

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

United States of America

v.

**MARINA DIAB-GUTIERREZ**  
(Name and address of defendant)

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

No. 07-04669-002M

David Valadez (Appointed)  
Attorney for Defendant

**THE DEFENDANT ENTERED A PLEA OF:**

guilty  nolo contendere: as to Count 2

not guilty as to count(s) \_\_\_\_\_

**THERE WAS A:**

finding  verdict: of guilty as to Count 2

**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 Count 1 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 18, USC, §1028 (a)(4) and (b)(6), knowingly possessed an identification document which was not lawfully issued to the defendant with the intent that such document be used to defraud the United States as charged in Count 2 of 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 ONE HUNDRED TWENTY (120) DAYS WITH CREDIT FOR 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 USC §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

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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 defendant shall also comply with the following special conditions:

❖  
 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 supervised 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: **Tuesday, June 12, 2007**

  
 \_\_\_\_\_ Date 6/12/2007  
 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  
 By: \_\_\_\_\_  
 Deputy Marshal