


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

UNITED STATES OF AMERICA	*	CRIMINAL NO.: 18-93
v.	*	SECTION: "H"
JOSE MARTINEZ-OSWALDO,	*	
a/k/a Oswaldo Duvon-Martinez,		
a/k/a Osbaldo Martinez	*	
a/k/a Osbaldo Duvon-Martines		
*	*	*

FACTUAL BASIS

In support of the guilty plea of the defendant, **JOSE MARTINEZ-OSWALDO** ("MARTINEZ-OSWALDO"), to Count 1 of the Bill of Information for Illegal Re-entry of a Removed Alien, the Government submits that 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 Bill of Information now pending against the defendant:



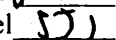
On January 21, 2018, **MARTINEZ-OSWALDO**, a Honduran alien assigned Alien Registration Number XXX XXX 456, was arrested by the St. Charles Parish Sheriff's Office for Operating a Vehicle While Intoxicated, Appearing in an Intoxicated Condition and Driver Must Be Licensed. Subsequent to his arrest, **MARTINEZ-OSWALDO's** fingerprints were electronically submitted to the Immigration and Customs Enforcement (ICE) computer system which confirmed his stated identity and previous immigration history through a positive fingerprint match. On February 21, 2018, based upon a review of this computer database information, ICE agents arrested **MARTINEZ-OSWALDO**.

AUSA	
Defendant	<u>JO</u>
Defense Counsel	<u>SSJ</u>

Law enforcement computer records as well as **MARTINEZ-OSWALDO**'s Alien Registration File revealed that **MARTINEZ-OSWALDO** is an alien assigned Alien Registration Number XXX XXX 456. He was ordered removed from the United States by an Immigration Judge on November 8, 2011 in Oakdale, LA and was removed from the United States on November 18, 2011.


On an unknown date, **MARTINEZ-OSWALDO** re-entered the United States without inspection. On April 6, 2012, **MARTINEZ-OSWALDO** was encountered in Eagle Pass, TX. On October 15, 2012, his prior order of removal was reinstated and he was removed from the United States.

MARTINEZ-OSWALDO is a native and citizen of Honduras who has no claim of United States citizenship or lawful immigration status. **MARTINEZ-OSWALDO** entered the United States unlawfully on or about an unknown time and unknown date. U.S. Immigration records establish that **MARTINEZ-OSWALDO** never received express permission to re-enter the United

AUSA 
Defendant 
Defense Counsel 

States from the Attorney General, the Secretary of the Department of Homeland Security or any Immigration Officer after having been previously removed from the United States, all in violation of Title 8, United States Code, Section 1326(a), to wit: Reentry of a Removed Alien.

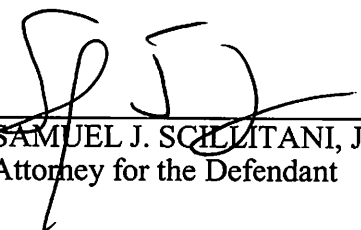
READ AND APPROVED:

 6/7/18

MICHAEL M. SIMPSON
Assistant United States Attorney (Date)

Jose Oswaldo 6/7/18

JOSE MARTINEZ-OSWALDO (Date)
Defendant

 6/7/18

SAMUEL J. SCHLITANI, JR. (Date)
Attorney for the Defendant