

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

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO.
v.	*	SECTION:
JUAN HUMBERTO HERNANDEZ YONES	*	VIOLATION: 8 U.S.C. § 1326(a)
	* * *	

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, **JUAN HUMBERTO HERNANDEZ YONES** (hereinafter “**YONES**”) has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a deported alien in violation of Title 8, United States Code, Section 1326.

A Special Agent with Immigration and Customs Enforcement would testify that on April 20, 2008 he found the defendant **YONES** within the Eastern District of Louisiana. Upon questioning the defendant, ICE determined that the defendant was a citizen of Honduras and was illegally in the United States after having entered near Douglas, Arizona on or about April 5, 2008. The agent

confirmed this illegal status through the INS computer database. After determining the defendant was illegally in the country, the defendant was transferred into federal deportation custody on April 20, 2008.

Documentation from the records of ICE would reveal two previous Orders of Removal complete with the defendant's fingerprints and signature, which demonstrates that the defendant YONES was deported from Alexandria, Louisiana on December 13, 2007 on flight number 344. A qualified agent would testify that the fingerprints of the defendant in file with the Orders of Removal and the fingerprints of the defendant are the same.

A Certificate of Non-Existence of Record would show that the defendant **YONES** 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 re-admission or receive permission to reenter the United States since the time of the defendant's previous deportation.

W. SCOTT LARAGY
Assistant United States Attorney

Date

JUAN HUMBERTO HERNANDEZ YONES

Date

SAMUEL SCILLITANI, AFPD
Attorney for Defendant

Date