



FOR IMMEDIATE RELEASE
Wednesday, May 7, 2008

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AIR NATIONAL GUARDSMAN ARRESTED FOR STEALING BORDER FENCING MATERIALS

Master Sgt. sold scrap metal from DHS project and pocketed over \$8,000

TUCSON, Ariz. - Wyoming Air National Guard Master Sgt. Robert J. Kelley, 48, of Carpenter, Wyoming, was arrested without incident today in Phoenix, Ariz. and charged with Theft of Government Property for events that occurred during his deployment to the Arizona border for Operation Jump Start, the U.S. Department of Homeland Security border fence project. According to the criminal complaint filed in U.S. District Court in Tucson, Ariz., Kelley allegedly sold scrap metal from the border fence project and kept the money, over \$8000, to buy personal items for himself. He will make an initial appearance in Tucson federal court tomorrow before U.S. Magistrate Judge Jacqueline Marshall.

Kelley was assigned to Operation Jump Start, Task Force Diamondback, near Sonoita, Ariz., where he worked on the construction of the border fence on the international border between the U.S. and Mexico. The complaint alleges that by at least December 14, 2007, Kelley, wearing his National Guard uniform and using a government-owned dump truck, transported at least five loads of scrap metal belonging to DHS, from the border fence project near Sonoita to a company in Tucson that buys scrap metal. There he sold the metal and received five checks between December 14, 2007 and March 7, 2008 in amounts ranging between \$1,046 and \$2,265.

According to the complaint, during that same approximate time frame, Kelley deposited all five checks, totaling \$8154.50, into his personal checking account and used the money to make personal purchases including a pistol, a garage door opener, cowboy boots and a variety of tools.

A conviction for Theft of Government Property carries a maximum penalty of 10 years in prison, a \$250,000 fine or both. In determining an actual sentence, the U.S. District Court 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 the Federal Bureau of Investigation in Sierra Vista, Ariz. and U.S. Air Force Office of Special Investigations with cooperation from the Arizona Air National Guard. The prosecution is being handled by Mary Sue Feldmeier, Assistant U.S. Attorney, District of Arizona, Tucson, Ariz.

CASE NUMBER: 08-4629M
RELEASE NUMBER: 2008-106(Kelley)

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For more information on the U.S. Attorney's Office, District of Arizona, visit <http://www.usdoj.gov/usao/az/>