

UNITED STATES DISTRICT COURT

MAGISTRATE JUDGE'S MINUTES

DISTRICT OF ARIZONA - TUCSON

DATE: 11/12/2009 CASE NUMBER: 09-06644M

USA vs. FERNANDO GONZALEZ-GARCIA

U.S. MAGISTRATE JUDGE: CHARLES R. PYLE Judge #: 70BM

U.S. Attorney Liza M. Granoff INTERPRETER REQ'D Joyce Garcia

Attorney for Defendant Randolph Lopez (Appointed)

DEFENDANT: [X] PRESENT [ ] NOT PRESENT [ ] RELEASED [X] CUSTODY

[X] Oral consent to be tried by Magistrate Judge signed [ ] Misdemeanor Offense [X] Petty Offense

[X] Arr/Plea of Guilty entered as to Ct(s) 2 OF THE COMPLAINT [X] Ct(s) 1 OF THE COMPLAINT to be dismissed upon entry of judgment.

[X] Court accepts defendant's plea and finds plea to be freely and voluntarily given.

[ ] Court finds factual basis insufficient to accept defendant's plea of guilty to Ct(s) \_\_\_ of \_\_\_

[ ] Order Videotape Deposition set for \_\_\_\_, vacated.

[ ] PSI ORDERED [X] Time waived for passage of sentence [ ] Probation violation

[ ] Matter continued for sentencing to at before .

[X] Attorney for defendant waives the 10-day requirement within which to review the presentence report.

SENTENCING: Defendant committed to [X] Bureau of Prisons for a period of NINETY (90) DAYS WITH CREDIT FOR TIME SERVED [ ] jail type institution for a period of \_\_\_\_\_

[ ] In addition, defendant shall [ ] serve a term of \_\_\_\_\_ [ ] is placed on a period of \_\_\_\_\_ supervised/unsupervised [ ] release [ ] probation on the condition that defendant violate no law of the United States of America and no law of any state of the United States of America; that the defendant shall make the required reports and carry out the directions of the probation officer tending toward defendant's rehabilitation.

[ ] If the Immigration & Naturalization Services authorities cause the defendant to leave the United States of America, no reports shall be required of defendant.

[ ] Additional conditions of probation: \_\_\_\_\_

[ ] Defendant advised by counsel of right to appeal.

[ ] Defendant is fined the sum of \$ \_\_\_\_\_ [X] Defendant is assessed the sum of \$ REMITTED. Assessment is payable IMMEDIATELY.

[X] Pursuant to the plea agreement, there being no objection by the deft/atty for the defendant IT IS ORDERED that the Complaint/Ct(s) 1 be dismissed.

OTHER: Randolph Lopez is appointed as attorney of record for defendant.

MATERIAL WITNESS(ES): 1-JOSE HERIBERTO MEZA-VERA 2-HECTOR MARQUEZ-VERGARA It is ordered that Eric Marsteller is appointed as attorney for Material Witness(es).

Recorded by Courtsmart BY: Cindy McCauley Deputy Clerk

COP: 0 Sent: 0 Atty Appt: 0