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CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

5 UNITED STATES DISTRICT COURT
 6 DISTRICT OF ARIZONA

7 United States of America,
 8
 9 Plaintiff,
 10 v.
 11 **Diana GAYOSSO-Oliver**
 Defendant.

09-6600 M
 PLEA AGREEMENT
 (Flip-Flop)
 Fast Track 5K3.1

12 The parties enter into the following agreement:

- 13
- 14 1. Defendant will enter a plea to Count 2 of the complaint, Fraud and Related
 15 Activity in Connection With Identification Documents, a misdemeanor offense, in
 16 violation of Title 18, United States Code, Section 1028(a). This plea will occur no later
 17 than the time set for detention hearing/preliminary hearing.
 - 18 2. The government will dismiss Count 1 of the complaint, Aggravated Identity
 19 Theft, a felony, in violation of Title 18, United States Code, Section 1028A. This
 20 charge, if proven, carries a minimum mandatory two-year sentence consecutive to any
 21 other sentence imposed, a fine of \$250,000, three years supervised release, and a
 22 \$100 special assessment. The government will dismiss this charge at the time of
 23 sentencing.
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1 The elements of the offense are: (1) Defendant knowingly possessed an identification
2 document, authentication feature or false identification; (2) Defendant possessed the
3 document or feature with the intent to defraud the United States.
4

5 3. The maximum penalties for the offense to which I am pleading are not more
6 than one (1) year in custody, a \$100,000 fine, \$25 special assessment, and up to
7 one year supervised release.
8

9 4. Pursuant to this plea agreement, the government and the defendant stipulate
10 And agree to a sentence of 60 days of imprisonment in a United States Marshals facility.
11 The government will move to remit the special assessment.
12

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

15 6. Defendant waives: (1) any right to appeal the Court's entry of judgment
16 against the defendant; (2) any right to appeal the imposition of sentence upon defendant
17 under Title 18, United States Code, Section 3742 (sentence appeals); and (3) any right to
18 collaterally attack defendant's conviction and sentence under Title 28, United States
19 Code, Section 2255, or any other collateral attack.
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7. Factual Basis for Plea:

On or about September 23, 2009, at or near Nogales, in the District of Arizona, I, Diana GAYOSSO-Oliver, presented a Border Crossing card, Form DSP-150 which was issued in a name other than my own and to a real person as proof of my lawful authority to enter into the United States so that I could gain unlawful entry into the United States. I am a Mexican citizen present in the United States illegally.

Dated this 29 day of Sept., 2009.

Diana Gayosso Oliver
Diana GAYOSSO-Oliver
Defendant

[Signature]
Defense Counsel

DENNIS K. BURKE
United States Attorney
District of Arizona

[Signature]
Assistant U.S. Attorney