

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

UNITED STATES OF AMERICA

*** DOCKET NO. 2:11-CR-117**

v.

*** SECTION: "C"**

ELMER OVIDIO ALCANTARA

a/k/a Jose Manuel Correa Santiago

a/k/a Jose Manuel Correa-Santiago

a/k/a Jose Manuel Santiago Correa

a/k/a Jose Correa Santiago

a/k/a Jose Manuel Correa

*** * ***

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, **ELMER OVIDIO ALCANTARA** (hereinafter "**ALCANTARA**") has agreed to plead guilty as charged to the one-count indictment charging him with illegal use of a Social Security number, in violation of Title 42, United States Code, Section 408(a)(7)(B).

An Immigration Enforcement Agent (hereinafter "the agent") from United States Immigration and Customs Enforcement (hereinafter "ICE") would testify that on May 4, 2011, he and other ICE

agents were assisting the New Orleans Police Department (hereinafter “NOPD”) during a routine patrol in Orleans Parish, within the Eastern District of Louisiana. NOPD officers encountered the defendant, **ALCANTARA**, while investigating a group of people. The defendant presented the NOPD officers and ICE agents with a Louisiana Identification Card in the name Jose Manuel Santiago Correa, containing a photograph of a person who appeared to be the defendant. The defendant also presented the ICE agents with a Social Security card in the name Jose Manuel Correa Santiago, bearing Social Security Number XXX-XX-6099. ICE agents determined, through queries of ICE computer databases, including fingerprint and biographical checks, that the defendant was illegally present in the United States and was the subject of an outstanding order of removal. The databases also revealed that the defendant’s true name is **ELMER OVIDIO ALCANTARA**.

The ICE agent would testify that, upon questioning **ALCANTARA** under oath after being read his *Miranda* rights in Spanish, the defendant stated that he was a citizen of Honduras. **ALCANTARA** claimed that he purchased the Social Security card bearing number XXX-XX-6099 from an unknown individual in Baton Rouge. **ALCANTARA** admitted that he used that Social Security card, along with a birth certificate issued by the Commonwealth of Puerto Rico, for identification purposes in order to apply for and obtain his Louisiana state identification document in the identity of Jose Manuel Santiago Correa.

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, **ALCANTARA**, 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 admission or receive permission to enter the United States.

A records search of the Louisiana Office of Motor Vehicles revealed that **ALCANTARA** used Social Security number XXX-XX-6099 on his application for the Louisiana Identification Card bearing number 010187804 at an Office of Motor Vehicles in Orleans Parish, Louisiana on June 15, 2009. An employee of the Louisiana Office of Motor Vehicles would testify that the defendant, **ALCANTARA**, within the Eastern District of Louisiana, presented Social Security number XXX-XX-6099 as his own when he applied for a Louisiana Identification Card. The defendant's application for the Louisiana Identification Card would be offered into evidence.

Records from the Social Security Administration would be introduced into evidence to show that Social Security account number XXX-XX-6099 was not properly assigned to the defendant, **ALCANTARA**.

Finally, a forensic document examiner from the ICE Forensic Document Laboratory would testify that upon examination of the Social Security card bearing number XXX-XX-6099 found in the defendant's possession by ICE agents, the card was determined to be genuine.

ROBERT WEIR
Special Assistant United States Attorney

Date

ELMER OVIDIO ALCANTARA
Defendant

Date

SAMUEL SCILLITANI
Attorney for Defendant

Date