

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

UNITED STATES OF AMERICA

*** DOCKET NO. 2:10-CR-105**

v.

*** SECTION: "N"**

FAVIAN HERNANDEZ

a/k/a Fabian Hernandez

a/k/a Artemio Ortiz Ramirez

a/k/a Isabel Munoz-Hernandez

a/k/a Isabel M. Hernandez

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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, **FAVIAN HERNANDEZ** (hereinafter "**HERNANDEZ**") has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (hereinafter the "agent") would testify that on or about April 2, 2010, he encountered the defendant, **HERNANDEZ**, during criminal alien

program duties at the Jefferson Parish Correctional Center in Jefferson Parish, in the Eastern District of Louisiana. Upon determining the defendant was illegally in the United States and upon his release from the custody of the State of Louisiana, the defendant was detained and arrested by an Immigration and Customs Enforcement agent.

The agent would testify that he conducted record checks through various Immigration and Customs Enforcement databases, which revealed that the defendant was a citizen of Mexico and illegally present in the United States.

Documentation from the records of Immigration and Customs Enforcement, contained in the defendant's Alien file, including a Warrant of Removal/Deportation, complete with the defendant's fingerprints, photographs and signature, would demonstrate that the defendant, **HERNANDEZ**, was deported and removed from the United States to Mexico on or about September 23, 2009, at or near Laredo, Texas. A qualified Immigration and Customs Enforcement Fingerprint Specialist would testify that the fingerprints of the individual documented in the Alien file containing the Warrant of Removal/Deportation and the fingerprints of the defendant are the same. Documentation from the Alien file would further show that the defendant is an alien, and not a citizen or national of the United States.

Testimony of an official from United States Citizenship and Immigration Services regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **HERNANDEZ**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

Further, documents, court records, and other admissible evidence would show that on or about July 22, 2009, in the Superior Court of Hall County, Georgia, the defendant, **HERNANDEZ**, was convicted of possession of cocaine, a felony.

ROBERT WEIR Special Assistant United States Attorney Mississippi Bar No. 101464	Date
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FAVIAN HERNANDEZ Defendant	Date
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ROMA KENT Assistant Federal Public Defender LA Bar Roll No. 1459 Attorney for the Defendant	Date
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