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6 UNITED STATES DISTRICT COURT

7 DISTRICT OF ARIZONA

8 United States of America,

9 Plaintiff,

10 v.

11 Christian Eden Gonzalez-Ramos,

12 Defendant.

CR 01-0257-001-PHX-FRZ (GEE)

11 **REVOCATION DISPOSITION
12 AGREEMENT**

13
14 The United States of America and the defendant agree to the following disposition
15 of this matter:

16 TERMS OF THE AGREEMENT

17 1. This is a revocation of:

18 (X) supervised release

19 () probation

20 2. The defendant will admit to allegation A in the Petition to Revoke. This is a Grade
21 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 range of 4-7 months incarceration; OR**

26 () 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): _____

1 4. This sentence will be followed by:

- 2 an additional term of _____ months of supervised release
3 an additional term of supervised release to be determined by the court
4 NO additional term of supervised release

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

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

9 _____
10 _____
11 _____

12 5. Consecutive/Concurrent sentences:

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

17 6. Statutory and Guideline Provisions:

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

19 **Revocation Table**
20 (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

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

- 2 1) Criminal History - I
- 3 2) Guideline Range - 24-30 months
- 4 3) Statutory Maximum Incarceration - 40 years
- 5 4) Maximum Supervised Release - 5 YEARS

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

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

- 11 () Class A felony - 5 years
- 12 (~~X~~) Class B felony - 3 years
- 13 () Class C or D felony - 2 years
- 14 () Any other case - 1 year

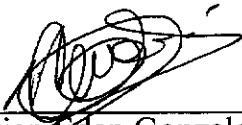
15 The maximum *supervised release* following any term of imprisonment upon
16 revocation of supervised release shall not exceed the maximum supervised
17 release for the underlying offense, less any term of imprisonment that was
18 imposed upon revocation. (18 U.S.C. § 3883(h))

19 7. Waiver of Appeal & Collateral Attacks - The defendant waives any and all motions,
20 defenses, probable cause determinations, and objections which the defendant could assert
21 to the information or indictment, or petition to revoke, or to the Court's entry of judgment
22 and imposition of sentence upon the defendant, providing the sentence is consistent with
23 this agreement. The defendant further waives: (1) any right to appeal the Court's entry of
24 judgment against defendant; (2) any right to appeal the imposition of sentence upon
25 defendant; and (3) any right to collaterally attack defendant's conviction and sentence in
26 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.

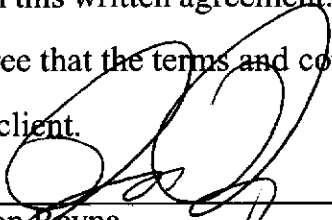
9 8/18/2005
Date



Christian Eden Gonzalez-Ramos
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 8/18/2005
Date



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

25 8-19-05
Date



David P. Petermann
Assistant U.S. Attorney