

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

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 13-80
v.	*	SECTION: L
JOSE GONZALEZ-GRANA	*	
a/k/a Orlando Thomas Rodriguez	*	
a/k/a Orlando T. Rodriguez	*	

* * *

FACTUAL BASIS

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

The Defendant, **JOSE GONZALEZ-GRANA** (hereinafter “**GONZALEZ**”) has agreed to plead guilty as charged to the two-count indictment charging him with making a false statement claiming United States citizenship, in violation of Title 18, United States Code, Section 1015(e), and illegal use of a Social Security number, in violation of Title 42, United States Code, Section 408(a)(7)(B).

A Immigration and Customs Enforcement Special Agent (hereinafter the “agent”) would testify that on or about April 6, 2013, agents from Immigration and Customs Enforcement

(hereinafter "ICE") were conducting an investigation at an apartment complex in Jefferson Parish, Louisiana and encountered the defendant, **GONZALEZ**. When questioned by the ICE Agents about his identity, **GONZALEZ** admitted that he was a citizen of Mexico without legal immigration status in the United States. **GONZALEZ** had in his possession a Mexican passport issued in his own name as well as a Social Security card bearing the name Orlando Thomas Rodriguez and Social Security Number XXX-XX-1014. ICE agents then arrested **GONZALEZ** for immigration violations.

The agent would testify that he confirmed the defendant's illegal status by performing biographic and biometric database checks through various United States Department of Homeland Security databases.

An ICE agent explained to **GONZALEZ** his Miranda rights in Spanish, and he waived those rights and agreed to give a statement. **GONZALEZ** admitted that he purchased the Social Security card in the name Orlando Thomas Rodriguez with Social Security Number XXX-XX-1014 through a friend in Alabama for \$160.00. The defendant believed the Social Security card found in his possession was genuine. **GONZALEZ** further told agents that he used the Social Security card to obtain work at Harcon Construction in New Orleans in May 2012.

Testimony of an official from United States Citizenship and Immigration Services regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **GONZALEZ**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to enter the United States.

Based on employment information provided by **GONZALEZ**, ICE agents obtained a

Department of Homeland Security Form I-9 completed by **GONZALEZ** on May 3, 2012 upon the commencement of his employment with Harcon, Incorporated in the Eastern District of Louisiana. ICE agents reviewed **GONZALEZ**'s Form I-9 and a copy of the documents used by **GONZALEZ** to obtain employment. The Form I-9 shows that **GONZALEZ** used the name Orlando Thomas Rodriguez and Social Security Number XXX-XX-1014, which matches the number on the Social Security card found in his possession. **GONZALEZ** also attested on the Form I-9, under penalty of perjury, that he was a United States citizen. The Form I-9 contains **GONZALEZ**'s signature declaring that the information he provided on the form is true. The Form I-9 reveals that **GONZALEZ** presented Harcon, Incorporated with a Social Security card bearing number XXX-XX-1014. A copy a Social Security card bearing number XXX-XX-1014 was attached to the Form I-9 as proof of employment eligibility.

Records from the Social Security Administration would be introduced into evidence to show that Social Security account number XXX-XX-**GONZALEZ** was not properly assigned to the defendant.

A forensic specialist from the ICE Forensic Document Laboratory would testify that he

conducted physical, microscopic, instrumental and comparative examinations of the Social Security card used by **GONZALEZ** and concluded that the card is genuine.

ROBERT WEIR
Special Assistant United States Attorney

Date

JOSE GONZALEZ-GRANA
Defendant

Date

VALERIE JUSSELIN
Attorney for Defendant

Date