

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

UNITED STATES OF AMERICA	*	CRIMINAL NO. 14-028
v.	*	SECTION: "F"
JAIRO ALMENDAREZ-DUARTE	*	

* * *

FACTUAL BASIS

The defendant, **JAIRO ALMENDAREZ-DUARTE** (hereinafter "**ALMENDAREZ-DUARTE**"), has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a previously removed alien in violation of Title 8, United States Code, Section 1326(a).

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

An Immigration and Customs Enforcement ("ICE") agent would testify that on or about January 10, 2014, ICE agents went to an apartment in Kenner, Louisiana to look for a wanted individual. After knocking on the door, a female answered and agents began speaking with her. Agents noticed a male in the residence and asked him to come to the front door area. This person was **ALMENDAREZ-DUARTE**. While speaking with him, **ALMENDAREZ-DUARTE**

indicated that he was from Honduras. He admitted that he had been previously deported, did not have the proper authorization to return to the United States, and was in the country illegally. The agents then brought him to their office for processing. The agent would testify that he then conducted record checks through various U.S. Department of Homeland Security databases in order to confirm the citizenship and status of **ALMENDAREZ-DUARTE**. These record checks confirmed that the defendant was a citizen of Honduras and illegally present in the United States.

Documentation from ICE records contained in the defendant's Alien File, including a Warrant of Removal/Deportation, complete with the defendant's fingerprints, photographs and signature, would demonstrate that the defendant, **ALMENDAREZ-DUARTE**, was removed from the United States to Honduras on August 28, 2003. A qualified ICE Fingerprint Specialist would testify that the fingerprints of the individual documented in the Alien File containing the Warrant of Removal/Deportation and the fingerprints of the defendant were a match.

Documentation from the Alien File would further show that the defendant is an alien and not a citizen or national of the United States.

Testimony of an official from U.S. Citizenship and Immigration Services regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **ALMENDAREZ-DUARTE**, did not receive consent from the U.S. Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous removal.

Records would also be introduced to prove that on January 22, 1998, in the 283rd Judicial District of Dallas, County, Texas, that **ALMENDAREZ-DUARTE** entered a guilty plea to

one (1) felony count of unlawful possession of a controlled substance, to wit: cocaine. He received a two (2) year sentence of probation.



JON MAESTRI
Assistant United States Attorney

Date

JAIRO ALMENDAREZ-DUARTE
Defendant

Date

SAMUEL SCILLITANI
Attorney for Defendant

Date