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SEP - 9 2009

 CLERK U S DISTRICT COURT  
 DISTRICT OF ARIZONA  
 BY \_\_\_\_\_ DEPUTY

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5 UNITED STATES DISTRICT COURT  
 6 DISTRICT OF ARIZONA

9 United States of America,  
 10  
 11 Plaintiff,  
 12 v.  
 13 Ricardo LUCAS-Saucedo  
 14 Defendant

09-31413M  
 PLEA AGREEMENT  
 (Flip-Flop)

Fast Track 5K3.1

16 The parties enter into the following agreement:

- 17 1. Defendant will enter a plea to Count 2 of the complaint, Alien Eluding
- 18 Examination and Inspection by Immigration Officers of the United States, a misdemeanor
- 19 offense, in violation of Title 8, United States Code, Section 1325. This plea will occur no
- 20 later than the time set for the detention hearing/preliminary hearing.
- 21
- 22 2. The government will dismiss Count 1 of the complaint, Illegal Re-Entry After
- 23 Deportation, a felony, in violation of Title 8, United States Code, Section 1326(a). This
- 24 charge, if proven, carries a maximum sentence of two (2) years imprisonment, \$250,000
- 25
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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 Thirty (30) 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:**

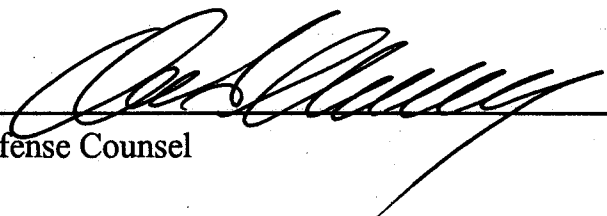
19 I, Ricardo LUCAS-Saucedo, am a citizen of Mexico. On or about  
20 September 08, 2009, at or near Nogales, Arizona, in the District of  
21 Arizona, I, Ricardo LUCAS-Saucedo, was found in the United States. I  
22 admit that prior to my re-entry, I was lawfully denied admission, excluded,  
23 deported and removed from the United States through Nogales, AZ on  
24 February 07, 2009. I did not obtain the express consent of the Attorney  
25 General or the Secretary of the Department of Homeland Security to re-  
26 apply for admission to the United States prior to my illegal presence in the  
27 United States. Furthermore, as evidenced by my illegal presence in the  
28 United States, I 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 9<sup>th</sup> day of September, 2009.

Ricardo LS

Ricardo LUCAS-Saucedo,  
Defendant

  
Defense Counsel

JOHN J. TUCHI  
United States Attorney  
District of Arizona

  
Special Assistant U.S. Attorney