

SENTENCE DATA SHEET

DEFENDANT: **JOSE JUAN LUIS HERNANDEZ**

CRIMINAL NO: H-08- 786

CITIZENSHIP: Mexico

GUILTY PLEA: Count One - Illegal reentry into the United States after deportation following conviction for felony.

SUBSTANCE OF PLEA AGREEMENT: Not Applicable.

COUNT ONE: Illegal reentry into the United States - 8 U.S.C. §§ 1326(a) and (b)(1).

ELEMENTS: *First:* That the defendant was an alien at the time alleged in the indictment;  
*Second:* That the defendant had previously been deported from the United States subsequent to being convicted of a felony;  
*Third:* That thereafter the defendant knowingly entered [was found in] the United States; and  
*Fourth:* That defendant had not obtained consent before March 2003 from the Attorney General of the United States to reapply for admission into the United States; and had not obtained corresponding consent after February 2003 from the Secretary of the Department of Homeland Security pursuant to 6 U.S.C. §§ 202(3) and (4) and 6 U.S.C. § 557.

PENALTY: Not more than 10 years imprisonment and/or a fine of not more than \$250,000.

ALTERNATIVE FINE BASED ON GAIN OR LOSS: Not Applicable.

SENTENCING GUIDELINES: Advisory.

SUPERVISED RELEASE: Not more than three years supervised release, 18 U.S.C. §§ 3559(a)(3) and 3583(b)(2); if the defendant violates the conditions of release, then the defendant may be imprisoned for up to two years without credit for time already served on the term of supervised release, 18 U.S.C. 3583(e)(3).

SPECIAL ASSESSMENT: \$100, 18 U.S.C. § 3013(a)(2)(A).

ATTACHMENT: Proffer.