

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

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|---------------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA | * | CRIMINAL DOCKET NO. 11-294 |
| v. | * | SECTION: "B" |
| FELIPE ALVAREZ-CERVANTES | * | |
| a/k/a Felipe Cervantes | | |
| a/k/a Jose Garciamata | * | |
| a/k/a Jesus Alvarez Vazquez | | |
| a/k/a Victor Gallegscorona | * | |
| a/k/a Daniel Hernandez Bareda | | |
| a/k/a Daniel Bareda Hernandez | * | |
| | * | * |

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, **FELIPE ALVAREZ-CERVANTES** (hereinafter "**CERVANTES**") has agreed to plead guilty as charged to the two-count indictment charging him with possession of a firearm by a prohibited person in violation of Title 18, United States Code, Section 922(g)(5) and re-entry of a removed alien in violation of Title 8, United States Code, Section 1326(a).

A U.S. Immigration and Customs Enforcement (hereinafter “ICE”) special agent (hereinafter “agent”) would testify that on or about November 17, 2011, the defendant, **CERVANTES**, was encountered in Lafourche Parish, in the Eastern District of Louisiana by ICE agents. Upon determining the defendant was illegally in the United States, the defendant was detained and arrested by an ICE agent.

The agent would testify that record checks through various United States Department of Homeland Security databases revealed that the defendant was a citizen of Mexico and illegally and unlawfully present in the United States.

Documentation from the records of ICE, contained in the defendant’s Alien file, including a Warrant of Removal/Deportation, complete with the defendant’s fingerprints, photographs and signature, would demonstrate that the defendant, **CERVANTES**, was removed from the United States to Mexico on or about September 22, 2009, at or near Brownsville, Texas.

The agent would further testify that **CERVANTES** was advised of his Miranda rights in Spanish and agreed to make a statement. The agent would testify that **CERVANTES** admitted to purchasing and possessing a firearm on or about June 4, 2011 in the Eastern District of Louisiana, specifically, a Glock (model 26) 9 mm handgun (Serial Number KFH391).

A qualified ICE Fingerprint Specialist would testify that the fingerprints of the individual documented in the Alien file containing the Warrant of Removal/Deportation and the fingerprints of the defendant are the same. Documentation from the Alien file would further show that the defendant is an alien, and not a citizen or national of the United States.

An official with U.S. Citizenship and Immigration Services would testify that **CERVANTES**'s biographical information was searched through the Computer Linked Application Information Management System (CLAIMS) database, which revealed that **CERVANTES** 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 readmission or receive permission to reenter the United States since the time of the defendant's previous removal; that **CERVANTES** was not given permission to enter into or reside lawfully in the United States; and that **CERVANTES** was in fact illegally and unlawfully in the United States.

Agents with U.S. Immigration and Customs Enforcement and the Bureau of Alcohol, Tobacco, and Firearms would testify to chain of custody of the Glock (model 26) 9 mm handgun (Serial Number KFH391).

An official with the Bureau of Alcohol, Tobacco, and Firearms would testify that the a Glock (model 26) 9 mm handgun (Serial Number KFH391) is a firearm and that it has been shipped and transported in interstate commerce.

JOSEPH LA ROCCA
Special Assistant United States Attorney

Date

FELIPE ALVAREZ-CERVANTES
Defendant

Date

ROMA KENT
Attorney for Defendant

Date