

EIGHT MILES FROM THE LINE

Ted Noon and ranching in Arizona's borderlands.

By Leo W. Banks

Ted Noon and his son Phillip got up on the morning of Saturday, November 8, last year knowing danger was afoot. The day before, burglars had broken into their ranch headquarters near Arivaca, 75 miles southwest of Tucson. They pried open the bathroom window and ransacked the place.

The crooks were still on the loose. Border Patrol was out searching for them. But the Noons didn't skip work and huddle up for the day. Anyone who knows ranching in the borderlands understands that trouble always rides at your hip. The ranch headquarters is eight miles from the Mexican line, where

al government that treats criminal aliens better than the American citizens they victimize.

The failures of law enforcement in this case allowed two men who'd committed multiple crimes—illegal entry, reentry after deportation, drug smuggling, burglary, illegal alien in possession of a firearm—to return to Mexico with no consequences for their actions. No burglary or gun charges, no serious jail time, no problem. Except for the Noons.

"I'm not happy that the safety of my family was compromised," says Ted, a long-time University of Arizona veterinarian, now retired. "What's most disturbing is that I

would, and one appeared to be hauling a bundle. Believing they might be the burglars, Phillip rode down to check on the house. He encountered a hunter who told him that a second hunter reported his RV had been burglarized and a Glock handgun stolen.

Phillip radioed the disturbing news to Ted, still watching from the ridge. "Anytime I know there might be armed illegal aliens in the vicinity," Ted says, "it's of great concern to me given what happened to Rob Krentz." Krentz was the Arizona rancher murdered on March 27, 2010, a still-unsolved crime. Cochise County investigators say the killer might have been a cartel scout, and they believe the murder weapon was a Glock stolen from a nearby campground the day before.

The Glock on the Oro Blanco belonged to Billy Johnston, a retired detective from Chandler, Ariz. He'd set up his hunter's camp about a mile from the Noons' headquarters, unaware he'd walked into a manhunt. He learned quickly that something was up.

On Friday, November 7, he hiked into a canyon to scout for deer and found abundant footprints and eight plastic water bottles stashed along a trail, undoubtedly left by conspirators working with the gang. The bottles had map lines drawn on them to help the smugglers find their way in the remote country. Johnston then ran into a Border Patrol agent who said they were tracking a smuggler group, which was why they had a helicopter flying and a dog working tracks. Even though this was his first hunting trip to Arivaca, Johnston was unconcerned.

"I saw the mess the illegals leave behind, water bottles, shirts and things, but other officers who've hunted there told me they usually don't mess with you," he says. "I never thought they'd come near my RV." The next day, the burglars broke into Johnston's RV, stealing food and his Glock 9mm handgun. But what could've been another tragedy ended quickly.

After Phillip checked the house, he drove out to Ruby Road and discovered that Border Patrol already had two illegals in custody. They were Natanael Rangel-Valenzuela, of Mexicali, and Jesus Joshua Valtierra-Lopez,



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Ted Noon (left) did not want his face shown in a photograph. Cartel scouts sit atop the mountains above Arivaca, watching everybody. When Border Patrol agents or ranchers come near, they radio to the mules to change direction or take cover in the brush and wait. The technique, used for moving people as well as drugs, is very effective.

break-ins aren't unusual and being watchful is as necessary as a wide-brimmed hat.

And the Noons have in their DNA the ability to survive in a hard place. Since Ted's great-grandfather, Adolphus, established the Oro Blanco Ranch in 1879, the family has dealt with renegade Apaches, outlaws, Prohibition-era bootleggers, and waves of illegal aliens and drug smugglers. But after the events of November 8, Ted can add even more formidable obstacles to life on his land—incompetent police work and a feder-

can't find out what Immigration and Customs Enforcement [ICE] did with these guys and why. There's no transparency at the federal level whatsoever."

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On that cool November morning, Ted and Phillip rode to a ridge affording a long view of the broken hills. Ted glassed the landscape and spotted two men walking along Ruby Road, a dirt track through the Coronado National Forest between Nogales and Arivaca. They weren't carrying rifles as hunters

of San Luis Rio Colorado, Sonora.

The men were compliant and talkative. And they admitted everything, including crossing the border illegally at Sasabe, hauling bundles of marijuana with five others—likely the same bunch Border Patrol was chasing—and stealing the Glock. The gun was found in the bushes near where the men were hiding.

On top of that, Ted's in-house security cameras produced pictures of them rifling through his belongings. They stole \$75 worth of food and water.

The Santa Cruz County sheriff's deputy took three hours to reach the scene. "Dispatch said it would be a long turnaround so I killed time chatting in Spanish with these guys," Ted says. "I asked Valtierra-Lopez why he smuggled dope." In a matter-of-fact voice, he answered, "It's what I do."

He wasn't lying. Court records show Valtierra-Lopez served six months in jail in 2005 for smuggling marijuana into Arizona. He was arrested in Arizona again for the same crime in 2011, but those charges were dismissed. And in May of this year, a Mexican newspaper reported that Valtierra-Lopez was arrested for breaking into a house in Rocky Point, Mexico.

As for the Oro Blanco case, it was a prosecutor's dream. So how'd these criminals wind up back in Mexico planning their next smuggling trip?

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The first screwup occurred when the Santa Cruz County sheriff's investigator failed to deliver a complaint to the county attorney in time. Under Arizona law, suspects must appear before a judge within 24 hours, and police have an additional 48 hours to present the facts to a prosecutor. If not, the defendant must be turned loose.

Sheriff's Lt. Raoul Rodriguez acknowledged to *RANGE* that his investigator blew the deadline, and the men were released from the charges on November 13. Rodriguez called Ted to apologize. "He said they had an internal problem and assured me it was being addressed," Ted says. "He said it was very embarrassing and was sorry if it affected my family."

But Border Patrol had placed a detainer



ABOVE: Rangel-Valenzuela is caught on a home security camera burglarizing Ted Noon's house on Nov. 7, 2014. Seven months later, he was arrested for the same crime in Rocky Point, Mexico. RIGHT: Valtierra-Lopez is handcuffed against a Border Patrol truck. He and Rangel-Valenzuela also broke into hunter Billy Johnston's RV, stealing a gun and prompting the former Chandler, Ariz., police detective to say, "I'll never go hunting around Arivaca again."



on the two men, who were later picked up at the jail by ICE. Surely the agency would contact the U.S. attorney to make sure they answered for their crimes? It didn't happen. According to their public information office, ICE on November 17 returned first-time offender Rangel-Valenzuela to Mexico in a

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noncriminal proceeding known as a voluntary return. As for multiple crosser Valtierra-Lopez, he was brought before an immigration judge and formally deported December 5. Free as birds. If you want to know what injustice on the border looks like, this is it.

"I was stunned," says Ted, a Nogales native who thought he had seen it all in a lifetime on the ranch. "These guys are criminals who should be doing hard time."

ICE spokesperson Yasmeen Pitts-O'Keefe declined to speak specifically about the case, citing the federal Privacy Act of 1974. Asked whether ICE brought the facts to the U.S. attorney for possible prosecution, she pushed the question off to the U.S. attorney. Responding by email, the spokesman for the U.S. attorney for the District of Arizona wrote, "We decline to discuss the specifics of any particular matter in which prosecution was (possibly) not pursued."

Ron Colburn, a former national deputy chief of Border Patrol, called the decision to

turn the men loose dumbfounding and egregious. "If you talk criminal profiles, these guys had higher profiles than the 9/11 hijackers," he says. "How dangerous do you have to be before ICE gets interested in you?"

Colburn says Rangel-Valenzuela could have been charged with a misdemeanor illegal entry, which carries a maximum jail term of six months. And because he admitted to burglaries and trafficking in narcotics, Colburn says he should have gotten "as much as the judge could throw at him" beyond that.

As a repeat drug smuggler, Valtierra-Lopez faced more serious charges, including reentry after deportation, a felony punishable by two years in prison. And he was an illegal alien in possession of a firearm, a felony that carries a maximum sentence of 10 years. Colburn says their release is part of an Obama administration pattern of forgiving the criminal activity of foreign-born nationals illegally in the United States—a policy sold to the public as prosecutorial discretion, which means only taking cases with aggravating circumstances to avoid overburdening the system.

"But the administration has flipped the definition to mean looking the other way," says Colburn. "ICE is basically letting people go and their agents are angry and frustrated because they're not allowed to do their jobs."

Statistics from the Department of Homeland Security, which includes ICE, buttress Colburn's view. In June, ICE revealed that between 2010 and 2014, 121 criminal aliens released by the government were later charged with homicide. These individuals had active cases against them and were set free pending deportation.

The case of Apolinar Altamirano demonstrates the danger to the American



Thirteen drug smugglers follow a trail southwest of Tucson, just north of the Mexican border. The traffic in drugs across the Arizona-Mexico border is constant and Arivaca is among the most heavily smuggled areas. The hilly landscape is crisscrossed with an extensive network of trails so pounded down from use that they resemble paved roads. BELOW: Most signs are ignored.

public. After pleading guilty to felony burglary and receiving two years' probation for an incident in 2012, Altamirano posted a \$10,000 bond and ICE released him. In January, with his deportation proceedings pending, he murdered a convenience store clerk in Mesa, Ariz. U.S. Rep. Matt Salmon of Phoenix has introduced legislation that would require ICE to hold dangerous aliens and deport them within 90 days.

As for Valtierra-Lopez and Rangel-Valenzuela, they laughed their way back to Mexico. Embarrassed by its mistake, Santa Cruz County issued a bench warrant for both men. If arrested again, they'll stand trial on the burglary charges. But the warrant was issued December 2, when Valtierra-Lopez was still in ICE custody, which looks like another screwup. Did anyone from the county call ICE to see if either man was still being held?

A judge, a criminal clerk, and county attorney George Silva all failed to respond to messages from *RANGE* seeking comment.



Another huge issue looms: Why won't ICE answer questions on its handling of the matter? Ted Noon tried and hit a stone wall higher than the border fence. He called four separate ICE offices, from Phoenix to Florida, and no one answered the phone. When someone finally picked up, he was told to file a Freedom of Information Act request. He did and was rejected the next day. Why? He failed to provide a consent form signed by the perpetrators authorizing release of their

private information.

Think about that: He needed signed consent to get the "private information" of criminals ICE has already deported.

Arizona has a victims' rights law that allowed Ted to get substantial information on the perpetrators and the case, including the sheriff's reports. But no such law exists at the federal level, and he believes that allows ICE and Customs and Border Protection to operate almost completely in the dark. He wanted to learn the men's criminal records and read ICE's case narrative. He wanted to understand why they were let go and who made that decision. Before learning they were sent back, he wanted to know if they'd been released into the interior of the United States.

"If they're an ongoing threat to my family, I need to know that," Ted says. "Are they on the street? Have they been deported? I couldn't even get ICE's public information officer on the phone."

Since then, he has been contacting politicians urging them to change federal laws to give crime victims a level of transparency equivalent to what Arizona provides. He also says the 1974 privacy statute needs to be rewritten to no longer apply to dangerous criminal aliens.

"When you have a potentially violent scenario involving a weapon, privacy should go away," Ted says. "But the government uses privacy hoping we'll never pursue 99 percent

of these cases and the system won't be exposed for what it is, a fraud on the American public."



Seven years after Adolphus Noon, a physician, started his ranch, Geronimo paid a visit. In the spring of 1886, the Apache war leader and his renegades swept through Bear Valley, just east of the Noon ranch, killing rancher James Shanahan and wounding his neighbor, John Bartlett.

As word of the bloody raid spread, a local militia formed and Dr. Noon was one of those who answered the alarm. He treated a gunshot wound to Bartlett's neck, but was unable to save Shanahan, who died later at the Oro Blanco.

Early settlers in the borderlands understood that trouble came with the territory. Five generations later, it still does. But no one should have to face multiple offenders like Valtierra-Lopez, who almost certainly will be back. With no consequences for smuggling and other crimes, why not? The scandal, as Ted Noon sees it, is that our government is helping to make his business model sustainable.

"Our federal laws and policies give these guys protections they don't have at the state level," he says. "The smugglers can operate in the dark without federal officials being held accountable for their decisions and that needs to change." ■

Leo W. Banks of Tucson, Ariz., is an award-winning journalist who has covered the Arizona-Mexico border for years.

