



## Five Mexican police officers charged in death of Oregon tourist

By Associated Press

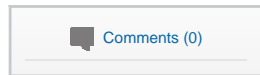
### Summary

Regional Deputy Attorney General Omar Barajas says the five municipal officers were charged Wednesday with homicide and abuse of power.

### STORY



Story Published: Sep 26, 2008 at 4:53 PM PDT



CABO SAN LUCAS, Mexico (AP) - Five Mexican police officers have been charged with homicide and other counts for the death of an Oregon man in a Mexican jail cell last August.

Regional Deputy Attorney General Omar Barajas says the five municipal officers were charged Wednesday with homicide and abuse of power. A sixth officer, the commander of the jail, was released after investigators determined he was not involved.

Sam Botner, 38, of Yoncalla, Ore, was arrested on Aug. 27 while vacationing in the resort of San Jose del Cabo at the southern tip of Mexico's Baja Peninsula.

San Jose del Cabo and Cabo San Lucas are about 20 miles apart but fall under the same "municipio," or municipal jurisdiction.

Prosecutors say a surveillance video shows officers beating Botner, who was vacationing there with his wife Kym after he returned from a commercial fishing trip in Alaska.

An autopsy found traces of marijuana, cocaine and methamphetamine in his system. His wife said he resisted arrest but prosecutors said police still have a duty to protect people in custody.

Police spokesman Jorge Castaneda said the six could face 10 years or more in jail.

Under remnants of the old Napoleonic Code there is no presumption of innocence in Mexico or many other Latin American countries, and defendants must prove their innocence.

Castaneda said a judge has 72 hours to decide the fate of the officers charged, although the process can take longer.

Lawyers will submit written briefs, and a judge likely will decide Monday or Tuesday.

Jury trials are relatively rare in Mexico.

Castaneda said an autopsy concluded that Botner died of asphyxiation but prosecutors say he was beaten in jail.

His wife, Kym, told KMTR-TV of Eugene that police were called after her husband got into an argument with a man at a resort. She said she was told the morning after her husband's arrest that he had died.

"I think the officers need to go to prison but I forgive them as people," Botner's brother, Paul, told The Oregonian. "I have no hatred for them."

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