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District of Arizona*

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Public Affairs
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BORDER PATROL AGENTS INDICTED FOR CIVIL RIGHTS VIOLATIONS

TUCSON, Ariz. - A federal grand jury in Tucson returned a 5-count indictment today against Dario Castillo, 23, and Ramon Zuniga, 29, both of Maricopa, Ariz., for Conspiracy to Deprive Persons of Civil Rights and Civil Rights Deprivation under Color of Law. Castillo was also charged with Tampering with a Witness. The defendants will be summoned to appear for arraignment in federal court.

The indictment alleges that on November 12, 2008, Castillo and Zuniga were employed as Border Patrol Agents with the U.S. Department of Homeland Security, Customs and Border Protection, Office of Border Patrol. While on duty, the defendants allegedly forced four Mexican nationals who were illegally present in the U.S. and smuggling marijuana, to eat marijuana and to remove their shoes, socks and all outerwear, instead of arresting them. After setting fire to their personal belongings, the defendants allegedly instructed the four people to flee into the desert with no readily available shelter and resources within miles on an evening when the temperature was approximately 40 degrees Fahrenheit. The defendants' actions are alleged to have deprived the four people of their right to be free from unreasonable search and seizure.

A conviction for Conspiracy to Deprive Persons of Civil Rights and Civil Rights Deprivation under Color of Law each carries a maximum penalty of 10 years in federal prison, a \$250,000 fine or both. A conviction for Tampering with a Witness carries a maximum penalty of 20 years in federal prison, a \$250,000 fine or both. In determining an actual sentence, Judge Bury will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation preceding the indictment was conducted by Department of Homeland Security, Office of the Inspector General, Tucson. The prosecution is being handled by Karen Rolley, Assistant U.S. Attorney, District of Arizona, Tucson; and Cindy Chung, Attorney, Department of Justice Civil Rights Division, Washington, D.C.

CASE NUMBER: CR-11-02727(DCB)
RELEASE NUMBER: 2011-170 (Castillo, et al)

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