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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

6 UNITED STATES DISTRICT COURT
 7 DISTRICT OF ARIZONA

9 United States of America,
 10
 11 Plaintiff,
 12 v.
 13 Javier GASTELLUM-Ramirez
 14 Defendant

08-21837M

PLEA AGREEMENT
 (Flip-Flop)

Fast Track 5K3.1

16 The parties enter into the following agreement:

- 17 1. Defendant will enter a plea to Count 2 of the complaint, Alien Eluding
 18 Examination and Inspection by Immigration Officers of the United States, a misdemeanor
 19 offense, in violation of Title 8, United States Code, Section 1325. This plea will occur no
 20 later than the time set for the detention hearing/preliminary hearing.
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- 22 2. The government will dismiss Count 1 of the complaint, Illegal Re-Entry After
 23 Deportation, a felony, in violation of Title 8, United States Code, Section 1326(a). This
 24 charge, if proven, carries a maximum sentence of two (2) years imprisonment, \$250,000
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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.
5

6 4. Pursuant to this plea agreement, the government and the defendant stipulate and
7 agree to a sentence of sixty (60) consecutive days of imprisonment
8 to be served in a designated Bureau of Prisons facility.

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

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, Javier GASTELLUM-Ramirez, am a citizen of Mexico. On or about
20 November 05, 2008, at or near Amado, Arizona, in the District of Arizona,
21 I, Javier GASTELLUM-Ramirez, was found in the United States. I admit
22 that prior to my re-entry, I was lawfully denied admission, excluded,
23 deported and removed from the United States through Nogales, Arizona on
24 September 19, 2008. I did not obtain the express consent of the Attorney
25 General or the Secretary of the Department of Homeland Security to re-
26 apply for admission to the United States prior to my illegal presence in the
27 United States. Furthermore, as evidenced by my illegal presence in the
28 United States, I 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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Dated this 6th day of November, 2008.

JAVIER RAMIREZ GASTELLUM JR
Javier GASTELLUM-Ramirez,
Defendant

W. J. Dwyer
Defense Counsel

DIANE J. HUMETEWA
United States Attorney
District of Arizona

William J. K... ..
Special Assistant U.S. Attorney