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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

8 United States of America,
9 Plaintiff,

10 v.

11 Joel Ortega-Mancinas,
12 Defendant.

CR 04-1131-PHX

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

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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 () probation

21 2. The defendant will admit to the allegation in the Petition to Revoke. This is a Grade
22 C 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:
() 9 months incarceration; ~~OR~~ ^{concurrent} with ~~OR~~ -06-6398M
with MG JB J.O.M.
()^{sw} 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
() 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 ^{an} ~~no~~ agreement regarding ~~consecutive~~ or concurrent sentences (or the issue is not applicable in this case); ^{sw} JB J.O.M.
() 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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1 6. Statutory and Guideline Provisions:

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

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

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

- 13 1) Criminal History - 4
- 14 2) Guideline Range - 15-21 mos
- 15 3) Statutory Maximum incarceration - 10 yrs

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

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

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

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

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

16 June 1, 2006
17 Date

Joel Ortega Mancinas
Joel Ortega-Mancinas
Defendant

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


24 6-1-06
25 Date

Victoria Brambel
Victoria Brambel
Attorney for Defendant

1 11. I have reviewed this matter and the plea agreement. I agree on behalf of the
2 United States that the terms and conditions set forth are appropriate and are in the best
3 interests of justice.
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6 PAUL K. CHARLTON
7 United States Attorney
8 District of Arizona

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10 6-1-06
11 Date

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ANGELA M. MARTINEZ
Assistant U.S. Attorney