

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

United States of America

v.

JESUS MORENO-ONTIVEROS
(Name and address of defendant)

**PETTY
JUDGMENT IN A CRIMINAL CASE**
(For Offenses Committed on or After November 1, 1987)

No. 08-21474-001M-P

Paul Holbrook (Appointed)
Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

guilty nolo contendere: as to the Complaint

not guilty as to count(s) _____

THERE WAS A:

finding verdict: of guilty as to the Complaint

THERE WAS A:

finding verdict: of not guilty as to count(s) _____

judgment of acquittal as to count(s) _____

The defendant is acquitted and discharged as to this/these counts.

IT IS FURTHER ORDERED that _____ is **DISMISSED** on motion of the United States.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, U.S.C., §1325, unlawfully entering the United States of America from Mexico at a time or place other than that designated by and Immigration Officer of the United States of America as charged in the Complaint filed herein.

IT IS THE JUDGMENT OF THIS COURT THAT: the defendant is committed to the custody of the Bureau of Prisons for imprisonment for a period of **TIME SERVED**.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk, U.S. District Court, Attn: Finance, Suite 130, 401 West Washington St., SPC 1, Phoenix, Arizona 85003-2118, the following total criminal monetary penalties:

SPECIAL ASSESSMENT: Remitted

FINE:

RESTITUTION:

All monetary penalties are due immediately or in regular monthly installments. If incarcerated, payments shall begin under the Bureau of Prisons Inmate Financial Responsibility Program. Any unpaid balance shall become a condition of supervision and shall be paid within 90 days of the expiration of supervision.

Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address.

CONDITIONS OF SUPERVISION

Where probation/supervised release has been ordered, the defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

It is the order of the Court that, pursuant to General Order 05-36, which incorporates the requirements of USSG §§5B1.3 and 5D1.2, you shall comply with the following conditions:

- 1) You shall not commit another federal, state, or local crime during the term of supervision.
- 2) You shall not leave the judicial district or other specified geographic area without the permission of the Court or probation officer.
- 3) You shall report to the Probation Office as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.
- 4) You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 5) You shall support your dependents and meet other family responsibilities.
- 6) You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You shall notify the probation officer at least ten days prior to any change of residence or employment.
- 8) You shall refrain from excessive use of alcohol and are subject to being prohibited from the use of alcohol if ordered by the Court in a special condition of supervision.
- 9) You shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 801) or any paraphernalia related to such substances, without a prescription by a licensed medical practitioner. Possession of controlled substances will result in mandatory revocation of your term of supervision.
- 10) You shall not frequent places where controlled substances are illegally sold, used, distributed or administered, or other places specified by the Court.
- 11) You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony

unless granted permission to do so by the probation officer.

- 12) You shall permit a probation officer to visit at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 13) You shall immediately notify the probation officer (within forty-eight (48) hours if during a weekend or on a holiday) of being arrested or questioned by a law enforcement officer.
- 14) You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notification and to confirm your compliance with such notification requirement.
- 16) If you have ever been convicted of a felony, you shall refrain from possessing a firearm, ammunition, destructive device, or other dangerous weapon. If you have ever been convicted of a misdemeanor involving domestic violence, you shall refrain from possession of any firearm or ammunition. Possession of a firearm will result in mandatory revocation of your term of supervision. This prohibition does not apply to misdemeanor cases that did not entail domestic violence, unless a special condition is imposed by the Court.
- 17) Unless suspended by the Court, you shall submit to one substance abuse test within the first 15 days of supervision and thereafter at least two, but no more than two periodic substance abuse tests per year of supervision, pursuant to 18 U.S.C. §§ 3563(a)(5) and 3583(d);
- 18) If supervision follows a term of imprisonment, you shall report in person to the Probation Office in the district to which you are released within seventy-two (72) hours of release.
- 19) You shall pay any monetary penalties as ordered by the Court. You will notify the probation officer of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.
- 20) If you have ever been convicted of any qualifying federal or military offense (including any federal felony) listed under 42 U.S.C. § 14135a(d)(1) or 10 U.S.C. § 1565(d), you shall cooperate in the collection of DNA as directed by the probation officer pursuant to 42 U.S.C. § 14135a(a)(2).

The following special conditions are in addition to the conditions of supervised release or supersede any related standard condition:


❖ The Court may change the conditions of probation or supervised release or extend the term of supervision, if less than the authorized maximum, at any time during the period of probation or supervise release. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of probation or supervised release.

UNLESS PREVIOUSLY WAIVED, THE DEFENDANT IS ADVISED OF THE RIGHT TO APPEAL THE IMPOSED SENTENCE BY FILING A NOTICE OF APPEAL WITHIN 10 DAYS FROM THE IMPOSITION OF SENTENCE.

IT IS FURTHER ORDERED that the Clerk of the Court deliver a certified copy of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons and recommends:

Date of Imposition of Sentence: **Thursday, October 30, 2008**


 _____ Date 10/30/2008
 JACQUELINE MARSHALL, U. S. MAGISTRATE JUDGE

RETURN

I have executed this Judgment as follows: _____

Defendant delivered on _____ to _____ at _____, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

United States Marshal
08-21474-001M-P -

By: _____
Deputy Marshal

CRIMINAL COMPLAINT

FILED	LODGED
RECEIVED	COPY
OCT 30 2008	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY _____

<p align="center">UNITED STATES DISTRICT COURT</p>	District ARIZONA
	UNITED STATES OF AMERICA V. Jesus MORENO-Ontiveros Year of Birth: 1969 Country of Citizenship: Mexico A087 451 501 Case Control # TCA-0910-1723
DOCKET NO.	
MAGISTRATE CASE NO. 08-21474MP	

Complaint for violation of Title 8 United States Code § 1325

NAME OF JUDGE OR MAGISTRATE	OFFICIAL TITLE United States Magistrate	LOCATION Tucson, Arizona
-----------------------------	---	------------------------------------

DATE OF OFFENSE On or about October 26, 2008	PLACE OF OFFENSE At or near Sasabe, Arizona	ADDRESS OF ACCUSED (if known) Chihuahua, Mexico
---	--	---

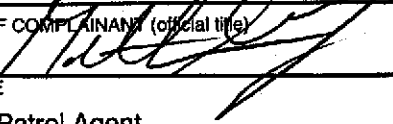
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

That on or about October 26, 2008, at or near Sasabe, Arizona, in the District of Arizona, Jesus MORENO-Ontiveros, an alien, did unlawfully enter the United States of America from the United States of Mexico, at a time and place other than as designated by Immigration Officers of the United States of America, in violation of Title 8, United States Code, Section 1325.

BASIS OF COMPLAINANTS CHARGE AGAINST THE ACCUSED:

This complaint is based upon agents finding Jesus MORENO-Ontiveros, an alien, in the United States of America without proper immigration documents. Furthermore, Jesus MORENO-Ontiveros admitted to entering the United States of America from the United States of Mexico illegally, without then being inspected by immigration officers, on October 26, 2008, at or near Sasabe, Arizona.

MATERIAL WITNESSES IN RELATION TO THIS CHARGE
Border Patrol Agent(s) J. Garcia

AUTHORIZED BY AUSA DETENTION REQUESTED Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	SIGNATURE OF COMPLAINANT (official title) 
	OFFICIAL TITLE Senior Patrol Agent

Sworn to before me and subscribed in my presence.

SIGNATURE OF MAGISTRATE (1) 	DATE October 30, 2008
--	---------------------------------

1) See Federal Rules of Criminal Procedure rules 3 and 54.

DATE: 10/30/2008 CASE NUMBER: 08-21474M-P

USA vs. JESUS MORENO-ONTIVEROS

U.S. MAGISTRATE JUDGE: MAGISTRATE JACQUELINE MARSHALL Judge #: 70BN

ASSIGNED U.S. Attorney Christopher J. Lewis INTERPRETER REQ'D Derek Sully

Attorney for Defendant Paul Holbrook (Appointed)

PROCEEDINGS: INITIAL APPEARANCE/CHANGE OF PLEA/SENTENCE

DEFENDANT: PRESENT CUSTODY

Defendant states true name to be SAME.

Petty Offense Date of Arrest 10/29/08

Arr/Plea of Guilty entered as to the Complaint.

Court accepts defendant's plea and finds plea to be freely and voluntarily given.

Time waived for passage of sentence.

Defendant waives preparation of the presentence report.

SENTENCING: Defendant committed to Bureau of Prisons for a period of TIME SERVED

Jail type institution for a period of _____

Imposition of Special Assessment is waived by the USA.

Defendant advised of right to appeal.

Waiver of right to appeal explained.

OTHER: Paul Holbrook is appointed as attorney of record for defendant

Recorded by Courtsmart
BY: Cheryl Bothwick
Deputy Clerk

COP: 1
Sent: 0
IA: 0