

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

v.

BENITO ORBE-SANTANA

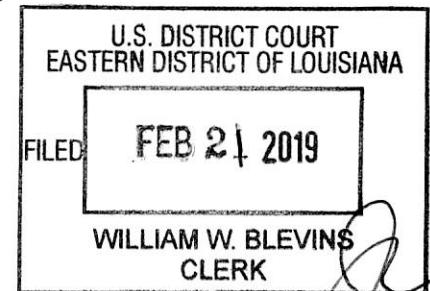
* CRIMINAL NO. 18-261

* SECTION: "G"

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FACTUAL BASIS



The defendant, **BENITO ORBE-SANTANA** ("ORBE-SANTANA"), 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:

Immigration and Customs Enforcement ("ICE") was notified that **ORBE-SANTANA** was in the Tangipahoa Parish Jail, having been arrested for Driving While Intoxicated (DWI) in that parish on December 8, 2018. It was determined that **ORBE-SANTANA** was previously removed from the United States on July 9, 2008 through Laredo, Texas back to this home country of Mexico.

An ICE agent would testify that once **ORBE-SANTANA** was inside of the ICE office, record checks were run through various U.S. Department of Homeland Security databases in order to verify his citizenship and status. The defendant's biographic information was run through the Automated Biometric Identification System and showed that he was previously removed on July 9, 2008. These record checks further confirmed that the defendant was an alien, citizen of Mexico

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Other _____

and illegally present in the United States.

Further 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 further demonstrate that the defendant, **ORBE-SANTANA**, was removed from the United States to Mexico on July 9, 2008. 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 ("CLAIMS") would show that the defendant, **ORBE-SANTANA**, did not receive consent from the U.S. Attorney General or his 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.

Carter K. Guice
CARTER K.D. GUICE, JR.
Assistant United States Attorney

BENITO
BENITO ORBE-SANTANA
Defendant

JTH
JERROD THOMPSON-HICKS, ESQ.
Assistant Federal Public Defender
Attorney for Defendant

FEB 21, 2019
Date

2/21/19
Date

2/21/2019
Date