

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA                   \*     CRIMINAL NO. 08-208  
  
                  v.                           \*     SECTION: "J"  
  
EDGAR LOPEZ-ALFARO                       \*  
a/k/a Edgar Alfaro-Lopez

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**FACTUAL BASIS**

Should this matter have gone to trial, the government would have proved through the introduction of competent testimony and admissible tangible exhibits, including documentary evidence, the following to support the allegations charged by the government in the single count indictment now pending against the defendant, EDGAR LOPEZ-ALFARO, a/k/a Edgar Alfaro-Lopez (hereinafter "defendant").

Records from Immigration and Customs Enforcement (ICE) (formerly Immigration and Naturalization Service (INS)) would be introduced in evidence which show that the defendant, Lopez-Alfaro, a citizen and national of Mexico, was removed from the United States on three separate occasions: on or about October 9, 2005; on or about June 22, 2006; and on or about February 9, 2007. An ICE representative would

testify as to the ICE and INS records concerning the defendant and would specifically testify that a search of the relevant records revealed that the defendant was not lawfully admitted to the United States, and that he did not receive consent from the Secretary of the Department of Homeland Security, or his predecessor, the Attorney General, to apply for admission to the United States.

A special agent from ICE would testify that thereafter, on or about July 1, 2008, the defendant was found in the United States in Killona, Louisiana. Further, the special agent would testify that after being advised of his *Miranda* rights, the defendant agreed to waive those rights and give a statement. The defendant admitted to being an undocumented alien from Mexico who had illegally reentered the United States following his removal from the United States. The defendant further admitted that he had been previously deported from the United States. The defendant stated he had not applied for, nor had he received permission to re-enter the United States, subsequent to his removal from the United States.

An expert on fingerprint identification would testify that a fingerprint comparison confirmed the identity of the defendant as Lopez-Alfaro, the same individual who was previously deported.

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EDGAR LOPEZ-ALFARO  
Defendant

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ROMA KENT, ESQ.  
Counsel for Defendant

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IRFAN A. SAEED  
Assistant United States Attorney