

RECEIVED
U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

AUG 08 2024

WESTERN DISTRICT OF LOUISIANA

BY: DANIEL J. MCCOY, CLERK
[Signature]

LAFAYETTE DIVISION

UNITED STATES OF AMERICA	*	CRIMINAL NO. 23-cr-00113-01
	*	
VERSUS	*	JUDGE JOSEPH
	*	
JACOB DE LA PAZ (01)	*	MAGISTRATE JUDGE AYO

PLEA AGREEMENT

A. INTRODUCTION

1. This document contains the complete plea agreement between the government and JACOB DE LA PAZ, the defendant. No other agreement, understanding, promise, or condition exists, nor will any such agreement, understanding, promise or condition exist unless it is committed to writing in an amendment attached to this document and signed by the defendant, an attorney for the defendant, and an attorney for the government. The terms of this plea agreement are only binding on the defendant and the government if the Court accepts the defendant's guilty plea.

B. THE DEFENDANT'S OBLIGATIONS

JACOB DE LA PAZ shall appear in open court and plead guilty to the one count bill of information pending in this case.

C. THE GOVERNMENT'S OBLIGATIONS

1. If the defendant completely fulfills all obligations and agreements under this plea agreement, the government agrees to dismiss Count 1 of the indictment

after sentencing, and it will not prosecute the defendant for any other offense known to the United States Attorney's Office, based on the investigation which forms the basis of the indictment.

2. The government will and hereby moves pursuant to U.S.S.G. § 3E1.1(b) for the defendant to receive a one-point reduction in offense level should that offense level be 16 or greater, as the defendant has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate resources efficiently.

D. SENTENCING

JACOB DE LA PAZ understands and agrees that:

1. The maximum punishment on Count 1 is a term of imprisonment of not more than ten (10) years pursuant to 18 U.S.C. § 2252A(a)(5)(B) and (b)(2) and a fine of not more than \$250,000 (pursuant to 18 U.S.C. §3571);

2. The defendant shall be required to pay a special assessment fee of \$100.00, per 18 U.S.C. § 3013, or if the defendant is non-indigent \$5,000.00 pursuant to 18 U.S.C. § 3014, which under this agreement is payable and due **at the time his guilty plea is entered**. The Court may order an additional special assessment of up to \$17,000.00 pursuant to 18 U.S.C. § 2259A.

3. The defendant may receive a term of supervised release of not less than 5 years nor more than life in length in addition to any term of imprisonment imposed by the Court;

4. This plea is being made pursuant to Federal Rules of Criminal Procedure, 11(a)(1) and (c)(1)(C). All parties agree that the defendant shall receive a sentence of 7 years in prison followed by supervised release and restitution to be determined by the United States District Court, and a \$100 special assessment. The sentence on Count 1 of the Bill of Information will run concurrently with the sentence for Count 2 of the Indictment, under the same case number, for which the defendant has been previously convicted and is awaiting sentencing. This agreed sentence binds the Court if the Court accepts the plea agreement. Between the time of the plea and the time of the sentencing the Court may revoke the plea agreement.

5. A violation of any condition of supervised release at any time during the period of supervised release may result in the defendant being incarcerated over and above any period of imprisonment initially ordered by the Court;

6. The period of incarceration for a violation of a condition of supervised release could be as much as the full term of supervised release initially ordered by the Court, regardless of the amount of time of the supervised release the defendant has successfully completed;

7. In addition to the penalties set forth in the preceding paragraphs, the Court must order restitution in this case, and the defendant agrees that restitution in this case is not limited to the amounts or victims referred to in the specific charge(s) to which the defendant has pled guilty, and will be determined by the Court after a complete review of the evidence developed in the investigation of this case by the

government and further investigation by the United States Probation Office as contained in the Presentence Report;

8. Any fine and/or restitution imposed as part of the defendant's sentence will be made due and payable immediately, the defendant will be held liable for all restitution jointly and severally with all co-defendants, and any federal income tax refund received by the defendant from the Internal Revenue Service while there is an outstanding fine and/or restitution shall be applied toward the fine and/or restitution award;

9. The defendant expressly authorizes the U.S. Attorney's Office to immediately obtain a credit report on him to be used in consideration of his ability to pay restitution or fine that may be imposed by the Court;

10. As part of the presentence investigation, the government will make available to the Court all evidence developed in the investigation of this case;

11. This case is governed by the Sentencing Reform Act as modified by United States v. Booker, 543 U.S. 220 (2005), and the defendant has discussed the Sentencing Guidelines and its applicability with his counsel and understands and acknowledges that a final determination of the applicable guidelines range cannot be made until the completion of the presentence investigation;

12. The sentencing judge alone will decide what sentence to impose; and

JKA *LES*
~~13. The failure of the Court to adhere to a sentencing recommendation
tendered by counsel shall not be a basis for setting aside the guilty plea which is the
subject of this agreement.~~

E. WAIVER OF APPEAL RIGHTS

Defendant is aware that Title 28, United States Code, Section 1291, and Title 18, United States Code, Section 3742, afford a defendant the right to appeal the conviction and sentence imposed. Defendant is also aware that Title 28, United States Code, Section 2255, affords the right to contest or “collaterally attack” a conviction or sentence after the judgment of conviction and sentence has become final. Defendant knowingly and voluntarily waives the right to appeal or “collaterally attack” the conviction and sentence, except that Defendant does not waive the right to raise a claim of ineffective assistance of counsel on direct appeal, if otherwise permitted, or on collateral review in a motion under Title 28, United States Code, Section 2255.

Defendant’s knowing and voluntary waiver of the right to appeal or collaterally attack the conviction and sentence includes waiving the right to raise on appeal or on collateral review any argument that (1) the statute(s) to which the defendant is pleading guilty is unconstitutional and (2) the admitted conduct does not fall within the scope of the statute(s). In the event Defendant files a notice of appeal following the imposition of the sentence or later collaterally attacks his conviction or sentence, the United States will assert its rights under this agreement and seek specific performance of these waivers.

F. ADAM WALSH ACT REGISTRATION REQUIREMENTS

The defendant has been advised and understands that pursuant to Title 18, United States Code, Sections 2250 and 3583(d), he must register and keep the registration current in each of the following jurisdictions: where he resides, where he

is an employee, and where he is a student. The defendant understands that the requirements for registration include providing his name, residence address, and the names and addresses of any place where he is or will be an employee or a student, among other information. The defendant further understands that the requirement to keep the registration current includes informing at least one jurisdiction in which he resides, is an employee or is a student not later than three business days after any change of name, residence, employment, or student status. The defendant has been advised and understands that failure to comply with these obligations subjects him to prosecution for failure to register, which is punishable by a fine or imprisonment or both.

G. REINSTATEMENT OF ORIGINAL INDICTMENT

JACOB DE LA PAZ understands and agrees that should this plea be overturned for any reason at a later date, the indictment, in its entirety, will be automatically reinstated without need for presentment to a Grand Jury or any motion or other action by the government.

H. ENTIRETY OF AGREEMENT

This plea agreement consists of this document and any addendum required by Standing Order 1.86. The defendant, the defendant's attorney, and the government acknowledge that this plea agreement is a complete statement of the parties' plea agreement in this case. It supersedes all other plea agreements and may not be modified unless the modification is in writing and signed by all parties. No other promises have been made or implied.

I. SIGNATURE OF ATTORNEY FOR THE DEFENDANT, THE DEFENDANT, AND THE ATTORNEY FOR THE GOVERNMENT

I have read this plea agreement and have discussed it fully with my client, JACOB DE LA PAZ. I concur in JACOB DE LA PAZ pleading guilty as set forth in this plea agreement.

Dated: 8/7/24

KEVIN STOCKSTILL, La. Bar No. 23951
143 Ridgeway Drive, Ste 220
Lafayette, Louisiana 70503
Telephone: (337) 262-0203
Attorney for Defendant

I have read this plea agreement and have discussed it with my attorney. I fully understand the plea agreement and accept and agree to it without reservation. I do this voluntarily and of my own free will. No threats have been made to me, nor am I under the influence of anything that could impede my ability to fully understand this plea agreement.

I am satisfied with the legal services provided by my attorney in connection with this plea agreement and the matters related to this case.

Dated: 8/6/24

JACOB DE LA PAZ
Defendant

I accept and agree to this plea agreement on behalf of the United States of America.

Dated: 8/8/24

BRANDON B. BROWN
United States Attorney

By:

JOHN LUKE WALKER LA Bar No. 18077
Assistant United States Attorney
800 Lafayette Street, Suite 2200
Lafayette, Louisiana 70501
Telephone: (337) 262-6618

Lauren L. Gardner
#30595

RECEIVED
U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

AUG 08 2024

WESTERN DISTRICT OF LOUISIANA

BY: DANIEL J. MCCOY, CLERK
D. McCoy

LAFAYETTE DIVISION

UNITED STATES OF AMERICA	*	CRIMINAL NO. 23-cr-00113-01
	*	
VERSUS	*	JUDGE JOSEPH
	*	
JACOB DE LA PAZ (01)	*	MAGISTRATE JUDGE AYO

**UNDERSTANDING OF MAXIMUM PENALTY
AND CONSTITUTIONAL RIGHTS**

I, JACOB DE LA PAZ, the above-named defendant, having been furnished a copy of the charges and having discussed same with my attorney, state that I understand the nature of the charges against me and the maximum possible penalties that may be imposed against me, as follows:

PENALTY – COUNT 1: A term of imprisonment of not more than ten (10) years, per 18 U.S.C. § 2252A(a)(5)(B) and (b)(2).

a fine of up to \$250,000.00, or both;

a term of supervised release of not less than five (5) years, nor more than life, per 18 U.S.C. § 3583(k); A term of supervised release of not less than 5 years nor more than life.

a special assessment fee of \$100.00, per 18 U.S.C. § 3013, or if the defendant is non-indigent \$5,000.00 pursuant to 18 U.S.C. § 3014, which under this agreement is payable and due **at the time his guilty plea is entered.**

The Court may order an additional special assessment of up to \$17,000.00 pursuant to 18 U.S.C. § 2259A.

I further state that I understand:

1. My right to be represented by counsel (a lawyer) of my choice, or if I cannot afford counsel, my right to be represented by court-appointed counsel at no cost to me;
2. My right to plead guilty or not guilty;
3. My right to have a jury trial with twelve jurors who must all agree as to my guilt in order to convict;
4. My right not to be required to testify against myself or at all, if I do not so desire;
5. My right to confront and cross-examine witnesses against me and my right to have compulsory process to require witnesses to testify.

I realize that by pleading guilty, I stand convicted of the crime charged and waive my privilege against self-incrimination, my right to jury trial, my right to confront and cross-examine witnesses, and my right of compulsory process.

I further state that my plea in this matter is free and voluntary and that it has been made without any threats or inducements whatsoever (except the Plea Agreement) from anyone associated with the State or United States Government or my attorney, and that the only reason I am pleading guilty is that I am in fact guilty as charged.

Thus done and signed this 8th day of August 2024, at Lafayette, Louisiana.

8/6/24
Date

Jacob De La Paz
JACOB DE LA PAZ
Defendant

8/7/24
Date

Kevin Stockstill
KEVIN STOCKSTILL, La. Bar No. 23951
143 Ridgeway Drive, Ste 220
Lafayette, Louisiana 70503
Telephone: (337) 262-0203
Counsel for Defendant

BRANDON B. BROWN
United States Attorney

8/8/24
Date

John Luke Walker for
JOHN LUKE WALKER, LA Bar No. 18077
Assistant United States Attorney Lauren L. Gardner
800 Lafayette Street, Suite 2200 #30545
Lafayette, LA 70501
Telephone: (337) 262-6618

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WESTERN DISTRICT OF LOUISIANA

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

BY: DANIEL J. McCOY, CLERK
[Signature]

UNITED STATES OF AMERICA * CRIMINAL NO. 23-cr-00113-01
*
VERSUS * JUDGE JOSEPH
*
JACOB DE LA PAZ (01) * MAGISTRATE JUDGE AYO

ELEMENTS OF OFFENSE

**COUNT 1
ATTEMPTED POSSESSION OF CHILD PORNOGRAPHY
18 U.S.C. §§ 2252A(a)(5)(B), (b)(2)**

Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2), makes it a crime to knowingly attempt to possess any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that has been transported using any means or facility of interstate or foreign commerce, including by computer.

For you to find the defendant guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That you intended to commit the offense of possession of child pornography; and

Second: That you did an act that constitutes a substantial step towards the commission of that crime and that strongly corroborates your criminal intent and amounts to more than mere preparation.

The elements of possession of child pornography:

- First:* That the defendant knowingly possessed an item that contains an image of child pornography, as alleged in the bill of information;
- Second:* That the material was transported using any means or facility of interstate or foreign commerce by any means, including by computer; and
- Third:* That when the defendant possessed the material, the defendant knew the material was child pornography.

The government must also establish, for purposes of venue, that one or more acts constituting this offense took place in the Western District of Louisiana.

II.
VENUE
[18 U.S.C. § 3237(a)]

If the case were to proceed to trial, the government would also have the burden of proving proper venue - that is the government would have to prove by a preponderance of the evidence that the offense was begun, continued, or completed in one of the Parishes that make up the Western District of Louisiana.

Thus done and signed this 8th day of August 2024, at Lafayette, Louisiana.

8/8/24
Date

8/8/24
Date

Jacob De La Paz
JACOB DE LA PAZ
Defendant

Kevin Stockstill
KEVIN STOCKSTILL, La. Bar No. 23951
143 Ridgeway Drive, Ste 220
Lafayette, Louisiana 70503
Telephone: (337) 262-0203
Counsel for Defendant

BRANDON B. BROWN
United States Attorney

8/8/24

Date



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WESTERN DISTRICT OF LOUISIANA

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BY: DANIEL J. McCOY, CLERK
D. LaCombe

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES OF AMERICA * CRIMINAL NO. 23-cr-00113-01
*
VERSUS * JUDGE JOSEPH
*
JACOB DE LA PAZ (01) * MAGISTRATE JUDGE AYO

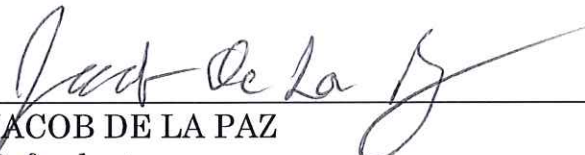
STIPULATION IN SUPPORT OF GUILTY PLEA

NOW INTO COURT, come the United States of America, by and through the undersigned Assistant United States Attorney, and the defendant, JACOB DE LA PAZ, hereinafter referred to as “De La Paz” or “Defendant,” and for the purposes of providing the Court with a factual basis for a plea agreement pursuant to Rule 11(b)(3) of the Federal Rules of Criminal Procedure, provide the following:

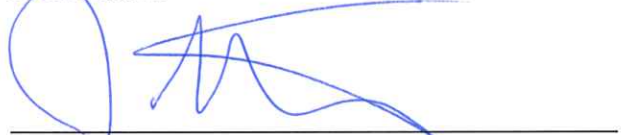
In January of 2023, the defendant was a teacher at St. Thomas More Catholic High School in Lafayette, Louisiana. Previously he had been a teacher at North Vermillion High School in Vermilion Parish. In January of 2023, the defendant was communicating with a prior student from North Vermilion High School using Facebook messenger, an internet messaging application similar to text messaging. The student was a minor during the winter and spring of 2023. The communication began as a result of the minor female initiating contact with the defendant by Facebook messenger for the purpose of obtaining his assistance as a math tutor. The defendant was aware the female was under the age of 18 at the time. During their

communication, at or near to January 12, 2023, the defendant asked that the minor female to send him a sexually explicit image of herself to him. Because she was under the age of 18, the sexually explicit image would constitute child pornography. As such, he attempted to possess child pornography, which he intended to obtain using a facility of interstate commerce. Because Facebook messenger is an Internet based application, the image necessarily would have traveled in interstate commerce as it was sent through the application.

8/6/24
DATE



JACOB DE LA PAZ
Defendant

8/7/24
DATE


KEVIN STOCKSTILL, La. Bar No. 23951
143 Ridgeway Drive, Ste 220
Lafayette. Louisiana 70503
Telephone: (337) 262-0203
Attorney for the Defendant

BRANDON B. BROWN
United States Attorney

8/8/24
DATE


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Assistant United States Attorney *Lauren L. Gardner*
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LAFAYETTE DIVISION

DANIEL J. MCCOY CLERK
BY: *D. LaCombe*

UNITED STATES OF AMERICA * CRIMINAL NO. 23-cr-00113-01
* 18 U.S.C. §§ 2252A(a)(5)(B), (b)(2)
*
VERSUS * JUDGE JOSEPH
*
JACOB DE LA PAZ * MAGISTRATE JUDGE AYO

BILL OF INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

COUNT 1

ATTEMPTED POSSESSION
OF CHILD PORNOGRAPHY
18 U.S.C §§ 2252A(a)(5)(B) and (b)(2)

On or about January 12, 2023, in the Western District of Louisiana, the defendant, JACOB DE LA PAZ, did knowingly and intentionally attempt to possess child pornography as defined by 18 U.S.C. § 2256, that had been transported using a facility in interstate commerce, in violation of Title 18 United States Code, Sections 2252A(a)(5)(B) and (b)(2). [18 U.S.C. §§ 2252A(a)(5)(B) & (b)(2)].

BRANDON B. BROWN
United States Attorney

John Walker

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LAUREN L. GARDNER (LA Bar #30595)
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