

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

UNITED STATES OF AMERICA * **CRIMINAL DOCKET NO. 07-385**

V. * **SECTION: "R" (5)**

JULIAN TORRES *

* * *

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 bill of information now pending against the defendant:

The Defendant, **JULIAN TORRES** (hereinafter "**TORRES**") has agreed to plead guilty as charged to the one-count bill of information charging him with disorderly conduct, in violation of Title 36, Code of Federal Regulations, Section 2.34(a)(2).

A Park Ranger (hereinafter "the Ranger") employed by the Department of Interior, National Park Service, Jean Lafitte National Historical Park & Preserve, Law Enforcement & Investigations Division, Barataria Unit, would testify that on September 30, 2007, he observed a gold Chevrolet van traveling north in the 6600 block of Barataria Boulevard in

Jefferson Parish, Louisiana at greater than the posted forty-five (45) miles per hour speed limit and driving erratically. He stopped the vehicle and approached the driver's side. He immediately noticed that the driver's eyes were extremely bloodshot and that his speech was slurred. The Ranger also observed an open pack of 12 Bud Lite beer bottles between the front seats of the van.

While speaking to the driver, the passenger, later identified as the defendant **TORRES**, began yelling at the Ranger in Spanish with slurred speech. **TORRES** then opened the passenger door of the van. The Ranger went to the passenger side of the van and told **TORRES** to remain in the van. The Ranger shut the passenger door and ordered both **TORRES** and the driver not to exit the van. He ordered **TORRES** to hand him the unopened beer in the van. **TORRES** refused and responded to the Ranger in a loud voice in Spanish. The Ranger removed the beer and returned to his vehicle.

While the Ranger was at his vehicle, **TORRES** again opened his door and began to exit the van. The Ranger quickly approached **TORRES** and ordered him back in the van. After **TORRES** reentered the van, he began swearing at the Ranger in both English and Spanish. The Ranger returned to his vehicle to conduct an NCIC check on the driver.

TORRES opened the door to the van a third time. Again, the Ranger ordered **TORRES** to stay in the van with the door closed. He informed **TORRES** that if he exited

the van again, he would consider it an act of aggressive non-compliance and would have to respond accordingly.

TORRES again opened the door and exited the van. The Ranger immediately handcuffed and frisked **TORRES**. During the frisk, **TORRES** began yelling in Spanish and swinging his elbows toward the Ranger. The Ranger ordered **TORRES** to the ground, but **TORRES** refused to comply. The Ranger pointed at the ground and kicked **TORRES**' feet, but **TORRES** remained non-compliant. The Ranger struck **TORRES** behind his knees in an attempt to get him to the ground. **TORRES** continued swinging his elbows and refused to go to the ground. After more struggle, the Ranger finally placed **TORRES** on the ground in a sitting position.

While **TORRES** was on the ground, he continually yelled at the Ranger in both Spanish and English. **TORRES** yelled "Fuck you!" to the Ranger and attempted to get up from the ground. The Ranger had to forcibly restrain **TORRES** to keep him on the ground. A Jefferson Parish Sheriff's Officer arrived on the scene to assist the Ranger. After the Ranger placed both the driver and **TORRES** in his vehicle and read them their *Miranda* Rights, **TORRES** repeatedly yelled "Fuck you!" and "Motherfucker" to the Ranger. When the Ranger arrived at Orleans Parish Prison with **TORRES** and the driver, Prison personnel informed the Ranger that the Prison would not admit **TORRES** because of his elevated blood

pressure. The Ranger transported **TORRES** to University Hospital for medical evaluation.

After the evaluation, the Ranger brought **TORRES** back to Orleans Parish Prison.

ANDRE' JONES
Assistant United States Attorney
LA Bar Roll No. 23502

Date

JULIAN TORRES
Defendant

Date

ARTHUR S. VALLEJO, ESQ.
Attorney for Defendant
LA Bar Roll No. 23342

Date