

Former U.S. Border Patrol Agent Sentenced to 87 Months in Prison for Attempting to Distribute Methamphetamine and Receiving Bribes

Friday, May 24, 2024

For Immediate Release

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

SAN DIEGO – Former U.S. Border Patrol Agent Hector Hernandez, who admitted that he took bribes to smuggle methamphetamine and people across the U.S.-Mexico border while on duty, was sentenced in federal court today to 87-months in prison.

Hernandez pleaded guilty in January, admitting that he agreed to use his official position to open border fences and allow unauthorized immigrants to enter the United States from Mexico. Hernandez also agreed to move methamphetamine and other controlled substances from the Southern District of California further north to other locations within the United States.

In his plea agreement, Hernandez acknowledged he took Mexico-based smugglers on a tour of the U.S.-Mexico border, showing them the best locations to sneak unauthorized immigrants into the U.S. He also provided information about the location of monitoring devices and cameras – information only known to him by virtue of his position as a Border Patrol agent. Hernandez admitted that he opened restricted border fences on several occasions to allow people to illegally enter the United States in exchange for cash payments of \$5,000 per opening.

“In every instance, the U.S. Attorney’s Office stands ready to reinforce public trust in law enforcement,” said U.S. Attorney Tara McGrath. “When that trust is undermined by criminal acts concealed behind a badge, it threatens both public safety and the integrity of our judicial system. Hernandez put personal greed above the safety of others and this sentence reflects the magnitude of his actions.”

“Agent Hernandez disgraced his badge when he chose to smuggle both drugs and people across the border,” said DEA Acting Special Agent in Charge Anthony Chrysanthis. “His sentence reflects the harm he caused his coworkers and his country. As law enforcement we are held to a higher standard, and we must be held accountable for our actions.”

“Today’s sentencing sends a clear message that federal officials who betray the people they are sworn to protect will be held accountable for their actions,” said DHS Inspector General Joseph V. Cuffari.

According to court records, Hernandez admitted that on May 9, 2023, he met with someone who unbeknownst to him was, in fact, an undercover federal agent, and agreed to pick up a bag full of narcotics that would be hidden near the border fence. Hernandez agreed to pick up the bag while on duty and deliver it to the undercover agent in exchange for \$20,000. Once the agreement was made, agents loaded the bag with 10 kilograms of fake methamphetamine, one pound of real methamphetamine, and a tracking device, before placing the bag in a storm drain near the border fence.

Later that evening, Hernandez drove his official vehicle to the storm drain while on duty and retrieved the bag. He drove the bag to his residence in Chula Vista and left the bag there for the remainder of his work shift. On May 10, 2023, after his shift was over, Hernandez returned home, retrieved the bag, and drove to meet with the undercover agent. Upon arrest, agents confirmed that that the bag still contained both the sham and real methamphetamine.

After Hernandez was arrested, agents searched his residence and found \$131,717 in cash and 7.7 grams of cocaine. Hernandez admitted at least \$110,000 of the cash represented proceeds he received in connection with his narcotics trafficking and bribery activities.

As part of his plea agreement, Hernandez forfeited his personal vehicle used to bring the drugs to the undercover agent; \$110,000 of the seized cash; and his interest in his residence where the drugs were maintained.

In court today, U.S. District Judge Janis L. Sammartino said, “Border Patrol is an honorable and admirable agency of the Government sworn to protect and safeguard our borders... [Hernandez] chose to betray the agency, the nation and betray public trust.”

This case is being prosecuted by Assistant U.S. Attorneys Sean Van Demark and Lawrence A. Casper.

DEFENDANT

Hector Hernandez

Case Number 23cr1114-JLS

Age: 55

Chula Vista, CA

SUMMARY OF CHARGES

Attempted Distribution of Methamphetamine – 21 U.S.C., Sections 841(a)(1) and 846
Maximum penalty: Life imprisonment in prison with a 10-year mandatory minimum

Receiving Bribe by Public Official – 18 U.S.C., Section 201(b)(2)
Maximum penalty: Fifteen years in prison

INVESTIGATING AGENCIES

Department of Homeland Security, Office of Inspector General

Drug Enforcement Administration
Federal Bureau of Investigation

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