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SUSPENDED BORDER PATROL AGENTS FOUND GUILTY AT TRIAL

TUCSON, Ariz: On April 19, 2013, a federal jury in Tucson found suspended Border Patrol Agent Dario Castillo, age 25, guilty of four felony counts of deprivation of rights under color of law, in violation of 18 United States Code, Section 242, and his co-defendant, suspended Agent Ramon Zuniga, age 31, guilty of four misdemeanor violations of the same criminal statute. The case was tried before U.S. District Judge Jennifer G. Zipp from April 8 through April 19, 2013. Sentencing is set before Judge Zipp on July 1, 2013.

“This verdict sends a clear message that abuse of authority by federal law enforcement officers will not be tolerated in our society,” said United States Attorney for Arizona John S. Leonardo. “The United States Attorney’s Office is determined to continue to hold accountable any federal law enforcement officer in Arizona who commits such crimes in violation of their oath of office. Violations of the law by those sworn to enforce it undermine public confidence in the entire criminal justice system. The defendants’ abuse of authority in this case was in stark contrast to the vast majority of dedicated, hard-working federal law enforcement officers who do their best every day, under difficult circumstances, to enforce the law and protect the community professionally and within the constraints of the law.”

Evidence at trial showed that on Nov. 12, 2008, Zuniga and Castillo participated in a Border Patrol operation to track and contact border-crossers in Southern Arizona. At approximately 10:30pm, agents located a group of persons carrying backpacks containing marijuana. Most of these individuals fled, but four of the group were apprehended by the defendants and two other agents. During a search of the four, Zuniga discovered a small baggie of personal-use marijuana on one of them. He then shoved the marijuana into several of the victims’ mouths and yelled “comatela” (eat it). The defendants ordered the victims to take off their shoes, socks, jackets, and extra shirts, which the victims had layered to protect against the cold, leaving them barefoot and wearing a single layer of clothing. Defendant Castillo asked another agent for a cigarette lighter and then lit a fire which contained the victims’ shoes and clothing. Zuniga and Castillo then ordered the victims to run away, without shoes or socks, and wearing only a single layer of clothing.

A felony conviction for deprivation of rights under color of law carries a maximum penalty of 10 years, a \$250,000 fine or both; a misdemeanor conviction under the statute carries a penalty of 1 year, a \$100,000 or both.

The investigation in this case was conducted by the Department of Homeland Security's Office of Inspector General. The prosecution was handled by Karen Rolley and Eric Markovich, Assistant United States Attorneys, District of Arizona, Tucson.

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