

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

UNITED STATES OF AMERICA

*

CRIMINAL NO. 2:08-CR-313

v.

*

SECTION: “J”

EMAR ESCOBAR-RIVERA

*

a/k/a Emar Escovar

*

* * *

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, **EMAR ESCOBAR-RIVERA** (hereinafter “**ESCOBAR-RIVERA**”) has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a deported alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent (hereinafter “agent”) would testify that on November 25, 2008, he encountered the defendant, **ESCOBAR-RIVERA**, after a referral from local law enforcement officers who encountered the defendant during a criminal investigation in Jefferson Parish in the Eastern District of Louisiana. Upon determining the defendant was illegally in the

country, the defendant was detained and arrested by an Immigration and Customs Enforcement agent.

The agent would testify that, upon questioning the defendant, he stated that he was a citizen of Honduras and was illegally in this country. The agent confirmed the defendant's illegal status through the Immigration and Customs Enforcement database.

Documentation from the records of Immigration and Customs Enforcement, including Notices of Removal, complete with the defendant's fingerprints and signature, and Departure Verification, would demonstrate that the defendant, **ESCOBAR-RIVERA**, was deported from the United States to Honduras on a prior occasion. On or about May 19, 2008, **ESCOBAR-RIVERA** was deported from the United States to Honduras. A qualified Immigration and Customs Enforcement Fingerprint Specialist would testify that the fingerprints of the individual in the Alien file with the Departure Verification and the fingerprints of the defendant are the same.

A Certificate of Non-Existence of Record would show that the defendant, **ESCOBAR-RIVERA** 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 deportation.

ROBERT WEIR
Special Assistant United States Attorney
Mississippi Bar No. 101464

Date

EMAR ESCOBAR-RIVERA
Defendant

Date

SAMUEL SCILLITANI
Assistant Federal Public Defender
LA Bar Roll No. 21371
Attorney for the Defendant

Date