

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

UNITED STATES OF AMERICA

*

CRIMINAL DOCKET NO. 11-218

v.

*

SECTION: I

ROBERTO GUEVARA-PALOMEQUE

*

a/k/a Edwin 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 indictment now pending against the defendant:

The Defendant, **ROBERTO GUEVARA-PALOMEQUE** (hereinafter "**GUEVARA**") has agreed to plead guilty as charged to the two-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), and false statements to U.S. citizenship in violation of Title 18, United States Code, Section 1015(e).

An Agent from U.S. Immigration and Customs Enforcement (hereinafter "ICE") would testify that on or about August 29, 2011, **GUEVARA** was advised of his Miranda rights in Spanish and agreed to make a statement.

The agent would testify that **GUEVARA** admitted to ICE agents that he was a native and citizen of Mexico illegally present in the United States. The agent would testify that **GUEVARA** also admitted to purchasing a social security card with the number XXX-XX-8085, bearing the name Edwin Torres, from someone in Virginia. The agent would testify that **GUEVARA** admitted using that name and social security number when completing an Form I-9 at Beverly Industries, Inc., in order to gain employment there. The agent would testify that **GUEVARA** admitted to claiming to be a U.S. citizen on the Form I-9. Additionally, the agent would testify the agent reviewed the Form I-9 that **GUEVARA** completed on July 8, 2011 for Beverly Industries, Inc., located in Westwego, LA and that **GUEVARA** used the social security number assigned to Edwin Torres and claimed to be a citizen of the United States on the Form I-9. Finally, the agent would testify that ICE agents conducted a fingerprint analysis which identified **GUEVARA** as an alien with an outstanding order of removal.

An employee of Beverly Industries, Inc. would testify that **GUEVARA** worked at BEVERLY Industries, Inc. under the name of Edwin Torres. An official with the Social Security Administration would testify that the social security number XXX-XX-8085 used was not assigned to **GUEVARA**.

An official with U.S. Citizenship and Immigration Services would testify that **GUEVARAS**'s biographical information was searched through the CLAIMS database, which revealed that he is not a citizen or national of the United States and was not given permission to lawfully work in the United States.

JOSEPH LA ROCCA
Special Assistant United States Attorney

Date

ROBERTO GUEVARA-PALOMEQUE
Defendant

Date

ROMA A. KENT
Attorney for GUEVARA

Date