

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

**\* CRIMINAL DOCKET NO. 13-56**

**v.**

**\* SECTION: R**

**SERGIO JOSE NOGUEIRA**

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**\* \* \***

**FACTUAL BASIS**

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **SERGIO JOSE NOGUEIRA** (hereinafter, “**NOGUEIRA**”) has agreed to plead guilty as charged to the two-count indictment charging illegal use of a Social Security number, in violation of Title 42, United States Code, Section 408(a)(7)(B), and making false statements in an application for a passport, in violation of Title 18, United States Code, Section 1542.

Evidence would be introduced to show that an individual identifying himself as Alexis Torres Bonilla (hereinafter, “**Bonilla**”), later determined to be the defendant, applied for a Louisiana Driver’s License on or about June 8, 2012, at the Louisiana Office of Motor Vehicles in Metairie, Louisiana. Bonilla presented a Puerto Rican birth certificate issued in the Bonilla identity. The

affidavit of applicant for the Louisiana Driver's License and the application for the Driver's License both list his Social Security Number as XXX-XX-3077 and bear Bonilla's signature. The Louisiana Driver's License bearing the number ending in 8007 was issued to the person using the Bonilla identity on that same date.

A witness from the United States Department of State would testify that on or about June 12, 2012, a United States passport application was executed, in person, by an individual identifying himself as Bonilla, also later determined to be the defendant, at the main U.S. Post Office branch in New Orleans. The passport application would be introduced to show that Bonilla represented that he was born in Caguas, Puerto Rico, on XXXX XX, 1977.

The witness would testify the applicant used a Puerto Rican birth certificate as proof of citizenship and a Louisiana Driver's License bearing the number ending in 8007 as proof of his identity. The defendant filed the passport application with the U.S. Post Office and took an oath administered by the acceptance clerk, affirming that the information in the application was true and signed the application.

A Deportation Officer (hereinafter "officer") from U.S. Immigration and Customs Enforcement (hereinafter "ICE") would testify that on or about February 19, 2013, ICE officers encountered an individual using the Bonilla identity during an administrative investigation at the St. Bernard Parish jail, where he was detained on state charges. This individual identified himself as **SERGIO JOSE NOGUEIRA**. The ICE officer would testify that he conducted record checks through various U.S. Department of Homeland Security databases, which revealed that the defendant was a citizen of Brazil and illegally present in the United States.

Upon **NOGUEIRA**'s release from the custody of the State of Louisiana, he was transferred

into the custody of ICE due to immigration violations. **NOGUEIRA** had in his possession a Louisiana Driver's License in the Bonilla identity bearing a number ending in 8007 and containing a photograph which appeared to be that of **NOGUEIRA**. An officer explained to **NOGUEIRA** his Miranda rights, and **NOGUEIRA** agreed to waive his rights and give a statement. **NOGUEIRA** gave the officer his true name and said he was a citizen of Brazil. **NOGUEIRA** stated that he had used the name Alexis Torres Bonilla. **NOGUEIRA** said that he purchased a Puerto Rican birth certificate and Social Security card in the Bonilla identity from an individual in Florida for \$3000, and **NOGUEIRA** knew it was illegal to do so. **NOGUEIRA** admitted that he applied for and was issued a Louisiana Driver's License using the Bonilla identity. **NOGUEIRA** further stated that he applied for a United States passport in the Bonilla identity at the U.S. Post Office in New Orleans.

Photographs of the individual who applied for the Louisiana Driver's License and United States Passport in the Bonilla identity would be introduced to show that they appear to be the defendant.

Records from the Social Security Administration would be introduced into evidence to show that Social Security number XXX-XX-3077 was not assigned to the defendant, **NOGUEIRA**.

Testimony of an official from United States Citizenship and Immigration Services regarding

record checks conducted through various Department of Homeland Security databases would show that the defendant, **NOGUEIRA**, is not a citizen of the United States.

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ROBERT WEIR  
Special Assistant United States Attorney

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Date

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SERGIO JOSE NOGUEIRA  
Defendant

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Date

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AIDAN SHAH  
Attorney for Defendant

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Date