



PROSECUTORS SAY THEY WILL NOT RETRY AN ARIZONA RANCHER ACCUSED OF MURDER NEAR THE US-MEXICO BORDER - ASSOCIATED PRESS

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Photo: George Alan Kelly, center, is followed by reporters as he exits the Santa Cruz County Courthouse on Monday, April 29, 2024, in Nogales, Arizona

Prosecutors said Monday they will not retry an Arizona rancher whose trial in the fatal shooting of a Mexican man on his property ended last week with a deadlocked jury.

The jurors in the trial of George Alan Kelly were unable to reach a unanimous decision on a verdict after more than two days of deliberation. Santa Cruz County Superior Court Judge Thomas Fink declared a mistrial on April 22.

After the mistrial, the Santa Cruz County Attorney's Office had the option to retry Kelly — or to drop the case.

"Because of the unique circumstances and challenges surrounding this case, the Santa Cruz County Attorney's Office has decided not to seek a retrial," Deputy County Attorney Kimberly Hunley told Fink Monday.

Fink agreed to dismiss the case. He said a hearing would be scheduled later to determine if it would be dismissed with prejudice, which would mean it couldn't be brought back to court.

Kelly's defense attorney Brenna Larkin told the judge that she would file a request for the case to be dismissed with prejudice.

Larkin did not immediately return a request for comment sent by email after the ruling.

When a reporter from the Tucson TV station KGUN asked for Kelly's reaction outside the courthouse, he said he felt "relief."

"The nightmare's over," Kelly added, saying that the victim's family "has my sincere sympathy."

Kelly was trailed by protesters demonstrating on behalf of 48-year-old Gabriel Cuen-Buitimea, who was fatally shot on Jan. 30, 2023.

"Gabriel was a human being," said one sign carried by protesters.

"Someone walking 100 yards (91.44 meters) away is not a threat," read another, which called for a retrial.

The 75-year-old Kelly had been on trial for nearly a month in Nogales, a city on the border with Mexico. The rancher had been charged with second-degree murder in the killing outside Nogales, Arizona.

Cuen-Buitimea had lived just south of the border in Nogales, Mexico. He was in a group of men that Kelly encountered that day on his cattle ranch. His two adult daughters, along with Mexican consular officials, met with prosecutors last week to learn about the implications of a mistrial.

The Mexican Consulate in Nogales, Arizona, said it would release a statement later.

Prosecutors had said Kelly recklessly fired nine shots from an AK-47 rifle toward a group of men on his cattle ranch, including Cuen-Buitimea, about 100 yards (90 meters) away. Kelly has said he fired warning shots in the air, but argued he didn't shoot directly at anyone.

The trial coincided with a presidential election year that has drawn widespread interest in border security. During it, court officials took jurors to Kelly's ranch as well as a section of the U.S.-Mexico border.

Earlier, Kelly had rejected an agreement with prosecutors that would have reduced the charge to one count of negligent homicide if he pleaded guilty.

Kelly was also accused of aggravated assault of another person in the group of about eight people.