

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

UNITED STATES OF AMERICA

*** CRIMINAL DOCKET NO. 13-009**

V.

*** SECTION: "R"**

NARCISO RAMOS-LOPEZ

*** * ***

FACTUAL BASIS

Should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits, the following facts to support the allegations charged by the Indictment now pending against the defendant:

The Defendant, **NARCISO RAMOS-LOPEZ** (hereinafter "**RAMOS**"), 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 "agent") with U.S. Immigration and Customs Enforcement (hereinafter "ICE"), would testify that on or about September 13, 2012, he encountered **RAMOS** in the Terrebonne Parish Jail during routine criminal alien program duties. ICE agents determined that **RAMOS** was a citizen of Mexico and present in the United States illegally. ICE agents discovered that **RAMOS** had in his possession what appeared to be a

genuine Social Security card issued to Javier Gaytan Jr. bearing Social Security Number XXX-XX-0540 and a genuine Transportation Worker Identification Credential (hereinafter “TWIC card”) issued to Javier Gaytan.

An official with Transportation Security Administration (TSA) would testify that TSA is an agency of the United States Department of Homeland Security within the executive branch of the government of the United States of America. The TSA official would testify that TWIC cards are required for all individuals seeking unescorted access to secure areas of maritime facilities and vessels, and all mariners holding United States Coast Guard-issued credentials. Further, an official with TSA would testify that the TWIC program is administered by TSA and is regulated by both ICE and the United States Coast Guard. The TSA official would testify that a person who wants to be issued a TWIC card must apply through TSA, which has jurisdiction over such applications.

The TSA official would testify that on or about March 8, 2010, the defendant, **RAMOS**, applied for TWIC card at a TSA office in the Eastern District of Louisiana. As part of the TWIC card application process, **RAMOS** presented a Social Security Card in the name Javier Gaytan Jr. bearing Social Security Number XXX-XX-0540 as proof of identity. The Social Security Card was then electronically scanned, copied and made part of TSA’s records. The TSA official would testify that illegal aliens are not eligible for issuance of a TWIC card. The TSA official would testify that the defendant, **RAMOS**, was issued a TWIC card by TSA based on the information in his application and his presentment of the Social Security card.

Records from the Social Security Administration would be introduced into evidence to

show that Social Security account number XXX-XX-0540 was not properly assigned to the defendant, **RAMOS**.

A Louisiana State Police officer would testify that, upon questioning **RAMOS** under oath after being read his *Miranda* rights, the defendant stated that his true name is **NARCISO RAMOS-LOPEZ**, and he purchased the Social Security card from a store. **RAMOS** further admitted that he used the Social Security card bearing number XXX-XX-0540 and the Javier Gaytan alias to obtain a TWIC card.

Testimony of an official from United States Citizenship and Immigration Services regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **RAMOS**, did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for admission or receive permission to enter the United States.

ROBERT WEIR
Special Assistant United States Attorney

Date

NARCISO RAMOS-LOPEZ
Defendant

Date

ROMA KENT
Attorney for Defendant

Date