

U.S. DISTRICT COURT
DISTRICT OF NEVADA
FILED
AUG - 2 2006
BY _____ DEPUTY

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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,)
11 Plaintiff,)
12 v.)
13 JULIO ANGUIANO CERVANTES,)
14 Defendant.)

03:06:CR-118-BES-VPC

INDICTMENT FOR VIOLATION OF:
TITLE 18, UNITED STATES CODE,
SECTION 1028A(a)(1) -
Aggravated Identity Theft
(Count One)
TITLE 42, UNITED STATES CODE,
SECTION 408(a)(7)(B) -
Fraudulent Use of A Social
Security Number
(Counts Two and Three)

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18 THE GRAND JURY CHARGES THAT:

19 COUNT ONE

20 Between on or about November 8, 2004, and on or about May
21 23, 2005, in the District of Nevada, JULIO ANGUIANO CERVANTES,
22 defendant herein, during and in relation to the crime of
23 fraudulent use of a social security number under Title 42, United
24 States Code, Section 408, did knowingly possess and use, without
25 lawful authority, a means of identification of another person, to
26 wit, the name and social security account number of Francisco A.;

1 all in violation of Title 18, United States Code, Section
2 1028A(a)(1).

3 COUNT TWO

4 On or about May 19, 2004, in the District of Nevada, JULIO
5 ANGUIANO CERVANTES, defendant herein, for the purpose of
6 obtaining something of value and for other purposes, knowingly
7 and with the intent to deceive, did make a materially false
8 statement on a Form I-9, Employment Eligibility Verification
9 Form, while seeking employment with Bender Warehouse Company, by
10 using the name of another individual and falsely and fraudulently
11 representing his social security account number to be a nine-
12 digit number beginning with 680, when in fact this social
13 security account number was assigned to another individual and
14 not to him;

15 All in violation of Title 42, United States Code, Section
16 408(a)(7)(B).

17 COUNT THREE

18 Between on or about November 8, 2004, and on or about May
19 23, 2005, in the District of Nevada, JULIO ANGUIANO CERVANTES,
20 defendant herein, for the purpose of obtaining something of value
21 and for other purposes, knowingly and with the intent to deceive,
22 did make a materially false statement on a Form W-4, Employee's
23 Withholding Allowance Certificate, and a Customs Background
24 Investigation Form, both of which he submitted to Bender
25 Warehouse Company, by using the name of another individual and
26 falsely and fraudulently representing his social security account



1 number to be a nine-digit number beginning with 680, when in fact
2 this social security account number was assigned to another
3 individual and not to him;

4 All in violation of Title 42, United States Code, Section
5 408(a)(7)(B).

6 A TRUE BILL:

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8 15/
9 FOREPERSON

10 DANIEL G. BOGDEN
11 United States Attorney

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13  CRAIG S. DENNEY
14 Assistant United States Attorney

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March 19, 2007

MEMORANDUM OF PLEA AGREEMENT

TO: Honorable Brian E. Sandoval
United States District Judge

FROM: Ronald C. Rachow
Assistant United States Attorney

SUBJECT: U.S. v. Julio Anguiano Cervantes
03:06-CR-118-HDM (VPC)

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COUNSEL/PARTIES OF RECORD	
MAR 28 2007	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

I. PLEA NEGOTIATION

The defendant, Julio Anguiano Cervantes, is charged in a three count Indictment filed August 2, 2006, with Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A [Count One]; and Fraudulent Use of Social Security Number, in violation of 42 U.S.C. § 408(a)(7)(B) in counts 2 and 3. The Government and the defendant have agreed to the following:

1. Defendant will plead guilty to Counts Two and Three of the Indictment and the Government will move to dismiss the remaining counts at the time of sentencing, with the understanding that the Court may consider all of the facts and circumstances relating to those counts when deciding the appropriate sentence pursuant to U.S.S.G. §1B1.3--Relevant Conduct.

2. This plea is made pursuant to Rule 11(c)(1)(A) and (B) of the Federal Rules of Criminal Procedure and is not intended to be binding on the Court.

3. The parties agree that the applicable Sentencing Guidelines section for both Counts Two and Three is U.S.S.G. § 2B1.1 and that both counts should be grouped together under U.S.S.G. § 3D1.2(d). Therefore, the Base Offense Level for these two offenses is a Level 6 pursuant to U.S.S.G. § 2B1.1(a)(2).

4. The Government believes that that the offense level should be increased to a level 8 pursuant to U.S.S.G. § 2B1.1(b)(10)(C)(1) based on the defendant's unauthorized use of a means of identification unlawfully to produce or obtain any other means of identification, namely: an alien registration card. See U.S.S.G. § 2B1.1, Application Note 9(A) and (B) which