

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

UNITED STATES OF AMERICA

v.

DELIA RUIZ

NO. 2:21-CR-087-Z

FACTUAL RESUME

In support of Delia Ruiz's plea of guilty to the offense in Count One of the Indictment, Ruiz, the defendant, C.J. McElroy, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the Indictment, charging a violation of 18 U.S.C. § 2422(b), that is, Enticement and Attempted Enticement of a Minor, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That the defendant knowingly persuaded, induced, enticed, or coerced, or attempted to do so, an individual to engage in any sexual activity, as charged in the indictment;
- Second:* That the defendant used the Internet, the mail, a telephone, a cell phone, or any facility or means of interstate or foreign commerce to do so;
- Third:* That the defendant believed that such individual was less than 18 years of age;
- Fourth:* That, had the sexual activity actually occurred, the defendant could be charged with the criminal offense of Section 21.11 (Indecency with a Child) under the laws of Texas.

¹ Fifth Circuit Pattern Jury Instruction 2.91 (5th Cir. 2019).

It is not necessary for the government to prove the individual was in fact less than 18 years of age; but it is necessary for the government to prove the defendant believed such individual to be under that age. It is not necessary for the government to prove that the individual was actually persuaded, induced, enticed, coerced, into engaging in the described sexual activity, as long as it proves the defendant intended to persuade, induce, entice, or coerce the individual to engage in some form of unlawful sexual activity with the defendant and knowingly took some action that was a substantial step toward bringing it about. A substantial step is conduct that strongly corroborates the firmness of the defendant's criminal attempt. Mere preparation is not enough.

As a matter of law, the following is a crime under Texas law:

First. The defendant is 17 years of age or older;

Second. The defendant knowingly or intentionally: (1) engaged in sexual contact with a child younger than 17; (2) with the intent to arouse or gratify the sexual desire of any person, exposed the person's anus or any part of the person's genitals, knowing that a child younger than 17 was present; or (3) caused a child younger than 17 to expose the child's anus or any part of the child's genitals.

Third. This happened in Texas.

STIPULATED FACTS

1. Delia Ruiz admits and agrees that from in or about April 2021, to in or about June 2021, in the Amarillo Division of the Northern District of Texas, and elsewhere, she, the defendant, did knowingly use a facility or means of interstate or foreign commerce, including, but not limited to, a cellular telephone and the Internet, to persuade, induce, coerce, and entice, and attempt to persuade, induce, coerce, and entice "John Doe-1," an individual who had not attained the age of eighteen years, to engage in sexual activity for which Ruiz could be charged with a criminal offense, that is, a

violation of Texas Penal Code, Section 21.11 (Indecency with a Child) which makes it a crime to intentionally or knowingly engage in sexual contact with a child younger than 17; or with the intent to arouse or gratify the sexual desire of any person, expose the person's anus or any part of the person's genitals, knowing that a child younger than 17 is present; or cause a child younger than 17 to expose the child's anus or any part of the child's genitals, in violation of Title 18, United States Code, Section 2422(b).

2. At all times material to this factual resume, Delia Ruiz was 30-to-31 years old, and John Doe-1 was 15 years old. At the time of the offense, Ruiz was a police officer with the Friona Police Department, and lived in Hereford, Texas. Ruiz and Doe-1 have never been married to each other.

3. Ruiz met Doe-1 while at the residence of then-17-year-old John Doe-2, with whom Ruiz also had a sexual relationship. After meeting, Ruiz and Doe-1 communicated online through Facebook Messenger. Ruiz became flirtatious in her communications with Doe-1 by telling him she was going to take a shower and including a "winky face" emoji. In May 2021, Ruiz arranged to meet Doe-1 in Bovina, Texas, to engage in sexual activity in a church parking lot. While in Ruiz's vehicle, Ruiz and Doe-1 discussed him being a student at Bovina High School. Ruiz and Doe-1 kissed and engaged in sexual activity in her vehicle. This occurred at least three times with the last being in June 2021. Ruiz told Doe-1 not to tell anyone about what they did because she could get into "big trouble." From between approximately May to June 2021, Ruiz sent Doe-1 flirtatious messages, as well as photographs of her breasts, vagina, and buttocks, and videos of herself masturbating.

4. Ruiz also had a sexual relationship with John Doe-2. Ruiz first had sexual intercourse with Doe-2 in approximately November 2020, when Doe-2 was 16 years old. The sexual relationship continued until approximately Spring 2021, when Doe-2 was 17 years old. Ruiz also sent flirtatious messages to Doe-2, as well as photographs of her breasts, vagina, and buttocks, and videos of herself masturbating.

5. Ruiz sent additional nude photographs and videos of herself masturbating to John Doe-3 beginning when he was 16 or 17 years of age. Ruiz described the reason she had not had sexual intercourse with Doe-3 was because she had not been afforded the opportunity.

6. Ruiz admits and agrees that she knowingly persuaded, induced, enticed, and coerced, and attempted to persuade, induce, entice, or coerce, John Doe-1, a minor, into sexual activity for which she could be charged with a criminal offense. Ruiz admits and agrees she did so using her cellular telephone and the Internet. Ruiz admits and agrees that she knew John Doe-1 was less than 18 years of age when she enticed, and attempted to entice, him into sexual activity. Ruiz further admits and agrees that she did this using her Samsung Galaxy Note 10 Plus cellular telephone, Serial Number RF8MA0A9K4V, and that phone is subject to forfeiture pursuant to 18 U.S.C. § 2428(b).

7. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count One of the Indictment.

AGREED TO AND STIPULATED on this 20th day of January, 2022.

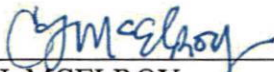
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