

Border Agents Cleared in Drug-related Shooting

Federal agents who shot a suspected drug smuggler who allegedly tried to run them over with an ATV were cleared of any charges by a Franklin County grand jury.

Timothy J. Fleury, 25, of 52 Bird Road, Constable was shot in the torso May 5 as he fled on an allterrain vehicle as the two U.S. Border Patrol agents from the Burke substation approached.

Investigators said the agents had tried to stop two ATVs near the Jamison Border Crossing at Trout River about 10:10 p.m. but lost them.

About 30 minutes later, they saw Fleury on his ATV off Route 122 in the Town of Constable.

As the agents walked toward him, Fleury reportedly drove at the officers, who fired off several rounds at him.

Franklin County Enhanced 911 dispatchers received a call a short time later from 868 Route 122, where a caller said help was needed for a man with a gunshot wound.

Fleury was treated at a Vermont hospital and released two weeks later. The driver of the second ATV was not found, despite searches. But DNA evidence was collected during the investigation, which officers are using to try to identify the second suspect.

Three large duffel bags crammed with more than 50 pounds of marijuana were recovered in the woods near the border crossing.

Fleury has not been charged with anything, but he is being investigated by the U.S. Attorney's Office for possible charges of assault, attempted assault of a federal officer, possession of marijuana and conspiracy to distribute marijuana.

The two officers, whose names have not been released, were placed on administrative leave following the shooting, which is standard procedure.

The grand jury was convened to review the evidence to determine if criminal charges should be brought against the federal officers. "The grand jury found that the agents had reason to believe that the suspect was attempting to harm them," according to a news release from Tully Rinckey, the law firm representing the Border Protection officers.