

NEWS RELEASE



OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA San Diego, California

***United States Attorney
Karen P. Hewitt***

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For Immediate Release

NEWS RELEASE SUMMARY - October 23, 2009

United States Attorney Karen P. Hewitt announced that Joaquin Ayala, a United States Border Patrol agent, pled guilty today in federal court in San Diego to a one-count indictment charging him with Deprivation of Rights Under Color of Law, in violation of Title 18, United States Code, Section 242. Ayala entered his guilty plea before United States District Judge Jeffrey Miller. Judge Miller set a sentencing date of December 18, 2009.

According to court documents, Ayala admitted that on August 27, 2007, he assaulted a passenger who had been riding in a vehicle that had been involved in a "road rage" incident with Ayala on Interstate 15, between Escondido and San Diego. The assault by Ayala, which took place on Kearney Villa Road in San Diego, resulted in bodily injury to the passenger, including a torn ligament in his right arm. When the "road rage" incident occurred, Ayala was dressed in his official uniform, used his official badge to attempt to pull the driver over, and acted under color of law. According to the plea agreement, Ayala has agreed to immediately resign his position as a Border Patrol Agent and waive all administrative appeal rights.

DEFENDANT

Case Number: 09cr1075JM

Joaquin Ayala

Murrieta, California

SUMMARY OF CHARGE

Title 18, United States Code, Section 242 - Deprivation of Rights Under Color of Law
Maximum penalties: 10 years in prison and a fine of \$250,000

AGENCIES

U.S. Department of Homeland Security - Office of the Inspector General
San Diego Police Department