

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

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 11-151
v.	*	SECTION: F
VICTORINO SAN MARTIN DE LA CRUZ	*	
a/k/a Victor Sanmartin		
a/k/a Victor San Martin-De La Cruz	*	

* * *

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, **VICTORINO SAN MARTIN DE LA CRUZ** (hereinafter “**SAN MARTIN**”) 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 May 17, 2011, he encountered the defendant, **SAN MARTIN**, while assisting the Jefferson Parish Sheriff’s Office in an investigation in Jefferson Parish, in the Eastern District of Louisiana. Upon determining the defendant was illegally in the United States, the defendant was

detained and arrested by an Immigration and Customs Enforcement (hereinafter "ICE") agent.

The agent would testify that, upon questioning **SAN MARTIN** under oath after being read his *Miranda* rights, the defendant stated that he was a citizen of Mexico, was illegally in the United States, and had previously been removed. The agent confirmed the defendant's illegal status by performing record checks through various United States Department of Homeland Security databases.

Documentation from the records of ICE, 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, **SAN MARTIN**, was removed from the United States to Mexico on or about June 20, 2007, at or near Brownsville, Texas. A qualified ICE 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, **SAN MARTIN**, 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 28, 1995, in the Two hundred twenty-first District Court of Montgomery County, Texas, the defendant, **SAN MARTIN**, was convicted of aggravated assault of a peace officer.

ROBERT WEIR
Special Assistant United States Attorney

Date

VICTORINO SAN MARTIN DE LA CRUZ
Defendant

Date

ROMA KENT
Attorney for Defendant

Date