

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

* CRIMINAL NO. 14-244

v.

* SECTION: "E"

DENNIS NUNEZ-LACAYO

*

FACTUAL BASIS

The defendant, **DENNIS NUNEZ-LACAYO** (hereinafter "**NUNEZ-LACAYO**"), has agreed to plead guilty as charged to the one-count indictment charging him with possession of firearms by an alien illegally present in the United States in violation of Title 18, United States Code, Section 922(g)(5)(A) and 924(a)(2).

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and other admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

Agents of Homeland Security Investigations ("HSI") New Orleans received information that a Hispanic male known as "El Negro Bibi" was selling firearms in the New Orleans area. On June 2, 2014, a confidential informant ("CI") contacted El Negro Bibi and asked if he could provide him with a pistol. El Negro Bibi agreed to provide the CI a .45 caliber Glock for \$350.00. On June 3, 2014, the CI received a text message with two pictures from El Negro Bibi depicting a black handgun with a loaded magazine. On June 4, 2014, the CI met with El Negro Bibi at a grocery store parking lot located in Kenner, Louisiana, and purchased the firearm for

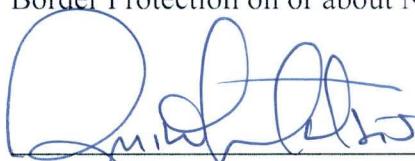
\$350. (The transaction, which was video recorded by a hidden camera worn by the CI, took place in a white Chevy Suburban that El Negro Bibi was driving that day.)

After the transaction was completed the CI turned the gun over to the agents. The agents then inspected the weapon and determined that it was loaded with a magazine holding eleven .45 Winchester rounds. The agents then ran an ATF trace to determine where it was manufactured. The trace revealed that the Glock (Model 21) was manufactured in Austria and imported into the United States by Glock Inc., of Smyrna, Georgia. The trace also indicated that the Glock was purchased by an individual living in Carriere, Mississippi on May 8, 2003, from a dealer in Moss Point, Mississippi. After they completed the trace, the agents sent the Glock to the Jefferson Parish Sheriff's Office crime lab to be test fired. The test fire confirmed that the Glock was a functioning firearm. At trial the government would also call a special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives to testify that the Glock travelled in and through interstate commerce before it came into **NUNEZ-LACAYO'S** possession.

In order to determine El Negro Bibi's identity, the agents subpoenaed records for the cell phone that he used to send pictures of the Glock to the CI. The phone records from Sprint Corporation revealed that the cell phone account was established on February 19, 2009, and was registered to **NUNEZ-LACAYO** of Metairie, Louisiana. The agents also traced the license plate of the white Chevy Suburban mentioned above and discovered that it was registered to a female residing in an apartment located in Metairie, Louisiana.

On November 12, 2014, the agents arrested **NUNEZ-LACAYO** at a Kenner barber shop where he was employed. After he was arrested, the agents transported **NUNEZ-LACAYO** to his apartment in Kenner, which they searched with his consent. After the search, the agents

questioned **NUNEZ-LACAYO** about his involvement in the sale of the Glock to the CI. **NUNEZ-LACAYO** waived his Miranda rights and told the agents that he sold the Glock to the CI for \$350. He also told the agents that he illegally entered the United States by crossing the border near Nogales, Arizona, twelve years ago. He further stated that he is a citizen of Honduras, and that he has no claim to U.S. citizenship. Following his interview, the agents ran **NUNEZ-LACAYO'S** name and finger prints through various U.S. Department of Homeland Security databases and determined that he was a citizen of Honduras and illegally present in the United States. The computer search also revealed that **NUNEZ-LACAYO** had previously been removed from the United States after he was encountered by agents with U.S. Customs and Border Protection on or about November 28, 2004.



2-25-2015

SPIRO G. LATSIS

Date

Assistant United States Attorney

DENNIS NUNEZ-LACAYO

Date

Defendant

RICHARD J. RICHTHOFEN, JR

Date

Attorney for Defendant