

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA \* CRIMINAL NO. 19-138  
v. \* SECTION: "M"  
GERMIEL AUSTIN \* VIOLATION: 18 U.S.C. § 1001(a)(3)  
\*  
\* \* \*

FACTUAL BASIS

The defendant, **GERMIEL AUSTIN**, has agreed to plead guilty as charged to the one-count bill of information charging him with making false statements in violation of Title 18, United States Code, Section 1001(a)(3).

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 bill of information now pending against the defendant:

Witnesses would testify that the Transportation Security Administration ("TSA") is an agency of the United States government that is responsible for the issuance of Transportation Worker Identification Credential ("TWIC") cards. TWIC cards are tamper-resistant biometric credentials issued to individuals who require unescorted access to security-sensitive transportation sectors such as airports, railroads, chemical plants, and maritime ports. TSA ensures that each applicant undergoes a security threat assessment to determine a person's eligibility. Convictions for certain criminal offenses can either permanently or temporarily disqualify applicants from consideration. If an applicant has a criminal conviction, the applicant

AUSA   
Defendant GA  
Defense Counsel 

will receive a Preliminary Determination of Ineligibility, but can then apply for a TWIC waiver. TSA then considers various factors in determining whether or not the individual poses a security threat.

Witnesses and testimony would prove that the defendant, **GERMIEL AUSTIN**, had previously been convicted of forgery, which would have resulted in a Preliminary Determination of Ineligibility requiring a waiver. On July 25, 2014, the defendant composed and faxed a letter to the "TSA TWIC Processing Center" explaining the alleged facts surrounding his criminal conviction and indicated that he was not a "threat or risk" in an attempt to have a waiver granted. **GERMIEL AUSTIN** personally signed the bottom of the letter. On the same day, July 25, 2014, the defendant faxed a second letter to the attention of the "TSA TWIC Processing Center" that falsely claimed to be from his probation officer, Eric Roth. The letter falsely indicated that the defendant successfully completed probation and that he has maintained stable employment, passed drug screens, and has demonstrated "his intention to maintain a law-abiding lifestyle." The bottom of the letter falsely implied that it was authored by "Eric Roth, Probation and Parole Officer" with an address in Hammond, Louisiana.


Witnesses would testify that in late 2016, an agent with the United States Coast Guard Investigative Service, was given the above information after it had been deemed suspicious. The agent determined that "Eric Roth" was not the defendant's probation officer, and that no one named "Eric Roth" was ever employed by Amite Probation and Parole. The agent also determined that **GERMIEL AUSTIN** was on probation for a felony conviction, and that the address provided on the bottom of the second faxed letter (purportedly from "Eric Roth"), was that of the misdemeanor probation office.

AUSA \_\_\_\_\_  
Defendant GA \_\_\_\_\_  
Defense Counsel AV. SA \_\_\_\_\_


Witnesses would testify that **GERMIEL AUSTIN** was interviewed in 2017 and admitted that he authored the contents of both letters and that he faxed them to the TSA. He admitted that the statements in the second faxed letter were false, and that out of desperation, he also created the false name of “Eric Roth” as his probation officer.

**GERMIEL AUSTIN** admits and testimony would prove that the false statements were authored knowingly and willfully, in that he knew that it was unlawful to falsely compose a letter in an attempt to receive a TWIC card. The defendant also admits that the false statements were material to the TSA deciding whether or not to grant a waiver. Such false statements from a “probation officer” were capable of influencing TSA’s decision.


**GERMIEL AUSTIN** also admits that the false statements were made in and faxed from the Eastern District of Louisiana.

  
\_\_\_\_\_  
JON MAESTRI  
Assistant U.S. Attorney

10-3-19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
GERMIEL AUSTIN  
Defendant

10-3-19  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
GARY SCHWABE  
Attorney for Defendant

10-3-19  
\_\_\_\_\_  
Date