

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

UNITED STATES OF AMERICA

*** CRIMINAL DOCKET NO. 12-306**

v.

*** SECTION: "K"**

**MARVIN ELCID MONTES-CERRATO
a/k/a Fernando Luis Valero-Febus**

*** * ***

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, **MARVIN ELCID MONTES-CERRATO** (hereinafter "**MONTES**") has agreed to plead guilty as charged to the one-count indictment charging him with illegal use of a Social Security number, in violation of Title 42, United States Code, Section 408(a)(7)(B).

An Immigration Enforcement Agent (hereinafter "the agent") from United States Immigration and Customs Enforcement (hereinafter "ICE") would testify that on November 14, 2012, he and other ICE agents were assisting the Jefferson Parish Sheriff's Office (hereinafter "JPSO") during a routine patrol in Jefferson Parish, within the Eastern District of Louisiana. JPSO deputies

encountered the defendant, **MONTES**, during an investigation into local ordinance violations. The defendant presented the JPSO deputies and ICE agents with a Louisiana Driver's License in the name Fernando Luis Valero-Febus, bearing a photograph of a person who appeared to be the defendant. The defendant also presented the ICE agents with a Social Security card in the name Fernando Luis Valero-Febus, bearing Social Security Number XXX-XX-8615. Based on their training and experience, the ICE agents determined that the Social Security card appeared to be counterfeit, and it was seized. ICE agents queried various Department of Homeland Security computer databases, including fingerprint and biographical checks, which revealed that the defendant was illegally present in the United States and was the subject of an outstanding order of removal. The databases also revealed that the defendant's true name is **MARVIN ELCID MONTES-CERRATO**.

The ICE agent would testify that, upon questioning **MONTES** under oath after being read his *Miranda* rights in Spanish, the defendant stated that he was a citizen of Honduras. **MONTES** admitted that he knowingly used the false Social Security card bearing number XXX-XX-8615, for identification purposes, in order to apply for and obtain a Louisiana state identification document in the assumed identity of Fernando Luis Valero-Febus.

A records search of the Louisiana Office of Motor Vehicles revealed that **MONTES** used Social Security number XXX-XX-8615 on his application for the Louisiana Driver's License bearing number 009117756 at an Office of Motor Vehicles in Jefferson Parish, Louisiana on July 23, 2009. An employee of the Louisiana Office of Motor Vehicles would testify that the defendant, **MONTES**, within the Eastern District of Louisiana, presented Social Security number XXX-XX-8615 as his own when he applied for a Louisiana Driver's License in the identity of Fernando Luis Valero-Febus.

The defendant's application for the Louisiana Driver's License would be offered into evidence.

Records from the Social Security Administration would be introduced into evidence to show that Social Security account number XXX-XX-8615 was not assigned to the defendant, **MONTES**.

Finally, a forensic document examiner from the ICE Forensic Document Laboratory would testify that upon examination of the Social Security card bearing number XXX-XX-8615 found in the defendant's possession by ICE agents, the card was determined to be counterfeit.

ROBERT WEIR
Special Assistant United States Attorney

Date

MARVIN ELCID MONTES-CERRATO
Defendant

Date

ROMA KENT
Attorney for Defendant

Date