

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

<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL NO: 15-25</b>
<b>v.</b>	*	<b>SECTION: "R"</b>
<b>DENYS BENITEZ-FERNANDEZ</b> <b>a/k/a Javier Fernandez</b>	*	

\* \* \*

**FACTUAL BASIS**

The United States, represented by the United States Attorney's Office for the Eastern District of Louisiana, and the defendant, **DENYS BENITEZ-FERNANDEZ a/k/a Javier Fernandez**, hereby agree that this Factual Basis is a true and accurate statement of the Defendant's criminal conduct, that it provides a sufficient basis for the Defendant's plea of guilty to the charge contained in the Indictment in the above-captioned matter, and had this matter proceeded to trial, the following facts would be established beyond a reasonable doubt through competent evidence and testimony:

An Immigration and Customs Enforcement ("ICE") agent would testify that on or about January 22, 2015, he encountered the defendant, **DENYS BENITEZ-FERNANDEZ**, in the Eastern District of Louisiana. The officer would testify that he had information that

**BENITEZ-FERNANDEZ** had been previously removed from the United States and was a citizen of Honduras. Upon encountering **BENITEZ-FERNANDEZ** and confirmation of his identity and status, the agent detained and arrested him.

The agent would testify that he administratively processed the defendant after he was taken into ICE custody and conducted record checks through various U.S. Department of Homeland Security databases. These record checks revealed that the defendant was a citizen of Mexico 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, **BENITEZ-FERNANDEZ**, was removed from the United States to Honduras on or about April 24, 2013. 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 are 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, **BENITEZ-FERNANDEZ**, 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.

**READ AND APPROVED:**

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DENYS BENITEZ-FERNANDEZ  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
SAMUEL SCILLITANI  
Attorney for Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
EMILY K. GREENFIELD 28587  
Assistant United States Attorney

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Date