will not be repeated.*

#### **INTERNAL EXAMINATION**

##### **General Description:**

The skeletal muscle is dark red with normal texture.

##### **Body Cavities:**

There are mild adhesions within the peritoneal cavity. There are no adhesions within the pericardial sac or pleural spaces. There is no abnormal collection of fluid within the pericardial sac.

##### **Cardiovascular System:**

The heart weighs 460 grams and shows a normal shape. The epicardial surfaces are smooth. The coronary arteries arise normally and are distributed in a left dominant pattern with minimal atherosclerosis. The chambers are not dilated. The chambers and valves are proportionate. The valves are normally formed, thin, pliable, and free of vegetations and degenerative changes. The myocardium is red-brown, firm, and free of fibrosis, erythema, pallor, and softening. The atrial and ventricular septa are intact, and the septum and free walls are free of muscular bulges. The left ventricle measures 1.5 cm, the right ventricle 0.4 cm, and the interventricular septum 1.5 cm in thickness. The aorta and its major branches arise normally and follow the usual course with minimal atherosclerosis. The orifices of the major aortic vascular branches are patent. The vena cava and their major tributaries are patent, return to the heart in the usual distribution, and are unremarkable.

**Respiratory System:**

The left and right lungs weigh 280 and 300 grams, respectively. The upper and lower airways are unobstructed, and the mucosal surfaces are smooth and yellow-tan. The pleural surfaces are smooth and glistening. The uninjured pulmonary parenchyma is red-purple and free of consolidation and masses. The cut surfaces of the lungs exude minimal fluid. The pulmonary arteries are unremarkable and patent with no thromboemboli.

**Hepatobiliary System and Pancreas:**

The liver weighs 1720 grams. The uninjured hepatic capsule is smooth and glistening. The uninjured hepatic parenchyma is medium brown and slightly soft. The gallbladder is surgically absent; surgical clips are seen at the hilum of the liver. The pancreas has a normal size, shape, position, and tan lobulated appearance.

**Gastrointestinal System:**

The esophagus is lined by gray-white, smooth mucosa. The gastroesophageal junction is unremarkable. The gastric mucosa is intact and arranged in the usual rugal folds. The stomach lumen contains scant brown fluid. The small bowel has a uniform dimension. The appendix is not identified. The uninjured colon has a uniform dimension without diverticula or externally obvious masses.

**Genitourinary System:**

The left and right kidneys weigh 160 grams, each. The renal capsules strip with ease, and the cortical surfaces are smooth, red-brown, and firm. There is a 4 cm serous cyst of the cortex of the left kidney. The cortices are otherwise of normal thickness and delineated from the medullary pyramids. The calyces, pelves, and ureters are non-dilated and free of stones. The urinary bladder contains no urine. The bladder mucosa is gray-tan and smooth. The prostate has a tan cut surface and is not enlarged. The left testis shows tan homogeneous parenchyma. An implant is in the right side of the scrotum.

**Reticuloendothelial System:**

The spleen weighs 140 grams. The uninjured capsule is smooth. The uninjured parenchyma is red-purple and soft. Regional lymph nodes are grossly unremarkable. The thymus is involuted.

**Endocrine System:**

The thyroid gland is of normal position, size, and texture. The adrenal glands have normal cut surfaces with yellow cortex and brown medulla. The pituitary gland is grossly unremarkable.

**Neck:**

Examination of the soft tissues of the neck, including strap muscles and large vessels, reveals no abnormalities. The hyoid bone and thyroid cartilage are intact. The laryngeal mucosa is unremarkable. The tongue is normal.

**Head:**

Reflection of the scalp reveals no abnormalities. The skull is of normal thickness and without fracture. The brain weighs 1460 grams. The dura mater and falx cerebri are intact. The leptomeninges are thin and transparent. There are no epidural, subdural, or subarachnoid hemorrhages. The cerebral hemispheres are symmetrical with a normal gyral pattern. The structures at the base of the brain are free of abnormality. Sections through the brain reveal no contusions, hemorrhage, or mass lesions within the cerebral hemispheres, brainstem, or cerebellum. The cerebral ventricles are of normal caliber.

**Musculoskeletal System:**

The spinal column is stable on internal palpation.

**SPECIMENS**

At the time of the examination, vitreous fluid, heart blood, and a DNA blood card are retained.

**EVIDENCE**

See "Property/Evidence Release Form" for evidence transferred to the investigating agency.

**RADIOGRAPHS**

Full body radiographs are performed and show projectiles retained in the torso and extremities.

**HISTOLOGY**

No histologic sections are taken for microscopic examination.

**TOXICOLOGY**

Toxicological testing detected methamphetamine, methamphetamine metabolite amphetamine, ethanol, and free oxycodone in the cardiac (heart) blood. Ethanol was also detected in the vitreous fluid. See separate Toxicology Report.

# Tucson agents involved in fatal shooting of man, while responding to shots fired call

**Release Date:** Mon, 05/22/2023

Tucson, AZ

**For More Information:** [Robert.g.daniels@cbp.dhs.gov](mailto:Robert.g.daniels@cbp.dhs.gov)

On May 18, at approximately 9:04 p.m., the US Border Patrol Tucson Sector Tactical Operations Center advised the Ajo Border Patrol Station that the Tohono O’odham Nation Police Department was requesting assistance from Border Patrol agents to respond to a shots fired call west of the Menagers Dam Village. The police department requested agents meet at the local recreation center prior to responding to the location. The Ajo Border Patrol Station transmitted a request over service radio for any available units to respond at approximately 9:06 p.m. Several agents responded acknowledging the request for assistance at approximately 9:07 p.m. An agent transmitted over service radio that agents were responding with the police department at approximately 9:21 p.m.

Agents transmitted over service radio they had arrived at the recreation center with the police department at approximately 9:27 p.m. Agents coordinated with the police department officer at the recreation center and were provided additional information at approximately 9:31 p.m. The officer advised agents that initial reports indicated shots had been fired in the vicinity of a named individual’s residence west of their location.

The officer requested agents follow him to the location at approximately 9:32 p.m. Agents followed behind the officer in their government vehicles for approximately two minutes and seventeen seconds.

The officer and agents arrived and parked their vehicles near the individual’s residence at approximately 9:35 p.m. Responding agents and the police officer spread out while searching for the man.

Customs and Border Protection’s Office of Professional Responsibility special agents reviewed video footage of the event. The officer and agents encountered an individual approximately 103 meters northwest of their parked vehicles, outside of a residence, at

approximately 9:39 p.m. The individual threw an object toward the officer as they approached the structure which landed a few feet from the officer's feet. Shortly after the individual threw the object, he abruptly extended his right arm away from his body and three agents fired their service weapons striking the individual several times. The individual fell to the ground, and the officer and agents slowly approached the man.

Agents broadcasted over service radio that shots had been fired at approximately 9:40 p.m. Agents continued to approach the individual and secured him. Agents checked for a pulse, began medically assessing the man's condition and requested emergency medical services at approximately 9:41 p.m.

Agents began administering cardiopulmonary resuscitation at approximately 9:45 p.m. after they were unable to detect a pulse from the individual. Agents requested air life medical evacuation for the man at approximately 9:46 p.m. Agents were advised there was no air life evacuation available due to inclement weather at approximately 9:48 p.m. Agents continued CPR until a Border Patrol emergency medical technician on scene telephonically contacted a physician at St. Mary's Hospital in Tucson, Arizona. An agent transmitted over the service radio that the individual had no pulse at approximately 9:52 p.m. and agents continued to administer CPR.

The physician at St. Mary's Hospital pronounced the man deceased at 10:06 p.m. The Pima County Medical Examiner's Office assumed custody of the man's remains pending an autopsy.

The decedent was identified as an adult male citizen of the United States. The Pima County Medical Examiner's Office conducted an autopsy on May 19 and further information on the cause and manner of death will be released by that office at the conclusion of their review.

The agents involved in the incident are on administrative leave, pursuant to standard practice at this point in an investigation following a use of deadly force. All three agents who discharged their weapons and seven additional agents activated their body worn cameras during the incident. CBP is committed to expeditious release of the body worn camera footage of this incident as soon as is appropriate to do so without impacting the ongoing law enforcement investigation, in line with the May 25th, 2022, Executive Order on Advancing Effective Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety.

The incident is currently under investigation by the Tohono O'odham Nation Police Department and the Federal Bureau of Investigation (FBI) and is under review by CBP's OPR. This incident will be reviewed by CBP's National Use of Force Review Board at the conclusion of the investigation. The Department of Homeland Security's Office of Inspector General was also notified of the incident.

*U.S. Customs and Border Protection is the unified border agency within the Department of Homeland Security charged with the comprehensive management, control, and protection of our nation's borders, combining customs, immigration, border security, and agricultural protection at and between official ports of entry.*

**Tags:** Accountability and Transparency

**Last Modified:** May 22, 2023

## **Press Officer**

**Name:** [Robert Daniels](#)

**Email:**

Robert.G.Daniels@cbp.dhs.gov

**Phone:**