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District of Arizona  
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Attorneys for Plaintiff

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MAR 27 2008	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY _____

7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF ARIZONA

9 United States of America,  
10 Plaintiff,

11 v.

12 Jesus Enrique Portela-Acosta,  
13 Defendant.

CR04-00131-PHX-CKJ

ADMISSIONS OF ALLEGATION  
CONTAINED IN PETITION TO  
REVOKE SUPERVISED RELEASE  
AND/OR PROBATION

14  
15 The United States of America and the defendant agree to the following disposition  
16 of this matter:

17 TERMS OF THE AGREEMENT

18 1. This is a revocation of:

19  supervised release

20  probation

21 2. The defendant will admit to ~~the~~ <sup>A</sup> Allegation in the Petition to Revoke. This is a Grade  
22 <sup>B</sup> violation. As a result, the defendant's supervised release / probation will be revoked.

23 The government agrees to dismiss at sentencing any remaining allegations in the petition,  
24 if the defendant is sentenced in accordance with this agreement.

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3. The parties agree that the defendant will be sentenced to:
- \_\_\_\_\_ months incarceration; OR
  - 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 *18 - 21 months*
  - other (specify): \_\_\_\_\_

4. This sentence will be followed by:
- an additional term of \_\_\_\_\_ months of supervised release
  - an additional term of supervised release to be determined by the court
  - NO additional term of supervised release

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

- In addition, the following additional condition(s) shall be imposed:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Consecutive/Concurrent sentences:
- There is no agreement regarding consecutive or concurrent sentences (or the issue is not applicable in this case);
  - The government agrees that it will not take a position whether this sentence should be concurrent or consecutive to another sentence.

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3 6. Statutory and Guideline Provisions:

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

5 **Revocation Table**  
6 (In months of imprisonment)

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

14 b) Penalties applicable for defendant's original offense:

- 15 1) Criminal History - ✓
- 16 2) Guideline Range - 30 - 37 months
- 17 3) Statutory Maximum incarceration - 20 years

18 c) Supervised release statutory maximums pursuant to 18 U.S.C. § 3583 (e)(3):

- 19 1) Class A felony - 5 years
- 20 2) Class B felony - 3 years
- 21 3) Class C or D felony - 2 years
- 22 4) Any other case - 1 year

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

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

17 9. I understand all of the provisions of this agreement. This written plea agreement  
18 contains all the terms and conditions of my plea, and any promises made by anyone  
19 (including my attorney) that are not contained within this written agreement are without  
20 effect and are void.

21  
22 3-27-08  
23 Date

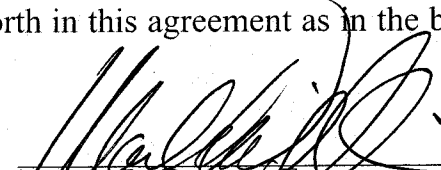
24 Jesus Enrique ROSAS-ACOSTA  
25 Jesus Enrique Portela-Acosta  
26 Defendant ROSAS-ACOSTA

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10. I have discussed this case and the plea agreement with my client in detail, and have translated it for my client if necessary. No assurances, promises, or representations have been given to me or my client by the government or by any of its representatives which are not contained in this written agreement. I concur in the entry of the plea as indicated above and on the terms and conditions set forth in this agreement as in the best interests of my client.

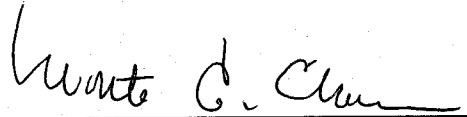
Date 3-27-08

  
Annore L. Baggot, Esq.  
Attorney for Defendant.

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

DANIEL G. KNAUSS  
United States Attorney  
District of Arizona

3/27/08  
Date

  
MONTE C. CLAUSEN  
Assistant U.S. Attorney