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FORMER CUSTOMS AND BORDER PROTECTION OFFICER SENTENCED TO FEDERAL PRISON

PHOENIX – Jose Carmelo Magaña, 46, of Yuma, Ariz., was sentenced yesterday by U.S. District Judge James A. Teilborg to 37 months in federal prison, to be followed by a term of three years of supervised release. Magaña was also ordered to pay a \$4,000 fine and to forfeit \$5,100 to the United States in a companion civil case. Magaña pleaded guilty on October 21, 2009, to charges of Attempting to Bring Illegal Aliens to the United States and Acceptance of a Bribe by a Public Official.

“Law enforcement officials must be held to a higher standard of conduct,” stated Dennis K. Burke, U. S. Attorney for the District of Arizona. “In the rare and regrettable circumstance where a sworn officer crosses the line into criminal conduct and violates their oath and the public’s trust, they will be brought to justice.”

“This sentencing illustrates that the FBI and its law enforcement partners are committed to combating public corruption,” stated Nathan T. Gray, Special Agent In Charge, FBI Phoenix Field Division. “When a public official chooses not to protect our nation's borders and enforce the law it erodes the public's trust. The FBI will continue to seek out those who violate their entrusted positions to serve the American people.”

As part of his guilty plea, Magaña, a former Officer with U.S. Customs and Border Protection, Office of Field Operations, admitted that he participated in an agreement with co-defendants Brenda Covarrubias, Ana Bertha Calderon, Jesus Gastelum-Rodriguez, Guadalupe Milan de Gastelum and others, to smuggle illegal aliens into the U.S. through the lane Magaña staffed at the San Luis Port of Entry in San Luis, Arizona. Magaña accepted a bribe to allow Gastelum-Rodriguez and Milan de Gastelum to bring a person the defendants believed to be an illegal alien into the United States through his lane without proper inspection on November 13, 2007. Magana further admitted that Covarrubias and Calderon collected smuggling fees and routed a portion of those fees back to him in return for his failure to perform his duties as a Customs and Border Protection officer.

“Acts of corruption within the Department of Homeland Security represent a threat to our nation and undermine the honest and hard working employees who strive to maintain the integrity of the Department, stated Paul Leonard, Acting Special Agent in-Charge, Department of Homeland Security, Office of the Inspector General, Tucson Field Office. “Corruption will not be tolerated and those who choose to break the law will be pursued aggressively.”

Covarrubias, Calderon, Gastelum-Rodriguez and Milan de Gastelum all pleaded guilty to a charge of Conspiracy to Bring Illegal Aliens to the United States in the case. Milan de Gastelum received a sentence of time served on October 29, 2009. Gastelum-Rodriguez received a sentence of time served on December 7, 2009. Both Milan de Gastelum and Gastelum-Rodriguez were detained

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from the date of their arrests, May 12, 2008, through the time of their respective sentencings. Calderon was sentenced to 15 months in federal prison on November 30, 2009. Covarrubias is scheduled to be sentenced on April 26, 2010.

The investigation in this case was conducted by the Federal Bureau of Investigation, the Department of Homeland Security Office of the Inspector General, the Drug Enforcement Administration, and U.S. Customs and Border Protection. The prosecution was handled by Joseph E. Koehler, Assistant U.S. Attorney, District of Arizona, Phoenix.

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