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CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

CR 11 - 2727 TUC *RCB/JM*

United States of America,

Plaintiff,

v.

DARIO CASTILLO,
RAMON ZUNIGA,

Defendants.

INDICTMENT **VICTIM CASE**

Violation:

18 U.S.C. § 241, 242
18 U.S.C. § 1512(b)(3)

Conspiracy to Deprive Persons of
Civil Rights; Civil Rights Deprivation
under Color of Law; Tampering with
a Witness

THE GRAND JURY CHARGES:

INTRODUCTION/BACKGROUND

At all times relevant to this indictment:

1. DARIO CASTILLO and RAMON ZUNIGA were employed as Border Patrol Agents with the United States Department of Homeland Security, Customs and Border Protection, Office of Border Patrol. As Border Patrol Agents, the duties of DARIO CASTILLO and RAMON ZUNIGA included apprehending and arresting any persons illegally present in the United States and/or distributing, or possessing with intent to distribute, controlled substances in the vicinity of the international border between the United States and the Republic of Mexico.

1 2. On November 12, 2008, DARIO CASTILLO and RAMON ZUNIGA and two
2 other agents were on duty. At approximately 10:30 p.m., DARIO CASTILLO and RAMON
3 ZUNIGA and two other agents apprehended J.R., A.L., F.B., and P.A. near Secret Road, at
4 or near Pisinimo, in the vicinity of Papago Farms Camp Border Patrol Station.

5 3. J.R., A.L., F.B., and P.A. were illegally present in the United States and part of
6 a larger group bringing marijuana from the Republic of Mexico to the United States. The
7 location of apprehension was in a desert with no readily available shelter and resources
8 within miles. The temperature that evening was approximately forty degrees Fahrenheit.

9 4. The introductory and background allegations as set forth in paragraphs 1
10 through 3 are realleged and incorporated into Counts One through Six.

11 **COUNT 1**
12 {18 U.S.C. § 241}

13 10. On or about November 12, 2008, in the District of Arizona, the defendants,
14 RAMON ZUNIGA and DARIO CASTILLO, while acting under color of law, knowingly
15 and willfully conspired and agreed together with each other, to injure, oppress, threaten,
16 and intimidate J.R., A.L., F.B., and P.A. in the free exercise and enjoyment of a right
17 secured to them by the Constitution or laws of the United States, their right to be free from
18 unreasonable search and seizure, by placing marijuana in the mouths of J.R., A.L. and
19 F.B., instructing them to eat it, and by forcing J.R., A.L., F.B., and P.A. to remove their
20 shoes, socks and all outerwear, setting fire to J.R., A.L., F.B., and P.A.'s shoes, socks,
21 outerwear, and food, and instead of apprehending and arresting J.R., A.L., F.B., and P.A.,
22 instructing J.R., A.L., F.B., and P.A., to flee, causing J.R., A.L., F.B., and P.A. to be left
23 barefoot, and with inadequate clothing, water, food and transportation.

24 All in violation of Title 18 United States Code Section 241.

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COUNT 2
{18 U.S.C. § 242, 18 U.S.C. § 2}

6. On or about November 12, 2008, in the District of Arizona, the defendants, RAMON ZUNIGA and DARIO CASTILLO, while acting under color of law and while aiding and abetting one another, placed marijuana in J.R.'s mouth and instructed J.R. to eat it, forced J.R. to remove his shoes, socks and all outerwear, set fire to J.R.'s shoes, socks, outerwear, and food, and instead of apprehending and arresting J.R., instructed J.R. to flee, causing J.R. to be left barefoot, and with inadequate clothing, water, food and transportation, thereby willfully deprived J.R. of his right to be free from unreasonable search and seizure by one acting under color of law, a right protected and secured by the Constitution and the laws of the United States. The defendants' conduct included the use of fire.

All in violation of Title 18 United States Code, Sections 2 and 242.

COUNT 3
{18 U.S.C. § 242, 18 U.S.C. § 2}

7. On or about November 12, 2008, in the District of Arizona, the defendants, RAMON ZUNIGA and DARIO CASTILLO, while acting under color of law and while aiding and abetting one another, placed marijuana in A.L.'s mouth and instructed A.L. to eat it, forced A.L. to remove his shoes, socks and all outerwear, set fire to A.L.'s shoes, socks, outerwear, and food, and instead of apprehending and arresting A.L., instructed A.L. to flee, causing A.L. to be left barefoot, and with inadequate clothing, water, food and transportation, thereby willfully deprived A.L. of his right to be free from unreasonable

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1 search and seizure by one acting under color of law, a right protected and secured by the
2 Constitution and Laws of the United States. The defendants' conduct included the use of
3 fire.

4 All in violation of Title 18 United States Code, Sections 2 and 242.

5 **COUNT 4**

6 {18 U.S.C. § 242, 18 U.S.C. § 2}

7 8. On or about November 12, 2008, in the District of Arizona, the defendants,
8 RAMON ZUNIGA and DARIO CASTILLO, while acting under color of law and while
9 aiding and abetting one another, placed marijuana in F.B.'s mouth and instructed F.B. to eat
10 it, forced F.B. to remove his shoes, socks and all outerwear, set fire to F.B.'s shoes, socks,
11 outerwear, and food, and instead of apprehending and arresting F.B., instructed F.B. to flee,
12 causing F.B. to be left barefoot, and with inadequate clothing, water, food and
13 transportation, thereby willfully deprived F.B. of his right to be free from unreasonable
14 search and seizure by one acting under color of law, a right protected and secured by the
15 Constitution and the laws of the United States. The defendants' conduct included the use of
16 fire.

17 All in violation of Title 18 United States Code, Sections 2 and 242.

18 **COUNT 5**

19 {18 U.S.C. § 242, 18 U.S.C. § 2}

20 9. On or about November 12, 2008, in the District of Arizona, the defendants,
21 RAMON ZUNIGA and DARIO CASTILLO, while acting under color of law and while
22 aiding and abetting one another, forced P.A. to remove his shoes, socks and all outerwear,
23 set fire to P.A.'s shoes, socks, outerwear, and food, and instead of apprehending and
24 arresting P.A., instructed P.A. to flee, causing P.A. to be left barefoot, and with inadequate

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Indictment - Page 4 of 5

1 clothing, water, food and transportation, thereby willfully deprived P.A. of his right to be
2 free from unreasonable search and seizure by one acting under color of law, a right
3 protected and secured by the Constitution and the laws of the United States. The
4 defendants' conduct included the use of fire.

5 All in violation of Title 18 United States Code, Sections 2 and 242.

6 **COUNT 6**
7 {18 U.S.C. § 1512(b)(3)}

8 10. From on or about November 13, 2008, through on or about November 16, 2008,
9 in the District of Arizona, the defendant, DARIO CASTILLO knowingly attempted to
10 corruptly persuade a witness with the intent to hinder, delay and prevent the communication
11 of information relating to the commission and possible commission of a federal offense to a
12 law enforcement officer.

13 All in violation of Title 18 United States Code, Sections 1512(b)(3).

14
15
16 A TRUE BILL

17 /s/

18 _____
19 Presiding Juror

20 AUG 03 2011

19 DENNIS K. BURKE
20 United States Attorney
21 District of Arizona

21 /s/

22 _____
23 KAREN E. ROLLEY
24 Assistant United States Attorney
25 District of Arizona

26 **REDACTED FOR
PUBLIC DISCLOSURE**