

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

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IGNACIO LEYVA-FRAYRE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

APPENDIX

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/s/ Christy Posnett Martin

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Appendix A Opinion of Fifth Circuit, CA No. 24-10220, *United States v. Leyva-Frayre*, 2024 WL 4764269 (5<sup>th</sup> Cir. Nov. 13, 2024)(unpublished).

Appendix B Judgment and Sentence of the United States District Court for the Northern District of Texas, entered February 28, 2024. *United States v. Leyva-Frayre*, Dist. Court 3:22-CR-338.

Appendix C Indictment

## APPENDIX A

United States Court of Appeals  
for the Fifth Circuit

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No. 24-10220

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United States Court of Appeals  
Fifth Circuit

**FILED**

November 13, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

IGNACIO LEYVA-FRAYRE,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:22-CR-338-1

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Before JONES, BARKSDALE, and HO, *Circuit Judges.*

EDITH H. JONES, *Circuit Judge:* \*

Appellant Ignacio Leyva-Frayre challenges the application of U.S.S.G. § 2L1.2(b)(3) to a felony conviction after he reentered the United States. Because the criminal conduct underlying the conviction occurred after he was first removed from the United States, the sentencing enhancement was properly applied. We AFFIRM.

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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## I. Background

The facts underlying this appeal are not contested. Ignacio Leyva-Frayre (“Appellant”) pled guilty to three separate instances of driving while intoxicated (“DWI”) in December 2004, May 2014, and May 2021. In Texas, the third DWI is a felony. TX. PENAL CODE § 49.09(b)(2). Appellant, who is a citizen of Mexico, was subsequently ordered removed from the United States on July 14, 2021. Roughly one year later, on July 1, 2022, he was arrested and charged with yet another DWI in Texas, to which he again pled guilty and was sentenced to 3 years imprisonment. Appellant was also charged with and pled guilty to illegal reentry after removal, in violation of 8 U.S.C. § 1326(a).

At sentencing, the district court adopted the Presentence Report’s recommendation of two separate level enhancements for Appellant’s prior DWI convictions, pursuant to U.S.S.G. §§ 2L1.2(b)(2)(B) and (b)(3)(B). U.S.S.G. § 2L1.2 states, in part:

(b)(2) If, before the defendant was ordered deported or ordered removed from the United States for the first time, the defendant engaged in criminal conduct that, at any time, resulted in—

(B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, increase by 8 levels[.]

(b)(3) If, after the defendant was ordered deported or ordered removed from the United States for the first time, the defendant engaged in criminal conduct that, at any time, resulted in—

(B) a conviction for a felony offense (other than an illegal reentry offense) for which the sentence imposed was two years or more, increase by 8 levels[.]

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The first enhancement, for the 2021 felony DWI before Appellant’s removal, increased the offense level by eight. *See* U.S.S.G. § 2L1.2(b)(2)(B). The second enhancement, for the 2022 felony DWI after Appellant’s illegal reentry, added another eight levels. *See* U.S.S.G. § 2L1.2(b)(3)(B). After reductions for acceptance of responsibility, the district court calculated an offense level of twenty-one, with a recommended sentencing range of fifty-seven to seventy-one months. Ultimately, Appellant was sentenced to thirty-seven months imprisonment, after a twenty-month credit for time-served in state custody.

On appeal, Appellant challenges the application of the second eight-level enhancement.<sup>1</sup>

## II. Standard of Review

This court reviews a “district court’s interpretation of the Sentencing Guidelines *de novo* and its factual findings for clear error.” *United States v. Kelley*, 40 F.4th 276, 282 (5th Cir. 2022) (quoting *United States v. Barry*, 978 F.3d 214, 217 (5th Cir. 2020)).

## III. Discussion

As noted above, the sentencing guidelines provide for separate level enhancements for criminal conduct that resulted in a felony conviction before an individual is first removed and after he is removed. U.S.S.G. §§ 2L1.2(b)(2), (3). The Commission’s commentary to this provision counsels that, when “the criminal conduct underlying a prior conviction

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<sup>1</sup> Appellant also argues that the recidivism enhancement in 8 U.S.C. § 1326(b)(1), under which the maximum term of imprisonment is 10 years, is an unconstitutional violation of his due process rights and his Sixth Amendment right to a jury trial. This argument, as Appellant concedes, is foreclosed by the Supreme Court’s decision in *Almendarez-Torres v. United States*, 523 U.S. 224 (1998).

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occurred both before and after” removal, the conviction should count “only under subsection (b)(2)” for enhancement purposes. *Id.* cmt. n.5 (“Application Note Five”). Appellant relies on Application Note Five in challenging the sentencing enhancement for his post-removal conviction.

Specifically, he contends that, absent the prior DWI convictions from *before* his removal, he could not have been convicted of a felony DWI *after* his removal. In other words, because his fourth DWI would not have been a felony under Texas law without at least two prior DWIs, the 2004, 2014, and 2021 DWIs are all “underlying criminal conduct” of his 2022 felony DWI. According to Application Note Five, then, it should be counted under (b)(2) because the criminal conduct underlying the post-removal conviction occurred both before and after his removal. *See* U.S.S.G. §§ 2L1.2; *Id.* cmt. n.5. This argument, however, fails as a textual matter and is inconsistent with the intended scope of Application Note Five.

While it may be true that the prior DWI convictions are “elements” of the 2022 felony DWI, “elements” of an offense and “criminal conduct” are not one and the same. *See Alleyne v. United States*, 570 U.S. 99, 02, 133 S. Ct. 1251, 1255 (2013) (“[A]ny fact that, by law, increases the penalty for a crime in an ‘element’ that must be submitted to the jury . . .”). The elements of an offense may include prohibited conduct, a requisite *mens rea*, the result of that conduct, or other attendant circumstances. *See* Model Penal Code § 1.13(9) (defining “element of an offense” as (1) conduct; (2) attendant circumstances; or (3) the results of the conduct); *see also* 1 W. LaFare, *Substantive Criminal Law* § 1.8(b) n.14 (3d ed. 2018) (“[T]he elements of a crime are its requisite (a) conduct (act or omission to act) and (b) mental fault (except for strict liability crimes)—plus, often, (c) specified attendant circumstances, and, sometimes, (d) a specified result of the conduct.”).

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Here, the “criminal conduct” of Appellant’s 2022 felony DWI was operating a vehicle while intoxicated. The 2004, 2014, and 2021 DWIs were “attendant circumstances” of the 2022 DWI, indicating whether the prohibited conduct rose to the level of a felony. *See, e.g. Ex Parte Carner*, 364 S.W.3d 896, 898 (Tex. Crim. App. 2012) (defining “attendant circumstances” as “fact[s] that [are] situationally relevant to a particular event or occurrence”). While these prior convictions are therefore an “element” of the felony DWI, it is simply the *existence* of those convictions that constitutes an element of the offense, regardless of when they occurred. *See* TX. PENAL CODE § 49.09(b)(2).

Further, the history of the very provision that Appellant relies on cuts against his position. Section 2L1.2 was amended in 2018 to address “two application issues” that arose after an “extensive[.]” 2016 amendment to the provision. U.S. Sent’g Guidelines Manual, Supp. App. C, Amend. 809, p. 189 (U.S. Sent’g Comm’n 2018). Prior to the amendment, the 2016 guidelines provided level enhancements for “convictions” before removal and “criminal conduct resulting in a conviction” after removal. *Id.* at 188–89. This left a gap, because criminal conduct that was *entirely* pre-removal but resulted in a post-removal conviction escaped enhancement all together. *See id.* To address this issue, the Commission amended § 2L1.2 to apply to “criminal conduct” that, “at any time,” results in a conviction. *Id.* Application Note Five was added to “explain that such convictions are only counted *once*,” rather than counting the pre-removal conduct as one enhancement and any subsequent post-removal conduct or conviction as a separate enhancement. *Id.* (emphasis added).

Consider a hypothetical scenario where Appellant was arrested for a DWI before he was removed, and only convicted and sentenced after he reentered the United States. This scenario is precisely what the Commission amended §2L1.2 to address, and would fall squarely within (b)(2) of the



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amended guidelines as criminal conduct before removal that resulted in a conviction after reentry. U.S.S.G. § 2L1.2. Next, consider a hypothetical fraud scheme, with equal amounts of criminal conduct occurring both before and after removal, and the defendant is ultimately convicted after reentry. In this second hypothetical, Application Note Five comes into play. Application Note Five simply ensures that the sentencing court does not separately count the pre-removal conduct under (b)(2) *and* the post-removal conduct and conviction under (b)(3), in light of the expansive language used to capture the first hypothetical. *Id.* Appellant's 2022 felony falls within neither of these scenarios, and was appropriately categorized under (b)(3) as criminal conduct resulting in a felony conviction after Appellant's removal. *Id.*

#### IV. Conclusion

Appellant was first removed from the United States in July 2021, and only after he reentered was he arrested, charged, convicted, and sentenced for felony DWI in July 2022. Both the text and the history surrounding U.S.S.G. § 2L1.2(b)'s current framework confirm categorizing this as criminal conduct that resulted in a felony conviction after Appellant's removal for sentencing enhancement purposes. Accordingly, we AFFIRM.

## APPENDIX B

**United States District Court**

Northern District of Texas Dallas Division

UNITED STATES OF AMERICA

v.

**IGNACIO LEYVA-FRAYRE**

§ **JUDGMENT IN A CRIMINAL CASE**

§

§

§ Case Number: **3:22-CR-00338-K(1)**

§ USM Number: **39567-510**

§ **Noor Musa Wadi**

§ Defendant's Attorney

**THE DEFENDANT:**

<input type="checkbox"/>	pleaded guilty to count(s)	
<input checked="" type="checkbox"/>	<b>pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.</b>	<b>To the One Count indictment, filed on September 8, 2022.</b>
<input type="checkbox"/>	pleaded nolo contendere to count(s) which was accepted by the court	
<input type="checkbox"/>	was found guilty on count(s) after a plea of not guilty	

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section / Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 U.S.C. § 1326(a) Illegal Reentry After Removal from the United States	07/01/2022	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s)
- Count(s)  is  are dismissed on the motion of the United States

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

**February 28, 2024**

Date of Imposition of Judgment

*Ed Kinkeade*

Signature of Judge

**Ed Kinkeade, United States District Judge**

Name and Title of Judge

**February 28, 2024**

Date

DEFENDANT: IGNACIO LEYVA-FRAYRE  
CASE NUMBER: 3:22-CR-00338-K(1)

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

**THIRTY-SEVEN (37) Months. This sentence shall run concurrently to the sentence imposed in F-2230887.**

**It is the Court’s intention that the Defendant receive a sentence adjustment for time spent in custody since July 1, 2022 and for which the Bureau of Prisons will not give the Defendant credit under 18 U.S.C. § 3585(b).**

The court makes the following recommendations to the Bureau of Prisons:  
**The Court recommends that the Defendant be allowed to serve his sentence at FCI Seagoville, Seagoville, Texas.**

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at  a.m.  p.m. on

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to

at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: IGNACIO LEYVA-FRAYRE  
CASE NUMBER: 3:22-CR-00338-K(1)

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **ONE (1) year.**

## MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4.  You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5.  You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6.  You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7.  You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

DEFENDANT: IGNACIO LEYVA-FRAYRE  
CASE NUMBER: 3:22-CR-00338-K(1)

## STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand additional information regarding these conditions is available at [www.txnp.uscourts.gov](http://www.txnp.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

DEFENDANT: IGNACIO LEYVA-FRAYRE  
CASE NUMBER: 3:22-CR-00338-K(1)

### **SPECIAL CONDITIONS OF SUPERVISION**

**The defendant shall not illegally re-enter the U.S. if deported, removed, or allowed voluntary departure.**

**In the event the defendant is not deported upon release from imprisonment or surrendered to a duly authorized immigration official, the defendant must immediately report, continue to report, or surrender to U.S. Immigration and Customs Enforcement and follow all of their instructions and reporting requirements until any deportation proceedings are completed.**

**As a condition of supervised release, upon completion of his term of imprisonment, the defendant is to be surrendered to a duly authorized immigration official for deportation in accordance with the established procedures provided by the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq. As a further condition of supervised release, if ordered deported, the defendant shall remain outside the United States unless legally authorized to reenter. In the event the defendant is not deported upon release from imprisonment or surrendered to a duly authorized immigration officer for deportation as described above, or should the defendant ever be within the United States during any portion of the term of supervised release, the defendant shall comply with the standard conditions recommended by the U.S. Sentencing Commission and shall comply with the mandatory and special conditions stated in the Judgment.**

**The defendant shall participate in an outpatient program approved by the probation officer for treatment of narcotic, drug, or alcohol dependency that will include testing for the detection of substance use, abstaining from the use of alcohol and all other intoxicants during and after completion of treatment, and contributing to the costs of services rendered (copayment) at the rate of at least \$25 per month.**

DEFENDANT: IGNACIO LEYVA-FRAYRE  
CASE NUMBER: 3:22-CR-00338-K(1)

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the Schedule of Payments page.

	<b>Assessment</b>	<b>Restitution</b>	<b>Fine</b>	<b>AVAA Assessment*</b>	<b>JVTA Assessment**</b>
<b>TOTALS</b>	\$100.00	\$.00	\$.00	\$.00	\$.00

- The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- Restitution amount ordered pursuant to plea agreement \$
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments page may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
  - the interest requirement is waived for the  fine  restitution
  - the interest requirement for the  fine  restitution is modified as follows:

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.  
\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22  
\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.



DEFENDANT: IGNACIO LEYVA-FRAYRE  
CASE NUMBER: 3:22-CR-00338-K(1)

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A**  Lump sum payments of \$ \_\_\_\_\_ due immediately, balance due  
 not later than \_\_\_\_\_, or  
 in accordance  C,  D,  E, or  F below; or
- B**  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C**  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D**  Payment in equal 20 (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E**  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F**  Special instructions regarding the payment of criminal monetary penalties:  
**It is ordered that the Defendant shall pay to the United States a special assessment of \$100.00 for Count 1, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several  
See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

## APPENDIX C

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

2022 SEP -8 PM 2:01

DEPUTY CLERK 

UNITED STATES OF AMERICA

NO.

v.

**3-22CR0338-K**

IGNACIO LEYVA-FRAYRE

**INDICTMENT**

The Grand Jury charges:

Count One

Illegal Reentry After Removal from the United States  
(Violation of 8 U.S.C. § 1326(a))

On or about July 1, 2022, in the Dallas Division of the Northern District of Texas, the defendant, **Ignacio Leyva-Frayre**, an alien, was found in the United States after having been deported and removed therefrom on or about July 15, 2021, without having received the express consent of the United States Attorney General or the Secretary of the Department of Homeland Security to reapply for admission since the time of the defendant's previous deportation and removal.

In violation of 8 U.S.C. § 1326(a), the penalty for which is found at 8 U.S.C. § 1326(b)(1).

A TRUE BILL:

  
FOREPERSON

CHAD E. MEACHAM  
UNITED STATES ATTORNEY

  
NICOLE T. HAMMOND

Assistant United States Attorney  
District of Columbia Bar No. 1044796  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242  
Phone: 214-659-8713  
Fax: 214-659-8773  
Email: Nicole.Hammond2@usdoj.gov

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

---

THE UNITED STATES OF AMERICA

v.

IGNACIO LEYVA-FRAYRE

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INDICTMENT

8 U.S.C. § 1326(a)

Illegal Reentry After Removal from the United States  
(Count 1)

1 Count

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A true bill rendered



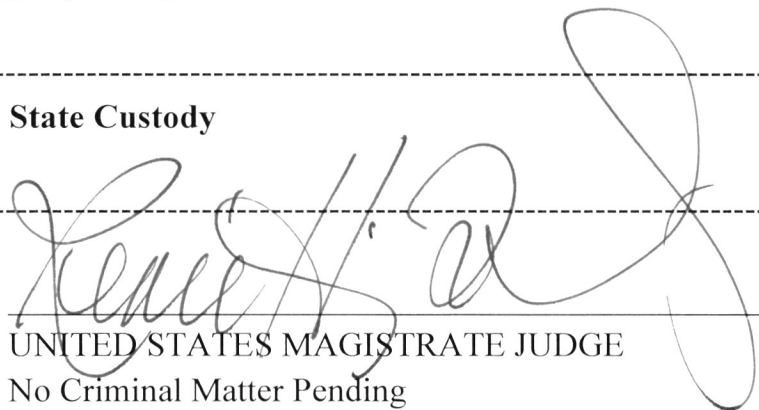
DALLAS

FOREPERSON

Filed in open court this 8<sup>th</sup> day of September, 2022.

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**Warrant to be Issued - In State Custody**



UNITED STATES MAGISTRATE JUDGE  
No Criminal Matter Pending