

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

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 12-305
V.	*	SECTION: "A"
NETZAHUALCOYOTL GUINTO-ASCENSCIO	*	
	*	*

FACTUAL BASIS

Should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits, the following facts to support the allegations charged by the Indictment now pending against the defendant:

The Defendant, **NETZAHUALCOYOTL GUINTO-ASCENSCIO** (hereinafter "**GUINTO**"), has agreed to plead guilty as charged to the Count One of the Indictment charging him with unlawful transfer of a document or authentication feature, in violation of Title 18, United States Code, Section 1028(a)(2).

In August 2012, agents of Homeland Security Investigations (hereinafter "HSI") received information from a confidential source that a Hispanic male, later learned to be the defendant, **GUINTO**, was selling fraudulent identification documents in the New Orleans area. The confidential source provided HSI agents with a telephone number that could be utilized to

contact the document vendor to arrange purchasing fraudulent documents. HSI agents obtained information from various telephone subscriber databases, which revealed that the telephone number provided by the confidential source was assigned and listed for the defendant, **GUINTO**.

On October 16, 2012, a confidential informant (hereinafter "CI"), under the direction of HSI agents, placed a monitored telephone call to **GUINTO**. The CI requested fraudulent identification documents, including a Social Security card. **GUINTO** agreed to sell fraudulent identification documents to the CI, and arranged a meeting with the CI at 2504 Richland Avenue in Metairie, Louisiana. HSI agents provided the CI with \$120 in currency to purchase the fraudulent documents.

HSI Agents observed **GUINTO** meet and take a photograph of the CI with **GUINTO**'s cellular telephone at 2504 Richland Avenue, in order to make the CI's fraudulent documents. **GUINTO** told the CI that his documents will be ready for pick up in about two hours and to meet him at the same grocery on South Broad Street in New Orleans. **GUINTO** then departed and HSI agents conducting surveillance saw him soon after enter his apartment located at 2504 Richland Avenue.

Approximately two hours later, **GUINTO** called the CI and told him to meet him at the same grocery they had last met on South Broad Street in approximately 30 minutes. HSI agents followed **GUINTO** from his apartment at 2504 Richland Avenue to the grocery on South Broad Street.

GUINTO met with the CI in the grocery store parking lot and delivered the requested fraudulent documents to the CI, including a fraudulent Social Security card bearing the name

Pedro Aguilar and Social Security number XXX-XX-8835 in exchange for \$120. After the transaction, the CI provided HSI agents with the fraudulent documents and they were seized.

Based on the October 16, 2012, transfer of the Social Security card as well as other facts, search warrants were applied for, authorized, and then executed at Apartment B, 2504 Richland Avenue in Metairie as well as an apartment at 2401 Division Street in Metairie associated with **GUINTO** on November 8, 2012. During the searches, HSI agents encountered **GUINTO**, who was determined to be an illegal alien from Mexico. HSI agents administratively arrested **GUINTO** for an immigration violation.

Upon being read his *Miranda* rights, **GUINTO** agreed to give a statement. **GUINTO** told agents that he manufactures and sells fraudulent identification documents, including Social Security cards, for approximately \$50 each. He admitted he used a cellular phone, which agents seized, to take photos of his customers to be used in making the documents.

An official from the U.S. Social Security Administration, a Federal agency, would testify that Social Security numbers are issued by that agency to individuals who lawfully apply for Social Security cards. Records from the U.S. Social Security Administration would be introduced into evidence to show that Social Security account number XXX-XX-8835 was not properly assigned to the CI or "Pedro Aguilar".

Finally, a forensic document examiner from the HSI Forensic Document Laboratory would testify that he conducted physical, microscopic, instrumental and comparative examinations of the Social Security card bearing Social Security Number XXX-XX-8835 which

was transferred by **GUINTO** on October 16, 2012. The forensic document examiner would testify that he determined the Social Security card to be counterfeit.

ROBERT WEIR
Special Assistant United States Attorney

Date

NETZAHUALCOYOTL GUINTO-ASCENCIO
Defendant

Date

SAMUEL SCILLITANI
Attorney for Defendant

Date