

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

UNITED STATES OF AMERICA

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CRIMINAL DOCKET NO. 12-174

v.

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SECTION: N

JUNIOR REYNALDO HERNANDEZ-RODRIGUEZ *

a/k/a Junior Reynaldo Hernandez

a/k/a Junior Reynaldo Hernandes-Umanzor *

a/k/a Junior Reynaldo Hernandez-Umanzor

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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 superseding bill of information now pending against the defendant:

The Defendant, **JUNIOR REYNALDO HERNANDEZ-RODRIGUEZ** (hereinafter “**HERNANDEZ**”) has agreed to plead guilty as charged to the one-count superseding bill of information charging him with failure to depart the United States in violation of Title 8, United States Code, Section 1253(a)(1)(D).

Documentation from the records of the U.S. Department of Homeland Security, Immigration and Customs Enforcement, contained in the defendant's Alien file would be introduced at trial. This documentation includes the December 21, 2006 order of the Immigration Judge ordering that **HERNANDEZ** be removed to Honduras, and the March 18, 2008 decision of the Board of Immigration Appeals dismissing **HERNANDEZ**'s appeal of the order of removal. The government would also introduce a letter dated April 17, 2008 from Immigration and Customs Enforcement (hereinafter "ICE) addressed to **HERNANDEZ** and sent by certified mail to his last known address, which ordered him to surrender for deportation on April 25, 2008 at the ICE office in New Orleans, Louisiana. Documentation from the Alien file would be introduced to show that the defendant did not surrender for deportation on April 25, 2008, or at any time thereafter. 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 ICE agent (hereinafter the "agent") would testify that on or about April 25, 2012, he encountered the defendant, **HERNANDEZ**, in the Eastern District of Louisiana. Upon determining the defendant was illegally in the United States, the defendant was detained and arrested by an ICE agent.

The ICE agent would testify that, upon questioning **HERNANDEZ** under oath after being read his *Miranda* rights, the defendant stated that he was a citizen of Honduras, was illegally in the United States, and had been ordered removed in 2006. **HERNANDEZ** admitted that he knew his appeal of his removal order was dismissed on March 18, 2008, and he acknowledged receipt of the notice to surrender for deportation. **HERNANDEZ** further admitted that he willfully did not surrender for deportation as ordered by ICE. The agent confirmed the defendant's illegal status by

performing record checks through various United States Department of Homeland Security databases.

ROBERT WEIR
Special Assistant United States Attorney

Date

JUNIOR REYNALDO HERNANDEZ-RODRIGUEZ
Defendant

Date

VALERIE JUSSELIN
Attorney for Defendant

Date