

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

**UNITED STATES OF AMERICA** \* **CRIMINAL NO. 19-53**

**v.** \* **SECTION: "D"**

**JOSE HUMBERTO DELSIB-** \*  
**MARTINEZ** \*

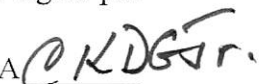
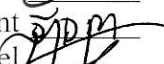
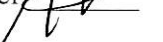
\* \* \*

**FACTUAL BASIS**

The defendant, **JOSE HUMBERTO DELSIB-MARTINEZ** (hereinafter "**DELSIB** "), has agreed to plead guilty as charged to the three-count superseding bill of information charging him with being an illegal alien in possession of a firearm in violation of Title 18, United States Code, Section 922(g)(5)(a), illegal reentry of a previously removed alien in violation of Title 8, United States Code, Section 1326(a), and Possession of Cocaine with Intent to Distribute in violation of Title 21, United States Code, Section 841(a)(1).

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:

On February 14, 2019, members of the Kenner Police Department Narcotics Section was conducting surveillance on a drug trafficking complaint within the city of Kenner in the Eastern District of Louisiana. During surveillance, detectives observed **DELSIB**, the target of the investigation, travelling in his vehicle eastbound in the 600 block of 27<sup>th</sup> Street. The vehicle was observed to have illegally tinted windows; therefore, a traffic stop was conducted. Upon speaking with **DELSIB**, he was advised of the ongoing narcotics investigation and waived his rights per

AUSA   
Defendant   
Defense Counsel 

Miranda. The Kenner Police Detective spoke Spanish and was able to converse with **DELSIB** in that language. **DELSIB** provided consent to search his vehicle at which time detectives located a clear plastic bag containing fourteen individually wrapped baggies of a white powder substance wedged between the driver's side floor board and center console. A sample of the white powder substance chemically field tested positive for the presence of cocaine, 8.1 grams. The substance was later tested in a Laboratory and found to be cocaine hydrochloride.

**DELSIB** agreed to cooperate with the investigation and subsequently provided consent to search his residence, located at 2755 Albany St., Apartment D, Kenner, La. During a search of **DELSIB'S** bedroom, he directed detectives to a silver 9mm handgun which was later identified as a Lorcin Engineering Model L-9 bearing serial number L-121517, having been shipped in interstate commerce, a large clear plastic bag containing a white powder substance, and a black digital scale. All items were located within a large wooden floor speaker box. A sample of that white powder substance chemically field tested positive for the presence of cocaine, 18 grams. The substance was later tested in a Laboratory and found to be cocaine hydrochloride.

**DELSIB** provided detectives with a voluntary statement advising that all seized items belong solely to him and he sells cocaine as a way to make extra money. He further added that he utilizes the black digital scale to weigh narcotics prior to sale and he utilizes his vehicle as an aid in transport of the illegal narcotics.

On February 26, 2019, Jefferson Parish notified the U.S. Department of Homeland Security Immigration and Customs Enforcement (hereinafter "ICE") that **DELSIB** was present in Jefferson Parish.

The federal agent then checked various immigration databases and determined that **DELSIB** was indeed a citizen of Honduras, and that he had no claim to United States citizenship.

AUSA   
 Defendant   
 Defense Counsel 

The record checks also confirmed that **DELSIB** had been removed from the United States on December 12, 2005, from Harligen, Texas. 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, **DELSIB**, 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.

These facts would be proven by the testimony of officers and detectives of the Kenner Police Department, agents of the Department of Homeland Security, and expert testimony of ballistic and chemical employees of the government.

*Carter K. Guice Jr.*  
 CARTER K. D. GUICE JR. Date  
 Assistant United States Attorney

*Jerrold Thompson-Hicks*  
 JERROD THOMPSON-HICKS, ESQ. Date  
 Attorney for the Defendant

*Jose Humberto DelSib-Martinez*  
 JOSE HUMBERTO DELSIB-MARTINEZ Date  
 Defendant