

# Federal Corruption and Cover-Up in the Prosecution of Cory Voorhis

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On Wednesday, December 9<sup>th</sup>, during an appearance before the Senate Judiciary Committee by Department of Homeland Security Secretary Janet Napolitano, Ranking Republican member [Jeff Sessions asked Napolitano about the case of Cory Voorhis](#). It was the first public indication that Senators are aware of the case and could represent a major turning point - and major trouble for both federal and state government officials involved in it. On Friday, December 11<sup>th</sup>, according to a Denver Post report, the Department of Homeland Security announced it would re-open the investigation into Voorhis' supervisor based on evidence of perjury (more on this below). Given similar but until now not publicized problems for other senior officials in the Denver office of the Immigrations and Customs Enforcement Agency ("ICE"), this could be the first crack in a massive dam of federal malfeasance and subsequent cover-up.

[You can read about the Voorhis saga below, or for more detail you can read my prior articles about it [HERE](#) and [HERE](#), and skip in this article down to the new information regarding the corruption within the Denver ICE office.]

After several grueling years working along the US-Mexico border, including hand-to-hand combat with an illegal alien who was trying to kill him, Border Patrol agent (and US Army veteran of the Gulf War) Cory Voorhis was offered a promotion to special agent and a transfer to the Immigration and Naturalization Service's Denver office.

Little did he know that the office, which later became part of the Immigration and Customs Enforcement Agency ("ICE"), was a haven of [incompetence and corruption](#), with senior federal agents who would soon betray him and their oaths to uphold the law.

Three years after a [politically-motivated prosecution](#), Voorhis stands acquitted by a jury of all charges but the Denver Immigration and Customs Enforcement ("ICE") office remains a haven for malfeasance and cover-up - a situation which is now coming to the attention of the U.S. Senate.

In August, 2006, now-ICE agent Cory Voorhis saw a [Rocky Mountain News article](#) in which former Denver District Attorney Bill Ritter, then a candidate for governor, blamed federal agents, i.e. ICE, for not removing enough illegal alien criminals from Colorado. Voorhis was incensed by this accusation, since Ritter's policy of letting criminal aliens arrested for felonies plead down to non-deportable offenses such as "trespassing on farm land" was well-known to Denver ICE officers who viewed it as obstruction of justice - and of their job to keep citizens safe.

A Denver Post [article](#) notes a list of 152 such pleas from 1998 to 2004 under Ritter's tenure as Denver District Attorney and notes "A review of 15 of the agricultural trespass cases in Denver showed that heroin and cocaine charges, theft of motor vehicles and domestic violence crimes - miles away from any farm or open land - were transformed into agricultural trespass." Voorhis says this 152 "is the tip of the iceberg" since other non-deportable charges were also used for the same purpose; he estimates the total number of aliens who were able to avoid deportation due to Ritter's policy at over 1,000.

Voorhis met with a representative of then-Congressman Bob Beauprez - who was also running for governor of Colorado - trying to expose Ritter's dangerous "catch and release" policy.

Unknown to Voorhis, the Beauprez representative he was speaking with, John Marshall, was part of Beauprez's gubernatorial campaign rather than tied to his Congressional office. (Marshall corroborated that he never told Voorhis he worked for the campaign.) The Beauprez campaign did their own research based on names supplied to them by Voorhis and produced a campaign ad regarding one of the illegal aliens, a Honduran illegal alien called Walter Noel Ramo, also known (outside Colorado) as Carlos Estrada Medina. In [THESE](#) documents, you can see Ramo's arrest for selling narcotics, his plea to a non-deportable offense of trespassing on farm land, and his later arrest in California for sexual assault on a minor.

Voorhis' disclosure to Beauprez was not political in intent: During the trial, Voorhis' supervisor acknowledged that Voorhis wasn't a particular fan of Congressman Beauprez and that Voorhis was not alone in his outrage over Ritter's catch-and-release of illegal alien felons. Voorhis' goal was simply to shed light on the Ritter policy, hoping that public outrage would cause the practice to be ended. But the full force of the Democratic political machine - including current US Attorney nominee Stephanie Villafuerte who was then a Ritter campaign operative and who [refused to answer questions](#) regarding her role in the affair and now offers [unconvincing excuses](#) - was unleashed against Voorhis. Bill Ritter called for a criminal investigation into how the Beauprez campaign learned of Ramo/Medina and Ritter was subsequently named Voorhis' "victim" in a Colorado Bureau of Investigation report. At the time, the head of the CBI was Robert Cantwell, former head of the Denver Police's Intelligence Unit, and a man whose long working relationship with Ritter might have made his recusal from the matter appropriate. (The US Attorney's office in Colorado recused themselves, so the case was handled, or mis-handled, by the Cheyenne, Wyoming office.)

Eventually, the investigation led to misdemeanor charges against Voorhis (who never denied being the source of Beauprez's initial information as he believed his actions to be both appropriate and legal) for improper access to a federal database, an offense which even if it had been true would normally be dealt with administratively, not with criminal charges. A unanimous [jury found Voorhis not guilty in an April, 2008 trial](#) and the Beauprez campaign television ad had little impact in the governor's race that Ritter won by a wide margin. But those who were involved with prosecuting Voorhis have continued to try to destroy him, not least by firing him despite his complete acquittal.

[All documents referred to below were initially obtained by Mr. Voorhis from the government during the discovery process related to Voorhis' trial and appeal of his job termination.]

The Voorhis prosecution is remarkable for questionable actions of almost every government agent and investigator involved.

One of the worst offenders (based on ICE's own investigation results) is Voorhis' former immediate superior at Immigration and Customs Enforcement ("ICE"), Special Agent Tony Rouco. Following Voorhis' trial and acquittal, Tony Rouco was interviewed for eight hours while wired to a polygraph. The official [Examination Results](#) of Rouco's testimony state "Deception Indicated - With Confession".

According to Cory Voorhis, shortly after he met Congressman Beauprez's representative in late September, 2006, he told Rouco what he had done. Rouco admitted during the polygraph interview that he had met with Voorhis more than one time prior to October 13<sup>th</sup>, 2008. (See [Rouco Polygraph Transcript](#), pages 232, 265-267, 224) But at Voorhis' trial, Rouco perjured himself and said that he had not had those initial conversations (See [Trial Transcript](#), page 737), a falsehood which he repeated in a [2009 Deposition](#) (see page 13). As an FBI agent involved with the case told Cory Voorhis, if Rouco had told the truth to begin with, there probably would never have been a trial. Indeed, Rouco admitted at trial that he was pleased with Voorhis' disclosure of Ritter's plea-down policy and that Rouco himself had contacted congressmen including "most of the congressional delegation in Colorado" as well as "district attorney offices", and "police departments and prosecutor offices" around the state to warn them of the dangers of Ritter's plea-down practice. (See Trial Transcript, pages 807-811)

A Department of Homeland Security investigation into Rouco regarding the Voorhis investigation and trial (see [DHS Report of Investigation dated 4/3/09](#)) substantiated charges of:

- Willingly giving false testimony under oath during a federal criminal proceeding,
- Providing false statements to OPR Agents during an investigation,
- Providing false statements to Federal Bureau of Investigation agents during an investigation, and
- Failure to report employee misconduct.

The last of these bullet points could equally point to the fact that Rouco never believed Voorhis' actions to qualify as misconduct.

And another DHS investigation of Rouco for improper conduct related to a 2005 threat against a Special Agent (see [DHS Report of Investigation dated 11/15/07](#)) substantiated four separate serious charges, including "Falsification of a Report of Investigation."

As one source for this article noted, "every federal agent knows from his first days in training that if you are shown to be a liar or a cheat, you will be fired." But far from being fired, Tony Rouco received a temporary promotion from Group Supervisor in the Denver office to Assistant Special Agent in Charge (ASAC). The fact that the government has insulated Rouco from multiple substantiated charges and their intent to have him testify again against Voorhis in an upcoming appeal by Voorhis to have his job reinstated is an indictment of ICE's ability to police itself and a measure of their current desperation.

Rouco's failed polygraph brings us to ICE Agent Manuel ("Manny") Olmos, the lead federal investigator of the Voorhis case. Olmos' zeal to get Voorhis has caused Olmos [to "out" a confidential informant](#), to obstruct justice, and to suborn perjury.

Strangely, when a new internal investigative division was being formed in Denver, Manny Olmos was hand-picked to join it despite previous and unresolved concerns of corruption (See [Olmos' 8/7/09 deposition](#), pages 23-25) and his pending lawsuit against the government (which Olmos said he settled earlier this year; *Ibid.* pages 25-26). Shortly after being given this job, took up his first case - that of Cory Voorhis. According to sources familiar with the investigation, Olmos viewed Voorhis as a "golden boy" because of Voorhis' [successful organized crime investigation](#) of (and case built against) a Mexican organized crime leader, a case which garnered national attention. The new Denver OPR office was also highly motivated to score a major internal affairs victory. Was Manny Olmos so motivated by these personal biases that he would do *anything* to harm him? The evidence, including Olmos' behavior during Tony Rouco's polygraph questioning and the affidavit Olmos swore out following the polygraph results certainly points in that direction.

Olmos questioned Tony Rouco during Rouco's polygraph examination on July 10<sup>th</sup>, 2008 which arose from the government's suspicions of Rouco's untruthfulness throughout the Voorhis saga. During the interview, Olmos betrayed his bias and his desire to reach a specific outcome by saying to Rouco "we're in a difficult situation right now for all of us." ([Rouco Polygraph Transcript](#), page 204) Rouco took the hint, however, asking Olmos "You're asking me to help you get him. Is that it?" to which Olmos replied "No, no. Well, if you want to look at it that way..." (*Ibid.* page 245)

During the initial questioning, Rouco gave different answers about his conversations with Voorhis, many of which indicated deception according to the official polygraph analysis. However, after pressure from Olmos, Rouco then asked "What do you want from me so I save myself?" Olmos replied "don't - don't go (to bat) for Cory." (*Ibid.* page 264 & 265; "to bat" inferred from similar comments on page 263.) Rouco stuck for some time with a truthful position (according to Voorhis) that he never told Voorhis to stop speaking with Beauprez's people (*Ibid.* page 364), but after more pressure from Olmos, Rouco changed his story yet again and said he told Voorhis (regarding speaking to Beauprez's representative) "you can't do that." (*Ibid.* page 451) Olmos then submitted this obviously false answer to the Disciplinary and Adverse Action Panel ("DAAP") determining whether Voorhis would be fired *and omitted any reference to Rouco's having failed the polygraph*. (See [Olmos Affidavit](#) signed by Olmos, dated 8/12/08) Manny Olmos has repeatedly obstructed justice and suborned perjury; he corrupted the entire case against Cory Voorhis.

As if a perjurer and overzealous investigator with a conflict of interest weren't enough, there are still more bad actors in the Voorhis saga including Denver's senior ICE agent, Special Agent in Charge ("SAC") Jeff Copp. Copp appears to have perjured himself by saying that his early questioning of Voorhis - who had said he did not want to answer questions on advice of counsel - was appropriate because Copp was not the "deciding official" regarding whether Voorhis would be suspended. But it is clear from a series of documents that Copp was indeed the deciding

official. In testimony in federal court on January 14<sup>th</sup>, 2008, Mr. Copp said he had recused himself as deciding official “several months ago.” (See [Copp Recusal Evidence](#), p. 20)

However, an e-mail chain between Copp, Assistant SAC Paul Maldonado, and ICE attorney Robert Erbe, beginning January 2<sup>nd</sup>, 2009, discussing a draft “decision letter” to Voorhis which Copp would sign as the deciding official proves otherwise. ([Ibid.](#) Pages 1-8.) In these e-mails they all agree to hold off giving Voorhis the decision letter signed by Copp until after the January 14<sup>th</sup> hearing, apparently so Copp’s claim of recusal wouldn’t be proven false at that hearing. A former ICE agent filed official charges against Copp for Copp’s apparent perjury. (see [DHS Copp Administrative Inquiry Report](#)) Although the official inquiry said that Copp’s claims of confusion to explain his false recusal were “plausible”, the conspiracy among Copp, Maldonado, and Erbe to obstruct justice and suborn perjury seems plain.

ICE Denver ASAC Paul Maldonado, a key player in these intrigues, was found guilty by a DAAP panel of “Lack of Candor” in a matter unrelated to the Voorhis case. (See DHS [Report of Investigation](#) dated 11/16/07) Yet in another example of the cover-ups going on in the Denver ICE office, the decision as to his punishment was left to his friend, SAC Jeff Copp. Copp initially proposed that a temporary reprimand be placed in Maldonado’s folder - for an infraction that would often cost federal agents their jobs - and eventually, after an appeal letter from Maldonado, decided to take “no action” on the finding. (See [Maldonado’s Reprimand and Appeal](#) from March and April 2008).

The reason for these cover-ups and promotions-in-lieu-of-firing are clear: the ICE bureaucracy and particularly the Denver office are desperate to rehabilitate their witnesses against Cory Voorhis as a final hearing on his job termination approaches in January. If one or more of the key witnesses against Voorhis is shown to be a liar (a reasonable suspicion regarding each of them based on ICE’s own investigations), these men and the bureaucracy which has allowed them to remain in place have a lot to lose.

Beyond the damage to Voorhis (and to our national security from his absence) Denver ICE has caused another major problem. Since Tony Rouco failed a polygraph, he has what is known in law enforcement as [Giglio](#) material against him, meaning that for any case in which he is involved as a participant or in swearing out an affidavit subsequent to failing the polygraph, the prosecution has a duty to tell the defense of his having failed the polygraph. An inquiry into whether the US Attorney’s office has sent that Giglio information regarding Rouco to the defense counsels of any people they have successfully prosecuted or whose cases are in progress was met with the following response: “The U.S. Attorney’s Office follows the laws and rules of criminal procedure under Brady and Giglio. We are aware of this obligation, we take it seriously, and we adhere to it...”

According to a source, Rouco was assigned (most likely by Maldonado) to prepare an affidavit in a child pornography case. If Denver ICE knew of Rouco’s Giglio issues, they should never have compromised the government’s case by involving Rouco. If they didn’t know, that would represent a tremendous failure by ICE’s own Office of Professional Responsibility (OPR) to supervise and discipline ICE agents. An inquiry to ICE was met with [this response](#): “U.S. Immigration and Customs Enforcement cannot discuss internal administrative issues regarding

its employees. However, ICE holds all its employees to the highest standards of ethics and professional behavior." It is unlikely that the US Attorney's office would have allowed Rouco's participation had they been informed of the taint of Giglio on him.

It is not clear that Cory Voorhis can get a fair hearing at his upcoming Merit System Protection Board appeal of his job termination: According to a [government ethics watchdog blog](#), the Administrative Law Judge who will hear the case, Jeremiah Cassidy, has issued 20 decisions (with 8 more cases settled or dismissed) from the beginning 2009 through the end of October. Of the 20, Cassidy found for the agency, i.e. the government, 19 times. The sole time that Cassidy found for an appellant was a case of non-compliance by an agency with a settlement agreement, something hard to get around even with a pro-government judge. (Note: The author of the above blog did a search for me to obtain the updated data.)

Cassidy's bias against Voorhis is already apparent: He is refusing to allow even the presentation of evidence in a hearing regarding Voorhis' claim that he is entitled to whistleblower protection. Although Cassidy's initial inclination against Voorhis' Whistleblower Protection Act claims might be correct, it is nevertheless unusual and irresponsible to bar an appellant from attempting to disprove a judge's legal conclusions with evidence. Cassidy also issued a gag order against Voorhis, prohibiting him from talking about almost all of the documents which have been noted in this report. Indeed, Mr. Cassidy appears to believe he has the authority to prevent third parties from discussing the critical facts shown by government records.

The apparent cover-up by ICE management, investigators, and attorneys makes the sanitizing light of day the only realistic treatment for the Denver ICE office's ongoing disease of cover-up. Cassidy must also fear the clear light of Colorado, as he originally did not plan to attend the hearing in person, opting to participate by video conference. However, pressure from newspaper reports and Congressman Mike Coffman caused him to reconsider.

Perhaps fear of the light of day also explains why ICE attorney Robert Erbe tried to force Voorhis' appeal hearing to be held in a small room, not open to the public. In an e-mail chain with Voorhis' attorney, Erbe notes that "MSPB hearings are generally open to the public but there is no such right." (See [Erbe hearing e-mail chain](#), page 4.) In arguing to exclude the public, Erbe said he has "security concerns" regarding using a larger hearing room. Voorhis' attorney's on-target response: "I realize that you work for DHS, but I don't think that the media and Mr. Voorhis' family have quite made the terrorist watch list just yet." However, the same pressure which caused Mr. Cassidy to agree to come to Colorado has also forced Erbe's hand and he has agreed to find a public meeting room large enough to hold a significant number of public spectators.

Like Manny Olmos, Mr. Erbe seems to have a particular interest in hurting Cory Voorhis. Since July, ICE has avoided paying Cory Voorhis about \$25,000 in back pay and interest which they owe him from a settlement they agreed to regarding part of the period when he was suspended. (It was not a settlement of Mr. Voorhis' grievances against ICE, nor of his job termination.) Mr. Erbe is the point man for this foot-dragging, about which Voorhis' attorney says "I can't see what it could be other than harassment. ICE's refusal to adhere to the terms of this settlement

agreement constitutes one more example of the bad faith in which they have approached Mr. Voorhis' case.”

Every major ICE participant in the prosecution of Cory Voorhis has heavy ethical baggage; at least one was found (through an administrative process) to have committed a felony, and it appears he was not the only one - but none has been charged. Let's not forget that these felonies and rule violations were committed to cover-up a series of terrible, politically-motivated decisions which resulted in Voorhis being charged with a misdemeanor, and unanimously acquitted by a jury. It's time for one of our most important federal agencies to come clean...and clean house. It's time for our justice system to dispense justice, both for Cory Voorhis and for those who succumbed to the pressure of the Colorado Democratic machine to ruin a good man's life with their corruption and cover-ups.

*More information about Cory Voorhis' story can be found at*  
<http://www.corylegaldefense.com>

**All supporting documents (other than news stories) linked to in this article can be downloaded in a (large) .zip file at <http://www.rossputin.com/Voorhis.zip>**