

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

**UNITED STATES OF AMERICA**

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**CRIMINAL DOCKET NO. 11-274**

**v.**

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**SECTION: J**

**ADOLFO 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, **ADOLFO HERNANDEZ** (hereinafter “**HERNANDEZ** ”) has agreed to plead guilty as charged to Count One of the Indictment charging him with conspiracy to harbor aliens in violation of Title 8, United States Code, Section 1324(a)(1)(A)(iii), (v)(I) and (a)(1)(B)(i).

A U.S. Immigration and Customs Enforcement (hereinafter “ICE”) special agent (hereinafter “agent”) would testify that in December 2010, ICE commenced an investigation of Louisiana Home Elevations, LLC (hereinafter “LHE”). The agent would testify that Christopher Benson (“Benson”) is the owner of LHE, a house raising, shoring, and elevation company located and operating in the

Eastern District of Louisiana.. The agent would further testify that **HERNANDEZ** is an employee of LHE. The agent would testify that from March 2011 through August 2011, ICE agents conducted surveillance of LHE worksites and learned that LHE was employing unauthorized aliens. The agent would testify that in the Eastern District of Louisiana, **HERNANDEZ** did for the purpose of commercial advantage and private financial gain, combine, conspire, confederate and agree with other persons known and unknown to knowingly and in reckless disregard of the fact that aliens had come to, entered and remained in the United States in violation of law, concealed, harbored and shielded from detection such aliens by providing the aliens with a means of financial support through employment at LHE work sites in the Eastern District of Louisiana. The agent would further testify that the surveillance demonstrated that **HERNANDEZ** and LHE provided transportation for the illegal aliens, as well as vehicle placards and clothing indicating that the illegal aliens worked for LHE.

Witnesses would testify that **HERNANDEZ** is a crew manager, machinery operator, and employee recruiter for LHE. **HERNANDEZ** began working for LHE in or about December 2009. Witnesses would testify that LHE issued **HERNANDEZ** a credit card in his name to pay for job supplies, fuel, and incidental expenses of the employees. Witnesses would also testify that LHE provided **HERNANDEZ** with a truck that he used to travel to and from work and on the job. Witnesses would testify that **HERNANDEZ** kept an accounting of the hours the illegal alien employees worked at the LHE job sites and would turn that information over to LHE each week. LHE would assign each employee a number and create spreadsheets listing the employees by number, indicating the days each illegal alien worked for the week, which job sites they were assigned, and a weekly total of money owed to each alien. Witnesses would state that each week,

Benson and other LHE employees would issue checks made out to **HERNANDEZ** for payment of the illegal alien workers. **HERNANDEZ** cashed the checks, took out a portion for his salary, and used the remaining amount to pay the illegal aliens in cash for their work at various LHE job sites. Witnesses would testify that **HERNANDEZ** was paid a salary by LHE, and his salary was based on the number of elevation jobs maintained and completed by LHE.

The agent would testify that on August 11, 2011, ICE encountered **HERNANDEZ**, and explained his Miranda rights to him, which he waived and agreed to give a statement. **HERNANDEZ** said he works as a crew manager for LHE, operates the lifting machinery at the work sites, and is in charge of paying LHE employees. **HERNANDEZ** works for Benson, the owner of LHE, and manages approximately seventy to eighty employees for Benson. **HERNANDEZ** is responsible for preparing a handwritten summary of work completed for each work site and delivers the summary to LHE office employees. **HERNANDEZ** finds and recruits workers for LHE. **HERNANDEZ** admitted that most of the workers he recruits and are employed by LHE are illegal aliens. **HERNANDEZ** stated that Benson issues checks to him drawn from a LHE checking account with Central Progressive Bank, and **HERNANDEZ** is instructed to cash the checks to pay the illegal alien workers. **HERNANDEZ** advised that he had paid the workers in this manner since December 2009.

The agent would testify that on August 29, 2011, a search warrant was executed at the office of LHE located in Ponchatoula and computers and documents were seized. Evidence derived from that search, including employee lists, e-mails, and credit card statements, would be introduced. On the same date as the execution of the search warrant, ICE agents encountered illegal alien employees of LHE near a residential complex in Kenner, Louisiana, who were meeting to receive work

assignments at LHE job sites for the day. The agent would testify that over thirty illegal aliens were encountered and interviewed by ICE and admitted to working for LHE.

Six witnesses would testify that they were employed at LHE prior to and during August 2012; that they were illegal aliens; and that **HERNANDEZ** recruited them, paid them, and oversaw their work at LHE knowing that they were illegal aliens.

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ROBERT WEIR  
Special Assistant United States Attorney

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Date

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ADOLFO HERNANDEZ  
Defendant

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Date

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MIGUEL ELIAS  
Attorney for Defendant

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Date