

NEWS RELEASE



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

***United States Attorney
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For Immediate Release

**Border Patrol Agent Charged with
Unlawful Use of Force by a Law Enforcement Officer**

NEWS RELEASE SUMMARY - April 16, 2012

United States Attorney Laura E. Duffy announced the arraignment and unsealing of a criminal indictment charging Luis E. Fonseca, a United States Border Patrol Agent assigned to the Imperial Beach Border Patrol Station, with deprivation of rights under color of law. Border Patrol Agent Fonseca appeared in federal court today before United States Magistrate Judge William McCurine, Jr.

According to the indictment, Border Patrol Agent Fonseca kned and choked an unidentified alien, depriving him of the right under the Constitution and the laws of the United States to be free from use of unreasonable force by a law enforcement officer. The indictment also alleges as a result of the use of unreasonable force the individual sustained bodily injury.

Magistrate Judge McCurine set bond for Fonseca at \$25,000. The defendant is next scheduled to be in court on May 29, 2012, before the Honorable Marilyn Huff, United States District Judge, for motions hearing.

United States Attorney Duffy noted, "People detained at the border should be treated with human dignity and respect by federal agents. It is important for the public to know that the Department of Justice takes alleged civil rights violations seriously. We have processes in place to investigate and will take action where appropriate to protect those rights."

This case is being investigated by the Department of Homeland Security, Office of the Inspector General.

DEFENDANT

CASE NUMBER: 12CR1434-H

Luis E. Fonseca

SUMMARY OF THE CHARGE

Deprivation of Rights, Under Color of Law, in violation of Title 18, United States Code, Section 242. The charge carries a maximum penalty of 10 years' imprisonment and a \$250,000 fine.

INVESTIGATIVE AGENCY

Department of Homeland Security, Office of the Inspector General

An indictment itself is not evidence that the defendant committed the crime charged. The defendant is presumed innocent until the Government meets its burden in court of proving guilt beyond a reasonable doubt.