

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED JUN 14 2018
WILLIAM W. BLEVINS
CLERK

UNITED STATES OF AMERICA * CRIMINAL NO. 18-072
v. * SECTION: "L"
ELMER JAVIER ACOSTA-MEJIA *

* * *

FACTUAL BASIS

The defendant, **ELMER JAVIER ACOSTA-MEJIA** (hereinafter "**ACOSTA**"), has agreed to plead guilty as charged to the two-count indictment charging him with possession of a firearm by an alien illegally present 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:

Agents of Homeland Security Investigations ("**HSI**") New Orleans received information that an illegal alien known as **ELMER JAVIER ACOSTA-MEJIA** was selling firearms in Metairie. On December 11, 2017, a confidential informant ("**CI**") contacted **ACOSTA** and asked if he could provide him/her with a gun. **ACOSTA** agreed to provide the **CI** with a pistol for \$400.00. Later that afternoon, the **CI**, who was wearing a hidden camera, went to an apartment building on Clearview Parkway to meet with Acosta. After arriving at the building, the **CI** and **ACOSTA** got into a red Mitsubishi Eclipse that was parked in front of the complex. While in the car, **ACOSTA** handed a loaded revolver

AUSA SGC
Defendant EAM
Defense Counsel [Signature]

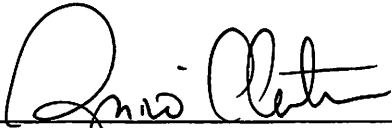
and ammunition to the CI. Moments later, the two exited the car and entered **ACOSTA'S** apartment. Once inside the apartment, the CI handed **ACOSTA** \$400 in marked bills. The CI then left the complex and proceeded to a prearranged location, where he turned over a .38 caliber Rossi revolver and ammunition to the agents. The agents then showed the CI a picture of **ACOSTA** that had been previously obtained from Facebook, and the CI indicated that the person in the picture was the same person that sold him the gun and the ammunition.

On December 22, 2017, **ACOSTA** called the CI and told him that he had another gun available for sale. Shortly after the call, the CI went to **ACOSTA'S** apartment to purchase the weapon. After entering the apartment, the CI gave \$300 to **ACOSTA** in exchange for a pistol. This transaction was also captured on video via a hidden camera worn by the CI. The CI then traveled to a prearranged location, where he turned over a .38 caliber revolver to the agents.

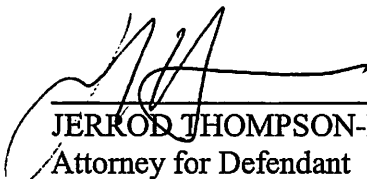
On the morning of March 22, 2018, the ICE agents went to **ACOSTA'S** residence to question him about his alienage. Shortly after arriving on the scene, the agents observed **ACOSTA** enter a van with three other males. A Jefferson Parish deputy, who was assisting with the investigation, stopped the van a few blocks down the road for failing to use a turn signal. The agents then asked **ACOSTA** to identify himself, and he told the agents that his name was **ELMER JAVIER ACOSTA-MEJIA**. **ACOSTA** also admitted that he was illegally present in the United States. The agents then took **ACOSTA** to their office for processing. While he was being processed, **ACOSTA** agreed to be interviewed and signed a waiver. During the interview, **ACOSTA** stated that he was originally from Honduras, and that he entered the United States illegally with the help of an alien smuggler. **ACOSTA** also admitted to selling the two revolvers to the CI because he needed the money.

The agents then ran Acosta's name and fingerprints through various U.S. Department of Homeland Security databases and determined that he was a citizen of Honduras and illegally present in the United States. After confirming that ACOSTA was here illegally, an agent had the guns examined by ATF to determine if they had traveled in interstate commerce. The ATF trace revealed that both revolvers were manufactured in Brazil and imported into the United States by importers based in Washington, D.C. and Alexandria, Virginia. If called to testify at trial, an expert with the ATF would state that because both weapons were possessed in Louisiana, they traveled in or affected interstate and/or foreign commerce.

APPROVED AND ACCEPTED:

 6-14-2018

SPIRO G. LATSIS Date
Assistant United States Attorney

 6-14-2018

JERROD THOMPSON-HICKS Date
Attorney for Defendant

 6-14-2018

ELMER JAVIER ACOSTA-MEJIA Date
Defendant