

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CIVIL ACTION NO. 4:17-cv-938
)	
v.)	
)	
MOISES HERRERA-GONZALEZ,)	COMPLAINT TO REVOKE
a/k/a MOISES GONZALEZ HERRERA,)	NATURALIZATION
)	
Defendant.)	

Plaintiff, the United States of America, by its attorneys, Amber Woodward, Office of the United States Attorney for the Northern District of Texas, and Troy D. Liggett, Office of Immigration Litigation of the U.S. Department of Justice, alleges as follows:

PRELIMINARY STATEMENT OF THE CASE

Before he became a citizen of the United States, Defendant Moises Herrera-Gonzalez, a/k/a Moises Gonzalez Herrera, engaged in criminal activity that he concealed throughout the naturalization process and that disqualified him from U.S. citizenship. On January 1, 1996, before he filed his naturalization application, Herrera-Gonzalez knowingly and intentionally sexually assaulted and injured a 6-year-old victim, contrary to Tex. Penal Code § 22.04(a)(3). But when he filed his naturalization application nine months later, on September 19, 1996, Herrera-Gonzalez indicated that he had never committed a crime for which he had not been arrested. Herrera-Gonzalez was subsequently arrested for his crime on December 19, 1998. Yet when Herrera-Gonzalez was interviewed under oath on his naturalization application a few months later, he did not disclose his arrest when the immigration officer asked if he had ever been arrested, cited, charged, or indicted with any offense. On July 8, 2002, after he naturalized, Herrera-Gonzalez pleaded guilty with adjudication deferred to Injury to a Child – Bodily Injury,

a felony in the third degree for conduct committed on January 1, 1996, and was sentenced to five years' community supervision. On March 19, 2004, after he violated his probation, he was convicted and sentenced to five years' imprisonment.

With the attached affidavit showing good cause, the United States of America brings this civil action on the grounds that Herrera-Gonzalez illegally procured his naturalization and willfully misrepresented and concealed material facts about his unlawful activity during the naturalization process. Herrera-Gonzalez illegally procured his U.S. citizenship because he: (1) admitted committing during the period he was required to demonstrate good moral character a crime involving moral turpitude, (2) committed unlawful acts during the period he was required to demonstrate good moral character and cannot show extenuating circumstances; and (3) lied about this criminal conduct in his naturalization application and at his naturalization interview. Under 8 U.S.C. § 1451(a), the United States seeks to revoke and set aside the order admitting Herrera-Gonzalez to citizenship and to cancel his certificate of naturalization.

PARTIES, JURISDICTION, AND VENUE

1. This is an action filed under 8 U.S.C. § 1451(a) to revoke and set aside the order admitting Herrera-Gonzalez to United States citizenship and to cancel his Certificate of Naturalization No. 24764001.

2. This Court has subject-matter jurisdiction under 28 U.S.C. § 1345 for this cause of action under 8 U.S.C. § 1451(a).

3. Plaintiff is the United States of America.

4. Defendant is a naturalized United States citizen whose last known residential address is in Arlington, Texas, which is within the jurisdiction and venue of this Court.

5. Venue is proper in the Northern District of Texas under 8 U.S.C. § 1451(a) and 28 U.S.C. § 1391 because Herrera-Gonzalez's last known residence is in this District.

6. The affidavit of Kemilola Grayson, Special Agent with U.S. Immigration and Customs Enforcement ("ICE"), which is within the U.S. Department of Homeland Security ("DHS"), showing good cause for this action, as required by 8 U.S.C. § 1451(a), is attached as Ex. A.

FACTUAL BACKGROUND

A. Herrera-Gonzalez's Criminal Activity

7. On December 19, 1998, Herrera-Gonzalez was arrested by officers of the Arlington, Texas, Police Department on a charge of Aggravated Sexual Assault of a Child in violation of Tex. Penal Code § 22.021. Arrest and Charging Documents, *State of Texas v. Moises Gonzalez Herrera*, No. 0716369D ("*Herrera*") (Crim. Dist. Ct. 4, Tarrant Co., Tex.), attached as Ex. B.

8. On December 29, 1998, the state's attorney filed a criminal complaint alleging Herrera-Gonzalez committed two counts of Aggravated Sexual Assault of a Child in violation of Tex. Penal Code § 22.021. Criminal Compl., *Herrera* (Dec. 29, 1998), attached as Ex. C.

9. On February 25, 1999, Herrera-Gonzalez was indicted by a grand jury of Tarrant County, Texas, and charged with two counts of Aggravated Sexual Assault of a Child, in violation of Tex. Penal Code § 22.021, and one count of Sexual Assault of a Child, in violation of Tex. Penal Code § 22.011, for unlawful acts committed on or about January 1, 1996. Indictment, *Herrera*, attached as Ex. D. Herrera-Gonzalez was served with the indictment on May 6, 2002.

10. On July 8, 2002, the indictment was amended by agreement to include a fourth count of intentionally and knowingly committing Injury to a Child – Bodily Injury in violation of Tex. Penal Code § 22.04(a)(3), a felony in the third degree under Tex. Penal Code § 22.04(f). *See* Ex. D.

11. Herrera-Gonzalez signed and entered an agreement with the state’s attorney that he would plead guilty as charged to count four of the indictment and the state would recommend 5 years of probation with deferred adjudication of the charges. Plea Agreement, *Herrera* (July 8, 2002), attached as Ex. E.

12. On July 8, 2002, at a plea hearing before a magistrate judge in Criminal District Court of Tarrant County, Texas, Herrera-Gonzalez pleaded guilty to Injury to a Child – Bodily Injury, a felony in the third degree, and agreed to waive his right to a jury trial and stipulate to the evidence and testimony submitted by the state’s attorney evidencing his guilt. Plea Hearing Documents, *Herrera* (July 8, 2002), attached as Ex. F.

13. On July 10, 2002, the court adopted the magistrate judge’s order suspending imposition of a sentence and placing Herrera-Gonzalez on probation for five years. Unadjudicated Judgment of Plea of Guilty or Nolo Contendere and Orders of Supervision, *Herrera* (July 10, 2002), attached as Ex. G.

14. On October 2, 2003, the state’s attorney petitioned the court to revoke Herrera-Gonzalez’s community supervision or adjudicate his guilt because he violated the terms of his community supervision order. Warrant and State’s First Amended Petition to Proceed to Adjudication, *Herrera* (Oct. 2, 2003), attached as Ex. H.

15. On March 19, 2004, Herrera-Gonzalez signed a Judicial Confession admitting that he violated the terms of his community supervision, accepted judgment, and waived his right to

appeal. Judicial Confession and Written Plea Admonishment, *Herrera* (Mar. 19, 2004), attached as Ex. I.

16. On March 19, 2004, the court entered Judgment convicting Herrera-Gonzalez of Injury to a Child – Bodily Injury, a felony in the third degree based on conduct that occurred on January 1, 1996, and sentenced him to five years’ incarceration. Judgment Adjudicating Guilt, *Herrera* (Mar. 19, 2004), attached as Ex. J.

B. Herrera-Gonzalez’s Unlawful Naturalization

17. Herrera-Gonzalez is a native of Mexico and became a permanent resident of the United States in 1989.

18. On or about September 19, 1996, Herrera-Gonzalez filed a Form N-400, Application for Naturalization, with the legacy Immigration and Naturalization Service (“INS”).¹ See Form N-400, attached as Ex. K.

19. Question 15(a) of Part 7 of the naturalization application asked if the applicant had “ever knowingly committed any crime for which you have not been arrested?”

20. Herrera-Gonzalez marked the box “No” to answer Question 15(a) of Part 7 of the naturalization application.

21. Question 15(b) of Part 7 of the naturalization application asked if the applicant had “ever been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations?”

¹ On March 1, 2003, the INS ceased to exist as an independent agency within the Department of Justice, and most of its functions were transferred to the newly formed DHS. See Homeland Security Act of 2002, Pub. L. No. 107-296, §§ 441, 451, 471, 116 Stat. 2135 (Nov. 25, 2002). The INS was divided into three separate agencies, Citizenship and Immigration Services (“USCIS”), Customs and Border Protection (“CBP”), and ICE. USCIS assumed naturalization authority from the INS. *Id.* at § 451.

22. Herrera-Gonzalez marked the box “No” to answer Question 15(b) of Part 7 of the naturalization application.

23. On or about August 26, 1996, Herrera-Gonzalez signed the naturalization application under penalty of perjury, thereby certifying that his answers to the questions therein were true and correct.

24. On or about April 14, 1998, Herrera-Gonzalez submitted fingerprints to the INS for a criminal background check for his naturalization application, and on July 29, 1998, the INS received results from the background check indicating Herrera-Gonzalez had only one recorded encounter with law enforcement, by the U.S. Border Patrol in Laredo, Texas, on or about October 4, 1988.

25. On September 21, 1999, an INS officer interviewed Herrera-Gonzalez in person to determine his eligibility for naturalization.

26. At the beginning of the naturalization interview, Herrera-Gonzalez took an oath and affirmed that he would answer all questions truthfully.

27. The INS officer made red marks to record Herrera-Gonzalez’s verbal responses at the interview on a black-and-white copy of his naturalization application.

28. At the naturalization interview, the immigration officer asked Herrera-Gonzalez, consistent with Question 15(b) of Part 7 of the naturalization application, whether he had ever been arrested, cited, charged, indicted, convicted, fined, or imprisoned for breaking or violating any law or ordinance, excluding traffic regulations, and Herrera-Gonzalez verbally responded “yes,” which contradicted his written “no” response to Question 15(b) of Part 7.

29. Herrera-Gonzalez explained to the immigration officer that he had been arrested one time, specifically by U.S. Border Patrol when he was deported in 1988, which the INS

officer recorded in red ink next to Question 15(b) of Part 7 as “Deported 1988 Border Patrol” to reflect Herrera-Gonzalez’s explanation for the change in his answer.

30. At the end of his September 21, 1999 interview, Herrera-Gonzalez signed his naturalization application under penalty of perjury attesting that the contents of the application and any changes to the application were made at his request, and that the amended application was true to the best of his knowledge and belief.

31. On September 21, 1999, on the basis of the naturalization application and interview, the INS approved Herrera-Gonzalez’s application.

32. Herrera-Gonzalez’s testimony at the interview on whether he had ever been arrested for any crime was false.

33. At no point during the naturalization process did Herrera-Gonzalez disclose that he committed bodily injury to a six-year-old victim on or about January 1, 1996, or that he was arrested for his unlawful activity while his naturalization application was pending.

34. On September 25, 1999, Herrera-Gonzalez took the Oath of Allegiance to the United States, and was admitted as a citizen of the United States.

35. On September 25, 1999, the INS issued Certificate of Naturalization No. 24764001 in the name of Moises Herrera-Gonzalez. Certificate of Naturalization, attached as Ex. L.

GOVERNING LAW

A. Congressionally Imposed Prerequisites to the Acquisition of Citizenship

36. No alien has a right to naturalization “unless all statutory requirements are complied with.” *United States v. Ginsberg*, 243 U.S. 472, 474-75 (1917).

37. The Supreme Court has underscored that “[t]here must be strict compliance with all the congressionally imposed prerequisites to the acquisition of citizenship.” *Fedorenko v. United States*, 449 U.S. 490, 506 (1981).

38. Congress mandated that an individual may not naturalize unless that person “during all periods referred to in this subsection has been and still is a person of good moral character” *See* 8 U.S.C. § 1427(a)(3).

39. The required statutory period for good moral character begins five years before the date the applicant files the application for naturalization, and continues until the applicant takes the Oath of Allegiance and becomes a United States citizen (commonly called the “statutory period”). 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

40. As a matter of law, an applicant necessarily lacks good moral character if he or she commits a crime involving moral turpitude (“CIMT”) during the statutory period and later either is convicted of the crime or admits his or his commission of the criminal activity. 8 U.S.C. § 1101(f)(3) (cross-referencing 8 U.S.C. § 1182(a)(2)(A)); 8 C.F.R. § 316.10(b)(2)(i) (providing that an applicant “shall be found to lack good moral character” if, for example, they committed and were convicted of one or more crimes involving moral turpitude).

41. Congress has also explicitly precluded individuals who give false testimony for the purpose of obtaining immigration benefits from being able to establish the good moral character necessary to naturalize. 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

42. Further, Congress created a “catch-all” good moral character provision, which states, “[t]he fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character.” 8 U.S.C. § 1101(f).

43. Under the catch-all provision, an individual who commits an unlawful act during the statutory period that adversely reflect upon his or her moral character cannot meet the good moral character requirement, unless he or she proves the existence of extenuating circumstances. *See* 8 C.F.R § 316.10(b)(3)(iii); 8 U.S.C. § 1101(f).

44. “[A] conviction during the statutory period is not necessary for a finding that an applicant lacks good moral character. It is enough that the offense was ‘committed’ during that time.” *United States v. Suarez*, 664 F.3d 655, 661 (7th Cir. 2011) (discussing 8 C.F.R. § 316.10(b)(3)(iii)).

45. Nevertheless, an individual who is convicted is collaterally estopped from contesting all facts that were essential to proving the elements of the crime. *See Johnson v. Sawyer*, 47 F.3d 716, 722 n.13 (5th Cir. 1995) (en banc).

B. The Denaturalization Statute

46. Recognizing that there are situations where an individual has naturalized despite failing to comply with all congressionally imposed prerequisites to the acquisition of citizenship or by concealing or misrepresenting facts that are material to the decision on whether to grant his or her naturalization application, Congress enacted 8 U.S.C. § 1451.

47. Under 8 U.S.C. § 1451(a), this Court must revoke an order of naturalization and cancel the individual’s Certificate of Naturalization if his or his naturalization was *either*:

- a. illegally procured, *or*
- b. procured by concealment of a material fact or by willful misrepresentation.

48. Failure to comply with any of the congressionally imposed prerequisites to the acquisition of citizenship renders the citizenship “illegally procured.” *Fedorenko*, 449 U.S. at 506.

49. Naturalization was procured by concealment of a material fact or by willful misrepresentation, where: (1) the naturalized citizen misrepresented or concealed some fact during the naturalization process; (2) the misrepresentation or concealment was willful; (3) the fact was material; and (4) the naturalized citizen procured citizenship as a result of the misrepresentation or concealment. *Kungys v. United States*, 485 U.S. 759, 767 (1988).

50. Where the government establishes that the defendant’s citizenship was procured illegally or by willful misrepresentation of material facts, “district courts lack equitable discretion to refrain from entering a judgment of denaturalization.” *Fedorenko*, 449 U.S. at 517.

CAUSES OF ACTION

COUNT I

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Crimes Involving Moral Turpitude)

51. The United States re-alleges and incorporates by reference paragraphs 1 through 50 of this Complaint.

52. To be eligible for naturalization, Herrera-Gonzalez must have shown that he was a person of good moral character from September 19, 1991 (five years before he filed his naturalization application) until he naturalized on September 25, 1999. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

53. Herrera-Gonzalez was statutorily barred from showing that he was a person of good moral character because he committed a CIMT during the statutory period. 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).

54. Injury to a Child – Bodily Injury, in violation of Tex. Penal Code § 22.04(a)(3) charged as a felony in the third degree under Tex. Penal Code § 22.04(f), is an intentional act of child abuse and, thus, a CIMT. *See, e.g., In re Lopez-Meza*, 22 I. & N. Dec. 1188, 1193 (BIA 1999) (listing child abuse as a CIMT because it is an act involving baseness or depravity).

55. Herrera-Gonzalez both admitted in his Judicial Confession that he had committed, and was convicted of intentionally committing, Injury to a Child – Bodily Injury as charged.

56. Herrera-Gonzalez committed the crime on January 1, 1996, which was during the statutory period of his naturalization. *See* Ex. I.

57. Because Herrera-Gonzalez committed a CIMT during the statutory period, to which he later admitted and for which he was convicted, he was barred under 8 U.S.C. § 1101(f)(3) from showing that he had the good moral character necessary to become a naturalized United States citizen.

58. Because Herrera-Gonzalez could not establish that he was a person of good moral character during the statutory period, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

59. Because he was ineligible to naturalize, Herrera-Gonzalez illegally procured his naturalization, and this Court must revoke his citizenship under 8 U.S.C. § 1451(a).

COUNT II

**ILLEGAL PROCUREMENT OF NATURALIZATION
LACK OF GOOD MORAL CHARACTER
(False Testimony)**

60. The United States re-alleges and incorporates by reference paragraphs 1 through 59 of this Complaint.

61. As discussed above, to be eligible for naturalization Herrera-Gonzalez was required to show that he was a person of good moral character from February 21, 1991, to September 25, 1999. 8 U.S.C. § 1427(a)(3); 8 C.F.R. § 316.10(a)(1).

62. Herrera-Gonzalez was statutorily barred from showing that he was a person of good moral character during the statutory period because he gave false testimony, under oath, for the purpose of obtaining an immigration benefit, specifically naturalization. 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

63. Herrera-Gonzalez testified falsely when he testified, under oath, during his September 21, 1999 naturalization interview in response to Question 15(b) of Part 7 his naturalization application that he had only been arrested, charged, or indicted for breaking or violating any law on one occasion, when he was deported by the U.S. Border Patrol in 1988.

64. Herrera-Gonzalez's testimony in response to Question 15(b) of Part 7 was false because Herrera-Gonzalez was arrested on December 19, 1998, by officers of the Arlington, Texas, Police Department on a charge of Aggravated Sexual Assault of a Child in violation of Tex. Penal Code § 22.021.

65. Herrera-Gonzalez made these false statements for the purpose of obtaining an immigration benefit, namely, naturalization.

66. Because Herrera-Gonzalez provided false testimony under oath for the purpose of obtaining his naturalization, he was barred under 8 U.S.C. § 1101(f)(6) from showing that he had the good moral character necessary to become a naturalized United States citizen.

67. Because Herrera-Gonzalez could not establish that he was a person of good moral character during the statutory period, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

68. Because he was ineligible to naturalize, Herrera-Gonzalez illegally procured his naturalization, and this Court must revoke his citizenship under 8 U.S.C. § 1451(a).

COUNT III

ILLEGAL PROCUREMENT OF NATURALIZATION LACK OF GOOD MORAL CHARACTER (Unlawful Acts Adversely Reflecting on Moral Character)

69. The United States re-alleges and incorporates by reference paragraphs 1 through 68 of this Complaint.

70. As discussed above, to be eligible for naturalization Herrera-Gonzalez was required to show that he was a person of good moral character from February 21, 1991 to September 25, 1999. 8 U.S.C. § 1427(a)(3).

71. Herrera-Gonzalez could not establish the requisite good moral character for naturalization because he committed unlawful acts during the statutory period that reflected adversely on his moral character and there were no extenuating circumstances. 8 U.S.C. § 1101(f) (catch-all provision); 8 C.F.R. § 316.10(b)(3)(iii).

72. Herrera-Gonzalez could not establish the requisite good moral character for naturalization because he knowingly and intentionally injured a six-year-old victim in violation of Texas Penal Code § 22.04(a)(3) and (f), which adversely reflected on his moral character, and

for which there are no extenuating circumstances. *See* 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

73. The regulatory catch-all provision for unlawful acts at 8 C.F.R. § 316.10(b)(3)(iii) applies to Herrera-Gonzalez regardless of whether his conduct and subsequent conviction also constitute a CIMT.

74. The regulatory catch-all provision for unlawful acts at 8 C.F.R. § 316.10(b)(3)(iii) applies to Herrera-Gonzalez because he committed the unlawful acts on January 1, 1996, during the statutory period before he was naturalized, even though he pleaded guilty/nolo-contendere to those crimes and was convicted after he was granted citizenship.

75. An individual illegally procured naturalization if he committed unlawful acts during the statutory period before he was naturalized, even if he was convicted of those crimes after he was granted citizenship. *See, e.g., United States v. Mwalumba*, 688 F. Supp. 2d 565, 570 (N.D. Tex. 2010).

76. Because Herrera-Gonzalez committed unlawful acts that adversely reflected on his moral character during the statutory period and he cannot demonstrate extenuating circumstances, he was barred under 8 U.S.C. § 1101(f) and 8 C.F.R. § 316.10(b)(3)(iii) from showing that he had the good moral character necessary to become a naturalized United States citizen.

77. Because Herrera-Gonzalez could not establish that he was a person of good moral character during the statutory period, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

78. Because he was ineligible to naturalize, Herrera-Gonzalez illegally procured his naturalization, and this Court must revoke his citizenship under 8 U.S.C. § 1451(a).

COUNT IV

**PROCUREMENT OF UNITED STATES CITIZENSHIP BY
CONCEALMENT OF A MATERIAL FACT OR
WILLFUL MISREPRESENTATION**

79. The United States re-alleges and incorporates by reference paragraphs 1 through 78 of this Complaint.

80. Under 8 U.S.C. § 1451(a), this Court must revoke Herrera-Gonzalez's citizenship and cancel his Certificate of Naturalization if he procured his naturalization by concealment of a material fact or by willful misrepresentation.

81. As set forth above, throughout the naturalization process, Herrera-Gonzalez willfully misrepresented and concealed—in both his naturalization application in his naturalization interview—the intentional child abuse he inflicted on January 1, 1996, on a six-year-old victim.

82. At no point during the naturalization process did Herrera-Gonzalez disclose that he injured a six-year-old victim on January 1, 1996, and that he was arrested for the unlawful activity before his naturalization interview.

83. Herrera-Gonzalez's misrepresentation and concealment of his unlawful activity and his arrest for his crime were material to his naturalization application because they would have had a natural tendency to influence the INS's decision whether to approve his naturalization application. Indeed, Herrera-Gonzalez's conduct rendered him ineligible for citizenship.

84. Had Herrera-Gonzalez disclosed his criminal conduct his application for naturalization would have been denied.

85. Similarly, had he disclosed his arrest, the INS officer adjudicating his naturalization application would have inquired further into his conduct and, if Herrera-Gonzalez

had responded truthfully, his naturalization application would have been denied. Herrera-Gonzalez's misrepresentation cut off this line of inquiry.

86. Herrera-Gonzalez therefore procured his naturalization by concealment of material facts and willful misrepresentations, and this Court must revoke his citizenship under 8 U.S.C. § 1451(a).

PRAYER FOR RELIEF

WHEREFORE, the United States of America respectfully requests:

- (1) A declaration that Herrera-Gonzalez procured his citizenship illegally;
- (2) A declaration that Herrera-Gonzalez procured his citizenship by concealment of material facts and by willful misrepresentation;
- (3) Judgment revoking and setting aside the order admitting Herrera-Gonzalez to citizenship and canceling Certificate of Naturalization No. 24764001, effective as of the original date of the order and certificate, September 25, 1999.
- (4) Judgment forever restraining and enjoining Herrera-Gonzalez from claiming any rights, privileges, benefits, or advantages related to United States citizenship that he obtained as a result of his September 25, 1999 naturalization;
- (5) Judgment requiring Herrera-Gonzalez to surrender and deliver, within ten days of the entry of judgment against him, his Certificate of Naturalization No. 24764001, and any copies thereof in his possession—and to make good faith efforts to recover and immediately surrender any copies thereof that he knows are in the possession of others—to the Attorney General, or his designated representative, including undersigned counsel;
- (6) Judgment requiring Herrera-Gonzalez to surrender and deliver, within ten days of the entry of judgment against him, any other indicia of United States citizenship (including, but

not limited to, U.S. passports, voter registration cards, and other relevant documents, whether current or expired), and any copies thereof in his possession—and to make good faith efforts to recover and then surrender any copies thereof that he knows are in the possession of others—to the Attorney General, or his designated representative, including undersigned counsel; and

(7) Judgment granting the United States such other relief that may be lawful and proper in this case.

DATED: November 21, 2017

ERIN NEALY COX
United States Attorney

By: /s/ Amber Woodward
AMBER WOODWARD
Assistant United States Attorney
Northern District of Texas
Missouri Bar No. 64250
1100 Commerce Street, Ste. 300
(214) 659-8700; (214) 659-8807 (fax)
amber.woodward@usdoj.gov

Respectfully Submitted,

CHAD A. READLER
Principal Deputy Assistant Attorney General

WILLIAM A. PEACHEY
Director, District Court Section
Office of Immigration Litigation

TIMOTHY M. BELSAN
Deputy Chief, National Security &
Affirmative Litigation Unit
District Court Section

By: /s/ Troy D. Liggett
TROY D. LIGGETT
Trial Attorney
Florida Bar No. 0086788
District Court Section
Office of Immigration Litigation
Civil Division
U.S. Department of Justice
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
(202) 532-4765; (202) 305-7000 (fax)
troy.liggett@usdoj.gov

Attorneys for Plaintiff
United States of America

EXHIBIT A

UNITED STATES OF AMERICA)
)
DALLAS, TEXAS)
)
In the Matter of the Revocation)
of the Naturalization of)
)
Moises Gonzalez HERRERA)
)
A [REDACTED] 816)

AFFIDAVIT OF GOOD CAUSE

I, Kemilola Grayson, declare under penalty of perjury as follows:

- I. I am a Special Agent of the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). In this capacity, I have access to the official records of the DHS/ICE, including the alien file of Moises Gonzalez HERRERA, A [REDACTED] 816 (Mr. Herrera).
- II. I have examined the records relating to Mr. Herrera's case. Based upon my review of these records, I state on information and belief that the information set forth in this Affidavit of Good Cause is true and correct.

Factual Background

- III. On or about September 19, 1996, Mr. Herrera filed an application for naturalization, Form N-400, with the former Immigration and Naturalization Service (INS) in Dallas, Texas.
 - A. On September 21, 1999, Mr. Herrera was interviewed under oath regarding the contents of his naturalization application. At the conclusion of the interview, Mr. Herrera signed the application, swearing that he had read and understood the contents of his application and certifying that it was true to the best of his knowledge and belief.
 - B. On September 21, 1999, on the basis of the application and interview, INS approved Mr. Herrera's Form N-400 application for naturalization.

C. On September 25, 1999, Mr. Herrera completed a Form N-445 Notice of Naturalization Oath Ceremony and that same day took the oath of citizenship and became a naturalized citizen. He was issued a Certificate of Naturalization, number 24764001.

Illegal Procurement

IV. Mr. Herrera's citizenship should be revoked because it was illegally procured. 8 U.S.C. § 1451(a). Naturalization is illegally procured if the naturalized citizen was statutorily ineligible to become a citizen. *See Fedorenko v. United States*, 449 U.S. 490, 506-07 (1981). To be eligible for citizenship, Mr. Herrera was required to prove that he was a person of good moral character during the statutory period—five years prior to the filing of his application for naturalization until the time he took the oath of allegiance, or September 19, 1991 to September 25, 1999. 8 U.S.C. § 1427(a); 8 C.F.R. § 316.10(a)(1). Mr. Herrera illegally procured his naturalization because he could not have established that he was a person of good moral character during that period, as required by 8 U.S.C. § 1427(a)(3).

A. First, Mr. Herrera could not have established that he was a person of good moral character during the statutory period because he committed a crime involving moral turpitude for which he was later convicted.

1. An applicant for naturalization is precluded from establishing good moral character if, during the statutory period, he commits a crime involving moral turpitude for which he is later convicted or which he later admits to committing. *See* 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).
2. According to the Unadjudicated Judgment on Plea of Guilty or Nolo Contendere and Suspending Imposition of Sentence, Mr. Herrera pled guilty to count four of the amended indictment, which states that he caused bodily

injury to a child who was younger than 15 years, by touching the anus of the child. These acts resulted in a conviction for Injury to a Child.

3. Mr. Herrera's conviction constitutes a crime of child abuse under section 237(a)(2)(E)(i) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1227(a)(2)(E)(i), and it is also a crime involving moral turpitude.
4. This crime involving moral turpitude was committed on or about January 1, 1996, which is within the statutory period for which he was required to demonstrate good moral character.

B. Second, Mr. Herrera could not have established that he was a person of good moral character during the statutory period because he provided false testimony for the purposes of obtaining a benefit under the Immigration and Nationality Act.

1. An applicant for naturalization is precluded from establishing good moral character if, during the statutory period, he gives false testimony for the purpose of obtaining an immigration benefit such as naturalization. *See* 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).
2. On September 21, 1999, Mr. Herrera was interviewed regarding the N-400 application for citizenship he previously filed with INS. Mr. Herrera was placed under oath prior to the interview. During the interview, an INS officer asked Mr. Herrera question 15(b) on part 7 of the N-400: "Have you **ever** been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating **any** law or ordinance excluding traffic regulations?" Mr. Herrera had previously put an "x" in the box indicating his answer to such question was "No." When orally asked that same question on

September 21, 1999, Mr. Herrera answered “Yes,” and noted that he had been deported by Border Patrol in 1988. Accordingly, the INS officer placed a red “X” mark to “Yes” and wrote down “Deported 1988 Border Patrol” indicating that Mr. Herrera amended his answer.

3. Mr. Herrera was arrested by officers from the Arlington Police Department on December 19, 1998 and charged with Aggravated Sexual Assault.
4. As Mr. Herrera did not disclose the fact that he was arrested and charged with Aggravated Sexual Assault, his answer to question 15(b) on part 7 of the N-400 was false.
5. Mr. Herrera made this false statement under oath, and with the intent to obtain an immigration benefit- namely, naturalization.

C. Third, Mr. Herrera could not have established that he was a person of good moral character during the statutory period because he committed unlawful acts that adversely reflected upon his moral character.

1. An applicant for naturalization is precluded from establishing good moral character if, during the statutory period, he commits unlawful acts that adversely reflect upon his moral character, unless there are extenuating circumstances. *See* 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).
2. During the statutory period, Mr. Herrera committed criminal acts that adversely reflected upon his moral character.
3. On July 8, 2002, Mr. Herrera pled guilty to count four of the amended indictment, Injury to a Child—Bodily Injury.

4. According to the Unadjudicated Judgment on Plea of Guilty or Nolo Contendere and Suspending Imposition of Sentence, Mr. Herrera pled guilty to count four of the amended indictment, which states that on January 1, 1996, he caused bodily injury to a child who was younger than 15 years, by touching the anus of the child. Such unlawful and abusive behavior demonstrates a lack of good moral character.
5. Because Mr. Herrera committed unlawful acts that adversely reflect upon his moral character within the period of time in which he was required to establish good moral character, he was precluded from establishing good moral character and was therefore ineligible for naturalization.

Willful Misrepresentation or Concealment of Material Facts

- V. Additionally, Mr. Herrera's citizenship should be revoked because it was procured by willful misrepresentation and concealment of material facts. 8 U.S.C. § 1451(a).
 - A. Mr. Herrera willfully misrepresented and concealed his criminal activities during his naturalization proceedings.
 1. On or about September 19, 1996, Mr. Herrera filed his form N-400 Application for Naturalization. Question 15(a) on part 7 of the N-400 asks "Have you ever knowingly committed any crime for which you have not been arrested?" Mr. Herrera answered "No." This answer was false. In 2002, Mr. Herrera admitted to causing bodily injury to a child on January 1, 1996, a date nine months prior to the filing of the N-400 application.

2. On September 21, 1999, Mr. Herrera was interviewed regarding his N-400 Application for Naturalization. At the end of the in-person interview, Mr. Herrera signed his Form N-400 Application for Naturalization, certifying under penalty of perjury that his answers were true and correct. On part 7 of the Form N-400, question 15(b) asks “Have you ever been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations?” Mr. Herrera failed to disclose his December 19, 1998 arrest and subsequent indictment for Aggravated Sexual Assault of a Child. As such, this answer was false. The fact that the Form N-400 was signed nine months after Mr. Herrera was arrested demonstrates that he willfully misrepresented and concealed material facts, as he was aware of his arrest and indictment but failed to disclose them on his application.
- B. Mr. Herrera’s misrepresentations and concealment of his criminal acts were material to determining his eligibility for naturalization because they would have had the natural tendency to influence the decision of the former INS whether to approve his naturalization application and allow him to take the oath. *See Kungys v. United States*, 485 U.S. 759, 772 (1988). As explained in Part IV, Mr. Herrera’s criminal acts would have precluded him from establishing the requisite good moral character for naturalization. Thus, had Mr. Herrera been truthful on his Form N-400, he would not have been allowed to naturalize.
- C. Mr. Herrera procured his naturalization by misrepresenting and concealing material facts- his criminal acts.

Conclusion

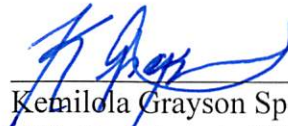
- VI. Based on the facts outlined in the foregoing paragraphs, good cause exists to: (a) institute proceedings pursuant to section 340(a) of the INA, 8 U.S.C. § 1451(a); (b) to revoke Mr. Herrera's citizenship; and (c) to cancel his certificate of naturalization.
- VII. Mr. Herrera resides at [REDACTED], Arlington, TX 76011. Mr. Herrera's residence is within the jurisdiction of the United States District Court for the Northern District of Texas.

DECLARATION IN LIEU OF JURAT

(28 U.S.C. §1746)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

July 25, 2017 :



Kemilola Grayson Special Agent
U.S. Department of Homeland Security
U.S. Immigration and Custom Enforcement

EXHIBIT B

03-98729

ARREST WARRANT AFFIDAVIT

STATE OF TEXAS

COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared **DETECTIVE T.J. ECK ID#1444**, a police officer with the Arlington, Texas, Police Department, who after being duly sworn on oath deposes and says that **SHE HAS GOOD REASON TO BELIEVE AND DOES BELIEVE THAT:**

Between approximately 01-01-96 and 12-31-96 in the City of Arlington, Tarrant County, Texas, **Moises Gonzales Herrera**, did then and there commit the offense of **Aggravated Sexual Assault a Felony**, in that he did then and there intentionally and knowingly cause the penetration of the anus of [REDACTED], a child younger than 14 years of age who was not the spouse of said defendant by penetrating the victim's anus with the suspect's penis.

MY BELIEF AS AFORESAID IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES

On September 11, 1998 Teleserve Operator **A. Montalvo #1190** was contacted by Child Protective Services Investigator [REDACTED]. **Ms. [REDACTED]** advised she had received an outcry from the victim, [REDACTED]. The victim had told her teacher that when she was in the first grade [REDACTED] the defendant **Moises Herrera, w/m, DOB [REDACTED]-61**, came into her bedroom and had intercourse with her.

Your affiant made contact with CPS Investigator [REDACTED]. **Ms. [REDACTED]** stated she interviewed the victim on audio tape and later on video tape at the Alliance for Children, 1320 W. Abram St., Arlington Texas. Your affiant reviewed the video tape. In the video, **Ms. [REDACTED]** asked the victim if anyone has ever touched her private parts and the victim shakes her head no. The victim then mumbles something. The victim pauses and quietly says "[REDACTED]" when she was 7 or 8 years old. The victim stated when they were living in Arlington she was in [REDACTED] room and he touched her with "that thing". The victim points to the penis on the anatomically correct male doll to identify "that thing". **Ms. [REDACTED]** asked the victim where [REDACTED] touched her with his penis and the victim points to the doll's bottom. The victim stated she was lying on the bed and [REDACTED] was on top of her. **Ms. [REDACTED]** asked the victim if he put his penis inside her butt and the victim replied yes. The victim stated she was crying and he didn't say anything. When asked if their clothes were on or off, the victim replied that their clothes were off. The victim first stated it happened one time and then advised that it happened about ten times. She said he never put it anywhere else, only in her butt. The victim advised that it was hard and something came out of it that felt like water. The victim advised she told her mom and they were going to leave [REDACTED] but he told her mom he promised he would never do it again. The victim could not give an exact date or time when it happened but said the last time it happened was before her mother was pregnant.

ARREST WARRANT AFFIDAVIT
 MOISES GONZALES HERRERA
 PAGE TWO OF THREE

WARRANT NO. 03-98729

The victim received a medical exam at the Alliance for Children which was performed by RN [REDACTED]. The medical exam revealed no physical findings. With Ms. [REDACTED] assistance as a translator your affiant spoke with the victim's mother, [REDACTED], h/f, DOB [REDACTED]-72. Ms. [REDACTED] stated approximately 7 months ago her daughter did tell her that [REDACTED] touched her butt, however the victim didn't say how or with what. Ms. [REDACTED] advised she confronted [REDACTED] with the victim present and the defendant denied the allegations. She stated she checked her daughter and did not see anything so she did not know what to think. Ms. [REDACTED] said she would ask the victim later if the defendant was still doing this and she stated her daughter said no.

Your affiant received a copy of the statement [REDACTED] provided to CPS Investigator [REDACTED]. Ms. [REDACTED] is the outcry witness. In her statement, Ms. [REDACTED] advised the victim is her student at Speer Elementary. Ms. [REDACTED] stated the victim confided in her that approximately two years ago [REDACTED] had molested her while her mother was at work. Ms. [REDACTED] advised the victim said it only happened a couple of times and it has not happened since then. Your affiant made contact with Ms. [REDACTED] via telephone. Ms. [REDACTED] advised the victim had first told one of her other student's mother, Ms. [REDACTED], about three months ago. Ms. [REDACTED] stated the victim then later came to her and told her when the victim was in the first grade, [REDACTED] had put his penis in her behind. She stated they also talked to the school counselor, [REDACTED]. Ms. [REDACTED] stated she did not believe the victim was lying even though the defendant and the victim's mother deny the allegations. Later your affiant made contact with Ms. [REDACTED] at Speer Elementary. Ms. [REDACTED] translated for Ms. [REDACTED]. Ms. [REDACTED] told your affiant that the victim approached her at school and said she needed to tell her a secret. Ms. [REDACTED] advised the victim said something to the effect that [REDACTED] had touched her and she was afraid to stay alone at home. Ms. [REDACTED] stated the victim did not say when, where or how and Ms. [REDACTED] did not inquire further.

Your affiant met with the defendant, Moises Herrera at the Alliance for Children at which time he was read his Miranda Warnings. The defendant denied the allegations and stated he did not know why [REDACTED] would be saying such things because it was not true. The defendant stated he believed the victim's teacher, [REDACTED], was the one causing these problems for [REDACTED]. Your affiant asked the defendant about the outcry the victim made to her mother. The defendant stated approximately two years ago when they were living in Dallas, he came home from work and [REDACTED] confronted him, saying the victim said he had touched her. The defendant advised he and [REDACTED] called the victim into the room and [REDACTED] asked the victim to tell [REDACTED] what she had said. The defendant stated the victim started crying and said she was lying, that the defendant did not touch her. Your affiant requested the defendant to submit to a polygraph examination to which he agreed. An appointment was scheduled, however prior to that appointment the defendant recontacted your affiant, stating he had changed his mind and no longer wished to submit to a polygraph examination.

The defendant was identified through DPS records as Moises Gonzales Herrera, w/m. DOB [REDACTED]-61, 5'07" tall, 150 pounds, black hair, brown eyes and has been issued Texas Driver's License # [REDACTED].

ARREST WARRANT AFFIDAVIT
MOISES GONZALES HERRERA
PAGE THREE OF THREE

WARRANT NO. 03-98729


WHEREFORE, I request that an arrest warrant be issued for the suspect hereinbefore designated according to the laws of this State.

Witness my signature, this the 15 day of DECEMBER, 1998.

TO F.K. # 1444
AFFIANT T.J. Eck ID# 1444

Dec **SUBSCRIBED AND SWORN TO BEFORE ME**, this the 15th day of
1998, at 11:40 o'clock A.M.


MAGISTRATE IN AND FOR
TARRANT COUNTY, TEXAS


MUNICIPAL COURT JUDGE
200 W. ABRAM STREET
ARLINGTON, TEXAS 76010

WARRANT NUMBER: 03-98729

WARRANT OF ARREST

STATE OF TEXAS }

COUNTY OF TARRANT }

TO ANY PEACE OFFICER OF THE STATE OF TEXAS:

The undersigned Magistrate having heretofore found that probable cause exists for the issuance of this warrant YOU ARE HEREBY COMMANDED TO ARREST MOISES GONZALES HERRERA, hereinafter referred to as the suspect, and bring the said suspect before a Magistrate in and for Tarrant County, Texas, instant, then and there to answer the State of Texas for an offense against the laws of said State, to wit: AGG SEXUAL ASSAULT, a FELONY, of which offense he, the said suspect, is accused of by the written Affidavit, under oath of DETECTIVE T.J. ECK ID#1444, a police officer with the Arlington, Texas, Police Department, filed before me anterior to the issuance of this warrant.

Said MOISES GONZALES HERRERA is hereby committed to the appropriate jail for custody.

HEREIN FAIL NOT, and make due return hereof to me at the place herein named.

WITNESS my signature, this the 15th day of Dec. 1998, at 11:40 o'clock A.M.

Recommended Bond:

\$20,000.00



[Signature]
MAGISTRATE IN AND FOR
TARRANT COUNTY, TEXAS

MUNICIPAL COURT JUDGE
200 W. ABRAM STREET
ARLINGTON, TEXAS 76010

Came to hand on the _____ day of _____, 1998, and executed on the _____ day of _____, 1998.

BY: _____
NAME OF PEACE OFFICER & TITLE AND DESCRIPTION OF OFFICE

ADULT WARNING

STATE OF TEXAS
COUNTY OF TARRANT

ARREST : 0192736
OFFENSE : 983526130

~~TICKET/WARRANT~~

BEFORE ME, THE UNDERSIGNED MAGISTRATE OF THE STATE OF TEXAS ON THIS DAY PERSONALLY APPEARED

~~INDIGES HERRERA~~, IN THE CUSTODY OF CHIEF DAVID KINKLE, A PEACE OFFICER, AND SAID PERSON WAS GIVEN THE FOLLOWING WARNING BY ME.

(1) YOU ARE CHARGED WITH THE OFFENSE OF ~~ACT SEXUAL ABUSE - FORCED INTERCOURSE~~. AN AFFIDAVIT CHARGING YOU WITH THIS OFFENSE ~~WAS~~ *HAS NOT BEEN FILED IN ~~COURT~~.

(2) YOU HAVE THE RIGHT TO HIRE A LAWYER AND HAVE HIM PRESENT PRIOR TO AND DURING ANY INTERVIEWS AND QUESTIONING BY PEACE OFFICERS OR ATTORNEYS REPRESENTING THE STATE. IF YOU ARE TOO POOR TO AFFORD A LAWYER, YOU HAVE THE RIGHT TO REQUEST THE APPOINTMENT OF A LAWYER TO BE PRESENT PRIOR TO AND DURING ANY SUCH INTERVIEW AND QUESTIONING. YOU MAY HAVE REASONABLE TIME AND OPPORTUNITY TO CONSULT YOUR LAWYER IF YOU DESIRE.

(3) YOU HAVE THE RIGHT TO REMAIN SILENT.

(4) YOU ARE NOT REQUIRED TO MAKE A STATEMENT, AND ANY STATEMENT YOU MAKE CAN AND MAY BE USED AGAINST YOU IN COURT.

(5) YOU HAVE THE RIGHT TO STOP ANY INTERVIEW OR QUESTIONING AT ANY TIME.

(6) YOU HAVE THE RIGHT TO HAVE AN EXAMINING TRIAL.

PLACE OF WARNING:
(X) ARLINGTON CITY JAIL
() ARLINGTON MUNICIPAL COURT

TIME: 11:30

DATE: 12-20-97

ADDRESS OF WITNESS

X. M. Mauer & Herrera

(PERSON WARNING)

[Signature]
MAGISTRATE

WITNESSES:

[Signature]

ARREST # 0192736

REMARKS: () UNDERSTANDS

OTHER:
.....
.....
.....

ADDRESS
ARLINGTON CITY JAIL
620 W DIVISION
ARLINGTON, TX

DOR: [REDACTED] /61

*DELETE WHAT IS NOT APPLICABLE

ARREST # 0192736
OFFENSE # 983530140
TICKET/WARRANT #

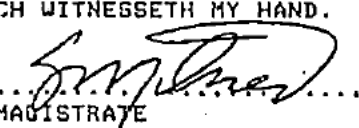
PROBABLE CAUSE DETERMINATION

ON THE ABOVE DATE, SUFFICIENT FACTS HAVE BEEN PRESENTED
TO ME: () BY AFFIDAVIT

() BY SWORN TESTIMONY

(☒) OR OTHERWISE

TO SHOW THAT PROBABLE CAUSE EXISTS FOR THE CONTINUED
DETENTION OF THE PRISONER DESIGNATED ABOVE AS TO THE CHARGES
STATED HEREINABOVE, TO CERTIFY WHICH WITNESSETH MY HAND.


.....
MAGISTRATE

I DO NOT FIND THAT PROBABLE CAUSE EXISTS FOR THE CONTINUED
DETENTION OF THE PRISONER STATED HEREINABOVE, TO CERTIFY
WHICH WITNESSETH MY HAND.

.....
MAGISTRATE

Name: **HERREKA, MOISES**

Case 4:17-cv-00938-A

Document 1-2

Near, Rel:

Admitted 11/21/17

Page 8 of 11

PageID 34

ARLINGTON TX 76011

Tel. #:

D.L. #:

DOB:

State:

Place of Birth: MEXICO

MM

Race:

Height: 5'08"

Weight: 160

Eyes: BRO

Hair: ELK

CSZ:

Emp. Name: MERCADO JUARES

Emp. Address:

CSZ:

Emp. Tel:

Case No.	Bond No.	Date Executed	Bond Amt.	Charging Instrument	Warrant No.	Arresting No.	CID
Principal		DEC 20, 1998	\$20,000.00	Offense Charged		983530140	
HERREKA, MOISES				ACG SEXUAL ASSAULT			
Surety Name/Address				Court of Jurisdiction			
CORNETT, RONALD				TARRANT COUNTY			
623 W DIVISION ST.				ARLINGTON TX 76011			

KNOW ALL MEN BY THESE PRESENTS:

That we, the above named and undersigned principal and sureties, in our respective capacities, are held and firmly bound unto the State of Texas to the penal sum of the above shown amount of bond, in addition to costs of Court, post judgment interest, and interest accrued on the bond amount from the date of forfeiture in the same manner and at the same rate as provided for the accrual of prejudgment interest in civil cases, for the payment of which sum, well and truly to be made, and all additional fees and expenses that may be incurred by peace officers in arresting the principal in the event the conditions of this bond are violated, we bind ourselves, our heirs, executors and administrators, jointly and severally by these presents. The condition of the above obligation is such that whereas the above named principal is being held in due course of law for the above shown offense and appeared in the above shown court, said principal was ordered and required as shown above, to give bail in the above amount for his/her personal appearance before the above named court. Said principal acknowledges and understands that at the time of the making of this bond, that charges have been filed either by affidavit, information, complaint, or indictment, and said principal further understands and acknowledges that such charges if not filed may be filed at a later date. Said principal and said surety agree and hereby contract that they acknowledge the validity of this bond, charges being filed as outlined herein and said principal and surety hereby covenant and agree that they will not contest the enforceability of this bond on the grounds of charges not being filed in a court of jurisdiction provided that said formal charges are later filed in a court of jurisdiction. Now if the principal shall well and truly make personal appearance in person before the court shown above of the above named County at the above shown location at the present term of said court if now in session, or at its next regular term if now in vacation and further shall well and truly make personal appearance before any other court to which the same may be filed or transferred and for any and all subsequent proceedings that may be had relative to the said charge in the course of the criminal action based on said charge, and there remain from day to day and from term to term of said court, until discharged by due process of law, then and there to answer said accusation against said principal, this obligation shall become void, otherwise to remain in full force and effect.

CONDITIONS OF THE BOND: IT IS A CONDITION OF THIS BOND THAT THE DEFENDANT/PRINCIPAL SHALL RETAIN AN ATTORNEY PRIOR TO THE FIRST TIME THE DEFENDANT/PRINCIPAL IS SUMMONED TO APPEAR IN COURT IN CONNECTION WITH THIS CASE. A PERSON APPEARING FOR ANY COURT SETTING WITHOUT AN ATTORNEY MAY BE FOUND TO HAVE VIOLATED A CONDITION OF BOND AND MAY BE ARRESTED AND PLACED IN JAIL AND HIS BOND FORFEITED. (THE GOLD COPY OF THIS BOND IS RECEIVED BY THE DEFENDANT/PRINCIPAL).

**PRINCIPAL:

PERSONAL BOND:

I swear that I will appear before

on the day of

of

at the hour of

or upon notice by the court, or to pay to the Court the principal sum

plus all necessary and reasonable expenses incurred in my arrest for failure to appear.

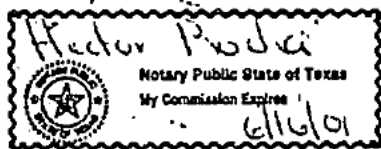
AFFIDAVIT OF SUFFICIENCY OF SURETY:

I do swear that I am worth, in my own right, at least the sum of \$350,000. \$354,000.00, after deducting from my property all that which is exempt by the Constitution and Laws of the State from forced sale, and after the payment of all my debts of every description, whether individual or security debts, and after satisfying all encumbrances upon my property, which are known to me, that I reside in Tarrant County, and have property in this State liable to execution worth said amount or more.

I AM THE SURETY/BONDSPERSON FOR THE PRINCIPAL ON THIS BOND.

Surety:

Principal:



Sworn to and subscribed before me this

26 day of Aug. 98

Witness:

Tarrant

Approved Magistrate

Taken and Approved this 20TH day of DECEMBER

Sheriff:

1998

County: DAVID WILLIAMS

TARRANT

By: [Signature]

Deputy

I certify the surety named herein has collateral in the amount indicated and, if submitted for approval, I would accept same.

DAVID WILLIAMS

TARRANT

By: [Signature]

Deputy

Sheriff

County

Deputy

LEFT THUMB

RIGHT THUMB

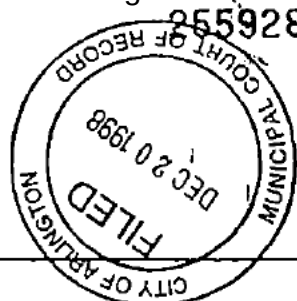
CANARY ARREST AGENCY

The State of Texas

COUNTY OF TARRANT

APPEARANCE BOND

INSTANTER



Name: HERRERA, MOISES

Race/

Near, Rel:

Add: [REDACTED]

Sex: M

Address:

CSZ: ARLINGTON TX 76011

Height: 5'8"

CSZ:

Tel. #:

Weight: 160

Emp. Name: MERCADO JUARES

D.L. #:

State:

Eyes: BRO

Emp. Address:

DOB:

1961

Place of Birth: MEXICO M4

Hair: BLK

CSZ:

Emp. Tel:

Case No.	Bond No.	Date Executed	Bond Amt.	Charging Instrument	Warrant No.	Arresting No.	CID
		DEC 20, 1998	\$20,000.00			983530140	
Principal		Offense Charged					
HERRERA, MOISES		AGG SEXUAL ASSAULT					
Surety Name/Address		Court of Jurisdiction					
CORMETT, RONALD		CB43	817-860-9539	TARRANT	COUNTY		
623 W DIVISION ST.		ARLINGTON	TX 76011				

KNOW ALL MEN BY THESE PRESENTS:

That we, the above named and undersigned principal and sureties, in our respective capacities, are held and firmly bound unto the State of Texas in the penal sum of the above shown amount of bond, in addition to costs of Court, post judgment interest, and interest accrued on the bond amount from the date of forfeiture in the same manner and at the same rate as provided for the accrual of prejudgment interest in civil cases, for the payment of which sum, well and truly to be made, and all additional fees and expenses that may be incurred by peace officers in re-arresting the principal in the event the conditions of this bond are violated, we bind ourselves, our heirs, executors and administrators, jointly and severally by these presents. The condition of the above obligation is such that whereas the above named principal is being held in due course of law for the above shown offense and appeared in the above shown court, said principal was ordered and required as shown above, to give bail in the above amount for his/her personal appearance before the above named court. Said principal acknowledges and understands that at the time of the making of this bond, that charges have been filed either by affidavit, information, complaint, or indictment, and said principal further understands and acknowledges that such charges if not filed may be filed at a later date. Said principal and said surety agree and hereby contract that they acknowledge the validity of this bond, charges being filed as outlined herein and said principal and surety hereby covenant and agree that they will not contest the enforceability of this bond on the grounds of charges not being filed in a court of jurisdiction provided that said formal charges are later filed in a court of jurisdiction. Now if the principal shall well and truly make personal appearance instant before the court shown above of the above named County at the above shown location at the present term of said court if now in session, or at its next regular term if now in vacation and further shall well and truly make personal appearance before any other court in which the same may be filed or transferred and for any and all subsequent proceedings that may be had relative to the said charge in the course of the criminal action based on said charge, and there remain from day to day and from term to term of said court, until discharged by due process of law, then and there to answer said accusation against said principal, this obligation shall become void, otherwise to remain in full force and effect.

CONDITIONS OF THE BOND: IT IS A CONDITION OF THIS BOND THAT THE DEFENDANT/PRINCIPAL SHALL RETAIN AN ATTORNEY PRIOR TO THE FIRST TIME THE DEFENDANT/PRINCIPAL IS SUMMONED TO APPEAR IN COURT IN CONNECTION WITH THIS CASE. A PERSON APPEARING FOR ANY COURT SETTING WITHOUT AN ATTORNEY MAY BE FOUND TO HAVE VIOLATED A CONDITION OF BOND AND MAY BE ARRESTED AND PLACED IN JAIL AND HIS BOND FORFEITED. (THE GOLD COPY OF THIS BOND IS RECEIVED BY THE DEFENDANT/PRINCIPAL).

**PRINCIPAL:

PERSONAL BOND:

I swear that I will appear before

on the

day of

at the hour of

Texas,

of

plus all necessary and reasonable expenses incurred in any arrest for failure to appear.

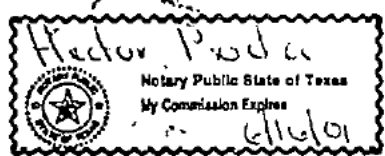
AFFIDAVIT OF SUFFICIENCY OF SURETY:

I do swear that I am worth, in my own right, at least the sum of 350,000. \$354,000.00, after deducting from my property all that which is exempt by the Constitution and Laws of the State from forced sale, and after the payment of all my debts of every description, whether individual or security debts, and after satisfying all encumbrances upon my property, which are known to me; that I reside in Tarrant County, and have property in this State liable to execution worth said amount or more.

I AM THE SURETY/BONDSPERSON FOR THE PRINCIPAL ON THIS BOND.

Surety:

Principal:



Sworn to and subscribed before me this 26 day of Aug, 98

Notary

Witness: [Signature] 1758

Approved Magistrate

Taken and Approved this 20TH day of DECEMBER

Sheriff: 1998

County: DAVID WILLIAMS

Texas

I certify the surety named herein has collateral in the amount indicated and, if submitted for approval, I would accept same.

LEFT THUMB

RIGHT THUMB

Sheriff

PRISONER PROPERTY INVENTORYName: HERBERA, MOISES R# 192736 Inventorying Jailer ID# 1785 L# N 48**United States Currency**Currency \$ 0 .00 Silver \$ 0 Checks \$ 0**Foreign Currency**Type of Currency N/A Amount N/A Misc: N/A**Jewelry**

Qty	Description	Qty	Description
Earring (s)	_____	Wht. Ring (s)	_____
Necklace (s)	_____	Yel. Ring (s)	_____
Watch (s)	_____	Bracelet (s)	_____

Miscellaneous

Wallet	_____	Lighter	_____	<u>DIVID</u>	_____	Wig/Toupees	_____
Purse	_____	Cigarettes	_____	Make-up	_____	Knife	_____
Add. Book	_____	Comb	_____	Glasses	_____	Hair Bands	_____
Pager	_____	Pen/Pencil	_____	Cell Phone	_____	Citation(s)	_____
# Keys	_____	Pull Card	_____	# Credit Cards	_____	Body Piercing(s)	_____

Clothing Description

Item	Color	Description	Item	Color	Description
Shirt	_____	_____	Pants	<u>TAN</u>	<u>SLACKS</u>
Socks	<u>BLUE</u>	_____	Footwear	<u>BLK</u>	<u>SHOES</u>
Dress/Skirt	_____	_____	Coat/Jacket	<u>BLU/SIV</u>	<u>Cowboy's Coat</u>
Hat	<u>BLK</u>	<u>BALL CAP</u>	Belt	<u>BLK</u>	<u>Leather in type</u>
Other:	_____				

Confiscated Property

Reason confiscated: _____

Description of property: _____

Officer name/ID#: _____ Date/Time: _____

I certify the above to be a correct account of all property removed from my possession by the officers/jailers and remove responsibility from the Arlington Police Department for any property not listed.

Moses G. Herrera (If unable to sign, list reason: _____)
Prisoner's Signature

I certify receipt of all the above listed property on this 20 day of Dec, 19 98
Moses G. Herrera Alam 1758 ID# _____
Prisoner's Signature Releasing Jailer

ICR

GANG RELATED (Y/N): N
IN CUSTODY (Y/N): Y

BKND:

FAMILY VIOLENCE (Y/N): N
CID:TRACKING #: 0204134203 APD R#: 0192736
CRIM HISTORY (Y/N): Y SID#FBI#: 732536JA6
PROPERTY DISPOSITION
REQUEST#:
SUPERVISOR/INITIALS:
ID#:REPORTING OFFICER:
A. MONTALVO
NOTES:

ID#: 1190

FILE COPY

CASE REPORT

LAB #:

FELONY: X MISD:
OFFENSE TITLE: AGG SEXUAL ASSAULT
DEFENDANT (L,F,M): HERRERA, MOISES G.
RACE: WHITE SEX: MALE
DL#: 13048330 STATE: TX
HEIGHT: 5'08" WEIGHT: 145 LBS.
ADDRESS (STR,CTY,ST): ARLINGTON TEXAS

OFFENSE #: 982520334

AGE/DOB: 37-61
SS#: 1173
EYE/HAIR: BRO/BLKFILING AGCY: A.P.D. AGCY CODE: 1199 DET. (NM/ID): TJ ECK 1444
OFFENSE DATE: 09-12-96 ARREST DATE: 12-19-98 CITY OF ARREST: APO

COMPLT/INJURED PARTY:

ADDRESS: ARLINGTON, TEXAS

ZIP: 76011

PHONE NUMBER: BUS PHONE: N/A

CO-DEFENDANTS:

NO ARREST/WARRANT

1.

OUTSTANDING () JUV ()

CO-DEFENDANTS:

NO ARREST/WARRANT

2.

OUTSTANDING () JUV ()

CO-DEFENDANT

NO ARREST/WARRANT

3.

OUTSTANDING () JUV ()

DA USE ONLY

FILING ATTORNEY: P11

ATTORNEY CODE #: P06

PC DETERMINED (Y/N): Y

FILING DATE: 12/21

BOND AMT: 29,000

IC: PR: SB WRIT:

OTHER: 0517156

CID#: 0716369

CASE#

CASE ACCEPTED

CASE REJECTED:

CASE NOT FILED:

DA COMMENTS:

FC
TCAG
ARR

EXHIBIT C

NAME **MOISES GONZALES HERRERA**

ADDRESS [REDACTED] [REDACTED]

ARLINGTON TX 76011

RACE M SEX M AGE 37 DOB [REDACTED]-61

CASE NO. 0716369 FILED: (DATE) 12-27-98

PC HAS BEEN DETERMINED

TRANSFER:031COURT DATE

OFFENSE AGG SEXUAL ABUS CHILD-AGE

DATE 01-01-96

I. P. [REDACTED]

C. C.

AGENCY ARLINGTON PD

OFFENSE NO. 982520334 COURT CUG9

COMPLAINT NO. 0716369

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Tarrant County, Texas, this day personally appeared the undersigned affiant, who upon his oath says that he has good reason to believe and does believe that in the County of Tarrant and State of Texas * * * * *

MOISES GONZALES HERRERA hereinafter called Defendant, in the County of Tarrant and State aforesaid, on or about the 1st day of JANUARY 19 96, did INTENTIONALLY OR KNOWINGLY CAUSE THE PENETRATION OF THE ANUS OF [REDACTED] A CHILD YOUNGER THAN 17 YEARS OF AGE WHO WAS NOT THE SPOUSE OF SAID DEFENDANT BY INSERTING HIS PENIS INTO HER ANUS.

COUNT TWO AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE SAID DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 1ST DAY OF JANUARY, 1996, DID THEN AND THERE INTENTIONALLY, WITH THE INTENT TO AROUSE OR GRATIFY THE SEXUAL DESIRE OF SAID DEFENDANT, ENGAGE IN SEXUAL CONTACT BY TOUCHING THE ANUS OF [REDACTED], A CHILD YOUNGER THAN 17 YEARS AND NOT THE SPOUSE OF THE DEFENDANT.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Sworn to and subscribed before me on this the 29 day of DEC 19 98

Affiant

Assistant District Attorney of
Tarrant County, Texas

Filed (Clerk's use only)

FILED

THOMAS A. WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

DEC 29 1998

Time [REDACTED] By [REDACTED] Deputy

A CERTIFIED COPY
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
DEPUTY

EXHIBIT D

NAME MOISES GONZALES HERRERA

ADDRESS

ARLINGTON TX 76011

RACE W SEX M AGE 37 DOB -61

CASE NO. 0716369 FILED: (DATE) 12-29-98

PC HAS BEEN DETERMINED

TRANSFER: 051098T

DATE

OFFENSE AGG SEXUAL ASLT CHILD-AGE

DATE 01-01-96

I. P.

C. C.

AGENCY ARLINGTON PD

OFFENSE NO. 982520334 COURT CDC4

INDICTMENT NO. 0716369 0

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS OF TARRANT COUNTY, TEXAS, duly elected, tried, empaneled, sworn and charged to inquire of offenses committed in Tarrant County, in the State of Texas, upon their oaths do present in and to the * * * * *

213th DISTRICT COURT

of said County that * *

MOISES GONZALES HERRERA hereinafter called Defendant, in the County of Tarrant and State aforesaid, on or about the 1ST day of JANUARY 1996, did

INTENTIONALLY OR KNOWINGLY CAUSE THE PENETRATION OF THE ANUS OF A CHILD YOUNGER THAN 14 YEARS OF AGE WHO WAS NOT THE SPOUSE OF SAID DEFENDANT BY INSERTING HIS PENIS INTO HER ANUS,

COUNT TWO: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE SAID DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 1ST DAY OF JANUARY, 1996, DID INTENTIONALLY OR KNOWINGLY CAUSE THE ANUS OF A CHILD YOUNGER THAN 14 YEARS OF AGE WHO WAS NOT THE SPOUSE OF SAID DEFENDANT TO CONTACT THE SEXUAL ORGAN OF THE DEFENDANT,

COUNT THREE: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE SAID DEFENDANT IN THE COUNTY OF TARRANT AND STATE AFORESAID ON OR ABOUT THE 1ST DAY OF JANUARY, 1996, DID THEN AND THERE INTENTIONALLY, WITH THE INTENT TO AROUSE OR GRATIFY THE SEXUAL DESIRE OF SAID DEFENDANT, ENGAGE IN SEXUAL CONTACT BY TOUCHING THE ANUS OF A CHILD YOUNGER THAN 17 YEARS AND NOT THE SPOUSE OF THE DEFENDANT,

Count Four: And it is further presented in and to said court that the said Defendant in the county of Tarrant and state aforesaid on or about the 1st day of January 1996 did then & there intentionally cause bodily injury to a child younger than 15 years by touching the anus of

Amended by agreement
7-8-02 MB

Filed (Clerk's use only)	
FILED	
THOMAS A. WILDER, DIST. CLERK TARRANT COUNTY, TEXAS	
FEB 2 1999	
Time	
By	

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Imi Curry

Criminal District Attorney
INDICTMENT - ORIGINAL

Catharine Map

Foreman of the Grand Jury

THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
DEPUTY

WRIT, 0716369D

Writ to Serve Indictment

CDC4

To Any Peace Officer of the State of Texas — GREETINGS:

YOU ARE HEREBY COMMANDED to immediately deliver to
MOISES GONZALES HERRERA

the defendant, in person, in the case of the STATE OF TEXAS vs.

MOISES GONZALES HERRERA

No. 0716369D

pending in the Criminal District Courts of Tarrant County,

the accompanying certified copy of Indictment in said cause.

HEREIN FAIL NOT, and make due return hereof FORTHWITH.

WITNESS my signature and official seal on this the

25TH day of FEBRUARY A.D. 1999

THOMAS A. WILDER, Clerk, District Courts, Tarrant County, Texas

By Don Brown, Deputy

OFFICER'S RETURN:

Came to hand the same day issued and executed by me

on the 6 day of May 2002, by delivering toMoises Gonzales Herrera the within named

Defendant in person, the within named certified copy of indictment in said cause.

Returned on this the 6 day of May 2002.Dec Anderson, SheriffBy Henry Walker Jr 8295, Deputy

FILED COPY
1-28-05
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
DEPUTY

EXHIBIT E

DA-559 GPC-8767

FILED
THOMAS A. WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

JUL 08 2002

Time 10:05 AM
By MCC Deputy

COURT: CDC4 CASE NO.: 0716-369
 DEFENDANT: Moises Gonzales Herrera
 OFFENSE: Injury to a Child - BI
 OFFENSE CODE: 0 DEGREE: 3rd- court Four as
 PENALTY: 2-10 yrs & 10-10,000 amended
 AGREED
 RECOMMENDATION: 5yrs DEAS + DS/DC + UA +
NO unsupervised CONTACT w/ minors +
evaluation to determine if Defendant
to be placed on Sex Offender Caseload
and sent to Sex Offender Counseling
[Signature]
 Assistant District Attorney

The undersigned defendant and his attorney hereby agree to the above recommendation by the prosecutor and it is understood that if, upon a plea of guilty by this defendant, and the punishment assessed by the Court does not exceed the punishment recommended, an appeal may only be prosecuted with permission of the trial court. All pre-trial motions filed in this cause are waived.

Moises Gonzalez Herrera
 Defendant

[Signature]
 Attorney for Defendant
 Bar Card No.: 14765325

FILED COPY
 1-28-05
 THOMAS A. WILDER
 DISTRICT CLERK
 TARRANT COUNTY, TEXAS
 BY: [Signature] DEPUTY

FILED
THOMAS A. WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

JUL 08 2002

Time _____
By PCA Deputy

CASE NO. 0716369D

THE STATE OF TEXAS

VS.

Moises Gonzales Herrera

IN THE Criminal

DISTRICT COURT 4

TARRANT COUNTY, TEXAS

TO THE HONORABLE JUDGE OF SAID COURT:

The Defendant herein represents that he has never been convicted of a Felony in this or any other state, and asks the Court to consider this application for a probated sentence.

Moises Gonzalez Herrera
DEFENDANT

Subscribed and sworn to before me this 8th day of July, 2002.

Martha Castille
DEPUTY DISTRICT CLERK
TARRANT COUNTY, TEXAS

NOTIFIED COPY
EST. 1-2805
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEX
BY: [Signature]
DEPUTY

EXHIBIT F

C E R T I F I C A T E O F P R O C E E D I N G S

CASE: 0716369 DATE: 7.8.02 DOCKET: 0716369D CID: 0517156

DEFENDANT: HERRERA, MOISES GONZALES . WARRANT: MICRO: INDICTED: Y DATE: 02/25/99

COURT: CDC4 HEARD: TRANSFER COURT:

CHDV: I/O: COUNTY:

CHARGE OFFENSE: 110132 AGG SEXUAL ASLT CHILD-AGE DATE: 01/01/96 LSR INC: Y

DISPOSITION OFFENSE: 380247 Injury to a Child- Bodily Injury

PLEA: PGBC BOND TYPE: FINE:

DISP: DEAJ STATUS: CT COST:

SENTENCE: EVENT: MISC:

ACTION: DUE:

PROB (MOS): 060 AMOUNT: PAID:

FORFEIT:

INST VERD: BONDSMAN:

PROCEEDINGS: PG to Count 4- Trial Amendment

JUDGE /
MAGISTRATE

CLERK: MARINA CASTILLO

at Rep
Luby

Mary Butler

Randy Myers

COPY 1-2805
WAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY TEXAS
DEPUTY

THE STATE OF TEXAS

CRIMINAL DISTRICT COURT

Vs.

NUMBER FOUR

MOISES G. HERRERA

TARRANT COUNTY, TEXAS

ADMONISHMENTS OR WARNINGS TO A DEFENDANT PLEADING GUILTY

1. Are you pleading guilty because you are guilty and for no other reason?
ANSWER YES or NO ANSWER: yes

2. Has anyone threatened to harm you to force you to plead guilty?
ANSWER YES or NO ANSWER: NO

3. Has anyone held out any promise of reward or hope of pardon or parole to persuade you to plead guilty?
ANSWER YES or NO ANSWER: NO

4. Are you pleading guilty freely and voluntarily?
ANSWER YES or NO ANSWER: yes

FILED
THOMAS A. WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

JUL 08 2002

Time 10:05 AM
By ACE Deputy

5. Check the appropriate degree type:

- ☐ FIRST DEGREE FELONY
☐ SECOND DEGREE FELONY
☒ THIRD DEGREE FELONY

Upon your plea of guilty if you are found guilty, then your punishment will be set somewhere within a range of not less than 2 years or more than 10 and in addition, a fine not to exceed \$ 10,000 may be assessed. Do you understand?

ANSWER YES OR NO ANSWER: yes**[] STATE JAIL FELONY**

If convicted, you face confinement in a State Jail for any term of not less than 180 days or more than 2 years. You may also be assessed a fine not to exceed \$10,000.

[] OFFENSE PRIOR TO 1-1-96

- As a condition of supervision, if you have never before been convicted of a felony offense, the Court may order that you be confined for up to 30 days in the county jail or up to 60 days in a state jail.
- If you have previously been convicted of a felony, the Court may order as a condition of supervision that you be confined up to 60 days in a county jail or up to 180 days in a state jail.
- If you have previously been convicted of 2 or more felonies, or if you are convicted of delivery of less than 1 gram of Penalty Group 1 controlled substance, the Court may order as a condition of supervision that you be confined for up to 1 year in a state jail.

[] OFFENSE ON OR AFTER 1-1-96 AND BEFORE 9-1-97

Upon conviction, the period of confinement must be suspended and you must be placed under supervision of the Court for a period of not less than 2 years or more than 5 years, unless you have been previously convicted of a felony. If you have been previously convicted of a felony you may be placed on community supervision or sentence to a State Jail Facility for a term of confinement of not less than 180 days or more than 2 years. The maximum period of community supervision may be extended to a period of not more than 10 years. The Court may also suspend all or part of any fine assessed.

[] OFFENSE ON OR AFTER 9-1-97

On conviction, the judge may suspend the imposition of the sentence and place the defendant on community supervision or may order the sentence to be executed. The judge may suspend in whole or in part the imposition of any fine imposed on conviction. The minimum period of community supervision a judge may impose under this section is two years. The maximum period of community supervision a judge may impose under this section is five years, except that the judge may extend the maximum period of community supervision under this section to not more than 10 years.

If you are granted community supervision, as a condition of supervision:

- The Court may order that you be confined in a County Jail for a term of not more than 90 days.
- The Court may order that you be confined in a State Jail Facility for a term of not less than 90 days or more than 180 days.
- The Court may order that you be confined in a State Jail Facility for a term of not less than 90 days or more than one year if you are convicted of Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver a controlled substance in Penalty Group 1 or 2 of less than one gram or Delivery of Marijuana of one fourth ounce to 5 pounds.

If you violate one or more of the conditions imposed by the Court, your community supervision order may be revoked.

Do you understand all of the above?

ANSWER YES or NO ANSWER: yes

(OVER)

A CERTIFIED COPY
1-28-05
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: [Signature] DEPUTY

FILED
THOMAS A. WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

JUL 08 2002

NO. 0716369D

Time 10:05 AM
By WCC Deputy

THE STATE OF TEXAS § IN THE CRIMINAL
VS. § DISTRICT COURT FOUR
MOISES GONZALES HERRERA § TARRANT COUNTY, TEXAS

WAIVER OF JURY TRIAL

Comes now the Defendant in the above styled and numbered cause and in open Court makes known that he will enter a Plea of Guilty to the charge herein and requests the consent and approval of the Court and the Attorney for the State to waive the right to trial by a Jury herein, and the Defendant further waives the ten day period for trial after appointment of counsel. If proceeding on a misdemeanor offense, the Defendant requests that a presentence investigation report not be made.

[Signature]
ATTORNEY FOR THE DEFENDANT

MOISES GONSALES HERRERA
DEFENDANT

AGREEMENT TO STIPULATE EVIDENCE AND TESTIMONY

This day, in Open Court the defendant in the above styled and numbered cause and his counsel and the State's Attorney do hereby enter into an agreement that the Defendant waives the appearance, confrontation, and cross-examination of witnesses in this cause and agrees that the testimony of said witnesses may be stipulated into the record by the State's Attorney; such testimony being the same as the witnesses would give if they were present in Court and were testifying under oath, and the Defendant further consents to the introduction of evidence and testimony by oral stipulation or by affidavit, written statements of witnesses, and all other documentary evidence that may be introduced by the State.

[Signature]
ATTORNEY FOR THE DEFENDANT

MOISES GONSALES HERRERA
DEFENDANT

Before the said defendant enters his plea herein, each of the above requests of the Defendant herein are hereby consented to and approved by me, the Attorney representing the State herein.

TIM CURRY
CRIMINAL DISTRICT ATTORNEY

[Signature]
ASST. CRIM. DISTRICT ATTORNEY

The above and foregoing WAIVER OF JURY TRIAL AND AGREEMENT TO STIPULATE EVIDENCE AND TESTIMONY of the Defendant herein having been duly considered by the Court and it appearing to the Court that the Defendant is herein charged with a felony, that the Defendant is represented by counsel, and that the attorney representing the State herein has given consent and approval to same, that the Defendant has knowingly, intelligently, and voluntarily waived the rights set out herein above as well as the ten day waiting period for trial, after appointment of counsel, therefore consent and approval of the Court is hereby given to such procedure and waiver. I further agree to Defendant's request that no presentence investigation report be made if proceeding on a misdemeanor offense.

[Signature]
JUDGE/MAGISTRATE

CERTIFIED COPY 28-05
ATTEST: THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: [Signature] DEPUTY



LED
DER. DIST. CLERK
TARRANT COUNTY, TEXAS
JUL 08 2002
Time 10:17 AM
By UCC Deputy

JUDICIAL DISTRICT OF TARRANT COUNTY, TEXAS
COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT
200 W. Belknap, Fort Worth, Texas 76196-0255 817-884-1600

AGREEMENT TO RETURN

WAIVER OF EXTRADITION

THE STATE OF TEXAS

VS. NO. 0716369D

Criminal District COURT 4

Moises Gonzales Herrera

TARRANT COUNTY, TEXAS

I, Moises Gonzales Herrera, in consideration of being granted community supervision by the Texas authorities, hereby agree:

1. That I will comply with the conditions of community supervision in the cause shown above;
2. That I will remain within the limits of Tarrant County, Texas, unless given permission by the Community Supervision Officer of Tarrant County to leave therefrom;
3. That, should I be given permission to travel outside the State of Texas, I will, when duly instructed by the Texas authorities, return at any time to the State of Texas;
4. That my failure to comply with the above will be deemed to be a violation of the terms and conditions of community supervision for which I may be returned to the State of Texas;
5. That I hereby do waive extradition to the State of Texas from any jurisdiction in or outside the United States where I may be found, and also agree that I will not contest any effort by any jurisdiction to return me to the State of Texas.

Signed: MOISES GONSALEZ HERRERA

Date: 7-8-02

Witness: [Signature]

FILED COPY
1-28-05
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
[Signature]
DEPUTY

EXHIBIT G

CASE NO. 0716369D

THE STATE OF TEXAS	§	IN THE CRIMINAL DISTRICT
VS.	§	COURT NUMBER FOUR
MOISES GONZALES HERRERA	§	TARRANT COUNTY, TEXAS

UNADJUDICATED JUDGMENT ON PLEA OF GUILTY OR NOLO CONTENDERE AND
SUSPENDING IMPOSITION OF SENTENCE

Judge Presiding	: MAGISTRATE GENE GRANT	Date of Judgment	: JULY 8, 2002
Attorney for State District Attorney	: TIM CURRY	Assistant District Attorney	: MARY R. BUTLER
Attorney for Defendant	: RANDY MYERS	Charging Instrument:	INDICTMENT
<u>Offense Date</u>	<u>Offense</u>		
JANUARY 1, 1996	INJURY TO A CHILD - BODILY INJURY		
<u>Degree</u>	<u>Count</u>	<u>Plea</u>	
3RD	FOUR	GUILTY	
Findings on Deadly Weapon	: NONE		
Plea to Enhancement Paragraph(s)	: NONE		
Plea to Habitual Paragraph(s)	: NONE		
Findings on Enhancement/ Habitual Paragraph(s)	: NONE		
Punishment	: DEFERRED	Date to Commence	: JULY 8, 2002
Probationary Term	: FIVE (5) YEARS		
Fine Not Suspended	: NONE		

On this day, set forth above, this cause came for trial and came the State of Texas, by its above-named attorney, and the Defendant appeared in person and by the above-named attorney for the Defendant, or, where a Defendant is not represented by counsel, that the Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel; and announced ready for trial, the Defendant having been heretofore arraigned, or having waived arraignment in open court, and having agreed that the testimony may be stipulated in this cause and the Defendant, his counsel, and the State's attorney having agreed in writing in open court to waive a jury in the trial of this cause and to submit this cause to the Court, and the Court having agreed to the same, the said attorney for the State read the instrument charging the offense as shown or the reading of the charging instrument having been waived by Defendant, the Defendant entered his pleas as shown above thereto, and it appearing to the Court that the Defendant is mentally competent and the plea is free and voluntary, and the Court having duly admonished the Defendant as to the consequences of such plea, including the range of punishment attached to the offense and the fact that any recommendation of the prosecuting attorney as to punishment is not binding on the Court, and the Defendant further having affirmatively stated awareness of the consequences of such plea and acknowledged to not having been misled or harmed by the admonishment of the Court, yet the Defendant persisted in entering such plea, said plea is by the Court received and now entered of record upon the minutes of the Court as the plea herein of said Defendant. The Court after receiving the plea shown and hearing the evidence, finds that it substantiates the Defendant's guilt and that further proceedings should be deferred without entering an adjudication of guilt and that Defendant should be placed on probation on reasonable terms and conditions as the Court may require.

The State of Texas do have and recover of the said Defendant all costs in this prosecution expended including any fine shown above for which let execution issue. And it is further ORDERED by the Court that the imposition of sentence of the judgment of conviction herein shall be suspended during the good behavior of the Defendant and that the Defendant be placed on probation during the period of time, fixed by the Court, under the conditions to be determined by the Court, as provided by law. However, when it is shown above that a fine applicable to the offense committed has been imposed by the Court and not suspended, then it is ORDERED that Defendant pay such fine and all costs in this prosecution expended and that Defendant be placed on probation during the period of time fixed by the Court, under the conditions to be determined by the Court, as provided by law.

IT IS THEREFORE CONSIDERED by the Court that the evidence substantiates the Defendant's guilt and that further proceedings should be Deferred without entering an adjudication of guilt, and that Defendant be placed on probation during the period of time prescribed by the Court on such reasonable terms and conditions as the Court may require in accordance with the

ORDER SETTING CONDITIONS OF COMMUNITY SUPERVISION

VOLUME 84 PAGE 5A OF CASE NO. 0716369D

TRANS NO. 1



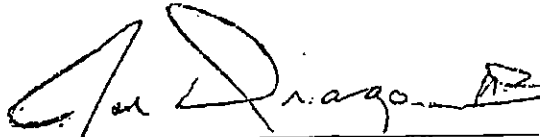
A CERTIFIED COPY
ATTEST: THOMAS WILDER
BY: TARRANT COUNTY CLERK
DEPUTY

On this day, above shown, in open court, the Defendant, the above-named attorney for Defendant, and the attorney for the State, appeared and the Court considered the terms and conditions of probation in accordance with the judgment of conviction heretofore entered herein; and the Court being of the opinion that such terms and conditions should be subject to the supervision of the Court through the duly appointed and acting Director of Community Supervision and Corrections Department of Tarrant County, Texas;

It is therefore ORDERED by the Court that the Defendant be, and is hereby placed on probation for the above named term beginning on the date of entry of judgment herein under the supervision of the Court, through the Director of Community Supervision and Corrections Department of Tarrant County, Texas, subject to the following terms and conditions set out in the attached Conditions of Community Supervision which is incorporated and made a part thereof.

CONDITIONS OF COMMUNITY SUPERVISION INCORPORATED AS A PART OF THIS JUDGMENT
AND ATTACHED HERETO RECORDED IN VOLUME 84, PAGE 6A&B.

SUPPLEMENT/AMENDMENT TO CONDITIONS OF COMMUNITY SUPERVISION RECORDED IN
VOLUME 84, PAGE 7A.


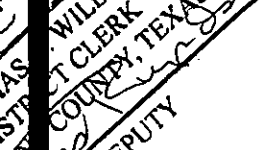


PRESIDING JUDGE

Date Signed : JUL 10 2002

Notice of Appeal : _____

Mandate Received : _____

A CERTIFIED COPY
ATTEST. 
THOMAS WILDER
DISTRICT CLERK
BY:  TARRANT COUNTY, TEXAS
DEPUTY

517156

Judicial District of Tarrant County, Texas
COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT

S J F

200 West Balknap, Fort Worth, Texas 76196-0255

Telephone: (817) 884-2450 Office Hours: 7:30 a.m. to 5:30 p.m. Monday - Friday

☐ ADJUDICATEDCONDITIONS OF COMMUNITY SUPERVISION
THOMAS A. WILDER, CLERK
TARRANT COUNTY, TEXAS☒ DEFERRED ADJUDICATION

THE STATE OF TEXAS

IN Criminal DISTRICTVS. NO. 07163690

JUL 08 2002

COURT NO. 100 OFMoses Gonzales HerreraTime 10:25 AM
By WCL Deputy

TARRANT COUNTY, TEXAS

In accordance with the authority conferred by the Community Supervision Law of the State of Texas, you have been placed on Community Supervision as an alternative to incarceration on this 8th day of July, 2002, for the period of 85 years, having been sentenced for 0 years for the offense of Indecency with a Child - 1st by the Honorable Gen. Court (Reading) Judge/Magistrate in Criminal District Court No. 4, Tarrant County, Texas.

IT IS THE ORDER OF THE COURT THAT YOU SHALL COMPLY WITH THE FOLLOWING TERMS AND CONDITIONS OF COMMUNITY SUPERVISION:

- Commit no offense against the laws of this State or of any other State or of the United States.
- Avoid injurious or vicious habits and abstain from the illegal use of controlled substances, marijuana, cannabinoids or excessive consumption of alcoholic beverages. Submit to an assessment for substance abuse. Attend and complete out-patient treatment at the direction of the Supervision Officer.
- Avoid persons and places of disreputable or harmful character.
- Report to the Community Supervision and Corrections Department of Tarrant County, Texas, immediately following this hearing, and no less than monthly thereafter, or as scheduled by the Court and/or Supervision Officer and obey all rules and regulations of the Department.
- Permit the Supervision Officer to visit you at your home or elsewhere at any time.
- Work faithfully at suitable employment as far as possible, furnish proof of employment to your Supervision Officer and, if unemployed, participate in the Community Supervision and Corrections Department's Jobs, Education and Training Skills (JETS) program, unless waived by the Court.
- Remain within Tarrant County, Texas, unless the Court or Supervision Officer authorizes you to leave.
- Support your dependents.
- Notify the Supervision Officer of Tarrant County, Texas, if your address or employment is changed within five days from the date of change.
- Possess no firearms away from your residence.
- Supervision is conditioned on your agreement to execute a pre-signed waiver of extradition.
- Pay to and through the Community Supervision and Corrections Department of Tarrant County, Texas, the following:

- COURT COSTS in the amount of \$ 176.70, at the rate of \$ 10.00 per month.
- SUPERVISION FEE in the amount of \$ 8.00, each month during the period of supervision.
- RESTITUTION in the amount of \$ _____, at the rate of \$ _____ per month.
- FINE in the amount of \$ _____, at the rate of \$ _____ per month.
- ATTORNEY FEES in the amount of \$ 176.70, at the rate of \$ 10.00 per month.
- CRIME STOPPERS FEE in the amount of \$ 8.00 to be paid within 30 days from the date shown above.
- CRIME VICTIMS COMPENSATION ACT PAYMENT in the amount of \$ _____, at the rate of \$ _____ per month.
- TIME PAYMENT FEE in the amount of \$ 25.00 to be paid within 60 days from the date shown above.
- _____ in the amount of \$ _____, at the rate of \$ _____ per month.

The first payments on the above to be made on the 15th of August, 2002, and like payments on the 15th day of each month thereafter until full payments are made. (Unless otherwise specified).

ATTEST: WCL
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
DEPUTY

Moises Gonzalez Herrera

CASE

07/16/20

Conditions of Community Supervision

Page 2

- m. If supervision is transferred to another jurisdiction, continue to report to Tarrant County in the manner prescribed by the Supervision Officer, and comply with the rules and regulations of the receiving jurisdiction. Pay fees to Tarrant County unless waived by the Court.
- n. ☒ Complete 160 hours of Community Service Restitution at the rate of no less than 16 hours per month as scheduled by the Supervision Officer or Court, to be completed at an agency approved by the District Judges of Tarrant County.
- o. ☒ Submit to urine testing for controlled substances and cannabinoids at the direction of the Supervision Officer and pay for urine testing as required.
- p. ☒ Complete education programs as directed by the Supervision Officer. *enrolled upon Absc of High School Diploma of GED*
- q. ☐ Observe a curfew as directed by the Supervision Officer or the Court.
- r. ☐ Do not contact _____.
- s. ☒ Supplement(s) / Amendment(s) as attached.

You are advised that under the laws of this State, the Court has determined and imposed the above terms and conditions of your Community Supervision, and may at any time during the period of Community Supervision alter or modify them. The Court also has the authority, at any time during the period of Community Supervision, to Revoke your Community Supervision for any violation of the conditions of your Community Supervision set out above.



Judge / Magistrate

This day, a copy of the conditions of Community Supervision was handed to me by the Clerk of this Court.

[Signature]
 Witness: Supervision Officer

Moises Gonzalez Herrera
 Probationer

[Signature]
 Witness: District Clerk

DC-105-CR CP1701 REV. 01-99

A CERTIFIED COPY
 ATTEST: *1-28-06*
 THOMAS A. WILDER
 DISTRICT CLERK
 TARRANT COUNTY, TEXAS
 BY: *[Signature]*
 DEPUTY

700... 84... PAGE 4B

CASE NO. 0716369D

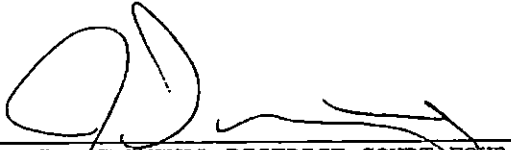
THE STATE OF TEXAS	§	IN THE CRIMINAL
VS.	§	DISTRICT COURT FOUR
MOISES GONZALES HERRERA	§	TARRANT COUNTY, TEXAS

ORDER ADOPTING ACTIONS OF MAGISTRATE

BE IT KNOWN that the Court has reviewed the actions taken by Magistrate GENE GRANT, sitting for this Court in the above styled and numbered cause, and has reviewed all ORDERS contained on the docket in this cause and within the papers filed in this cause; as well as any exhibits introduced into evidence in this cause.

IT IS HEREBY ORDERED AND DECREED that the Court specifically adopts and ratifies the actions taken by said Magistrate on behalf of this Court in Compliance with Section 54.662(b) Government Code, and further GRANTED probation to Defendant.

SIGNED THIS THE 10 DAY OF JULY, 2002.



JUDGE, CRIMINAL DISTRICT COURT FOUR
OF TARRANT COUNTY, TEXAS

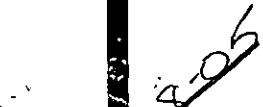

A CERTIFIED COPY
ATTEST.  11-28-05
THOMAS WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY:  DEPUTY

EXHIBIT H

CRIMINAL DISTRICT COURT NO. 4

THE STATE OF TEXAS
COUNTY OF TARRANT

TARRANT COUNTY

No. 0716369D

TO ANY PEACE OFFICER OF THE
STATE OF TEXAS, GREETINGS:

OCT -7 A9:35

You are hereby commanded to take the body of
MOISES GONZALES HERRERA THOMAS A. WILDER
and him safelykeep, so that you have him before the Honorable
CRIMINAL DISTRICT COURT NO. 4, in and forTarrant County, at the Court House thereof,
in the City of Fort Worth, Instantly, to answer
the State of Texas on a charge ~~by indictment of~~

STATE'S APPLICATION TO REVOKE PROBATION

STATE'S APPLICATION TO PROCEED TO ADJUDICATION

YOU ARE FURTHER COMMANDED TO SERVE THE SAID DEFENDANT
WITH THE ATTACHED COPY OF THE APPLICATION.~~arrest~~ ~~in~~ ~~the~~ ~~city~~ ~~of~~ ~~Fort~~ ~~Worth~~ ~~Texas~~ ~~for~~ ~~the~~ ~~same~~ ~~reason~~ ~~felony~~.Issued under my hand and seal of office
in the City of Fort Worth, Texas

this 02ND day of OCTOBER, 2003.

THOMAS A. WILDER

CLERK DISTRICT COURT
TARRANT COUNTY, TEXASBy [Signature], Deputy

TARRANT COUNTY

WARRANT

THE STATE OF TEXAS

VS
MOISES GONZALES HERRERA

ARLINGTON TX 121961 W M

Issued the 02ND day of

OCTOBER, 2003.

Came to hand on the 3rd
day of October, 2003
and executed on the 3rd
day of October, 2003

A. D.

by phoenix in jailDee Anderson, Sheriff
Tarrant County, Texas.By Drumh DS. (Hunt) Deputy.

Arrest\$

Mileage

Miscellaneous

Total

OCT 02 2003

CAUSE NO. 0716369D

Time 3:30
By [Signature] Deputy

THE STATE OF TEXAS § IN THE CRIMINAL DISTRICT
VS. §
 §
MOISES GONZALES HERRERA § COURT NUMBER FOUR OF
 § TARRANT COUNTY, TEXAS

STATE'S FIRST AMENDED PETITION TO PROCEED TO ADJUDICATION

DEFENDANT: **MOISES GONZALES HERRERA**

DATE PLACED ON PROBATION: **JULY 8, 2002**

LENGTH OF SENTENCE: **ADJUDICATION OF GUILT DEFERRED**

PERIOD OF PROBATION: **FIVE (5) YEARS**

OFFENSE: **INJURY TO A CHILD – BODILY INJURY**

Now comes the State of Texas, by and through Tim Curry, Criminal District Attorney of Tarrant County, Texas, and would respectfully show the Court that the Defendant named above appeared in Court with counsel, and pled guilty to the offense shown above. The Court heard evidence and found that the evidence substantiated the Defendant's guilt; however, the Court found that further proceedings should be deferred without making an adjudication of guilt, and the Court placed the Defendant on probation for the period shown above, upon the terms and conditions set out in the Court's file.

The Defendant, during the effective period of Defendant's probation, violated the terms and conditions of probation as follows:

1. **FAILURE TO REPORT:** The Defendant was ordered by the Court to report to the Community Supervision and Corrections Department of Tarrant County, Texas, immediately following this hearing, and no less than monthly thereafter, or as scheduled by the Court and/or Supervision Officer and obey all rules and regulations of the Department.

In violation of this Order, the Defendant failed to report on:
JANUARY, FEBRUARY, MARCH, APRIL, MAY, JUNE, JULY, AUGUST
2003.

2. **NOTIFY THE SUPERVISION OFFICER:** The Defendant was ordered by the Court to notify the Supervision Officer of Tarrant County, Texas, if your address or employment is changed within five (5) days from the date of change.

In violation of this Order, on or about **JANUARY 30, 2003**, the Defendant failed to notify the Supervision Officer of Tarrant County, Texas of an address or employment change within five (5) days from the date of change.

3. **FAILURE TO PAY:** The Defendant was ordered by the Court to pay to and through the Community Supervision and Corrections Department of Tarrant County, Texas, the following:

(A) **COURT COSTS** in the amount of **\$176.50**, at the rate of **\$10.00** per month the first payment to begin the 15th day of **AUGUST, 2002**, and a like payment on the 15th day of each month thereafter until full payment is made.

In violation of this Order, the Defendant failed to pay **\$10.00**, or any other amount, on the 15th day or any other day for the months of: **FEBRUARY, MARCH, APRIL, MAY, JUNE, JULY, AUGUST, SEPTEMBER 2003**.

(B) **SUPERVISION FEE** in the amount of **\$50.00**, each month during the period of supervision the first payment to begin the 15th day of **AUGUST, 2002**, and a like payment on the 15th day of each month thereafter until full payment is made.

In violation of this Order, the Defendant failed to pay **\$50.00**, or any other amount, on the 15th day or any other day in the months of: **FEBRUARY, MARCH, APRIL, MAY, JUNE, JULY, AUGUST, SEPTEMBER 2003**.

(C) **ATTORNEY FEES** in the amount of **\$150.00** at the rate of **\$10.00** per month the first payment to begin the 15th day of **AUGUST, 2002**, and a like payment on the 15th day of each month thereafter until full payment is made.

In violation of this Order, the Defendant failed to pay **\$10.00**, or any other amount on the 15th day or any other day during the months of: **FEBRUARY, MARCH, APRIL, MAY, JUNE, JULY, AUGUST, SEPTEMBER 2003**.

The first payment on the above to be made on the 15th day of August, 2002, and like payments on the 15th day of each month thereafter until full payments are made.

SUPPLEMENT/AMENDMENT TO ORDERS OF PROBATION


The Defendant is ordered to participate fully in and comply with the rules and requirements of the Community Supervision and Corrections Department's program(s) indicated below, pay all fees required, and continue to participate and comply until released by the Court.

4. **SUBMIT TO EVALUATION FOR SEX OFFENDERS:** The Defendant was ordered by the Court to submit to evaluation for sex offenders as directed by the Supervision Officer. Attend and participate fully in and successfully complete psychological counseling/treatment sessions (including aftercare) for sex offenders with an individual or organization which provides sex offender treatment or counseling as specified by or approved by the judge or the Supervision Officer. Assume responsibility for your offense. Pay all costs of evaluation/counseling/treatment. Treatment must be completed within three (3) years of its initiation.
- (a) In violation of this Order, the Defendant on or about December 9, 2002, began sex offender counseling but failed to attend session on January 27, 2003, February 3, 2003 and February 10, 2003.
 - (b) In violation of this Order, the Defendant on or about February 11, 2003, was discharged from counseling for non-attendance.
 - (c) In violation of this Order, the Defendant on or about January 21, 2003, denied during a probation office visit that he had touched [REDACTED] in a sexual manner.
5. **CONTACT WITH MINORS:** The Defendant was Ordered by the Court to have no contact with minor children unless a chaperon approved by the Supervision Officer or Court is present with exception to Sunday visits with biological children and Wife is present.
- (a) In violation of this Order, the Defendant on or about January 20, 2003, had contact with his biological children and this was not a Sunday visit.

CONSIDERING THESE ALLEGATIONS, Petitioner requests the Court to order the District Clerk to issue an alias capias (or if Defendant is on good bond in this cause, order the District Clerk to issue a precept to serve), directing that Defendant be arrested and brought before this Court to show cause, if any there is, why Defendant's probation should not be set aside, and why the Court should not order the imposition of the sentence previously assessed.

Petitioner also requests that the Court order the District Clerk to cause a true copy of this Petition to be served on Defendant as soon as possible.

Petitioner requests such other orders as the Court may direct.



RESPECTFULLY SUBMITTED,

TIM CURRY
CRIMINAL DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS
401 West Belknap Street
Fort Worth, Texas 76196-0201
Telephone: (817) 884-1400

By: *Barbara S.*
ASSISTANT DISTRICT ATTORNEY
TARRANT COUNTY, TEXAS

ORDER

On this date, the foregoing Petition was presented to the Court in chambers.

After having reviewed such Petition, the Court hereby orders the following action:

- ☒ the District Clerk is ordered to issue an **alias capias** for the arrest of the Defendant.
- ☐ the Defendant shall remain on bond, and the District Clerk shall issue a **precept to serve** for the foregoing Petition on the said Defendant.
- ☒ bond is hereby set at \$*subpoena* after fee arrearage is brought current.

The Defendant shall report to the Community Supervision and Corrections Department, 200 West Belknap, Basement, Fort Worth, Texas 76196-0255.

- (a) immediately after release or the next working day, and
- (b) monthly thereafter or as directed until released by the Court.

Signed on *9/30*, 2003, and ordered entered.

Mike Thomas
MIKE THOMAS, JUDGE
CRIMINAL DISTRICT COURT FOUR
TARRANT COUNTY, TEXAS

EXHIBIT I

I hereby in open court enter my plea of True to each and every allegation contained in Petition in this case.

Maisa G. Herrera
DEFENDANT

JUDICIAL CONFESSION

I swear my true name is Maisa Herrera. I further state that I have read the Petition filed in this case and that each and every allegation it contains is true. When I was placed on community supervision, I was given a copy of the conditions of my community supervision and they were explained to me. I understood the conditions of community supervision at the time I was placed on community supervision, and I understand them now and at all intervening times. I swear to all of the foregoing and I further swear that all testimony I give in the case will be the truth, the whole truth and nothing but the truth, so help me God.

Maisa G. Herrera
DEFENDANT

Sworn to and subscribed to before me on this the 19 day of March, 2019. I further certify that the fingerprint shown below and on the judgement or community supervision order filed in this case is of the Defendant's thumb of his right hand.

Nancy Massengale
DEPUTY DISTRICT CLERK
TARRANT COUNTY, TEXAS

We join and approve the waivers and stipulations of evidence pursuant to Article 1.15 Code of Criminal Procedure, including the attached Waiver of Rights of Appeal, as well as waiver of the court reporter's making a record of this proceeding. In addition, the Court finds as a fact that the Defendant is fully competent and that his/her plea is freely and voluntarily entered.

[Signature]
ATTORNEY FOR DEFENDANT
State Bar Card No. 12562375
Wayne E. Wheeler
ATTORNEY FOR THE STATE
State Bar Card No. 90798579

[Signature]
MIKE THOMAS, JUDGE

THE STATE OF TEXAS

VS.

Hencez, Moises

§ FILED THE CRIMINAL DISTRICT COURT
THOMAS A. WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

NUMBER FOUR OF

§ MAR 19 2004

§ TARRANT COUNTY, TEXAS

Time 9:20 AM
By AM Deputy

WAIVER OF RIGHTS TO APPEAL COMMUNITY SUPERVISION REVOCATION

I, Moises Hencez, Defendant in the above-entitled and numbered cause, having been convicted of the offense of injury to a child, and sentenced therein, hereby expressly state as a fact that I have been fully informed by the Judge of this Court and by my attorney, and I know, that I have the legal right of appeal from this conviction to the Court of Appeals of Texas, and also the right to be represented on appeal by an attorney of my own choice, or if I am too poor to pay for such an attorney or the record on appeal, the Court will, without expense to me, provide me with such an attorney and a proper record for such an appeal.

With full understanding of the above, I hereby in open court state that I do not desire to appeal and expressly waive any appeal in this case, and I hereby accept as final the judgment of conviction and sentence herein and I request that I be allowed to commence serving the same without further delay; and I also in open court expressly waive the filing of a Motion for New Trial as well as any Motion in Arrest of Judgment.

Moises Hencez
DEFENDANT

Approved by me as the attorney representing the Defendant, and I am present at the time of sentencing and of this waiver.

[Signature]
ATTORNEY FOR DEFENDANT

Sworn to and subscribed to before me on this the 19 day of March, 2004.

Yancy Murrell
DEPUTY DISTRICT CLERK
TARRANT COUNTY, TEXAS

EXHIBIT J

CERTIFIED COPY
 ATTEST: 7-19-04
 THOMAS A. WILDER
 DISTRICT CLERK
 TARRANT COUNTY, TEXAS
 BY: C. O. O.
 DEPUTY

CASE NO. 0716369D

THE STATE OF TEXAS § IN THE CRIMINAL DISTRICT
 VS. § COURT NUMBER FOUR
 MOISES GONZALES HERRERA § TARRANT COUNTY, TEXAS

JUDGMENT ADJUDICATING GUILT

Judge Presiding	: HON. C.C. "KIT" COOKE	Date of Judgment	: MARCH 19, 2004
Attorney for State District Attorney	: TIM CURRY	Assistant District Attorney	: LLOYD E WHELCHER
Attorney for Defendant	: ANTONIO A LOPEZ		

<u>Offense Date</u>	<u>Convicted Offense</u>	<u>Degree</u>
JANUARY 1, 1996	INJURY TO A CHILD - BODILY INJURY	3RD

Findings on Deadly Weapon	: NONE
Plea to Enhancement Paragraph(s)	: NONE
Plea to Habitual Paragraph(s)	: NONE
Findings on Enhancement/Habitual Paragraph(s)	: NONE
Date of Probation Order	: JULY 8, 2002
Paragraph Violated and Grounds for Revocation	: PARAGRAPH ONE: DEFENDANT FAILED TO REPORT TO THE COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT OF TARRANT COUNTY, TEXAS

As set out in State's FIRST AMENDED Petition to Adjudicate Guilt

Date Sentence Imposed	: MARCH 19, 2004	Date to Commence	: MARCH 19, 2004
-----------------------	------------------	------------------	------------------

Punishment	: COUNT FOUR - FIVE (5) YEARS
Place of Confinement	: INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Time Credited	: 194 DAYS	Court Costs	: NONE
Reparation	: \$835.00	Restitution	: NONE

On this day, set forth above, this cause again came on for trial. The Court had previously received Defendant's plea of guilty or plea of nolo contendere, heard the evidence, found that it substantiated the Defendant's guilt, deferred further proceedings without entering an adjudication of guilt, and placed the Defendant on probation as shown above. Came the State of Texas, by its above-named attorney, and the above-named attorney for the Defendant, or, where a Defendant is not represented by counsel, that the Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel, and announced ready for hearing after the Defendant was arrested upon warrant of the Court for violation of the conditions of probation set by the Court, and the Defendant having been served a copy of the State's Petition to Adjudicate, or after motion for final adjudication filed by Defendant within 30 days after entering such plea and the deferment of prosecution as shown above. And the Court having heard evidence limited to whether the Court should proceed to an adjudication of guilt under the original charge and having determined that the Court should proceed to such determination of guilt, finds that the Defendant is guilty of the offense named above as set forth in the original charge and as confessed or noncontested by said Defendant.

IT IS THEREFORE CONSIDERED by the Court that the Defendant is adjudged to be guilty of the offense as found by the Court and set forth above and that Defendant committed the offense on the date charged as shown in the order of the Court deferring the adjudication of guilt in this cause.

IT IS THEREFORE CONSIDERED AND ORDERED by the Court, in the presence of said Defendant, that the said judgment be, and the same is hereby in all things approved and confirmed, and the Defendant, who has been adjudged guilty of the above-named offense, as charged above, and whose punishment has been assessed by the Court (a jury having been waived in accordance with law) in accordance with the terms set forth above, be delivered by the Sheriff to the Director of the Institutional



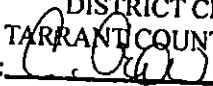
CERTIFIED COPY

TEST: 17-19-17

THOMAS A. WILDER

DISTRICT CLERK

TARRANT COUNTY, TEXAS

BY:  DEPUTY

Division of the Texas Department of Criminal Justice, or other person legally authorized to receive such convicts for the punishment assessed herein, and said Defendant shall be confined for the above named term in accordance with the provisions of law governing such punishments and execution may issue as necessary.

And, if shown above that Defendant has been duly and legally convicted of a prior offense by showing the court, cause number, and offense together with the punishment for such offense and date Defendant was sentenced for such offense in accordance with such conviction, then it is further ORDERED AND ADJUDGED that the punishment herein adjudged against the said Defendant shall begin when the judgment and sentence in such prior offense, when shown above, shall have ceased to operate.

And the said Defendant is remanded to jail until said Sheriff can obey the directions of this judgment.


PRESIDING JUDGE

Date Signed : MARCH 19, 2004

Notice of Appeal : _____

Mandate Received : _____

EXHIBIT K

START HERE - Please Type or Print

Part 1. Information about you.

Family Name MOISES Given Name HERRERA Middle Initial G.

U.S. Mailing Address - Care of

Street Number and Name [REDACTED]

City Arlington County TARRANT

State TEXAS ZIP Code 76011

Date of Birth [REDACTED]-61 Country of Birth MEXICO

Social [REDACTED]-1173 A # [REDACTED] 816

Part 2. Basis for Eligibility (check one).

- a. ☒ I have been a permanent resident for at least five (5) years.
- b. ☐ I have been a permanent resident for at least three (3) years and have been married to a United States Citizen for those three years.
- c. ☐ I am a permanent resident child of United States citizen parent(s).
- d. ☐ I am applying on the basis of qualifying military service in the Armed Forces of the U.S. and have attached completed Forms N-426 and G-325B.
- e. ☐ Other. (Please specify section of law)

Part 3. Additional information about you.

Date you became a permanent resident (month/day/year) 07-11-89 Port admitted with an immigrant visa or INS Office where granted adjustment of status DAL/WIB

Citizenship MEXICAN

Name on alien registration card (if different than in Part 1)

Other names used since you became a permanent resident (including maiden name)

Sex ☒ Male ☐ Female Height 5-07 Marital Status: ☐ Single ☒ Married ☐ Divorced ☐ Widowed

Can you speak, read and write English? ☐ No ☒ Yes.

Absences from the U.S.:

Have you been absent from the U.S. since becoming a permanent resident? ☐ No ☐ Yes.

If you answered "Yes", complete the following. Begin with your most recent absence. If you need more room to explain the reason for an absence or to list more trips, continue on separate paper.

Date left U.S.	Date returned	Did absence last 6 months or more?	Destination	Reason for trip
8-15-95	1-15-96	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	ZACATECAS	to see my Family
5-30-94	8-15-94	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	ZACATECAS	to see my Family
8-30-93	9-3-93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	ZACATECAS	to see my Family
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
		<input type="checkbox"/> Yes <input type="checkbox"/> No		

FOR INS USE ONLY

Returned 0892-001-002 Receipt 09/19/96 16:08 N-400 95.00

Resubmitted

Reloc Sent FD258 11-30-96 Entered 3-14-97

Reloc Rec'd 3119 3164

☐ Applicant interviewed

At interview

☐ request naturalization ceremony at court

Remarks POS NEG DATE SIGN

AF CHECK

NAME CK

INDEX CK

SHELF CK

AFACS CK

FILE REQ ☒ 9/20/96 DF

FRC

FRC INFO

Action

APPROVED

INS DISTRICT DIRECTOR

SEP 27 1999

DAL 6883

To Be Completed by Attorney or Representative, if any

☐ Fill in box if G-28 is attached to represent the applicant

VOLAG#

ATTY State License #

Part 4. Information about your residences and employment.

- A. List your addresses during the last five (5) years or since you became a permanent resident, whichever is less. Begin with your current address. If you need more space, continue on separate paper.

Street Number and Name, City, State, Country, and Zip Code	Dates (month/day/year)	
	From	To
ARLINGTON TEXAS 76011	3-1-96	Present
DALLAS TX. 75220	12-15-90	3-1-96
DALLAS TEXAS 75229	12-15-80	12-15-90

- B. List your employers during the last five (5) years. List your present or most recent employer first. If none, write "None". If you need more space, continue on separate paper.

Employer's Name	Employer's Address Street Name and Number - City, State and ZIP Code	Dates Employed (month/day/year)		Occupation/position
		From	To	
GUARDIAN Automotive	1650 WEST FREEWAY GRAN PRAIRIE TEXAS 75050	8-1-96	Present	PAINTER
House TRAIL dust STEAK	2300 E. LAMAR ARLINGTON TEXAS 76011	12-15-95	7-30-96	Dishwasher
House TRAIL dust STEAK	21717 INTERSTATE 635 MESQUITE TEXAS 75149	12-15-90	12-15-95	Dishwasher
House TRAIL dust STEAK	1161 COMPOSITE DR DALLAS TEXAS 75220	12-15-80	12-15-90	Dishwasher

Part 5. Information about your marital history.

- A. Total number of times you have been married 2. If you are now married, complete the following regarding your husband or wife.

Family name		Given name		Middle initial
Address				
ARLINGTON TEXAS, 76011				
Date of birth (month/day/year)		Country of birth		Citizenship
	72	MEXICO		MEXICAN
Social Security#	NONE	A# (if applicable)		Immigration status (If not a U.S. citizen)

Naturalization (If applicable)

(month/day/year)

Place (City, State)

If you have ever previously been married or if your current spouse has been previously married, please provide the following on separate paper: Name of prior spouse, date of marriage, date marriage ended, how marriage ended and immigration status of prior spouse.

Part 6. Information about your children.

- B. Total Number of Children 3. Complete the following information for each of your children. If the child lives with you, state "with me" in the address column; otherwise give city/state/country of child's current residence. If deceased, write "deceased" in the address column. If you need more space, continue on separate paper.

Full name of child	Date of birth	Country of birth	Citizenship	A - Number	Address
	89	MEXICO	MEXICAN		V. Hidalgo ZACATECAS
	91	MEXICO	MEXICAN		V. Hidalgo ZACATECAS
	95	MEXICO	MEXICAN		V. Hidalgo ZACATECAS

Part 7. Additional eligibility factors.

Please answer each of the following questions. If your answer is "Yes", explain on a separate paper.

1. Are you now, or have you ever been a member of, or in any way connected or associated with the Communist Party, or ever knowingly aided or supported the Communist Party directly, or indirectly through another organization, group or person, or ever advocated, taught, believed in, or knowingly supported or furthered the interests of communism? ☐ Yes ☒ No
 2. During the period March 23, 1933 to May 8, 1945, did you serve in, or were you in any way affiliated with, either directly or indirectly, any military unit, paramilitary unit, police unit, self-defense unit, vigilante unit, citizen unit of the Nazi party or SS, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, detention camp or transit camp, under the control or affiliated with:
 - a. The Nazi Government of Germany? ☐ Yes ☒ No
 - b. Any government in any area occupied by, allied with, or established with the assistance or cooperation of, the Nazi Government of Germany? ☒ Yes ☐ No
 3. Have you at any time, anywhere, ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion? ☐ Yes ☒ No
 4. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
 5. Have you ever failed to comply with Selective Service laws?
If you have registered under the Selective Service laws, complete the following information:
Selective Service Number: _____ Date Registered: _____
If you registered before 1978, also provide the following:
Local Board Number: _____ Classification: _____
☐ Yes ☒ No
 6. Did you ever apply for exemption from military service because of alienage, conscientious objections or other reasons? ☐ Yes ☒ No
 7. Have you ever deserted from the military, air or naval forces of the United States? ☐ Yes ☒ No
 8. Since becoming a permanent resident, have you ever failed to file a federal income tax return? ☒ Yes ☐ No
 9. Since becoming a permanent resident, have you filed a federal income tax return as a nonresident or failed to file a federal return because you considered yourself to be a nonresident? ☐ Yes ☒ No
 10. Are deportation proceedings pending against you, or have you ever been deported, or ordered deported, or have you ever applied for suspension of deportation? ☐ Yes ☒ No
 11. Have you ever claimed in writing, or in any way, to be a United States citizen? ☐ Yes ☒ No
 12. Have you ever:
 - a. been a habitual drunkard?
 - b. advocated or practiced polygamy?
 - c. been a prostitute or procured anyone for prostitution?
 - d. knowingly and for gain helped any alien to enter the U.S. illegally?
 - e. been an illicit trafficker in narcotic drugs or marijuana?
 - f. received income from illegal gambling?
 - g. given false testimony for the purpose of obtaining any immigration benefit?

Did you register to vote?

NO

☐ Yes ☒ No
 13. Have you ever been declared legally incompetent or have you ever been confined as a patient in a mental institution? ☐ Yes ☒ No
 14. Were you born with, or have you acquired in same way, any title or order of nobility in any foreign State? ☐ Yes ☒ No
 15. Have you ever:
 - a. knowingly committed any crime for which you have not been arrested?
 - b. been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance excluding traffic regulations?

Deputy 1988 Border patrol

☒ Yes ☐ No
- (If you answer yes to 15, in your explanation give the following information for each incident or occurrence the city, state, and country, where the offense took place, the date and nature of the offense, and the outcome or disposition of the case).

Part 8. Allegiance to the U.S.

If your answer to any of the following questions is "NO", attach a full explanation:

1. Do you believe in the Constitution and form of government of the U.S.? ☒ Yes ☐ No
2. Are you willing to take the full Oath of Allegiance to the U.S.? (see instructions) ☒ Yes ☐ No
3. If the law requires it, are you willing to bear arms on behalf of the U.S.? ☒ Yes ☐ No
4. If the law requires it, are you willing to perform noncombatant services in the Armed Forces of the U.S.? ☒ Yes ☐ No
5. If the law requires it, are you willing to perform work of national importance under civilian direction? ☒ Yes ☐ No

Part 9. Memberships and organizations.

- A. List your present and past membership in or affiliation with every organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place. Include any military service in this part. If none, write "none". Include the name of organization, location, dates of membership and the nature of the organization. If additional space is needed, use separate paper.

NONE

Part 10. Complete only if you checked block "C" in Part 2.

N/A

How many of your parents are U.S. citizens? ☐ One ☐ Both (Give the following about one U.S. citizen parent:)

Family Name	Given Name	Middle Name
Address		

Basis for citizenship:

- ☐ Birth
☐ Naturalization Cert. No.

Relationship to you (check one):

- ☐ natural parent ☐ adoptive parent
☐ parent of child legitimated after birth

If adopted or legitimated after birth, give date of adoption or, legitimation: (month/day/year)

Does this parent have legal custody of you? ☐ Yes ☐ No

(Attach a copy of relating evidence to establish that you are the child of this U.S. citizen and evidence of this parent's citizenship.)

Part 11. Signature. (Read the information on penalties in the instructions before completing this section).

I certify or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America that this application, and the evidence submitted with it, is all true and correct. I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature

Date

Maurice G. Hernandez

8-26-96

Please Note: If you do not completely fill out this form, or fail to submit required documents listed in the instructions, you may not be found eligible for naturalization and this application may be denied.

Part 12. Signature of person preparing form if other than above. (Sign below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature

Print Your Name

Date

Firm Name
and Address**DO NOT COMPLETE THE FOLLOWING UNTIL INSTRUCTED TO DO SO AT THE INTERVIEW**

I swear that I know the contents of this application, and supplemental pages 1 through 0, that the corrections, numbered 1 through 3, were made at my request, and that this amended application, is true to the best of my knowledge and belief.

Maurice Hernandez Gonzalez
 (Complete and true signature of applicant)

Subscribed and sworn to before me by the applicant.

(Examiner's Signature)

Date

EXHIBIT L

No. 24764001

CERTIFICATE OF



NATURALIZATION

Personal description of holder
as of date of naturalization:

INS Registration No. A- [REDACTED] 816

Date of birth: [REDACTED], 1961

I certify that the description given is true, and that the photograph affixed
hereto is a likeness of me.

Sex: MALE

Height: 5 feet 07 inches

Marital status: MARRIED

Country of former nationality:

MEXICO

(Complete and true signature of holder)

Be it known that, pursuant to an application filed with the Attorney General

at: DALLAS, TX

The Attorney General having found that:

MOISES HERRERA-GONZALEZ

then residing in the United States, intends to reside in the United States when so
required by the Naturalization Laws of the United States, and had in all other
respects complied with the applicable provisions of such naturalization laws and was
entitled to be admitted to citizenship, such person having taken the oath of allegiance
in a ceremony conducted by the

U.S. IMMIGRATION & NATURALIZATION SERVICE

at: DALLAS, TX

on: SEPTEMBER 25TH, 1999

that such person is admitted as a citizen of the United States of America.



IT IS PUNISHABLE BY U. S. LAW TO COPY,
PRINT OR PHOTOGRAPH THIS CERTIFICATE,
WITHOUT LAWFUL AUTHORITY.

Haris M. [Signature]

Commissioner of Immigration and Naturalization

DEPARTMENT OF JUSTICE

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Troy D. Liggett, Office of Immigration Litigation, U.S. Department of Justice,
P.O. Box 868, Ben Franklin Station, Washington, DC 20044, 202-532-4765

DEFENDANTS

Moises Herrera-Gonzalez, a/k/a Moises Gonzalez Herrera

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input checked="" type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

8 U.S.C. 1451(a)

Brief description of cause:

Civil action seeking to revoke and set aside the order admitting Defendant to United States citizenship.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/21/2017

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE