

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

UNITED STATES OF AMERICA * **CRIMINAL NO. 15-285**

v. * **SECTION: "C"**

ERIC DE JESUS MENDOZA- *
MARTINEZ

* * *
FACTUAL BASIS

The defendant, **ERIC DE JESUS MENDOZA-MARTINEZ** (hereinafter "**MENDOZA**"), has agreed to plead guilty as charged to the one-count indictment charging him with possession of a firearm by an alien present and illegally and unlawfully in the United States in violation of Title 18, United States Code, Sections 922(g)(5)(A) and 924(a)(2).

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:

On November 7, 2015, a Jefferson Parish Sheriff's Officer pulled **MENDOZA** over for a traffic violation. During the traffic stop, the officer discovered that **MENDOZA** had a Taurus TCP Model PT738, .380 caliber semi-automatic pistol in his front pocket. The firearm was seized and **MENDOZA** was released.

On Saturday, November 7, 2015, Immigration agents went to **MENDOZA's** residence located in New Orleans to question him about the weapon and his immigration status. At approximately 0620 hours, agents knocked on the door of the residence and **MENDOZA** agreed to come outside and talk with agents. **MENDOZA** was questioned about the gun by the agents, and he admitted that he did have a gun in his pocket on the day of his traffic stop. **MENDOZA**

also informed the agents that he was in the United States illegally. Based his admissions, the agents took **MENDOZA** into custody and transported him to their office for administrative processing.

After arriving at the Homeland Security office, **MENDOZA** was again questioned by the agents about the gun. **MENDOZA** waived his Miranda rights and agreed to speak to the agents. During this interview, **MENDOZA** again admitted to possessing the weapon. Following the interview, the agents checked various databases and **MENDOZA'S** Alien File to determine his immigration status. Their checks revealed that **MENDOZA** is citizen of Mexico and illegally present within the United States. The agents also conducted a weapons trace on the Taurus semi-automatic pistol seized from **MENDOZA**. The trace revealed that the pistol, bearing serial number 504551B, was manufactured in Florida. Accordingly, the pistol traveled in interstate commerce in order to be located in the Eastern District of Louisiana.



SPIRO G. LATSIS

Assistant United States Attorney

Date

1-27-2016

ERIC DE JESUS MENDOZA-MARTINEZ
Defendant

Date

SAMUEL J. SCILLITANI, JR.
Attorney for Defendant

Date