

FILED  
U. S. DISTRICT COURT  
DISTRICT OF NEBRASKA  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

13 APR 15 PM 4:52

UNITED STATES OF AMERICA,	)	
	)	8:13CR1011
Plaintiff,	)	OFFICE OF THE CLERK
	)	
v.	)	
	)	<b>INDICTMENT</b>
Elvis A. Presley,	)	
using the name J. C.	)	[42 U.S.C. § 408(a)(7)(B),
	)	18 U.S.C. § 911,
Defendant.	)	18 U.S.C. § 1546(b)]
	)	

The Grand Jury charges:

**COUNT I**

On or about July 1, 2009, in the District of Nebraska, the defendant, Elvis A Presley, using the name J.C., a name fully known to the Grand Jury, with intent to deceive, falsely represented a number to be the Social Security account number assigned by the Commissioner of Social Security to him, when in fact such number, ending in XXX-XX-1234, is not the Social Security account number assigned by the commissioner of Social Security to him, for purposes of obtaining any benefit to which he is not entitled and for any other purpose, to wit: to satisfy a requirement of section 274A(b) of the Immigration and Nationality Act.

In violation of Title 42, United States Code, Section 408(a)(7)(B), and subject to sentencing under Title 18.

**COUNT II**

On or about July 1, 2009, in the District of Nebraska, the defendant, Elvis A Presley, using the name J.C., a name fully known to the Grand Jury, did falsely and willfully represent himself to be a citizen of the United States.

In violation of Title 18, United States Code, Section 911.



COUNT III

On or about July 1, 2009, in the District of Nebraska, the defendant, Elvis A. Preeley, using the name J.C., a name fully known to the Grand Jury, for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act, used an identification document, to wit: a state of Texas Department of Public Safety Identification Card, bearing number XXXXX |||, and Social Security card bearing number XXX-XX-1231, knowing said document was not issued lawfully for the use of Elvis A. Preeley, using the name J.C., who possessed said document.

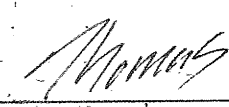
In violation of Title 18, United States Code, Section 1546(b).

A TRUE BILL

  
FORZPERSON

  
  
United States Attorney

The United States of America requests that trial of this case be held in Omaha, Nebraska, pursuant to the rules of this Court.

  
Thomas Niklitschek  
Assistant U.S. Attorney

**CONFIDENTIAL**

This report is provided for the purpose of BAIL DETERMINATION ONLY and shall otherwise be confidential pursuant to 18 USC 3153(c)(1).

**PRETRIAL SERVICES REPORT**

<b>District/Office:</b> District of Nebraska / Omaha	<b>Charge(s):</b> False Representation of a Social Security Number-42:408(a)(7)(B)
<b>Judicial Officer:</b> The Honorable <i>Gerrard</i>	
<b>Docket Number:</b> 8:13mj 1011	

**DEFENDANT**

<b>Name:</b> John Doe AKA: <i>Elvis A Presley</i>	<b>Date of Birth:</b> <i>1/8/35 (age 78)</i>	<b>Employer/School:</b> <i>unemployed musician</i>	
<b>Address:</b> 527 South Omaha, Nebraska		<b>Employer Address:</b> N/A	
<b>Time at Address:</b> Two Years.	<b>Time in Community:</b> <i>Since 2003</i>	<b>Monthly Income:</b> \$0.00	<b>Time in Empl/School:</b> Unemployed since arrest.

**DEFENDANT HISTORY**

Pretrial Services interviewed the defendant in the U.S. Marshal's holding cell on *May 18<sup>th</sup>*, 2013. After being read the "Notice to Defendant" form, the defendant waived the right to consult with counsel prior to giving consent to this interview. The assistance of an interpreter in the Spanish language was necessary to communicate with this defendant.

According to the Immigration and Customs Enforcement (ICE), the defendant is a native and citizen of *Canada* residing within the United States illegally. As a result ICE has placed a detainer for deportation with the U.S. Marshals Service.

**1. DEFENDANT HISTORY / RESIDENCE / FAMILY TIES:**

*Elvis A. Presley* advised he is *Seventy eight* years old and he was born in *Toronto Canada*. The defendant advised he has resided at the address listed above with his common-law wife and their three children for the past two years. Before this, the defendant related he resided at other addresses in Omaha, Nebraska since 2003. He advised he resided in *Portland, Oregon* since *03*. Mr. *Presley* stated he entered the United States illegally in *May 1951*. The defendant related he has an expired *Canadian* passport and it is located in his residence.

Mr. *Presley* reported he has been in a common-law relationship with *Ann Presley (Age 34)* since 2003. He advised this relationship has produced three children. He listed their children as follows: *Leslie Anna Presley (age 7)*, *Lisa Marie Presley (age 4)* and *Bill Turner Presley (age 2)*. The defendant reported Ms. *Presley* is a citizen of *USA* who is residing in the United States at this time. He related she is not employed outside of the home.

Mr. Presley stated he is one of two children born to the union of Antonio White and Bill Presley. He advised his mother resides in Mexico. The defendant stated his father is deceased. Mr. Presley related his brother, Fred Presley (age 38) resides in Omaha, Nebraska. He indicated his brother is a citizen of Mexico who is residing in the United States illegally. In addition, the defendant related he has three half-siblings. He advised one resides in Mexico and the other two reside in Omaha, Nebraska. He stated these siblings also reside in the United States illegally.

Mr. Presley related he completed 9 years of education in Toronto. He indicated he has never been a member of the military.

**2. EMPLOYMENT HISTORY / FINANCIAL RESOURCES:**

Mr. Presley stated he is currently unemployed. He advised at the time of his arrest he had been employed by Omaha Guitar, located at 101 Farnam Drive, Omaha, NE as a laborer from 2008 to 2012. Before this, he advised he worked for a friend as a house painter part-time from 2003 to 2007. The defendant indicated he has been singing for about 50 years, until his voice gave out.

ASSETS:

2002 GMC Envoy-\$3500.00  
1996 Nissan Pathfinder-\$600.00

LIABILITIES:

None.

MONTHLY INCOME:

Defendant's income-\$0.00

MONTHLY EXPENDITURES:

Rent-\$525.00  
Utilities-\$90.00  
Cellular phone-\$55.00  
Auto insurance-\$80.00  
Guitar repair - \$ 20.00

**3. HEALTH:**

Mr. Presley related he was in good physical and mental health at the time of the pretrial interview. He advised he does not have a history of mental health problems.

Mr. Presley related he first used alcohol at age 24 and he last consumed alcohol two weeks ago, when he consumed six beers. The defendant indicated he may consume alcohol once every six months. Mr. Presley stated he has never used or abused illegal or prescription drugs. The defendant indicated he has never been treated for a substance abuse problem.

**4. PRIOR RECORD:** The records of NCIC/NCIS, and the Nebraska Department of Motor Vehicles were accessed in an attempt to compile a criminal record on John Doe AKA: Elvis Presley, DOB: 1/8/35. No record was located.

**5. ASSESSMENT OF NON-APPEARANCE:**

The defendant poses a risk of nonappearance due to the following reasons:

- Citizen of a foreign country.
- Lack of employment ties to the community.
- Use of aliases or false identification.

6. **ASSESSMENT OF DANGER:**

**The defendant does not pose a risk of danger to the community.**

7. **RECOMMENDATION:**

Pretrial Services considers the defendant to be a risk of nonappearance. The defendant has extensive family ties to the community. There are conditions present to address this concern. Therefore, it is respectfully recommended the defendant be released on a personal recognizance bond with the following special conditions:

The defendant shall:

- (a) Truthfully report to the United States Pretrial Services Agency as directed [telephone no. (402) 661-7560] and comply with their directions.
- (d) Maintain or actively seek employment **if authorized by ICE or the Court.**
- (f) Obtain no passport. Surrender any passport to U.S. Pretrial Services.
- (g) Abide by the following restrictions on personal associations, place of abode, or travel: **Not leave Nebraska.**
- (l) Not possess a firearm, destructive device, or other dangerous weapon.
- (m) Refrain from any use or possession of alcohol.
- (n) Not possess or use a narcotic drug or other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a licensed medical practitioner.
- (o) Submit to any method of testing at his/her own expense as required by the officer for determining whether the defendant is using a prohibited substance. Such methods may be used for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and may include urine testing, the wearing of a sweat patch, blood tests, and/or a remote alcohol testing system. Defendant shall not obstruct or attempt to obstruct or tamper in any fashion with the efficiency and accuracy of any substance testing equipment, nor submit samples of body fluids which are not his/her own, nor otherwise adulterate any samples submitted for testing. All collections of fluids for testing shall be at the defendant's expense, payable at the time of collection.
- (s) Report as soon as possible to the supervising officer any contact with law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- (v) Not be with, associate with, or communicate with persons known or suspected to be or to have been involved in drug use or trafficking or weapons possession or weapons trafficking without the prior approval of the supervising officer or the Court ( ) except immediate family members; and/or ( ) as required by a treatment regimen.

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Sr. U.S. Pretrial Services Officer

Date: 5/15/2013

DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: 3445 Event #: OMA1312;111	File No: Date: 5/13/13.
TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency) US MARSHALS, NE DISTRICT, OMAHA 111 SOUTH 18TH PLAZAROOM 206 OMAHA, NE 68102	FROM: (Department of Homeland Security Office Address) OMAHA, NE, DOCKET CONTROL OFFICE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT 1717 AVENUE E OMAHA, NE 68110

**MAINTAIN CUSTODY OF ALIEN FOR A PERIOD NOT TO EXCEED 48 HOURS**

Name of Alien: Elvis A. Presley DATA#  
Date of Birth: 1/8/35 Nationality: Canada Sex: M

**THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) HAS TAKEN THE FOLLOWING ACTION RELATED TO THE PERSON IDENTIFIED ABOVE, CURRENTLY IN YOUR CUSTODY:**

- Initiated an investigation to determine whether this person is subject to removal from the United States.
- Initiated removal proceedings and served a Notice to Appear or other charging document. A copy of the charging document is attached and was served on \_\_\_\_\_  
(Date)
- Served a warrant of arrest for removal proceedings. A copy of the warrant is attached and was served on \_\_\_\_\_  
(Date)
- Obtained an order of deportation or removal from the United States for this person. \_\_\_\_\_  
(Date)

*This action does not limit your discretion to make decisions related to this person's custody classification, work, quarter assignments, or other matters. DHS discourages dismissing criminal charges based on the existence of a detainer.*

**IT IS REQUESTED THAT YOU:**

- Maintain custody of the subject for a period **NOT TO EXCEED 48 HOURS**, excluding Saturdays, Sundays, and holidays, beyond the time when the subject would have otherwise been released from your custody to allow DHS to take custody of the subject. This request flows from federal regulation 8 C.F.R. § 287.7, which provides that a law enforcement agency "shall maintain custody of an alien" once a detainer has been issued by DHS. You are not authorized to hold the subject beyond these 48 hours. As early as possible prior to the time you otherwise would release the subject, please notify the Department by calling (888) 934-7423 during business hours or (402) 536-4856 after hours or in an emergency. If you cannot reach a Department Official at these numbers, please contact the Immigration and Customs Enforcement (ICE) Law Enforcement Support Center in Burlington, Vermont at (802) 872-6020.
- Provide a copy to the subject of this detainer.
- Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- Notify this office in the event of the inmate's death, hospitalization or transfer to another institution.
- Consider this request for a detainer operative only upon the subject's conviction.
- Cancel the detainer previously placed by this Office on \_\_\_\_\_.

\_\_\_\_\_  
- Immigration Enforcement Agent (Date) \_\_\_\_\_  
(Name and title of Immigration Officer) (Signature of Immigration Officer)

**TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE SUBJECT OF THIS NOTICE:**

Please provide the information below, sign, and return to the Department using the envelope enclosed for your convenience or by faxing a copy to \_\_\_\_\_. You should maintain a copy for your own records so you may track the case and not hold the subject beyond the 48-hour period.

Local Booking or Inmate # \_\_\_\_\_ Date of latest criminal charge/conviction: \_\_\_\_\_  
Last criminal charge/conviction: \_\_\_\_\_  
Estimated release date: \_\_\_\_\_

Notice: Once in our custody, the subject of this detainer may be removed from the United States. If the individual may be the victim of a crime, or if you want this individual to remain in the United States for prosecution or other law enforcement purposes, including acting as a witness, please notify the ICE Law Enforcement Support Center at (802) 872-6020.

\_\_\_\_\_  
(Name and title of Officer) (Signature of Officer)

NOTICE OF HEARING IN REMOVAL PROCEEDINGS  
IMMIGRATION COURT  
1717 AVENUE H SUITE 100  
OMAHA, NE 68110

RE: Elvis A. Presley  
FILE: A200 000 000

DATE: 5/20/13

TO:

Kristen Fearnow  
300 S. 19TH ST., SUITE 300  
OMAHA, NE 68102

Please take notice that the above captioned case has been scheduled for a Master/Individual hearing before the Immigration Court on 6/2/13 at 1:00 at

1717 AVENUE H SUITE 100  
OMAHA, NE 68110

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice To Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions:

- 1) You may be taken into custody by the Department of Homeland Security and held for further action.
- 2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT OMAHA, NE THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A List of Free Legal Service Providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 OR 240-314-1500.

Alien Number: 200 000 000  
Elvis A. Presley

Alien Name:

LIMITATIONS ON DISCRETIONARY RELIEF FOR FAILURE TO APPEAR

- ( / ) 1. You have been scheduled for a removal hearing, at the time and place set forth on the attached sheet. Failure to appear for this hearing other than because of exceptional circumstances beyond your control\*\* will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for a period of ten (10) years after the date of entry of the final order of removal.
- ( . ) 2. You have been scheduled for an asylum hearing, at the time and place set forth on the attached notice. Failure to appear for this hearing other than because of exceptional circumstances beyond your control\*\* will result in your being found ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for a period of ten (10) years from the date of your scheduled hearing.
- ) 3. You have been granted voluntary departure from the United States pursuant to section 240B of the Immigration and Nationality Act, and remaining in the United States beyond the authorized date other than because of exceptional circumstances beyond your control\*\* will result in your being ineligible for certain forms of relief under the Immigration and Nationality Act (see Section A. Below) for ten (10) years from the date of the scheduled departure or the date of unlawful reentry, respectively. Your voluntary departure bond, if any, will also be breached. Additionally, if you fail to voluntarily depart the United States within the time period specified, you shall be subject to a civil penalty of not less than \$1000 and not more than \$5000.
- ( ) 4. An order of removal has been entered against you. If you fail to appear pursuant to a final order of removal at the time and place ordered by the DHS, other than because of exceptional circumstances beyond your control\*\* you will not be eligible for certain forms of relief under the Immigration and Nationality Act (see Section A. below) for ten (10) years after the date you are scheduled to appear.

\*\*the term "exceptional circumstances" refers to circumstances such as serious illness of the alien or death of an immediate relative of the alien, but not including less compelling circumstances.

A. THE FORMS OF RELIEF FROM REMOVAL FOR WHICH YOU WILL BECOME INELIGIBLE ARE:

- 1) Voluntary departure as provided for in section 240B of the Immigration and Nationality Act;
- 2) Cancellation of removal as provided for in section 240A of the Immigration and Nationality Act; and
- 3) Adjustment of status or change of status as provided for in Section 245, 248 or 249 of the Immigration and Nationality Act.

This written notice was provided to the alien in English. Oral notice of the contents of this notice must be given to the alien in his/her native language, or in a language he/she understands by the Immigration Judge.

Date: Nov 29, 2010

Immigration Judge: \_\_\_\_\_ or Court Clerk: \_\_\_\_\_

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)  
TO: [ ] ALIEN [ ] ALIEN c/o Custodial Officer [ ] ALIEN's ATT/REP [ X ] DHS  
DATE: 5/20/13 BY: COURT STAFF  
Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Services List [ ] Other



**B. Instructions for Form(s) I-485, I-191, I-601, I-602, I-881, EOIR-40, EOIR-42A, or EOIR-42B**

**In addition to filing your application(s) with the Immigration Court and serving a complete copy of any such application(s) on the appropriate Immigration and Customs Enforcement (ICE) Office of Chief Counsel, you must also complete the following requirements before the Immigration Judge can grant relief in your case:**

**SEND these 5 items to the address below:**

- (1) A clear copy of the entire application form(s) that you will be filing or have filed with the Immigration Court. (Do not submit any documents such as attachments – send only the completed form itself),
- (2) The appropriate application fee(s) or the Immigration Judge's order granting your fee waiver. (The fee can be found in the instructions with the application, the regulations, and at [www.uscis.gov](http://www.uscis.gov) or for the EOIR forms, at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir)),
- (3) The mandatory \$80 USCIS biometrics fee,
- (4) A copy of Form EOIR-28 (Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court) if you are represented, and
- (5) A copy of these instructions.

USCIS Texas Service Center  
P.O. Box 852463  
Mesquite, Texas 75185-2463

All fees must be submitted in the form of a check or a money order (or separate checks/money orders) and be made out to: "Department of Homeland Security."

After the 5 items are received at the USCIS Texas Service Center, you will receive:

- A USCIS fee receipt notice showing that you have paid the application fee (unless waived) and the mandatory biometrics fee. **Keep a copy for yourself.**
- A USCIS notice with instructions to appear for an appointment at a nearby Application Support Center (ASC) for collection of your biometrics (such as your photographs, fingerprints, and signature). This notice contains your important USCIS application receipt number which must be presented to the ASC. Your dependents will receive separate ASC notices if they are required to provide biometrics. If you do not receive this notice in 3 weeks, call (800) 375-5283. If you also apply for asylum, take both scheduling notices to your ASC appointment (*see side A*). **Keep copies of all ASC scheduling notices for your records.**

**You (and your dependents) must then:**

- **Attend** this ASC biometrics appointment and obtain a **biometrics confirmation** document from the ASC,
- **File** the following with the Immigration Court within the time period directed by the Immigration Judge: (1) the original application Form, (2) all supporting documentation, and (3) the USCIS fee receipt notice that serves as evidence that you paid the filing fees (unless the Immigration Judge granted you an application fee waiver), and
- **Retain** your ASC biometrics confirmation as proof that your biometrics were taken, and bring it to your future Immigration Court hearings.

**DO NOT SUBMIT THE ORIGINAL APPLICATION TO USCIS. DO NOT SUBMIT ANY APPLICATIONS TO THIS POST OFFICE BOX OTHER THAN THOSE APPLICATIONS LISTED. ALL OTHER APPLICATIONS, INCLUDING APPLICATIONS FOR EMPLOYMENT AUTHORIZATION AND IMMIGRANT PETITIONS, WILL BE RETURNED TO YOU IF SENT TO THIS POST OFFICE BOX. FOR SUBMITTING APPLICATIONS NOT LISTED ON SIDE A OR SIDE B OF THIS PAPER, PLEASE FOLLOW THE INSTRUCTIONS THAT ACCOMPANY THE APPLICATION.**

***Important: Failure to complete these actions and to follow any additional instructions that the Immigration Judge has given you could result in delay in deciding your application or in your application being deemed abandoned and dismissed by the court.***

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Revised 8/7/06

Paul R. Stultz  
Deputy Chief Counsel

DETAINED

Matthew E. Morrissey  
Assistant Chief Counsel  
U.S. Department of Homeland Security  
U.S. Immigration and Customs Enforcement  
1717 Avenue H, Suite 174  
Omaha, NE 68110

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
OMAHA, NEBRASKA

In the Matter of:  
ELVIS A. Presley  
In removal proceedings

File No. A200 000 000

Immigration Judge: To Be Assigned

Next Hearing: To Be Calendared

DHS PROPOSED BOND EXHIBITS AND REQUEST FOR HEARING DATE

Enclosed please find for filing: Notice to Appear, I-213, I-200, I-286, and other documents, if any, for filing. Please set this case for a detained hearing as soon as possible. Please notify the U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement ("DHS") of the hearing date so that the alien (Respondent) may be made available for hearing. Attorneys and Respondents, please note that this is not a hearing notice. This is a request to the Court to schedule a hearing. Please call (800) 898-7180 to verify a hearing date.

PROOF OF SERVICE

On the date below, I, Matthew E. Morrissey, Assistant Chief Counsel, hereby certify that a copy of these DHS Proposed Bond Exhibits and Request for Hearing Date will be served upon the Respondent at the first detained master calendar hearing at which he or she is present in person.

[Redacted Signature]

Assistant Chief Counsel

Kristen Fearnow Attorney at Law  
300 S. 19<sup>th</sup> Street, Suite 300  
Omaha, NE 68102

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID : 28321111

FIN #: 110111111

File No: 200 000 000

DOB: 1/8/35

Event No: X0J1003111

In the Matter of: Elvis A. Presley

Respondent: \_\_\_\_\_ currently residing at:

1712 DENVER ST. . Omaha NEBRASKA

(402) 311- 1111

(Number, street, city and ZIP code)

(Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

- 1. You are not a citizen or national of the United States;
- 2. You are a native of GUATEMALA and a citizen of GUATEMALA;
- 3. You arrived in the United States at or near Ontario Canada on or about June 15, 1951;
- 4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212 (a) (6) (A) (i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30(f)(2)  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: OFFICE OF THE IMMIGRATION JUDGE 1717 Avenue H, Suite 100 Omaha NEBRASKA US 68110

(Complete Address of Immigration Court, including Room Number, if any)

on a date to be set at a time to be set to show why you should not be removed from the United States based on the charge(s) set forth above.

Date: 5/30/2013

[Redacted Signature] RESIDENT AGENT IN CHARGE (Signature and Title of Issuing Officer)

Omaha, Nebraska

(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at http://www.ice.gov/about/dro/contact.htm. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on May 20, 2013 in the following manner and in compliance with section 239(a)(1)(F) of the Act.

- in person (checked)
by certified mail, returned receipt requested
by regular mail
Attached is a credible fear worksheet.
Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Signature of Respondent if Personally Served (Elvis Presley)

Signature and Title of officer

File No. A 200 000 000

Event No: XOJ100f1111

Date: March 9, 2012

FINS #: 110

To any officer delegated authority pursuant to Section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:

Elvis Presley

(Full name of alien)

an alien who entered the United States at or near Ontario Canada on

(Port)

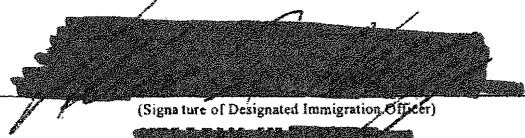
June 15, 1951

(Date)

is within the country in violation of the immigration laws and is

therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the regulations issued pursuant thereto, I command you to take the above-named alien into custody for proceedings in accordance with the applicable provisions of the immigration laws and regulations.



(Signature of Designated Immigration Officer)

(Print name of Designated Immigration Officer)

RESIDENT AGENT IN CHARGE

(Title)

Certificate of Service

Served by me at Omaha, Nebraska on May 20, 2012 at IP.  
I certify that following such service, the alien was advised concerning his or her right to counsel and was furnished a copy of this warrant.



(Signature of officer serving warrant)

Special Agent

(Title of officer serving warrant)

Elvis A. Presley

Event No: 11011111

File No: A 200 000 000

Date: 03/09/2013


FIN#: 11011111

1712 DENVER ST.  
Omaha, NEBRASKA

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that pending a final determination by the immigration judge in your case, and in the event you are ordered removed from the United States, until you are taken into custody for removal, you shall be:

- detained in the custody of the Department of Homeland Security.
- released under bond in the amount of \$ \_\_\_\_\_
- released on your own recognizance.

- You may request a review of this determination by an immigration judge.
- You may not request a review of this determination by an immigration judge because the Immigration and Nationality Act prohibits your release from custody.

  
(Signature of authorized officer)

RESIDENT AGENT IN CHARGE  
(Title of authorized officer)

Omaha, Nebraska  
(Office location)

- I do  do not request a redetermination of this custody decision by an immigration judge.
- I acknowledge receipt of this notification.

Elvis Presley  
(Signature of respondent)

3-9-2013  
(Date)

RESULT OF CUSTODY REDETERMINATION

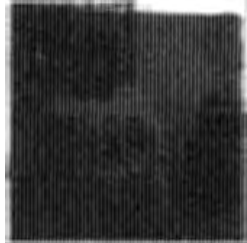
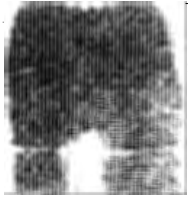
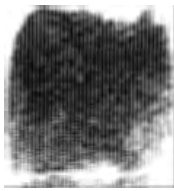
On \_\_\_\_\_, custody status/conditions for release were reconsidered by:

- Immigration Judge     DHS Official     Board of Immigration Appeals

The results of the redetermination/reconsideration are:

- No change - Original determination upheld.     Release - Order of Recognizance
- Detain in custody of this Service.     Release - Personal Recognizance
- Bond amount reset to \_\_\_\_\_     Other: \_\_\_\_\_

\_\_\_\_\_  
(Signature of officer)

Family Name (CAPS) <b>Preeley, Elvis</b>		First	Middle	Sex <b>M</b>	Hair <b>BLK</b>	Eyes <b>BRO</b>	Cmplxn <b>MED</b>
Country of Citizenship <b>Canada</b>	Passport Number and Country of Issue	File Num Case No: X0J1...3     <b>A200600000</b>		Height <b>54</b>	Weight <b>120</b>	Occupation <b>LABORER</b>	
U.S. Address <b>1712 DENVER ST. Omaha NEBRASKA,</b>				Scars and Marks <b>None Visible</b>			
Date Place Time and Manner of Last Entry <b>down Time, DOU, BWI</b>			Passenger Boarded at		FRI Number <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input checked="" type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated		
Number, Street, City, Province (State) and Country of Permanent Residence				Method of Location/Apprehension			
Date of Birth <b>02/05/1984</b>	Age: <b>26</b>	Date of Action	Location Code <b>XMS/XOJ</b>	A/Near <b>Fremont, Nebraska</b>		Date/Hour <b>03/09/2013</b>	
City, Province (State) and Country of Birth <b>Toronto CANADA</b>		AR <input checked="" type="checkbox"/>	Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>	By <b>See Narrative</b>			
NIV Issuing Post and NIV Number		Social Security Account Name		Status at Entry <b>EWA Mexico</b>		Status When Found <b>LIGHT INDUSTRY</b>	
Date Visa Issued		Social Security Number		Length of Time Illegally in U.S. <b>OVER 1 YEAR</b>			
Immigration Record <b>NEGATIVE - See Narrative</b>			Criminal Record <b>None Known</b>				
Name, Address, and Nationality of Spouse (Maiden Name, if known) <b>NEBRASKA,</b>				Number and Nationality of Minor Children <b>2-US</b>			
Father's Name, Nationality, and Address if Known <b>Bill Preeley, Canada</b>		Mother's Present and Maiden Names, Nationality, and Address, if Known <b>Antonia white, Canada</b>					
Monies Due/Property in U.S. Not in Immediate Possession <b>None Claimed</b>		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Systems Checks <b>IAFIS Neg</b>		Charge Code WOrus(s) <b>I6A</b>	
Name and Address of (Last)(Current) U.S. Employer		Type of Employment <b>Employee</b>		Salary		Employed from/to Hr <b>/ / /</b>	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) <b>FINS: 1101[    </b>							
		Left Index fingerprint			Right Index fingerprint		
							
ARRESTING AGENTS ----- <b>HENRY ANTON</b> <b>DAVID SULLIVAN</b>							
... (CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)				<b>SENIOR SPECIAL AGENT</b> (Signature and Title of Immigration Officer)			
Distribution: <b>A file</b>  <b>Stat</b>  <b>DRO</b>				Received: (Subject and Documents) (Report of Interview) Officer: <b>HENRY ANTON</b> on: <b>3/9/2013 0930</b> (time) Disposition: <b>Warrant of Arrest/Notice to Appear</b> Examining Officer: _____			

Alien's Name Elvis A. Presley	File Number A 200 000 000 Event No: XOJ100111	Date 03/09/2013
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Record of Deportable/Excludable Alien:

On October 26, 2009, the Resident Agent in Charge (RAC) Omaha initiated an investigation that focused on Critical Infrastructure Protection (CIP) and Key Resources. RAC Omaha identified Omaha Guitar as the recipient of an I-9 inspection. RAC Omaha found 18 identity theft complaints filed with the Federal Trade Commission (FTC). The FTC complaints were related to name and social security numbers used by individuals working at Omaha Guitar

On March, 31, 2010 the RAC Omaha coordinated with Omaha Guitar to interview the 18 employees that working under social security numbers with FTC complaints. RAC Omaha interviewed an individual using the name Johnny Cash. He admitted that his true name is Elvis Presley and that he is a citizen of Canada he is not in possession of any valid documents permitting him to enter, live, or work in the United States. Presley was placed under arrested and transported to the Detention and Removal Office (DRO) in Omaha for processing.

Elvis stated that she has 3 children, ages 7, 4 and 2 who are currently with a babysitter. She contacted the babysitter, Maria LNU, at 1140 hours. Elvis contacted his wife, Anna Presley, at 1150 hours.

Elvis claims that Ann Presley, his wife is a United States Citizen (A46 931 041) and that she is in the process of adjusting her status.

CIS and CLAIMS checks were negative.

RAMOS was placed under removal proceedings pursuant to Section 212(a)(6)(A)(i), present without having been admitted.

Signature 	Title SENIOR SPECIAL AGENT
--	-------------------------------



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA )

vs. )

) PRESENTENCE INVESTIGATION REPORT

Elvis A. Presley )

8:13CR1011

Prepared for: The Honorable John M. Gerrard  
U.S. District Judge

Prepared by: [REDACTED]  
U.S. Probation Officer  
Omaha, NE

Assistant U.S. Attorney  
Thomas Niklitschek  
1620 Dodge Street  
Suite 1400  
Omaha, NE 68102-1506  
(402) 661-3700  
Thomasniklitschek@usdoj.gov

Defense Counsel  
Raul Guerra  
308 South 19th Street  
Suite 300  
Omaha, NE 68102  
(402) 884-0700

308 South 19th Street  
Suite 300  
Omaha, NE 68102  
(402) 884-0700

Sentence Date: May 31, 2013

Offense: Count 4: False Representation of a Social Security Number; 42 U.S.C. § 408(a)(7)(B); 0 - 5 years imprisonment; \$250,000 fine; 0 - 3 years supervised release; \$100 special assessment (Class D Felony)

Arrest Date: December 7, 2012 – arrested on federal warrant

Release Status: May 31, 2013 - granted pretrial release

Detainers: Bureau of Immigration and Customs Enforcement (ICE)

Date to Counsel: March 31, 2013

Date to Court: April 20, 2013

# Presley, Elvis

**Codefendants:** None

**Related Cases:** None

## Identifying Data:

**Legal Name:** Elvis A. Presley

**Date of Birth:** 1/8/35

**Age:** 78

**Race:** White

**Canadian Origin:** Canadian origin

**Sex:** Male

**SSN:** None

**FBI #:** 3224411111

**USM #:** 25224111112

**Driver's License #:** Nebraska H13

**Other IDs:** None

**ICE #:** A200 000 000

**PACTS #:** 2035812111

**Education:** 9<sup>th</sup> Grade (Mexico)

**Marital Status:** Single

**Dependents:** Four (common-law wife and children)

**Citizenship:** Canada

**Place of Birth:** Canada

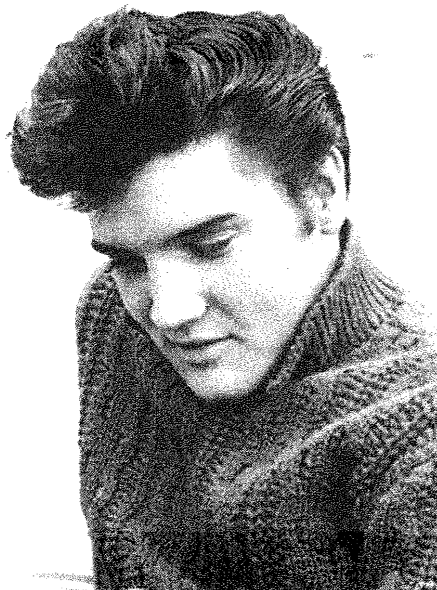
**Legal Address:** Denver St.  
Omaha, Nebraska 68105

**Current Address:** Denver St.  
Omaha, Nebraska 68105

**E-mail Address:** None

**Alias(es):** Johnny Cash

**Other DOBs used:** December 27, 1978



Presley, Elvis

**PART A. THE OFFENSE**

**Charge(s) and Conviction(s)**

1. On Feb, 2, 2013 a six count Indictment was filed in the District of Nebraska, charging in Count I that on or about August 12, 2009, in the District of Nebraska, the defendant, Elvis Presley using the name JC, a name fully known to the Grand Jury, with intent to deceive, falsely represented a number to be the Social Security account number assigned by the Commissioner of Social Security to him, when, in fact, such number, ending in XXX-XX-1231, is not the Social Security account number assigned by the Commissioner of Social Security to him, for purposes of obtaining any benefit to which he is not entitled and for any other purpose, to wit: to satisfy a requirement of § 274A(b) of the Immigration and Nationality Act, in violation of 42 U.S.C. § 408(a)(7)(B).
2. Count II charged that on or about August 12, 2009, in the District of Nebraska, the defendant, Elvis Presley, using the name JC, did knowingly make a false statement and claim that he is a citizen of the United States, with the intent to obtain on behalf of himself any Federal and State benefit or service, and to engage unlawfully in employment in the United States, in violation of 18 U.S.C. § 1015(e).
3. Count III charged that on or about August 12, 2009, in the District of Nebraska, the defendant, Elvis Presley, using the name JC, a name fully known to the Grand Jury, for the purpose of satisfying a requirement of § 274A(b) of the Immigration and Nationality Act, used an identification document, to wit: a State of Arkansas Non-driver Identification Card bearing number XXXXX 111, and a Social Security card bearing number XXX-XX-1231 knowing said documents were not issued lawfully for the use of the defendant, using the name JC, who possessed said documents, in violation of 18 U.S.C. § 1546(b).
4. Count IV charged that on or about June 11, 2008, in the District of Nebraska, the defendant, Elvis Presley using the name JC, a name fully known to the Grand Jury, with intent to deceive, falsely represented a number to be the Social Security account number assigned by the Commissioner of Social Security to him, when, in fact, such number, ending in XXX-XX-1231, is not the Social Security account number assigned by the Commissioner of Social Security to him, for purposes of obtaining any benefit to which he is not entitled and for any other purpose, to wit: to satisfy a requirement of § 274A(b) of the Immigration and Nationality Act, in violation of 42 U.S.C. § 408(a)(7)(B).
5. Count V charged that on or about June 11, 2008, in the District of Nebraska, the defendant, Elvis Presley using the name JC, did knowingly make a false statement and claim that he is a citizen or national of the United States, with the intent to obtain on behalf of himself any Federal and State benefit or service, and to engage unlawfully in employment in the United States, in violation of 18 U.S.C. § 911

Presley, Elvis

6. Count VI charged that on or about on or about June 11, 2008, in the District of Nebraska, the defendant, Elvis Presley using the name JC, a name fully known to the Grand Jury, for the purpose of satisfying a requirement of § 274A(b) of the Immigration and Nationality Act, used an identification document, to wit: a State of Texas Department of Public Safety Identification Card bearing number XXXX-111 and Social Security card bearing number XXX-XX1231, knowing said documents were not issued lawfully for the use of the defendant, using the name JC, who possessed said documents, in violation of 18 U.S.C. § 1546(b).
7. The defendant was arrested on December 7, 2012. He entered a plea of not guilty to the Indictment on May, 31, 2013 at which time he was granted pretrial release. At the change of plea hearing on Feb 16, 2013, the defendant pled guilty to Count IV before United States Magistrate Judge Thomas D. Thalken. The plea was subsequently accepted; however, acceptance of the Plea Agreement was deferred until the time of sentencing. Sentencing was scheduled for May 31, 2013.

#### Plea Agreement

8. The Plea Agreement states that in exchange for the defendant's plea of guilty, the United States agrees to move to dismiss Counts I, II, III, V, and VI at the time of sentencing. Although the parties understand that the Guidelines are advisory and only one of the factors the Court will consider under 18 U.S.C. § 3553(a) in imposing a sentence the parties will jointly recommend the following base offense level, specific offense characteristics, and adjustments and departures (if applicable). Unless otherwise stated, all agreements as to sentencing issues are made pursuant to Rule 11(c)(1)(B): 1. The parties agree that a Base Offense Level 6 applies, pursuant to United States Sentencing Guidelines (U.S.S.G.) § 2B1.1; 2. The parties agree because the offense involved an authentication feature (Social Security number), the Court will impose an increase of six levels, for an Adjusted Offense Level 12, pursuant to U.S.S.G. § 2B1.1(b)(11)(A)(ii); 3. If the defendant is found to be entitled to an offense level reduction under U.S.S.G. § 3E1.1(a) for acceptance of responsibility, the United States moves that the Court reduce his offense level by one additional level pursuant to U.S.S.G. § 3E1.1(b), if that paragraph otherwise applies.
9. The parties further agree the defendant will make no "blanket" objections to the criminal history calculation (specific objections based on state<sup>1</sup> grounds are permitted). Objections to criminal history on the basis that the defendant was not the person who was convicted of the offense(s) described in the presentence investigation report or on the basis that he was not represented by counsel in connection with such conviction(s), if determined to be unfounded, are evidence the defendant has not accepted responsibility, and the parties agree no credit for acceptance of responsibility should be given. The government will recommend that the defendant be sentenced to the low end of the advisory guideline range. If the defendant is not a U.S. citizen or national, he agrees to an order of removal from the U.S. The defendant understands that the removal will occur after service of any criminal sentence in this or any other case. The defendant agrees to significantly limit his right to appeal the conviction and sentence in this case. The defendant agrees to pay a \$100 special assessment fee for each felony count of

Presley, Elvis

conviction. The defendant has consulted with counsel and is satisfied with counsel's representation.

### Pretrial Adjustment

10. According to Sr. U.S. Pretrial Services Officer Jim Roberts, the defendant was Previously granted Pretrial release. The defendant resides in a two bedroom apartment with another male party. He cannot hold employment due to his immigration status; however, he has otherwise been in compliance with his conditions.

### Codefendants

11. None.

### Related Cases

12. None.

### The Offense Conduct

13. The following is a transcript of the prosecutor's version of the offense as submitted by Assistant U.S. Attorney Thomas Niklitschek

14. "On Sep, 1, 2011 ICE HSI initiated an investigation of Omaha Guitars (OGS) in Omaha, Nebraska. ICE served a Notice of Inspection (NOI) for all Forms I-9, with supporting documents, on all current employees. OGS complied with all requests for information and documents. ICE reviewed all forms and supporting documents received and found that some current employees of OGS were associated with identity theft complaints filed with the Federal Trade Commission (FTC). The FTC identity theft complaints were related to names and social security numbers used by individuals working at OGS. One of those identity theft complaints involved an individual working at OGS using the name with initials 'JC', who terminated employment at OGS on an unknown date.

15. "On Sep 1, 2012 HSI was conducting routine NCJIS checks and discovered that SSN XXX-XX-1234 was now being used at Omaha Guitar Inc., in Omaha, NE. On October 26, 2012, HSI confirmed with Omaha Guitar Inc. that 'JC' was a current employee with that company. Omaha Guitar also provided an I-9 and supporting documents for employee 'JC'. On June 11, 2008, defendant gained employment at Omaha guitar by presenting or completing an Employment Eligibility Verification Form I-9 in the name of 'JC.' Defendant used Social Security card bearing number XXX-XX-1234 and a state of Texas Department of Public Safety ID card in order to complete the I-9. Defendant also signed the form in the name of 'JC' attesting under penalty of perjury that he was a citizen or national of the United States.

16. "Defendant was arrested by HSI on Dec, 1, 2012. When arrested, defendant's true name was determined to be Elvis Presley, a native and citizen of . The Social Security Administration confirmed that SSN XXX-XX-1234 is assigned to

Presley, Elvis

the real JC . and not to defendant. Social Security account number XXX-XX-1231, had never been assigned to the defendant. The defendant knew the number had not been assigned to him and in applying for employment at Omaha Guitar on June 11, 2008, the defendant knowingly represented that it had been assigned to him by the Commissioner of Social Security.”

/s/ Thomas Niklitschek

17. Defense counsel did not submit the defendant's version of the offense.
18. After reviewing investigative reports, this officer concurs with the information as detailed in the prosecution's version of the offense. The defendant used a Texas identification card and Social Security card on June 11, 2008, to obtain employment through Omaha Guitar , and he used an Arkansas identification card and Social Security card bearing the identity of Johnny Cash to obtain employment through Staff Guitar a temporary agency, on August 12, 2009. The true Johnny Cash contacted the Federal Trade Commission in October 2008 to advise that fraudulent tax returns were filed using his identity.

#### Victim Impact

19. The defendant used the true identity of Johnny Cash. A victim letter was forwarded to Mr. Cash however, it has not yet been returned.
20. The nature of the instant offense or the defendant's criminal history may present a third party risk to an employer, individual, or group. If such a risk is identified, the defendant will be given a reasonable opportunity to notify the subject(s). However, in the event the defendant does not explain the possible risk, the U.S. Probation Officer will notify the appropriate party or parties of the potential harm, loss, or injury that exists. Although no third party risk can be identified at this time, the defendant's actions may need to be monitored to avoid any further identity theft.

#### Adjustment for Obstruction of Justice

21. There is no information to suggest the defendant has impeded or obstructed justice as defined at U.S.S.G. § 3C1.1.

#### Adjustment for Acceptance of Responsibility

22. The defendant stated in paragraph 42 of his Petition to Enter a Plea of Guilty, "I wanted to escape it all, so I used another SSN" He also timely notified the government of his intention to plead guilty.

#### Offense Level Computation

23. The 2012 Guidelines Manual, incorporating amendments effective November 1, 2012, has been used in assessing this case. In light of the Supreme Court opinion issued January 15, 2005, in United States v. Booker, 125 S. Ct. 738 (2005), the Federal Sentencing

Presley, Elvis

Guidelines are now advisory. According to Booker, while not bound by the Sentencing Guidelines, the Court must consult the Guidelines and take them into account when sentencing.

**Count 4: False Representation of a Social Security Number**

- |     |  |            |
|-----|--|------------|
| 24. | <b>Base Offense Level:</b> The guideline for a violation of 42 U.S.C. § 408(a)(7)(B) is located at U.S.S.G. § 2B1.1(a)(2), which provides for a base offense level of 6.   | <u>6</u>   |
| 25. | <b>Specific Offense Characteristics:</b> Because the offense involved the possession or use of any authentication feature, which is applicable as the defendant fraudulently used another's Social Security number, the offense level is increased by two levels. Since the resulting offense level is less than 12, the offense level is increased to 12, pursuant to U.S.S.G. § 2B1.1(b)(11)(A)(ii). | <u>+12</u> |
| 26. | <b>Victim Related Adjustment:</b> None.  | <u>0</u>   |
| 27. | <b>Adjustment for Role in the Offense:</b> None.   | <u>0</u>   |
| 28. | <b>Adjustment for Obstruction of Justice:</b> None.  | <u>0</u>   |
| 29. | <b>Adjusted Offense Level (Subtotal):</b>  | <u>12</u>  |
| 30. | <b>Chapter Four Enhancement:</b> None.   | <u>0</u>   |
| 31. | <b>Acceptance of Responsibility:</b> The defendant has clearly demonstrated acceptance of responsibility for the offense. Accordingly, the offense level is decreased by two levels. U.S.S.G. § 3E1.1(a).  | <u>-2</u>  |
| 32. | <b>Total Offense Level:</b>  | <u>10</u>  |

**PART B. THE DEFENDANT'S CRIMINAL HISTORY**

33. The following records have been researched to determine the extent of the defendant's criminal record: NCIC/NCIS; and in Nebraska: Douglas County and District Courts, Sarpy County and District Courts, Omaha Police Department, and related County Sheriff's Departments.

**Juvenile Adjudication(s)**

34. None.

**Adult Criminal Conviction(s)**

35. The defendant was convicted in Nov, 2007 of failure to yield right of way and Singing to Loudly in Public which were disposed of by the payment of fines. Pursuant to U.S.S.G. § 4A1.2(c)(1) and (c)(2), criminal history points do not apply.

Presley, Elvis

**Criminal History Computation**

36. The defendant has 0 criminal history points. According to the sentencing table in U.S.S.G. Chapter 5, Part A, a criminal history score of 0 establishes a Criminal History Category I.

**Other Criminal Conduct**

37. The defendant advised ICE that he illegally entered the United States on or about May 1, 1951, near ontario CANADA

**Pending Charges**

38. None.

**Other Arrests**

39. None.

**PART C. OFFENDER CHARACTERISTICS**

40. The following information was provided by the defendant in his presentence packet. The defendant, through defense counsel, declined the presentence interview. Additional information was extrapolated from the Pretrial Services Report dated Dec 10, 2012, and the ICE I-213 form dated Dec, 12 2012.

**Personal and Family Data**

41. Elvis Presley was born on 1/8/35, to Ann Presley and Bill Presley from Toronto Canada. His mother continues to reside in Canada and his father is deceased. The defendant reported a good relationship with his mother. He indicated that he came to the United States in 1951. He resided in Portland, Oregon, for two years prior to relocating to Omaha, where he has remained.
42. Mr. Presley has three siblings: Bassel Presley age 41; Andrea Presley, age 32; and Veronica Presley age 29. His siblings reside in Omaha. He reported good relationships with his siblings.
43. Mr. Presley reported a ten year common-law marriage with Ann Presley, age 50. The couple has three children who reside with them in Omaha. He reported good relationships with his wife and children. He indicated that his wife and siblings reside in the United States illegally; however, his children are United States citizens.

**Physical Condition**

44. Mr. Presley is an adult, Canadian male who stands 5'8" and weighs 185 pounds. He has black hair and black eyes. He reported good health.



Presley, Elvis

**Mental and Emotional Health**

45. The defendant denied having any mental health issues.

**Substance Abuse**

46. The defendant denied any history of substance use.

**Educational, Vocational and Special Skills**

47. The defendant reported completing the ninth grade at *Toronto Jr. High in Canada*

**Employment Record**

48. The defendant was working at *Omaha Guitar* earning \$450 per week, when he was arrested for the instant offense. He also reported self-employment as a painter in Omaha from 2002 to 2008, earning \$400 per week. The defendant reported that he would like to participate in training for carpentry or auto mechanics.

**Military**

49. None.

**Financial Condition: Ability to Pay**

50. The defendant reported that since he cannot work legally, his family provides financial support. He pays \$525 for rent, \$200 for utilities, and \$250 for groceries.

**Analysis**

51. Based on the fact that the defendant has not held employment since his arrest for the instant offense, it does not appear that he is capable of paying a fine. It is noted that the defendant has retained counsel. Nonetheless, the Court is reminded of the Bureau of Prisons' Inmate Financial Responsibility Program, effective March 27, 1987, which assists prisoners through various UNICOR programs in paying special assessments, court-ordered restitution, fines, court costs, and other financial obligations.

**PART D. SENTENCING OPTIONS**

**Custody**

52. **Statutory Provisions:** The maximum term of imprisonment on Count 4 is five years. 42 U.S.C. § 408(a)(7)(B) Class D Felony.
53. **Guideline Provisions:** Based upon a Total Offense Level 10 and a Criminal History Category I, the guideline imprisonment range is six months to 12 months. Since the applicable guideline range is in Zone B of the Sentencing Table, the minimum term may be satisfied by (1) a sentence of imprisonment; (2) a sentence of imprisonment that

Presley, Elvis

includes a term of supervised release with a condition that substitutes community confinement or home detention according to the schedule in subsection (e), provided that at least one month is satisfied by imprisonment; or (3) a sentence of probation that includes a condition or combination of conditions that substitute intermittent confinement, community confinement, or home detention for imprisonment according to the schedule in subsection (e), pursuant to U.S.S.G. § 5C1.1(c).

#### **Impact of Plea Agreement**

54. The Plea Agreement does not appear to depreciate the seriousness of the offense. It coincides with the findings of this investigation. If the defendant had pled guilty to the additional counts, he would not be facing a greater sentence, as the counts would have been grouped, pursuant to U.S.S.G. § 3D1.2(b).

#### **Supervised Release**

55. **Statutory Provisions:** 0-3 years. 18 U.S.C. § 3583(b)(2).

56. **Guideline Provisions:** 1-3 years. U.S.S.G. § 5D1.2(a)(2).

#### **Probation**

57. **Statutory Provisions:** 1-5 years. 18 U.S.C. § 3561(c)(1).

58. **Guideline Provisions:** 1-5 years. U.S.S.G. § 5B1.2(a)(1).

59. Since the applicable guideline range is in Zone B of the Sentencing Table, the Court may impose probation with a condition or combination of conditions requiring intermittent confinement, community confinement, or home detention, as provided in U.S.S.G. § 5C1.1(e) (Imposition of Term of Imprisonment). U.S.S.G. § 5B1.1(a)(2).

#### **Fines**

60. **Statutory Provisions:** \$250,000. 18 U.S.C. § 3571(b)(3).

61. A special assessment of \$100 is mandatory. 18 U.S.C. § 3013.

62. **Guideline Provisions:** \$2,000 to \$20,000. U.S.S.G. § 5E1.2(c)(3).

#### **Restitution**

63. **Statutory Provisions:** Restitution has not been identified in this case. 18 U.S.C. § 3663.

64. **Guideline Provisions:** Restitution has not been identified in this case. U.S.S.G. § 5E1.1.

#### **Denial of Federal Benefits**

65. **Statutory Provisions:** Not applicable.

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66. **Guideline Provisions:** Not applicable.

**PART E. FACTORS THAT MAY WARRANT DEPARTURE**

67. The probation officer has not identified any factors that would warrant a departure from the applicable sentencing guideline range.

**PART F. FACTORS THAT MAY WARRANT A SENTENCE OUTSIDE OF THE ADVISORY GUIDELINE SYSTEM**

68. This officer has not identified any factors under 18 U.S.C. § 3553(a) that may warrant a variance and imposition of a non-guideline sentence.

Respectfully Submitted,



U.S. Probation Officer

Reviewed and approved for  
guidelines application by:



Supervising U.S. Probation Officer

*Restrictions on Use and Redisclosure of Presentence Investigation Report.* Disclosure of this presentence investigation report to the Federal Bureau of Prisons and redisclosure by the Bureau of Prisons is authorized by the United States District Court solely to assist administering the offender's prison sentence (i.e., classification, designation, programming, sentence calculation, pre-release planning, escape apprehension, prison disturbance response, sentence commutation, or pardon) and other limited purposes, *including* deportation proceedings and federal investigations directly related to terrorist activities. If this presentence investigation report is redisclosed by the Federal Bureau of Prisons upon completion of its sentence administration function, the report must be returned to the Federal Bureau of Prisons or destroyed. It is the policy of the federal judiciary and the Department of Justice that further redisclosure of the presentence investigation report is prohibited without the consent of the sentencing judge.