

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

UNITED STATES OF AMERICA * **CRIMINAL DOCKET NO. 14-233**
v. * **SECTION: "H"**

ROBERTO HERRERA-VILLAGOMEZ *
JOSE MANUEL HERRERA- *
VILLAGOMEZ *

* * *

FACTUAL BASIS

The defendants, **ROBERTO HERRERA-VILLAGOMEZ** ("ROBERTO HERRERA") and **JOSE MANUEL HERRERA-VILLAGOMEZ** ("MANNY HERRERA"), have agreed to plead guilty as charged to the two-count indictment, which charges each of them, respectively, with being aliens in possession of a firearm in violation of Title 18, United States Code, Sections 922(g)(5)(A) and 924(c).

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

MANNY HERRERA and **ROBERTO HERRERA** are brothers. They are both citizen of Mexico (*i.e.*, aliens) and are not lawfully authorized to be in the United States. **ROBERTO HERRERA** and **MANNY HERRERA** were aware of the fact that they were not authorized to be in the United States at all times relevant herein.

By at least 2010, **MANNY HERRERA** was working at a mushroom farm in Pennsylvania that was operated by the B. family. **ROBERTO HERRERA** also worked at the same farm. Around 2012, the owners of the farm in Pennsylvania where the brothers worked entered into a lease agreement to operate another mushroom farm in Independence, Louisiana known as the Red Hill Mushroom Farm. After they entered the lease agreement, the B. family sent **MANNY HERRERA**, who by that time had become a skilled mushroom picker, to the Red Hill Mushroom Farm. As part of the arrangement, the B. family agreed to pay for **MANNY HERRERA's** housing, which was a trailer on the property of the Red Hill Mushroom Farm. **ROBERTO HERRERA** also came from the farm in Pennsylvania to work at the Red Hill Mushroom Farm and lived in the trailer with his brother.

During the initial years they worked at the Red Hill Mushroom Farm, **MANNY HERRERA** and **ROBERTO HERRERA** worked under and were paid under their own names. On April 9, 2013, Immigration and Customs Enforcement ("ICE") commenced a Form I-9 inspection of the Red Hill Mushroom Farm, which, as noted above, was leased by companies controlled by the B. family. The Form I-9 inspection revealed that illegal aliens, including **MANNY HERRERA** and **ROBERTO HERRERA**, worked at the Red Hill Mushroom Farm. On June 24, 2013, ICE agents served a Notice of Suspect Documents to **MANNY HERRERA** and **ROBERTO HERRERA's** employers at the Red Hill Mushroom Farm, which informed them that, based on the documentation provided, certain employees appeared not to be authorized for employment in the United States.

Instead of terminating the employees listed in the Notice of Suspect Documents, the employer made arrangements for the employees that wanted to continue working at the farm to

continue working under different names. **MANNY HERRERA** was approached by the farm manager, "Little Man," and the secretary, J.C., who told **MANNY HERRERA** that he needed to get a new identification card and name because he was illegally in the United States. **MANNY HERRERA** was aware that Immigration Authorities had done an inspection at the Red Hill Mushroom Farm. It took **MANNY HERRERA** longer than expected to find fraudulent identification documents, but he continued to work at the farm in the meantime. Between the time when he was told he had to get a new ID and when he obtained the new ID, **MANNY HERRERA** was paid off his employer's books. During this time, the B. family sent a personal check to J.S. Jr., who in turn paid **MANNY HERRERA**'s weekly salary via personal check. This went on for several months until **MANNY HERRERA** obtained identification in the name of David Velasco. After obtaining the David Velasco identification, **MANNY HERRERA** was "rehired" as David Velasco and paid on his employer's books under that name. Even after **MANNY HERRERA** acquired fraudulent documents under the alias David Velasco, all of the management of the farm continued to refer to him as "Manny." The B. family continued to pay the rent for **MANNY HERRERA**'s trailer even after the immigration inspection revealed that he was not authorized to work in the United States. **MANNY HERRERA** was not the only worker who stayed on after the immigration inspection.

Following the immigration inspection in July 2013, **ROBERTO HERRERA** was also told by his employer to obtain false documents in another person's name if he wished to continue working at the farm. **ROBERTO HERRERA** understood that his employer was prohibited from employing illegal aliens like him. In order to continue working, **ROBERTO HERRERA** obtained false identification with the alias Ramiro Guzman-Avila. **ROBERTO HERRERA**

never stopped working at the farm; he only changed from receiving pay under his own name to receiving pay under the Ramiro Guzman alias.

Homeland Security Investigations ("HSI") agents were conducting an investigation into the harboring of illegal aliens at the Red Hill Mushroom Farm during the time in which the above described activities were taking place. As part of that investigation, HSI agents obtained a federal search warrant to conduct a search of the farm and surrounding buildings. *See* Case # 14-mc-2306. On October 15, 2014, HSI agents executed the search warrant. As part of the search, agents entered trailers that were located on the property of the Red Hill Mushroom Farm and believed to be used as housing for illegal alien workers. These trailers were specifically included in the scope of the area to be searched pursuant to the federal warrant.

After making entry into one of the trailers, HSI agents encountered **ROBERTO HERRERA** asleep in the front bedroom, which was positioned immediately to the left of the front door and living room. In the same trailer, HSI agents encountered **MANNY HERRERA**.

During initial questioning regarding their status in the United States, both **ROBERTO HERRERA** and **MANNY HERRERA** stated that they were illegally within the United States without admission. This information was later confirmed through law enforcement database queries that revealed that both **ROBERTO HERRERA** and **MANNY HERRERA** are in fact Mexican citizens and illegally present within the United States.

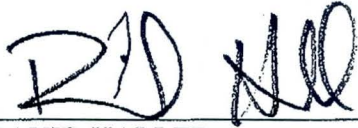
HSI agents found two guns within the trailer where they found **ROBERTO HERRERA** and **MANNY HERRERA**. In plain view on a table in **ROBERTO HERRERA**'s bedroom, HSI agents found a loaded Bryco model 38, .380 semi-automatic pistol bearing serial number 1224537. **ROBERTO HERRERA** admitted to HSI agents that it was his handgun. After

finding the first weapon, HSI agents asked **MANNY HERRERA** if he had any weapons within the residence. **MANNY HERRERA** stated "yes, a pistol." **MANNY HERRERA** informed HSI agents that the pistol, later identified as a Hi-point Firearms model C9, 9mm semi-automatic pistol bearing serial number P1283248, was located in his bedroom. **MANNY HERRERA** stated that the pistol would be found in a plastic chest under some clothes. HSI agents located the pistol where **MANNY HERRERA** stated that it would be found. There is no evidence that either weapon was used in any criminal activity.

Further investigation confirmed that both weapons seized from **ROBERTO HERRERA** and **MANNY HERRERA**'s trailer had traveled in interstate commerce. The Bryco .380 pistol was manufactured in Costa Mesa, California, and the Hi-point 9mm pistol was manufactured in Mansfield, Ohio. Accordingly, both guns necessarily traveled in interstate commerce in order to be located in the Eastern District of Louisiana.

This factual basis is not intended to constitute a complete statement of all facts known by **ROBERTO HERRERA** and **MANNY HERRERA** and described by **ROBERTO HERRERA** and **MANNY HERRERA** to the Government, but rather is a minimum statement of facts

intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this factual basis is to demonstrate that there exists a sufficient legal and factual basis for **ROBERTO HERRERA** and **MANNY HERRERA's** plea of guilty to Counts One and Two, respectively, of the indictment.



DAVID HALLER
Assistant United States Attorney

4/30/15

Date



ROBERTO HERRERA-VILLAGOMEZ
Defendant

4/30/15

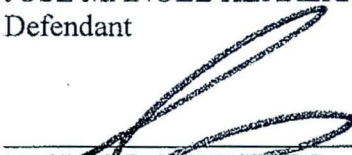
Date



JOSE MANUEL HERRERA-VILLAGOMEZ
Defendant

4/30/15

Date



MICHAEL C. WINTERS
Attorney for Defendants

4/30/15

Date