

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

*

CRIMINAL NO. 16-101

v.

*

SECTION: "I"

YAIR ROCHEZ-MARTINEZ

*

a/k/a Yair Lino

*

* * *

FACTUAL BASIS

The defendant, **YAIR ROCHEZ-MARTINEZ, a/k/a Yair Lino** (hereinafter "**ROCHEZ**"), 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 agent from Immigration and Customs Enforcement (hereinafter "ICE") would testify that on May 22, 2016, ICE agents were notified that the defendant was in state custody in Orleans Parish Prison, which is located within the Eastern District of Louisiana. They would introduce evidence to prove that **ROCHEZ** is an alien, and citizen of Honduras. The agents would testify that record checks were conducted through various U.S. Department of Homeland Security databases that 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, **ROCHEZ**, was removed from the United States to Honduras on December 27, 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 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, **ROCHEZ**, did not receive consent from the U.S. Attorney General or her 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.



JON MAESTRI
Assistant United States Attorney

8.4.16

Date

YAIR ROCHEZ-MARTINEZ
Defendant

Date

SAMUEL SCILLITANI
Attorney for Defendant

Date