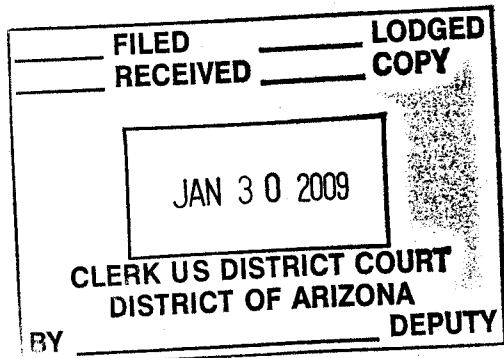


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District of Arizona
405 W. Congress, Suite 4800
Tucson, Arizona 85701-5040
Telephone (520) 620-7300



UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Cesar VIDAL-Martinez
Defendant

09-21289 M

PLEA AGREEMENT
(Flip-Flop)

Fast Track 5K3.1

The parties enter into the following agreement:

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

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.

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6 4. Pursuant to this plea agreement, the government and the defendant stipulate and
7 agree to a sentence of thirty five (35) consecutive days of imprisonment
8 to be served in a designated Bureau of Prisons facility.


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

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, Cesar VIDAL-Martinez, am a citizen of Mexico. On or about January
20 29, 2009, at or near Tucson, Arizona, in the District of Arizona, I, Cesar
21 VIDAL-Martinez, was found in the United States. I admit that prior to my
22 re-entry, I was lawfully denied admission, excluded, deported and removed
23 from the United States through Nogales, Arizona on September 19, 2007. 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.

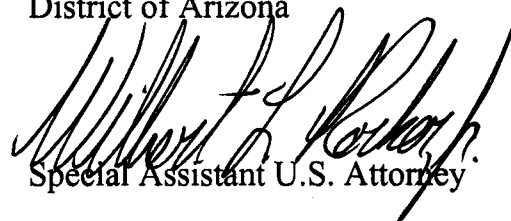
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3 Dated this 30 day of January, 2009.
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7 _____
8 Cesar VIDAL-Martinez,
9 Defendant

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12 _____
13 Defense Counsel

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DIANE J. HUMETEWA
United States Attorney
District of Arizona


Special Assistant U.S. Attorney