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OREGON & US POLITICS



## Mexican prosecutor says police killed Oregon man

**Sam Botner was beaten to death, says Mexican official Omar Barajas, who promises justice**

Sunday, September 07, 2008

SUSAN GOLDSMITH

**The Oregonian Staff**

SAN JOSE DEL CABO, Mexico -- The prosecutor investigating an Oregon man's Aug. 27 death in a Mexican jail says evidence gathered over the past week has left him convinced that Sam Botner was beaten to death at the hands of police officers.

And that somebody should pay for the crime.

"We are not going to permit this and not going to have our hands trembling in this investigation," prosecutor Omar Barajas said Friday during a 90-minute interview in his nondescript government office. "We will pursue this investigation until the responsible people are in prison."

Botner had traces of marijuana, cocaine and methamphetamine in his system, although the medical examiner's report did not determine when those drugs were ingested, Barajas said.

Botner's father said it was immaterial to his son's tragic end.

"It's possible he may have taken something, but that doesn't excuse them for murdering him," Nicholas Botner said.

Six police officials are in custody, including the commander of the tiny San Jose del Cabo jail. Barajas said his investigation will try to unravel who delivered the fatal blows.

Botner, a 38-year-old Yoncalla native, was vacationing in San Jose del Cabo with his wife, Kym, after returning from a commercial fishing trip to Alaska.

Postmortem photos of Botner, which have not been made public but were shown to reporters from The Oregonian, show he sustained a black eye,

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fractured nose and bruises on his face, shoulders, knees and arms. Although the autopsy concluded Botner died of asphyxiation, Barajas said, officials will conduct a detailed analysis of the medical examiner's findings to determine what happened in the 40 minutes between Botner's arrival at the jail and his death.

"We're investigating a homicide," Barajas said. "We want Kym Botner to know we are doing everything we can to obtain justice."

Police officials say they detained Sam Botner after he attacked Ramon del Rio, another resident of the beachfront condominiums where Botner was staying. Botner pulled a knife and slashed del Rio in the torso and neck, police said. Barajas said Del Rio slugged Botner in the face.

In his first interview with the news media, Del Rio, a Mexican national, said Saturday that he arrived home and opened his apartment door and was attacked from behind. Botner pushed him inside and began stabbing him with a knife, del Rio said. He described Botner as "crazy out of his mind on drugs."

Del Rio said he was stabbed six times, suffering one wound in the neck and several in the torso. The wounds required 25 stitches, del Rio said. Hospital records show he was kept overnight.

Del Rio said he did not fight back but did manage to push Botner out the door and close it. He went for help and found a security guard.

Del Rio called the encounter a "nightmare."

The security guard called paramedics and police. Botner was taken to a tiny two-cell jail nearby. He arrived at the jail at about 8:50 p.m.

#### Doctor looks at Botner

A doctor at the jail examined Botner before he was booked, which officials said was standard procedure, and concluded that he'd sustained minor facial injuries in the fight at the condominium complex. No other injuries were documented, records show.

Surveillance videotape from that evening shows that police officials struggled to get Botner into a holding cell, Barajas said.

Two video cameras in the jail's entryway recorded several police officials attempting to move him inside. But what happened in the next half-hour was not caught on tape.

Whatever happened, an inmate in one of the cells was screaming by 9:27 p.m. that Botner had stopped moving and needed help. A jail official could find no pulse. Paramedics were called, but Botner was already dead.

Jorge Castaneda, a spokesman for the jail, said Friday that Botner was never moved into a cell and died in the jail's entryway. Some other reports have conflicted with that account.

According to Castaneda, one of the detained police officials has been on the force for a year, and the others have been with the department between eight and 12 years. Castaneda said he didn't know which, if any, of the arrested officials had disciplinary records, because such records are kept elsewhere.

Botner's killing is the talk of this upscale coastal community that caters to tourists, many from the United States. News about the Yoncalla man's

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beating and death has been on the front pages of the local newspapers for days.

Barajas said all six of the arrested police officials are being held in the state capital of La Paz and are unable to speak with one another.

### Conflicting accounts

In his interviews with the police officials, Barajas said the arrested men told contradictory statements about what occurred the night Botner died. One of the officers admitted kicking Botner, Barajas said.

Although some Mexican press accounts of Botner's death said the surveillance videotape was tampered with, Barajas said that those reports are inaccurate.

"The police station videotape was not edited or messed with in any way," he said.

Unfortunately, he added, "the video shows only part of what happened that night."

Nicholas Botner described his son as a hard-working and easy-going man who cut wood in his spare time for elderly Yoncalla residents who'd known him for years.

"He would not charge them," Botner said. "He was so generous that way."

Botner said his son was taken into custody with his wallet and \$4,000 in cash in an envelope, because he didn't want to leave the money in the condo unit. When Kym Botner went to the police station the day after her husband was killed, both the wallet and money were missing, Nicholas Botner said.

"Besides killing him, they robbed him," Nicholas Botner said. "His clothing had been destroyed, too, because it had evidence."

Before his son was prepared for burial, Botner said, he viewed the body.

"They only had his face exposed. It was horrible," Botner recalled. "He was black and blue all over and had blood in his ear."

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