

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

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 07-348
V.	*	SECTION: "N" (2)
JHONA JAQUES VAZ aka JACK LOUIS GOMIS BERNARD GOMIS	*	
	*	*

FACTUAL BASIS

_____ Should this matter proceed to trial, the United States of America will prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts:

An Agent with Immigration and Customs Enforcement (ICE) would testify that on May 4, 2007, **BERNARD GOMIS** was arrested in Louisville, Kentucky for a traffic violation. An ICE agent would further testify that **BERNARD GOMIS** was transferred to ICE on May 7, 2007 and, on this same date, **BERNARD GOMIS** was ordered deported from the United States.

A Confidential Informant ("C.I.") would testify that on or about May 9, 2007, **JHONA JAQUES VAZ ("VAZ")** was contacted to assist in procuring the release of **BERNARD GOMIS** from immigration custody. Prior to this date, **BERNARD GOMIS** contacted **LOUIS GOMIS** to assist in securing his release from ICE custody. Initially, **BERNARD GOMIS** and **LOUIS**

GOMIS attempted to get a marriage certificate for **BERNARD GOMIS** to secure his release. After these attempts failed and in furtherance of securing **BERNARD GOMIS'** release, **LOUIS GOMIS** contacted **VAZ**. In furtherance of the conspiracy, **VAZ** contacted a C.I. in the New Orleans area to procure the release of **BERNARD GOMIS** through an "inside" source. The C.I. would testify that he told **VAZ** that he would put him in contact with an Immigration official on the "inside." On May 29, 2007, an undercover ICE agent met with **VAZ** and told **VAZ** that he was taking over **BERNARD GOMIS'** case and that he would arrange for his release in exchange for \$30,000.00. **VAZ** disputed the original price of \$30,000.00 quoted by the Undercover ICE agent and demanded that he be allowed to see **BERNARD GOMIS** and/or that **BERNARD GOMIS** be delivered to New Orleans before any money would be exchanged.

An audio recording from the May 29, 2007 meeting and additional telephone calls and meetings would show that **VAZ** understood that he and others intended to corruptly give money to an Undercover ICE agent to use his position to release **BERNARD GOMIS**. The tape recordings would reflect that **VAZ** stated that he understood how immigration worked and that he knew that laws would have to be broken to secure **BERNARD GOMIS'** release. The ICE agent would testify that the decision to issue a bond or secure the release of a detained alien is an "official act" and that an ICE agent is a "public official" for purposes of 18 U.S.C. 201.

VAZ also told the undercover ICE agent that "Louie" in Kentucky would be assisting in securing the money and that it would send it to **VAZ**. **VAZ** and **LOUIS GOMIS** both agreed on a price of \$7,000.00 to be paid to the undercover ICE Agent to procure the release of **BERNARD GOMIS**. In a recorded conversation, **LOUIS GOMIS** told the undercover ICE agent that "I will send it to Jacques, the seven, and, you know, he will give you the seven." Tape recorded

conversations between **LOUIS GOMIS** and the undercover ICE agent would prove that **LOUIS GOMIS** knew that the payment and actions being undertaken were against the law and that they had to keep this quiet. **LOUIS GOMIS** discussed using the undercover ICE agent in the future for when there was a “problem” and that he could bring the undercover ICE agent “a lot of business.” Bank records and video surveillance would prove that on or about July 11, 2007, **LOUIS GOMIS** deposited \$7,200.00 into **VAZ**’s J.P. Morgan Chase checking account.

The ICE agent would further testify that he met with **BERNARD GOMIS** while **BERNARD GOMIS** was in custody. Audio recordings from this meeting would prove that **BERNARD GOMIS** was part of the conspiracy and informed the undercover ICE agent that **VAZ** had received money to be used for the bribe. **BERNARD GOMIS** told the ICE agent that he knew the bribe was illegal and that he would not tell anyone about the payment. **BERNARD GOMIS** told the undercover ICE agent that he “underst[ood] clearly and very well.” Further, recorded conversations between **BERNARD GOMIS** and **LOUIS GOMIS** would show that **BERNARD GOMIS** knew how the “deal” would go.

On July 12, 2007, the undercover ICE agent met with **VAZ** in Metairie, Louisiana. **VAZ** handed the ICE undercover agent \$7,000.00 in one hundred dollar bills for the purpose of securing

BERNARD GOMIS' release. **VAZ** also inquired about the procurement of work documents. The ICE undercover agent advised he would charge \$3,000.00 for a one-year immigration work permit.

BRIAN J. CAPITELLI
Assistant United States Attorney

DATE

LOUIS GOMIS
Defendant

DATE

DYLAN UTLEY, ESQ.
Attorney for Louis Gomis ____

DATE