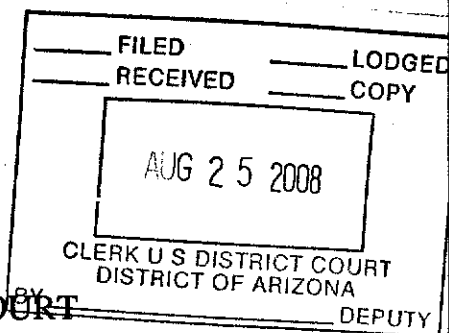


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 2 United States Attorney
 3 District of Arizona
 4 405 W. Congress, Suite 4800
 5 Tucson, Arizona 85701-5040
 6 Telephone (520) 620-7300



7 UNITED STATES DISTRICT COURT

8 DISTRICT OF ARIZONA

9
 10 United States of America,
 11 Plaintiff,
 12 v.
 13 Rene ALVAREZ-Chavez
 14 Defendant

08-18425 M

PLEA AGREEMENT
(Flip-Flop)

Fast Track 5K3.1

15
16 The parties enter into the following agreement:

17
 18 1. Defendant will enter a plea to Count 2 of the complaint, Alien Eluding
 19 Examination and Inspection by Immigration Officers of the United States, a misdemeanor
 20 offense, in violation of Title 8, United States Code, Section 1325. This plea will occur no
 21 later than the time set for the detention hearing/preliminary hearing.

22
 23 2. The government will dismiss Count 1 of the complaint, Illegal Re-Entry After
 24 Deportation, a felony, in violation of Title 8, United States Code, Section 1326(a). This
 25 charge, if proven, carries a maximum sentence of two (2) years imprisonment, \$250,000
 26
 27
 28

1 fine, one year supervised release and a \$100.00 special assessment. The government will
2 dismiss this charge at the time of sentencing.

3 3. The maximum penalties for the offense to which I am pleading are six (6) months
4 in custody, a \$5,000 fine. The government agrees to waive the \$10 special assessment.
5

6 4. Pursuant to this plea agreement, the government and the defendant stipulate and
7 agree to a sentence of ninety (90) consecutive days of imprisonment
8 to be served in a designated Bureau of Prisons facility.

9 5. The parties waive a Pre-Sentence Report and agree that sentencing will occur on
10 the date of the change of plea.
11

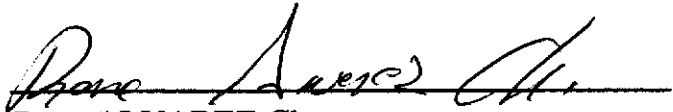
12 6. Pursuant to this plea, the defendant waives: (1) any right to appeal the Court's
13 entry of judgment against defendant; (2) any right to appeal the imposition of sentence
14 upon defendant under Title 18, United States Code, Section 3742 (sentence appeals); and
15 (3) any right to collaterally attack defendant's conviction and sentence under Title 28,
16 United States Code, Section 2255, or any other collateral attack.
17

18 **7. Factual Basis for Plea:**

19 I, Rene ALVAREZ-Chavez, am a citizen of Mexico. On or about August
20 24, 2008, at or near Pisinimo, Arizona, in the District of Arizona, I, Rene
21 ALVAREZ-Chavez, was found in the United States. I admit that prior to
22 my re-entry, I was lawfully denied admission, excluded, deported and
23 removed from the United States through El Paso, Texas on July 31, 2008. I
24 did not obtain the express consent of the Attorney General or the Secretary
25 of the Department of Homeland Security to re-apply for admission to the
26 United States prior to my illegal presence in the United States.
27 Furthermore, as evidenced by my illegal presence in the United States, I
28 admit that I entered the United States from the United States of Mexico, at
a time and place other than as designated by Immigration Officers of the
United States.

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Dated this 25th day of August, 2008.

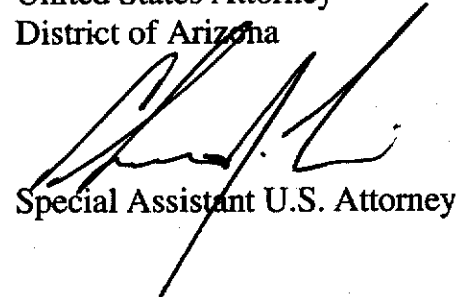


Rene ALVAREZ-Chavez,
Defendant



Defense Counsel

DIANE J. HUMETEWA
United States Attorney
District of Arizona



Special Assistant U.S. Attorney