

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

United States of America

v.

JUAN ARIAS-ENCISO
(Name and address of defendant)

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

No. 08-13895-001M-P-CRP

Homero Torralba (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.

For offenses committed on or after September 13, 1994: The defendant shall refrain from any unlawful use of a controlled substance. Pursuant to 18 U.S.C. §3563(a)(4) and 3583(d) the defendant shall submit to one drug test within 15 days of release from imprisonment and such other periodic drug tests thereafter, as directed from time to time by the probation officer.

The defendant shall not possess a firearm, ammunition or other dangerous weapon as defined in 18 U.S.C. §921.

The defendant shall comply with the standard conditions of supervision:

- 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 shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician. Possession of controlled substances will result in mandatory revocation of your term of supervision. If ordered by the Court to participate in a drug and/or

alcohol abuse treatment program, you shall totally abstain from the use of any alcoholic beverages or other intoxicants during and after the course of your treatment.

- 9) You shall not frequent places where controlled substances are illegally sold, used, distributed or administered, or other places specified by the Court.
- 10) 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.
- 11) 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.
- 12) 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.
- 13) 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.
- 14) 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.
- 15) You shall refrain from possessing a firearm, destructive device, or other dangerous weapon. Possession of a firearm will result in mandatory revocation of your term of supervision. This prohibition does not apply to misdemeanor cases unless special condition imposed by Court.
- 16) Unless suspended by the Court, you shall submit to one substance abuse test within the first 15 days of supervision and at least two periodic substance abuse tests thereafter, pursuant to 18 U.S.C. §§ 3563(a)(4) and 3583(d);
- 17) 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.
- 18) The balance of any financial obligation ordered by this Court shall be paid in regular monthly installments approved by the probation officer, the full amount to be paid 90 days prior to expiration of supervision. 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.

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: **Monday, May 5, 2008**


CHARLES R. PYLE, U. S. MAGISTRATE JUDGE

Date 5/5/2008

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
08-13895-001M-P-CRP

By: _____
Deputy Marshal

CRIMINAL COMPLAINT

| | | | | | | | |
|---|--|-------|--------|----------|------|------------|---|
| <p>UNITED STATES DISTRICT COURT</p> <p>UNITED STATES OF AMERICA V. Juan ARIAS-Enciso</p> <p>Year of Birth: 1981</p> <p>Country of Citizenship: Mexico</p> <p>A088 771 571</p> <p>Case Control # TCA-0805-0254</p> | <p>District ARIZONA</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">FILED</td> <td style="text-align: center;">LODGED</td> </tr> <tr> <td style="text-align: center;">RECEIVED</td> <td style="text-align: center;">COPY</td> </tr> </table> <p>DOCKET NO.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center; font-size: 1.2em;">MAY 5 2008</td> </tr> <tr> <td style="text-align: center; font-size: 0.8em;">CLERK U S DISTRICT COURT DISTRICT OF ARIZONA</td> </tr> </table> <p>MAGISTRATE CASE NO. DEPUTY</p> <p align="center" style="font-size: 1.5em;">08-13895MP</p> | FILED | LODGED | RECEIVED | COPY | MAY 5 2008 | CLERK U S DISTRICT COURT DISTRICT OF ARIZONA |
| FILED | LODGED | | | | | | |
| RECEIVED | COPY | | | | | | |
| MAY 5 2008 | | | | | | | |
| CLERK U S DISTRICT COURT DISTRICT OF ARIZONA | | | | | | | |

Complaint for violation of Title 8 United States Code § 1325

| | | |
|------------------------------------|--------------------------------------|-------------------------------|
| NAME OF JUDGE OR MAGISTRATE | OFFICIAL TITLE | LOCATION |
| | United States Magistrate | Tucson, Arizona |
| DATE OF OFFENSE | PLACE OF OFFENSE | ADDRESS OF ACCUSED (if known) |
| On or about May 04, 2008 | At or near Sasabe, Arizona | Mexico, Mexico |

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

That on or about May 04, 2008, at or near Sasabe, Arizona, in the District of Arizona, Juan ARIAS-Enciso, 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 Juan ARIAS-Enciso, an alien, in the United States of America without proper immigration documents. Furthermore, Juan ARIAS-Enciso admitted to entering the United States of America from the United States of Mexico illegally, without then being inspected by immigration officers, on May 04, 2008, at or near Sasabe, Arizona.

MATERIAL WITNESSES IN RELATION TO THIS CHARGE

Border Patrol Agent(s) J. Cano

| | |
|---|--|
| <p>AUTHORIZED BY AUSA DETENTION REQUESTED</p> <p>Being duly sworn, I declare, that the foregoing is true and correct to the best of my knowledge.</p> | <p>SIGNATURE OF COMPLAINANT (official title)</p> <p align="center"><i>[Signature]</i></p> <p>OFFICIAL TITLE</p> <p align="center">Senior Patrol Agent</p> |
|---|--|

Sworn to before me and subscribed in my presence,

| | |
|-----------------------------|---------------------|
| SIGNATURE OF MAGISTRATE (1) | DATE |
| <i>[Signature]</i> | May 05, 2008 |

1) See Federal Rules of Criminal Procedure rules 3 and 54.
AO 91 (Rev. 11/82)

DATE: 5/5/2008 CASE NUMBER: 08-13895M-P-CRP

USA vs. JUAN ARIAS-ENCISO

U.S. MAGISTRATE JUDGE: MAGISTRATE CHARLES R. PYLE Judge #: 70BM

ASSIGNED U.S. Attorney Christopher J. Lewis INTERPRETER REQ'D Clark Feaster

Attorney for Defendant Homero Torralba (Appointed)

PROCEEDINGS: INITIAL APPEARANCE/CHANGE OF PLEA/SENTENCE

DEFENDANT: PRESENT CUSTODY

Defendant states true name to be SAME.

Petty Offense Date of Arrest 5/4/2008

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: Homero Torralba is appointed as attorney of record for defendant

Recorded by Courtmart
BY: Sherry Gammon
Deputy Clerk

COP: 1
Sent: 0
IA: 0