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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

8 United States of America,
9 Plaintiff,
10 v.
11 Jorge Estrada-Alcaras,
12 Defendant.
13

CR 00-1232-PHX-DCB (JCG)
14 **REVOCATION DISPOSITION**
15 **AGREEMENT**

16 The United States of America and the defendant agree to the following disposition of this
17 matter:

18 TERMS OF THE AGREEMENT

19 1. This is a revocation of:

20 supervised release

21 probation

as amended

22 2. The defendant will admit to allegation (s) A in the Petition to Revoke. This
23 is a Grade C violation. As a result, the defendant's supervised release will be revoked. The
24 government agrees to dismiss at disposition any remaining allegations in the petition, if the
25 defendant is sentenced in accordance with this agreement.

26 3. The parties agree that the defendant will be sentenced to:

27 9 months incarceration; OR

28 a period of incarceration not to exceed the middle of the applicable
guideline range under U.S.S.G. § 7B1.4(a) (Revocation Table), and not
below the minimum of that range; OR

1 () other (specify): _____

2 This sentence will be followed by:

- 3 () an additional term of _____ months of supervised release
- 4 () an additional term of supervised release to be determined by the court
- 5 (✓) No additional term of supervised release

6 If the defendant is sentenced to a term of probation or supervised release, the defendant
7 agrees to comply with the previously imposed conditions and any others the probation
8 department or court deems appropriate.

9 () In addition, the following additional condition(s) shall be imposed:
10 _____
11 _____
12 _____

13 5. Consecutive/Concurrent sentences:

- 14 (✓) There is no agreement regarding consecutive or concurrent sentences
- 15 () The issue is not applicable in this case
- 16 () The government agrees that it will not take a position whether this sentence
17 should be concurrent or consecutive to another sentence.

18 6. Statutory and Guideline Provisions:

19 a) U.S.S.G. § 7B1.4, the Terms of Imprisonment (Policy Statement) provides:

Revocation Table
(In months of imprisonment)

<u>Grade of Violation</u>	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u>	<u>VI</u>
Grade C	3-9	4-10	5-11	6-12	7-13	8-14
Grade B	4-10	6-12	8-14	12-18	18-24	21-27
Grade A	(1) Except as provided in subdivision (2) below:					
	12-18	15-21	18-24	24-30	30-37	33-41
	(2) Where a defendant was on probation or supervised release as a result of a Class A felony:					
	24-30	27-33	30-37	37-46	46-57	51-63

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b) Penalties applicable for defendant's original offense:

- 1) Criminal History - IV
- 2) Guideline Range - 37-46
- 3) Statutory Maximum Incarceration - 20 years
- 4) Maximum Supervised Release - 3 years

c) For **probation** violations, the defendant, upon revocation of probation, may be re-sentenced to any term of imprisonment not to exceed statutory maximum of the original offense of conviction. (18 U.S.C. § 3565 (a)(2))

d) For **supervised release** violations, the maximum *imprisonment* upon revocation of supervised release (pursuant to 18 U.S.C. § 3583 (e)(3)) is:

- Class A felony - 5 years
- Class B felony - 3 years
- Class C or D felony - 2 years
- Any other case - 1 year

The maximum *supervised release* following any term of imprisonment upon revocation of supervised release shall not exceed the maximum supervised release for the underlying offense, less any term of imprisonment that was imposed upon revocation. (18 U.S.C. § 3883(h))

7. Waiver of Appeal & Collateral Attacks - The defendant waives any and all motions, defenses, probable cause determinations, and objections which the defendant could assert to the information or indictment, or petition to revoke, or to the Court's entry of judgment and imposition of sentence upon the defendant, providing the sentence is consistent with this agreement. The defendant further waives: (1) any right to appeal the Court's entry of judgment against defendant; (2) any right to appeal the imposition of sentence upon defendant; and (3) any right to collaterally attack defendant's conviction and sentence in a habeas petition under 28 U.S.C. § 2255 or motion under any other statute or rule. If the defendant files a notice of appeal or any habeas petition, notwithstanding this agreement, the defendant agrees that, upon motion of the government, this case shall be remanded to the district court to determine whether defendant is in breach of this agreement and, if so, to permit the United States to withdraw from this disposition agreement.

1 8. The defendant understands the government's obligation to provide all information in its
2 file regarding the defendant to the United States Probation Office. The defendant fully
3 understands and agrees to cooperate fully with the United States Probation Office in providing
4 all information requested by the probation officer.

5 9. I understand all of the provisions of this agreement. This written disposition agreement
6 contains all the terms and conditions of my agreement, and any promises made by anyone
7 (including my attorney) that are not contained within this written agreement are without effect
8 and are void.

9 14 Sept. 2005
10 Date

Jorge Estrada
10 Jorge Estrada-Alcaras
Defendant

11 10. I have discussed this case and the written agreement with my client in detail, and have
12 translated it for him if he does not speak English. No assurances, promises, or representations
13 have been given to me or my client by the government or by any of its representatives which are
14 not contained in this written agreement. I concur in the entry of the agreement as indicated
15 above and agree that the terms and conditions set forth in this agreement are in the best interests
16 of my client.

17 14 Sept 2005
18 Date

Yendi Castillo-Reina
18 Yendi Castillo-Reina
19 Attorney for Defendant

20 11. I have reviewed this matter and the agreement. I agree on behalf of the United States that
21 the terms and conditions set forth are appropriate and are in the best interests of justice.

22 PAUL K. CHARLTON
23 United States Attorney
24 District of Arizona

25 9-13-04
26 Date

Mary Sue Feldmeier
25 Mary Sue Feldmeier
26 Assistant U.S. Attorney