

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

UNITED STATES OF AMERICA	*	CRIMINAL NO. 18-028
v.	*	SECTION: "J"
ROT VAN NGUYEN	*	
a/k/a "Minh Dung"	*	
a/k/a "Minh Dung Duong"	*	

* * *

FACTUAL BASIS

Defendant **ROT VAN NGUYEN**, a/k/a "Minh Dung," a/k/a "Minh Dung Duong," ("NGUYEN"), has agreed to plead guilty. Should this matter proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts. Unless stated otherwise, the following acts occurred within the jurisdiction of the Eastern District of Louisiana.

On about July 2, 2009, **NGUYEN** was convicted of two counts of lewd or lascivious acts on a child under 14 years of age, a violation of California Penal Code Section 288(a), in Superior Court of California, County of Santa Clara, Case Number CC827604. **NGUYEN** was sentenced to 8 years of imprisonment as to Count 1, and 6 years of imprisonment as to Count 2, to run concurrently with each other. Furthermore, **NGUYEN** was required to comply with the federal Sex Offender Registration and Notification Act ("SORNA") and the sex offender registration requirements for California (California Megan's Law) for a period of the remainder of his life.

As a registered sex offender, **NGUYEN** was obligated to comply with various registration requirements, among them the following. He was obligated to report to the Sheriff's Office or sex offender registration official in the county of his residence any intent to leave California. If **NGUYEN** became a resident of another state, he would have to comply with sex offender laws

AUSA	<i>MSM</i>
Defendant	<i>RN</i>
Defense Counsel	<i>DW</i>

consistent with the laws of that state. NGUYEN also was obligated by federal law to register in a new state within three days of his departure from California. NGUYEN acknowledged all of these registration requirements in a California Notice of Sex Offender Registration Requirement form. These requirements were specifically explained to him by California Parole Officer Dexter Vo to ensure NGUYEN understood the registration requirements. As an additional requirement of his parole, NGUYEN was placed on GPS monitoring.

NGUYEN maintained an active sex offender registration in California until about November 15, 2015. On November 15, 2015, NGUYEN's California Parole Officer received notice from the GPS electronic monitor center of a master tamper alert on NGUYEN's GPS electronic monitor. Attempts to contact NGUYEN via phone and in person at his last known parole and sex offender registry address were unsuccessful. The GPS device was recovered in the 300 block of Ryegate Court, San Jose, California, and it appeared to have been cut off. NGUYEN's whereabouts became unknown after this time. On November 17, 2015, a California parole violations warrant based on NGUYEN's original sex based convictions was issued for him.

On the afternoon of December 12, 2017, members of the U.S. Marshal's Task Force-New Orleans and Louisiana State Police Gaming Division Troopers located NGUYEN at a Harrah's casino located on Canal Street in New Orleans, Louisiana. NGUYEN was placed under arrest for the open California Parole Violations warrant. NGUYEN was also arrested for violating Louisiana law relating to failure to register as a sex offender. NGUYEN was transported to the Orleans Parish Sheriff's Office Intake and Processing Center for booking.


After his arrest, NGUYEN was read his *Miranda* rights by Sgt. King Tao of the Orleans Parish Sheriff's Office. NGUYEN stated that he understood these rights and agreed to speak with investigators. NGUYEN stated that he had been in New Orleans for approximately the past six

months and stayed in the area near Claiborne Avenue and Canal Streets. NGUYEN stated that, before that, he lived in Houma, Louisiana for about three months while working on a tuna boat. NGUYEN admitted that he had left California and knew that he was supposed to register in Louisiana. NGUYEN admitted that he did not register in Louisiana.

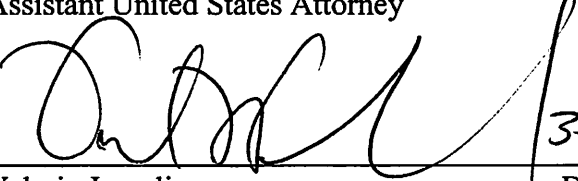
The U.S. Marshals confirmed that Nguyen has not registered as a sex offender with the New Orleans Police Department, as he is obligated to do pursuant to his California sex offender conviction. NGUYEN admits that he traveled in interstate commerce between California and Louisiana and subsequently failed to register as required under SORNA.

Limited Nature of Factual Basis

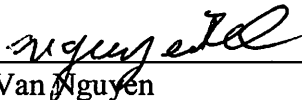
This proffer of evidence is not intended to constitute a complete statement of all facts known by NGUYEN, and it is not a complete statement of all facts described by NGUYEN to the government. Rather, it is a minimum statement of facts intended to prove the necessary factual predicate for his guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient legal basis for NGUYEN's plea of guilty to the charged offense.


Matthew Payne
Assistant United States Attorney

3/8/18
Date


Valerie Jusselin
Counsel for Rot Van Nguyen

3-8-18
Date


Rot Van Nguyen
Defendant

3-8-18
Date