



PRESS RELEASE

Federal agent sent to prison for aiding drug smuggling

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For Immediate Release

U.S. Attorney's Office, Southern District of Texas

McALLEN, Texas – A former Border Patrol (BP) agent has been ordered to federal prison for attempting to aid and abet smuggling cocaine through a checkpoint, announced U.S. Attorney Alamdar S. Hamdani.

Oberlin Cortez Pena Jr., 23, La Joya, pleaded guilty Dec. 17, 2021.

Today, U.S. District Judge Randy Crane sentenced him to a total of 121 months in federal prison to be immediately followed by five years of supervised release.

At the hearing, the court heard additional evidence that he had brandished an AR-15 rifle while meeting with co-defendant Edwin Alejandro Castillo to plan the smuggling of a second load of cocaine through the Falfurrias BP checkpoint. Pena attempted to convince the court that he possessed the rifle because he was on his way to hunt hogs after meeting Castillo.

In handing down the sentence, the court found Pena's explanation unconvincing and assessed a sentencing enhancement for possession of a firearm during drug trafficking. The court further noted that honest law enforcement is the foundation of civil society, and the presence of a corrupt agent, especially at the BP checkpoint, could lead to immeasurable damage to the country.

"Honest law enforcement is a cornerstone of public trust," said Hamdani. "This defendant violated his oath to defend the Constitution, and he betrayed that trust to engage in criminal activity for financial gain. Today's sentence is a message that we will aggressively investigate and prosecute allegations of law enforcement corruption and continue to seek significant sentences when necessary to protect the public and their trust in our institutions."

At the time of his plea, Pena admitted that on two separate occasions, he helped smuggle over five kilograms of cocaine through the Falfurrias checkpoint. Specifically, he used his knowledge as a BP agent and directed loads through particular checkpoint lanes, further acting as a scout and providing information about the inspection lanes and which one to use. Pena also gave detailed instructions on how to conceal the drugs and tactics to employ in order to distract the canine unit at the checkpoint.

Four others have been convicted as part of the investigation. Kristian Nicole West, 33, Corpus Christi, and Herbey Jose Solis III, 29, Mission, pleaded guilty to alien smuggling.

Castillo, 24, Sullivan City, and Jose Luis Duran, 26, Mission, admitted to alien smuggling. At the time of their pleas, Castillo also admitted to bribery, while Duran was also convicted of conspiracy to commit bribery. They each received 36 months in prison.

Previously released on bond, Pena was taken into custody in December 2022 after he was found possessing a firearm at a ranch. He will remain in custody pending transfer to a U.S. Bureau of Prisons facility to be determined in the near future.

The Department of Homeland Security - Office of Inspector General conducted the investigation with assistance from Customs and Border Protection - Office of Professional Responsibility and BP. Assistant U.S. Attorneys Jongwoo Chung and John Pearson prosecuted the case.

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