

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

**UNITED STATES OF AMERICA**

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**CRIMINAL DOCKET NO. 12-143**

**v.**

\*

**SECTION: S**

**MARTIN CLEMENTE-GUTIERREZ  
a/k/a Efracio Marin**

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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, **MARTIN CLEMENTE-GUTIERREZ** (hereinafter “**CLEMENTE**”) 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).

A U.S. Immigration and Customs Enforcement (hereinafter “**ICE**”) special agent (hereinafter “agent”) would testify that on or about March 15, 2012, the defendant, **CLEMENTE**, was encountered in Orleans Parish, in the Eastern District of Louisiana by ICE agents.

Upon determining the defendant was illegally in the United States, the defendant was detained and arrested by an ICE agent.

The agent would testify that record checks through various United States Department of Homeland Security databases revealed that the defendant was a citizen of Mexico and illegally present in the United States.

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, **CLEMENTE**, was removed from the United States to Mexico on or about March 11, 2011, at or near Laredo, 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 U.S. Citizenship and Immigration Services regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **CLEMENTE**, 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 November 29, 2007, in the 183<sup>rd</sup> District Court, Harris County, Texas, the defendant, **MARTIN CLEMENTE-GUTIERREZ, a/k/a Efracio Marin**, was convicted of attempted deadly conduct.

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ROBERT WEIR  
Special Assistant United States Attorney

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Date

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MARTIN CLEMENTE-GUTIERREZ  
Defendant

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Date

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VALERIE WELZ JUSSELIN  
Attorney for Defendant

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Date