

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA.
2016 JUL 20 A 11:04
WILLIAM W. BLEVINS
CLERK

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

UNITED STATES OF AMERICA * **CRIMINAL NO. 15-243**

v. * **SECTION: "R"**

LEONARDO SERRATO POLANIA *

* * *

FACTUAL BASIS

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

The government would establish that **LEONARDO SERRATO POLANIA** ("**SERRATO POLANIA**") was a citizen of Colombia. Further, the government would establish that on September 4, 2015, while in Colombia, **SERRATO POLANIA** completed a Nonimmigrant Online Visa Application ("**Visa Application**") with the U.S. Department of State ("**State Department**").

At trial, the government would introduce **SERRATO POLANIA's** Visa Application to establish that he made written false declarations on his Visa Application. Specifically, the defendant, **SERRATO POLANIA**, did not answer truthfully questions concerning his travel companion, the person paying for his trip, and the location of his stay while in the United States.

Defendant's Initials LS


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___ CtRmDep ___
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In his Visa Application, **SERRATO POLANIA**, declared (1) he was going to be staying in Kissimmee, Florida, (2) was paying for his trip himself, and (3) was traveling with his wife and children.

The government would prove that on September 28, 2015, an individual other than the defendant purchased **SERRATO POLANIA**'s plane ticket from Bogota, Colombia to New Orleans, Louisiana. Further, the government would establish that **SERRATO POLANIA** traveled with co-defendant, Alma De Jesus Mojica Herrera. Lastly, the government would introduce the defendant's own statements as well as hotel records through the testimony of special agents with the U.S. Department of Homeland Security ("Homeland Security") to prove that **SERRATO POLANIA** and his co-defendant came to New Orleans with no intention of traveling to Florida.

The government would further establish that the Visa Application submitted by the defendant, **SERRATO POLANIA**, contained material false statements and was used and relied upon by the defendant to gain entry into the United States, specifically the Eastern District of Louisiana, on September 28, 2015. The government would also establish that the defendant's Visa Application was relied upon by federal agencies of the executive branch including by the U.S. Customs and Border Protection in New Orleans and the State Department. The government would call witnesses to testify that the defendant's Visa Application is saved in electronic format by the State Department in Washington D.C. and is accessible throughout the United States including by federal officials with Homeland Security and the State Department in the Eastern District of Louisiana.

Various records and testimonial evidence, including testimony from representatives of the U.S. Department of Homeland Security, Homeland Security Investigations, and the U.S. Customs and Border Patrol, and other witnesses would also be admitted to prove the facts set forth above.



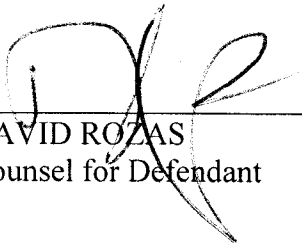
BRIAN M. KLEBBA
Assistant United States Attorney
New York Reg. No. 2938728

7/20/16
Date



LEONARDO SERRATO POLANIA
Defendant

7/20/16
Date



DAVID ROZAS
Counsel for Defendant

7/20/16
Date