

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**Case Number 3:18cr62/MCR**

**ELVIN CASTRON-MURICA  
a/k/a "Jeremy A. Sierra"**

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**FACTUAL BASIS FOR GUILTY PLEA**

The Defendant admits that if this case were to proceed to trial, the government could prove the following facts.

On or about May 14, 2018, a Santa Rosa County Sheriff's Office Deputy responded to XXXXX Street, Navarre, Florida, in reference to a missing 12 year old female (hereinafter "ENN"). ENN's mother told the Deputy that she caught ENN communicating with a 19 year old male on Facebook under the name "Elvin C. Murcia" ("Murcia") and subsequently took ENN's cellular telephone away from ENN. After a verbal altercation, ENN went missing. A neighborhood canvass by the Santa Rosa County Sheriff's Office revealed several neighbors who observed a black Honda Civic with Tennessee license tags parked near ENN's residence.

The Deputy began looking through the minor's cellphone and observed images of ENN kissing a male who appeared to be the same person on the Facebook account of Murcia. The Deputy also observed pictures of an unknown male's

genitals on ENN's cellphone. During the initial investigation, it was also learned that ENN was posting pictures to her Instagram social media account. One of the pictures was of ENN and a male in a vehicle. ENN "tagged" the male in the picture with an Instagram username of "elvimcastro." The profile picture of the Instagram account matched the profile picture of the Facebook account belonging to Murcia.

On or about May 15, 2018, ENN's mother was able to communicate with ENN via Facebook Messenger. ENN told her mother that ENN was eight hours away from Navarre, Florida. The telephone number for the cellphone being used by ENN was identified and a Court Order was obtained by the Florida Department of Law Enforcement (FDLE) to determine the location of the phone. The first location information received from the cellphone company revealed the cellphone was travelling southbound on I-65 in Tennessee.

Upon discovering the whereabouts of the cellphone, FDLE contacted the Federal Bureau of Investigation (FBI) for assistance in intercepting Murcia and ENN, who were driving southbound on I-65. FBI Pensacola contacted the Alabama Law Enforcement Agency, State Bureau of Investigation (ALEA), and requested assistance in locating Murcia and ENN southbound on I-65. Within a short period of time, an Alabama State Trooper observed the black Honda Civic with Tennessee tags heading southbound on I-65. The Trooper stopped the vehicle and identified the driver of the vehicle, through the Arkansas Driver's License provided,

as Jeremy Acevedo Sierra from El Dorado, Arkansas. The passenger of the vehicle was identified as ENN. During the traffic stop, ALEA Special Agents plainly observed condoms, food and gas receipts, and a hotel door key in the vehicle.

ENN was subsequently searched by an ALEA Special Agent, who located two cellphones, a Samsung Model SM S120VL and an Apple iPhone 10. The cellphones were secured as evidence for the instant Florida investigation. The vehicle was secured and towed to a storage facility in Clanton, Alabama. The cellphones were provided to FBI Pensacola for the ongoing interstate investigation.

Murcia/Sierra was taken into custody on a warrant issued by the Santa Rosa County Sheriff's Office for interference of child custody. A review of the aforementioned Arkansas Driver's License revealed it was provided to "Sierra" based upon the production of a birth certificate from Puerto Rico by "Sierra" to the Arkansas authorities. The FBI learned that this underlying identification from Puerto Rico came from a batch of stolen blank birth certificates. The Defendant is Murcia, not Sierra – who is a real person in Puerto Rico as confirmed by the FBI. During the inventory of Murcia's property, the contents of his wallet revealed identification cards in the name of Jeremy Sierra Acevedo, and two "WELCOME GUEST" keys, akin to those issued by a hotel (that can be linked to a hotel in Tennessee), amongst other things.

ENN was transported to the Santa Rosa Kids House in Florida from

Montgomery, Alabama. Once at the Santa Rosa Kids House, ENN's mother provided the Santa Rosa County Sheriff's Office consent to search the bag ENN carried with her and still had in her possession. Upon searching the bag, the Santa Rosa County Sheriff's Office located a BestBuy receipt for an Apple iPhone 10 and blood soiled panties belonging to ENN. The receipt and panties were seized as evidence by Santa Rosa County Sheriff's Office. A federal search warrant was obtained for the Defendant's vehicle. The search revealed receipts (to include a Walgreen's receipt for a pregnancy test dated April 21, 2018), cash, multiple open boxes of condoms, and some beer bottles. The search of said vehicle also revealed the Defendant's construction work gear and multiple pieces of identification in the name of Jeremy A. Sierra.

A federal search warrant was obtained for the two phones seized from ENN when the vehicle was stopped, one of which law enforcement could tell belonged to Murcia. A forensic review of the Defendant's cellphone revealed dozens of images/videos of ENN. This included many images/videos of ENN and the Defendant together. The government, based upon the forensics, can date the online relationship between ENN and the Defendant back to at least the end of 2017 – which would make ENN 11 years old and the Defendant 19 years old. They communicated via Whatsapp, Snapchat, Facebook Messenger, and through text messages. The forensics also confirm these two rendezvoused on dates to include

May 15, 2018. This included images/videos of ENN and the Defendant in a hotel room together in Tennessee on a bed kissing. There are also images of ENN partially naked. The images/videos in the Defendant's phone depict these two individuals in a romantic relationship.

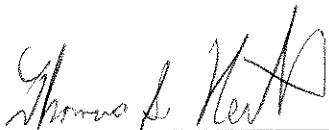
On or about May 25, 2018, the Defendant was interviewed by a Santa Rosa County Sheriff's Office Detective at the local jail. Upon the Detective's request for identifying information, the Defendant, in his own hand writing, provided the law enforcement official with the following: "Jeremy Acevedo Sierra, XX August 1997, XXX-XX-8692, Ballamen Purto Rico, El Dorado Arkansas." This is not his true identity, and the FBI has located the documents in Puerto Rico for the true Jeremy Sierra. The Defendant's true identity is Elvin Castron-Murcia, and he is a native of Honduras and illegally present in the United States as confirmed by the Department of Homeland Security.

The FBI was able to obtain Walgreens video linked to the aforementioned receipt for the purchase of a pregnancy test kit on April 21, 2018. The video depicts the Defendant making the purchase of the test kit. Moreover, in the Defendant's cellphone, there was geo-location information that placed the Defendant in a different Walgreens in Tennessee on May 15, 2018. This is where the Defendant took the victim on May 14 – May 15, 2018. Walgreens provided the FBI video of the Defendant inside the store in Tennessee with ENN purchasing shampoo and

“Plan B – Take Action” birth control. The Defendant admits he travelled in interstate commerce to engage in illicit sexual activity with ENN and transported her personally to do so as alleged in the indictment.

**Elements of the Offenses**

*See attached document*



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2/28/19  
Date

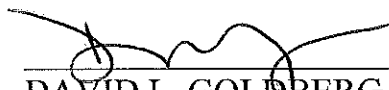


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ELVIN CASTRON-MURCIA  
Defendant

2/28/19  
Date

LAWRENCE KEEFE  
United States Attorney



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Date

COUNT ONE

O93.2

**Travel with Intent to Engage in Illicit Sexual Conduct**

**18U.S.C. §2423(b)**

It's a Federal crime to travel in interstate commerce for the purpose of engaging in illicit sexual conduct.

The Defendant can be found guilty of this crime only if all the following facts are proved beyond a reasonable doubt:

- (1) the Defendant traveled in interstate commerce;
- (2) the Defendant traveled for the purpose of engaging in illicit sexual conduct.

For purposes of this offense, the term "illicit sexual conduct" means a sexual act with a person who is under 16 years of age and is at least four years younger than the Defendant.

The term "sexual act" means:

- contact between the penis and the vulva, or the penis and the anus, involving penetration however slight; or
- contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or
- the penetration — however slight — of another person's anal or genital opening by a hand, finger, or any object, with an intent to abuse, humiliate, harass, or degrade the person, or to arouse or gratify the sexual desire of the Defendant or any other person; or
- an intentional touching — not through the clothing — of the genital of a person younger than 16 years old, with the intent to abuse, humiliate, harass, or degrade the person, or to arouse or gratify the sexual desire of the Defendant or any other person.

The Government does not have to show that the Defendant's only purpose in traveling in interstate commerce was to engage in illicit sexual conduct, but the Government must show that it was one of the motives or purposes for the travel. In other words, the Government must show that the Defendant's criminal purpose was not merely incidental to the travel.

Interstate or foreign commerce" is the movement or transportation of a person from one state to another state or from a place within the United States to a place outside the United States.

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**COUNT TWO**  
**O93.1**

**Transportation with Intent to Engage in Criminal Sexual Activity**  
**18 U.S.C. §2423(a)**

It's a Federal crime to transport an individual under 18 years old in interstate or foreign commerce with the intent that the individual engage in sexual activity for which any person can be charged with a criminal offense.

The Defendant can be found guilty of this crime only if all the following facts are proved beyond a reasonable doubt:

- (1) the Defendant knowingly transported ENN in interstate commerce;
- (2) at the time of the transportation, ENN was less than 18 years old; and
- (3) at the time of the transportation, Defendant intended that ENN would engage in unlawful sexual activity.

It is not necessary for the Government to prove anyone actually engaged in illegal sexual activity after being transported across state lines. The Government must prove beyond a reasonable doubt that a person under 18 years old was knowingly transported across state lines by the Defendant and that the Defendant intended at the time for the person under 18 to engage in illegal sexual activity.

The Government must prove that if the intended sexual activity had occurred, the Defendant could have been charged with a criminal offense under the laws of the state where the sexual activity occurred.

It is a crime in any state to engage in any sexual act with a 12 year old minor.

To "transport in interstate commerce" means to move or carry someone, or cause someone to be moved or carried, from one state to another. The term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States. It is not necessary to show that the Defendant knew that state lines were being crossed, but the Government must prove that state lines were crossed.

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