UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-20045 CR-SEITZ MAGISTRATE JUDGE O'SULLIVAN

18 U.S.C. § 1546(a)
18 U.S.C. § 1001(a)(2)

UNITED STATES OF AMERICA

vs.

JOSE GUILLERMO GARCIA,

Defendant.
_____/

FILED by _____ D.C.
JAN 22 2009
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. – MIAMI

INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about July 7, 2006, at Miami International Airport, in Miami-Dade County, in the Southern District of Florida, the defendant,

JOSE GUILLERMO GARCIA,

did knowingly possess, use, and attempt to use a document prescribed by statute and regulation for entry into the United States, that is, an El Salvadoran passport bearing number C0276697, knowing it to have been procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, in that the defendant procured the passport by informing the Government of El Salvador that his previously issued passport had been lost, when in truth and in fact, and as the defendant then and there well knew, his previously issued passport had not been lost, but rather had been seized by United States immigration authorities; in violation of Title 18, United States Code, Section 1546(a).

COUNT TWO

On or about July 7, 2006, at Miami International Airport, in Miami-Dade County, in the Southern District of Florida, the defendant,

JOSE GUILLERMO GARCIA,

in a matter within the jurisdiction of the Department of Homeland Security, a department of the executive branch of the United States, did knowingly and willfully make materially false, fraudulent, and fictitious statements and representations, as to material facts, in that the defendant represented that his attorney had told him that his passport had been lost by United States immigration authorities and that he could therefore obtain a new one in order to travel, when in truth and in fact, and as the defendant then and there well knew, his attorney had not told him that his passport had been lost by United States immigration authorities and that he could therefore obtain a new one in order to travel; in violation of Title 18, United States Code, Section 1001(a)(2).

A TRUE BILL

FOREPERSON

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

MATTHEW S. AXELROD
ASSISTANT UNITED STATES ATTORNEY

ADAM S. FELS
ASSISTANT UNITED STATES ATTORNEY