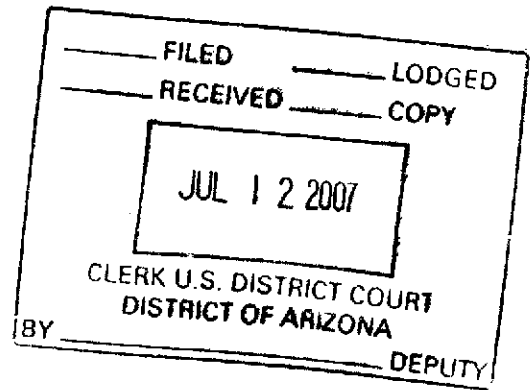


1 DANIEL G. KNAUSS
United States Attorney
District of Arizona
2 ANGELA W. WOOLRIDGE
Assistant U.S. Attorney
3 405 West Congress Street, Suite 4800
Tucson, Arizona 85701-5040
4 Telephone: (520) 620-7300
5 angela.woolridge@usdoj.gov
Attorneys for Plaintiff



6 UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

8 United States of America,
9 Plaintiff,
10 v.
11 Alejandro Cano-Sanchez
12 Defendant.

CR 04-1103-PHX-FRZ

13 REVOCATION DISPOSITION
14 AGREEMENT

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 (X) supervised release

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

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

25 (X) a period of incarceration not to exceed the middle of the applicable
26 guideline range under U.S.S.G. § 7B1.4(a) (Revocation Table), and
not below the minimum of that range (12 - 15 mos).

1 4. This sentence will be followed by:

2 (X) an additional term of supervised release to be determined by the court.

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

6 5. Consecutive/Concurrent sentences:

7 (X) There is no agreement regarding consecutive or concurrent sentences
8 with CR 07-0980-TUC-FRZ (both for term of incarceration and any
9 additional term of supervised release).

9 6. Statutory and Guideline Provisions:

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

11 **Revocation Table**
(In months of imprisonment)

12

<u>Grade of Violation</u>	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u>	<u>VI</u>
13 Grade C	3-9	4-10	5-11	6-12	7-13	8-14
14 Grade B	4-10	6-12	8-14	12-18	18-24	21-27
15 Grade A	(1) Except as provided in subdivision (2) below:					
16	12-18	15-21	18-24	24-30	30-37	33-41
17	(2) Where a defendant was on probation or supervised release as a 18 result of a Class A felony:					
19	24-30	27-33	30-37	37-46	46-57	51-63

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

- 21 1) Criminal History - IV
- 22 2) Guideline Range - 15-21 mos.
- 23 3) Statutory Maximum Incarceration - 10 years
- 24 4) Maximum Supervised Release - 3 years
- 25
- 26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

(X) 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
2 in its file regarding the defendant to the United States Probation Office. The defendant
3 fully understands and agrees to cooperate fully with the United States Probation Office in
4 providing all information requested by the probation officer.

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

9 7.12.07
Date

Alejandra cano
Alejandro Cano-Sanchez
Defendant

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

17 7.12.07
Date

[Signature]
Charles Weninger
Attorney for Defendant

18
19
20 11. I have reviewed this matter and the agreement. I agree on behalf of the United States
21 that the terms and conditions set forth are appropriate and are in the best interests of justice.

22 DANIEL G. KNAUSS
23 United States Attorney
District of Arizona

24 7/12/07
25 Date

[Signature]
Angela W. Woolridge
Assistant U.S. Attorney