

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

UNITED STATES OF AMERICA

*** CRIMINAL DOCKET NO. 13-021**

v.

*** SECTION: B**

DAVID GONZALEZ

a/k/a David Othoniel Gonzalez

a/k/a Othoniel David Reconco

a/k/a David Reconco

*** * ***

FACTUAL BASIS

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **DAVID GONZALEZ** (hereinafter “**GONZALEZ**”) has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (hereinafter the “agent”) would testify that on or about January 24, 2013, Immigration and Customs Enforcement (hereinafter “ICE”) agents encountered the defendant, **GONZALEZ**, while assisting the Jefferson Parish Sheriff’s Office in

Jefferson Parish, within the Eastern District of Louisiana. Upon determining the defendant was illegally in the United States, the defendant was detained and arrested by an ICE agent.

The agent would testify that, upon questioning **GONZALEZ** under oath after being read his *Miranda* rights, the defendant stated that he was illegally in the United States, and had previously been removed. The agent confirmed the defendant's illegal status by performing biographical record and fingerprint checks through various United States Department of Homeland Security databases.

Documentation from the records of ICE, contained in the defendant's Alien file, including a Warrant of Removal/Deportation, complete with the defendant's fingerprints, photographs and signature, would demonstrate that the defendant, **GONZALEZ**, was removed from the United States to Mexico on or about May 9, 2011, at or near Laredo, Texas. 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 are 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 would show that the defendant, **GONZALEZ**, 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.

Further documents, court records, and other admissible evidence would show that on or about August 3, 2010, in the Three hundred thirty-second District Court of Hidalgo County, Texas, the

defendant, **GONZALEZ**, was convicted of burglary of a habitation.

ROBERT WEIR
Special Assistant United States Attorney

Date

DAVID GONZALEZ (Othoniel David Reconco)
Defendant

Date

VALERIE JUSSELIN
Attorney for Defendant

Date