

NEWS RELEASE



OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA

San Diego, California

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For Immediate Release

FORMER BORDER PATROL AGENT SENTENCED FOR POSSESSION OF CHILD PORNOGRAPHY AND THEFT OF GOVERNMENT PROPERTY

NEWS RELEASE SUMMARY – January 14, 2013

United States Attorney Laura E. Duffy announced today that United States District Judge Marilyn L. Huff sentenced former United States Border Patrol (USBP) agent Rodolfo Zuniga to serve 37 months in prison and five years of supervised release, and to pay \$9,937.71 in restitution to the United States based on his conviction of three federal crimes: (1) possession of images of minors engaged in sexually explicit conduct, in violation of Title 18, United States Code, Section 2252(a)(4)(B); (2) theft of government property, in violation of Title 18, United States Code, Section 641; and (3) interstate transportation of stolen goods, in violation of Title 18, United States Code, Section 2314. Judge Huff also ordered Zuniga to comply with all federal, state, and local laws, including to register as a sex offender.

According to information included in Zuniga's written plea agreement and discussed at his sentencing, during the period between November 2009 and March 2010, Zuniga was a USBP agent

employed by U.S. Customs and Border Protection (CBP), U.S. Department of Homeland Security (DHS). He was assigned to the Imperial Beach Border Patrol Station, San Diego Sector, located in Imperial Beach, California. While assigned to the Imperial Beach USBP station, Zuniga served as an Explorer Scout Advisor, and while serving in that capacity he had access to equipment owned by the USBP/CPB. The equipment included night vision goggles (NVGs) and global positioning system (GPS) units. From time to time, Explorer Scouts under Zuniga's supervision used that equipment as part of their training.

While assigned to the Imperial Beach USBP station, Zuniga stole four sets of NVGs and one GPS unit, and thereafter sold them on the Internet auction and shopping website, eBay, Inc. Zuniga received payments for the stolen property through PayPal, Inc., from an individual located in China. The total amount of money Zuniga received for the NVGs, which were not recovered, was \$9,937.71. The GPS unit was sold to a couple in New Jersey, for \$77.73. Agents recovered the GPS unit.

On June 29, 2012, agents served a federal search warrant at Zuniga's Chula Vista apartment. Zuniga's desktop computer and an external hard drive were seized. Later forensic analysis revealed the computer and external hard drive contained 384 visual depictions of minors engaged in sexually explicit conduct (89 images were discovered on the desktop computer; the external hard drive contained 220 images and one video).

Zuniga was arrested by Immigration and Customs Enforcement's Homeland Security Investigations (HSI) and the DHS Office of Inspector General (OIG). Zuniga resigned from the USBP on July 16, 2012.

DEFENDANT

Case Number: 12CR3759-H

Rodolfo Zuniga

SUMMARY OF CHARGES

- Count 1 - Title 18, United States Code, Section 641 (Theft of Government Property)
- Count 2 - Title 18, United States Code, Section 2314 (Interstate Transportation of Stolen Goods)
- Count 3 - Title 18, United States Code, Section 2252(a)(4)(B) (Possession of Child Pornography)

INVESTIGATING AGENCIES

Immigration and Customs Enforcement's Homeland Security Investigations
Department of Homeland Security Office of Inspector General