



FOR IMMEDIATE RELEASE
Thursday, June 5, 2008

For Information Contact Public Affairs
SANDY RAYNOR
Telephone: (602) 514-7625
Cell: (602) 525-2681

AIR NATIONAL GUARDSMAN INDICTED FOR STEALING BORDER FENCING MATERIALS

Master Sgt. sold scrap metal from DHS project and pocketed over \$11,450

TUCSON, Ariz. - A federal grand jury returned a 1-count indictment yesterday against Wyoming Air National Guard Master Sgt. Robert J. Kelley, 48, of Carpenter, Wyoming charging him with Theft of Public Property. Kelley was arrested on May 7, 2008, by Special Agents of the FBI for allegedly selling scrap metal during his deployment to the Arizona border for Operation Jump Start, the U.S. Department of Homeland Security (DHS) border fence project.

According to the indictment, Kelley was not authorized to sell the scrap metal. He kept the money, approximately \$11,450, to buy a variety of items including a pistol, a garage door opener, cowboy boots and a variety of tools. Based on earlier court proceedings, Kelley was release from federal custody. He will be arraigned on the charge in the indictment on Thursday, June 19, 2008.

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 May 7th complaint alleges that by at least December 14, 2007, wearing his National Guard uniform and using a government-owned dump truck, Kelley 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 approximately \$11,450 in checks of varying amounts which he deposited into his personal bank account.

A conviction for Theft of Public 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.

An indictment 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.

CASE NUMBER: CR-08-0723-TUC
RELEASE NUMBER: 2008-142(Kelley)

###

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