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| JUL 03 2007 | |
| CLERK U S DISTRICT COURT DISTRICT OF ARIZONA | |
| BY _____ | DEPUTY |

1 DANIEL G. KNAUSS
 United States Attorney
 District of Arizona

3 JAMES R. KNAPP
 Special Assistant United States Attorney
 4 Two Renaissance Square
 40 N. Central Ave., Ste. 1200
 5 Phoenix, Arizona 85004-4408
 Arizona Bar No. 021166
 6 james.knapp2@usdoj.gov
 Telephone: (602) 514-7500

7 UNITED STATES DISTRICT COURT
 8 DISTRICT OF ARIZONA

10 United States of America,
 11 Plaintiff,
 v.
 12 Maurisa Ladeen Montana,
 13 Defendant.

Mag. No. 07-0074M
PLEA AGREEMENT
 (Flip-Flop)
 Sentencing Guidelines do Not Apply

14 The parties enter into the following agreement:

- 15 1. Defendant will enter a plea to Count 2 of the Complaint, Aiding and Abetting
 16 an Alien to Elude Examination and Inspection by Immigration Officers of the United States,
 17 a Class B misdemeanor offense, in violation of Title 8, United States Code, Section
 18 1325(a)(2) and Title 18, United States Codes, Section 2.
- 19 2. The maximum penalties for the offense to which I am pleading are six (6)
 20 months in custody, a \$5,000 fine, and a \$10 special assessment.
- 21 3. Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), the government
 22 and the defendant stipulate and agree to a sentence of **forty-five (45) days of imprisonment.**
- 23 4. The parties waive a Presentence Report and agree that sentencing will occur
 24 on the date of change of plea.
- 25 5. The defendant waives any and all motions, defenses, probable cause
 26 determinations, and objections which the defendant could assert to the charge or to the

1 Court's entry of judgment against the defendant and imposition of sentence upon the
2 defendant providing the sentence is consistent with this agreement. The defendant further
3 waives: (1) any right to appeal the Court's entry of judgment against defendant; (2) any right
4 to appeal the imposition of sentence upon defendant under Title 18, United States Code,
5 Section 3742 (sentence appeals); and (3) any right to collaterally attack defendant's
6 conviction and sentence under Title 28, United States Code, Section 2255, or any other
7 collateral attack.

8 6. Waiver of Defendant's Rights. I have read each of the provisions of the entire
9 plea agreement with the assistance of counsel and understand its provisions. I have discussed
10 the case and my constitutional and other rights with my attorney. I understand that by
11 entering my plea of guilty I will be giving up my right to plead not guilty; to confront, cross-
12 examine, and compel the attendance of witnesses; to present evidence in my defense; to
13 remain silent and refuse to be a witness against myself by asserting my privilege against self-
14 incrimination; all with the assistance of counsel, to be presumed innocent until proven guilty
15 beyond a reasonable doubt, and to appeal.

16 I agree to enter my guilty plea as indicated above on the terms and conditions set forth
17 in this agreement.

18 I have been advised by my attorney of the nature of the charge to which I am entering
19 my guilty plea. I have further been advised by my attorney of the nature and range of the
20 possible sentence.

21 My guilty plea is not the result of force, threats, assurance or promises other than the
22 promises contained in this agreement. I agree to the provisions of this agreement as a
23 voluntary act on my part, and I agree to be bound according to its provisions.

1 I agree that this written plea agreement contains all the terms and conditions of my
2 plea and that promises made by anyone (including my attorney) that are not contained within
3 this written plea agreement are without force and effect and are null and void.

4 I am satisfied that my defense attorney has represented me in a competent manner.

5 I am not now on or under the influence of any drug, medication, liquor, or other
6 intoxicant or depressant, which would impair my ability to fully understand the terms and
7 conditions of this plea agreement.


8 7. Elements of the Offense

- 9 1. Noe Zaranda-Huerta is an alien;
10 2. Noe Zaranda-Huerta eluded examination or inspection by immigration
11 officers;
12 3. The defendant transported Noe Zaranda-Huerta within the United States
13 with the intent to assist and aid or abet Noe Zaranda-Huerta to elude examination or
14 inspection by immigration officers and to remain in the United States unlawfully; and
15 4. The offense was committed in the District of Arizona.

16 8. Factual Basis

17 On or about May 17, 2007, at or near Chuichu, Arizona, in the District of
18 Arizona, I, Maurisa Ladeen Montana, was driving a 2007 Hummer H3. The
19 Hummer contained four passengers, all of whom were illegal aliens. Noe
20 Zaranda-Huerta was among the passengers. I knew that the people I was
21 transporting were illegally in the United States, and I was aiding and abetting
22 their presence in the United States. I was transporting them in order to assist
23 them in eluding examination and inspection by Immigration Officials of the
24 United States.

25 7/3/07
26 Date


Maurisa Ladeen Montana
Defendant

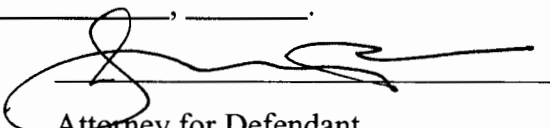
DEFENSE ATTORNEY'S APPROVAL

27 I have discussed this case and the plea agreement with my client in detail and have
28 advised the defendant of all matters within the scope of Rule 11, Fed. R. Crim. P., the
29 constitutional and other rights of an accused, the factual basis for and the nature of the
30

1 offense to which the guilty plea will be entered, possible defenses, and the consequences of
2 the guilty plea, including the defendant's waiver of the right to appeal. No assurances,
3 promises, or representations have been given to me or to the defendant by the government
4 or by any of its representatives which are not contained in this written agreement. I concur
5 in the entry of the plea as indicated above and on the terms and conditions set forth in this
6 agreement as in the best interests of my client. I agree to make a bona fide effort to ensure
7 the guilty plea is entered in accordance with all the requirements of Rule 11, Fed. R. Crim.
8 P.

9 I translated or ~~caused to be translated~~ this agreement from English into Spanish to the
10 defendant on the _____ day of _____.

11 7/3/07
12 Date


12 Attorney for Defendant

13
14 GOVERNMENT'S APPROVAL

15 I have reviewed this matter and the plea agreement. I agree on behalf of the United
16 States that the terms and conditions set forth are appropriate and are in the best interests of
17 justice.

18 DANIEL G. KNAUSS
19 United States Attorney
District of Arizona

20 7/3/2007
21 Date


21 JAMES R. KNAPP
Special Assistant U.S. Attorney

22
23 COURT'S APPROVAL

24 6/3/07
25 Date


25 United States Magistrate Judge