

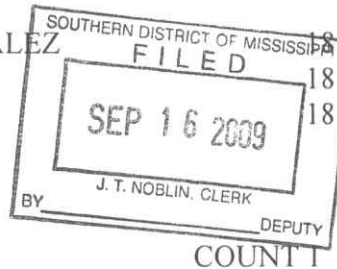
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

UNITED STATES OF AMERICA

v.

SUPERSEDING INDICTMENT
CRIMINAL NO. 2:09cr9KS-MTP

JOSE HUMBERTO GONZÁLEZ



18 U.S.C. § 371
18 U.S.C. § 1028A
18 U.S.C. § 1546(b)(3)

The Grand Jury charges:

1. At all times material to this Indictment, Howard Industries, Inc., was a leading manufacturer of electrical transmission and distribution equipment with a transformer manufacturing facility in Laurel, Mississippi.

2. At all times material to this Indictment, the defendant, **JOSE HUMBERTO GONZÁLEZ**, was the Howard Industries human resources manager responsible for employment of the Spanish-speaking foreign nationals at the Laurel transformer manufacturing plant.

3. From in or about August 2000, until August 25, 2008, in Jones County, in the Hattiesburg Division of the Southern District of Mississippi, the defendant, **JOSE HUMBERTO GONZÁLEZ**, did knowingly and willfully conspire with others known and unknown to the Grand Jury, to commit offenses against the United States as follows:

a. to knowingly encourage and induce aliens to reside in the United States, knowing and in reckless disregard of the fact that such residence is in violation of law, as prohibited by of Section 1324(a)(1)(A)(iv), Title 8, United States Code;

b. to knowingly conceal, harbor, and shield from detection, and attempt to conceal, harbor, and shield from detection, aliens knowing and in reckless disregard of the fact that such aliens

had come to, entered, or remained in violation of law, as prohibited by of Section 1324(a)(1)(A)(iii), Title 8, United States Code;

c. to knowingly use a false attestation for the purpose of satisfying a requirement of the employment verification system set forth in subsection 1324a(b), Title 8, United States Code as prohibited by Section 1546(b)(3), Title 18, United States Code; and

d. to knowingly use a means of identification of another person during and in relation to a felony, as prohibited by Section 1028A, Title 18, United States Code.

4. It was a part of the conspiracy that defendant **GONZÁLEZ**, on behalf of Howard Industries, would routinely hire illegal aliens and in the process of such hiring would accept false identity documents, including alien registration receipt cards and Social Security cards.

5. It was further a part of the conspiracy that defendant **GONZÁLEZ** would submit Social Security numbers provided to him by applicants at the Laurel plant to the Social Security Administration to verify their numbers and, after being notified by the Social Security Administration that the Social Security numbers of such applicants could not be verified, defendant **GONZÁLEZ** would nonetheless hire and continue to employ such persons.

6. It was also a part of the conspiracy that defendant **GONZÁLEZ** would instruct employees to obtain alternative identity documents which he knew falsely represented their true identities.

7. It was also a part of the conspiracy that defendant **GONZÁLEZ** would assure Spanish-speaking foreign nationals working at the Laurel plant that they would be warned if immigration authorities were coming to the plant.

OVERT ACTS

8. In furtherance of the unlawful conspiracy and for the purpose of effecting the objectives thereof, the following overt acts, among others, were committed:

a. On or about November 7, 2006, defendant **GONZÁLEZ** attested, under penalty of perjury, on a Form I-9 “Employment Eligibility Verification” that he had examined the documents presented by the employee utilizing Social Security number XXX-XX-7407, that the Social Security card listed on the Form I-9 appeared to relate to the employee named therein, and that, to the best of his knowledge, the employee was eligible to work in the United States;

b. On or about November 7, 2006, defendant **GONZÁLEZ** attested, under penalty of perjury, on a Form I-9 “Employment Eligibility Verification” that he had examined the documents presented by the employee utilizing Social Security number XXX-XX-7831, that the Social Security card listed on the Form I-9 appeared to relate to the employee named therein, and that, to the best of his knowledge, the employee was eligible to work in the United States;

c. On or about January 15, 2007, defendant **GONZÁLEZ** attested, under penalty of perjury, on a Form I-9 “Employment Eligibility Verification” that he had examined the documents presented by the employee utilizing Social Security number XXX-XX-1578, that the Social Security card listed on the Form I-9 appeared to relate to the employee named therein, and that, to the best of his knowledge, the employee was eligible to work in the United States;

d. On or about January 19, 2007, defendant **GONZÁLEZ** attested, under penalty of perjury, on a Form I-9 “Employment Eligibility Verification” that he had examined the documents presented by the employee utilizing Social Security number XXX-XX-5856, that the Social Security card listed on the Form I-9 appeared to relate to the employee named therein, and that, to the best of his knowledge, the employee was eligible to work in the United States;

e. On or about January 27, 2007, defendant **GONZÁLEZ** attested, under penalty of perjury, on a Form I-9 “Employment Eligibility Verification” that he had examined the documents presented by the employee utilizing Social Security number XXX-XX-9431, that the Social Security

card listed on the Form I-9 appeared to relate to the employee named therein, and that, to the best of his knowledge, the employee was eligible to work in the United States;

f. On or about February 8, 2007, defendant **GONZÁLEZ** attested, under penalty of perjury, on a Form I-9 “Employment Eligibility Verification” that he had examined the documents presented by the employee utilizing Social Security number XXX-XX-6301, that the Social Security card listed on the Form I-9 appeared to relate to the employee named therein, and that, to the best of his knowledge, the employee was eligible to work in the United States;

g. On or about February 22, 2007, defendant **GONZÁLEZ** attested, under penalty of perjury, on a Form I-9 “Employment Eligibility Verification” that he had examined the documents presented by the employee utilizing Social Security number XXX-XX-1204, that the Social Security card listed on the Form I-9 appeared to relate to the employee named therein, and that, to the best of his knowledge, the employee was eligible to work in the United States;

h. On or about February 23, 2007, defendant **GONZÁLEZ** attested, under penalty of perjury, on a Form I-9 “Employment Eligibility Verification” that he had examined the documents presented by the employee utilizing Social Security number XXX-XX-6301, that the Social Security card listed on the Form I-9 appeared to relate to the employee named therein, and that, to the best of his knowledge, the employee was eligible to work in the United States;

i. On or about February 23, 2007, defendant **GONZÁLEZ** attested, under penalty of perjury, on a Form I-9 “Employment Eligibility Verification” that he had examined the documents presented by the employee utilizing Social Security number XXX-XX-5945, that the Social Security card listed on the Form I-9 appeared to relate to the employee named therein, and that, to the best of his knowledge, the employee was eligible to work in the United States; and

j. On or about June 22, 2007, defendant **GONZÁLEZ** attested, under penalty of perjury, on a Form I-9 “Employment Eligibility Verification” that he had examined the documents

presented by the employee utilizing Social Security number XXX-XX-2345, that the Social Security card listed on the Form I-9 appeared to relate to the employee named therein, and that, to the best of his knowledge, the employee was eligible to work in the United States.

All in violation of Section 371, Title 18, United States Code.

COUNT 2

9. The allegations in paragraphs 1 through 7 of Count 1 are repeated and incorporated by reference as though fully set forth in this count.

10. On or about June 20, 2005, in Jones County, in the Hattiesburg Division of the Southern District of Mississippi, the defendant, **JOSE HUMBERTO GONZÁLEZ**, did knowingly use, without lawful authority, a means of identification of another person, namely, the name and Social Security number of an individual with the initials “J.G.,” whose full name is known to the Grand Jury, during and in relation to a specified felony, to wit, Social Security fraud, in violation of Section 408(a)(7)(B), Title 42, United States Code.

All in violation of Sections 1028A and 2, Title 18, United States Code.

COUNTS 3-12


11. The allegations in paragraphs 1 through 7 of Count 1 are repeated and incorporated by reference as though fully set forth in this count.

12. From in or about June 2005 until in or about June 2007, in Jones County, in the Hattiesburg Division of the Southern District of Mississippi, the defendant, **JOSE HUMBERTO GONZÁLEZ**, for the purpose of satisfying a requirement of the employment verification system set forth in subsection 1324a(b), Title 8, United States Code, used a false attestation on a Form I-9 “Employment Eligibility Verification,” knowing that the said attestation was false, in that defendant **GONZÁLEZ** falsely attested that the Social Security card presented by the employee and listed on the Form I-9 appeared to relate to the employee named therein, and that, to the best of his knowledge, the


employee was eligible to work in the United States, when in truth and in fact, defendant **GONZÁLEZ** knew that such Social Security number presented by the employee and listed on the I-9 did not relate to the employee therein because the Social Security Administration had advised defendant **GONZÁLEZ** that it could not verify the name and Social Security number that defendant **GONZÁLEZ** had submitted for verification, or defendant **GONZÁLEZ** was otherwise aware that the Social Security number did not belong to the employee, as described more specifically below, each being a separate count herein as follows:

Count	Date I-9 Attested	Social Security Number
3	11/7/06	XXX-XX-7407
4	11/7/06	XXX-XX-7831
5	1/15/07	XXX-XX-1578
6	1/19/07	XXX-XX-5856
7	1/27/07	XXX-XX-9431
8	2/8/07	XXX-XX-6301
9	2/22/07	XXX-XX-1204
10	2/23/07	XXX-XX-6086
11	2/23/07	XXX-XX-5945
12	6/22/07	XXX-XX-2345

All in violation of Sections 1546(b)(3) and 2, Title 18, United States Code.


 for STAN HARRIS
 United States Attorney

A TRUE BILL:


 Foreperson of the Grand Jury

A TRUE COPY, I HEREBY CERTIFY.
 J. T. NOBLIN, CLERK

BY:


 DEPUTY CLERK