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<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p>JUL - 9 2007</p> </div>	
<p>CLERK U S DISTRICT COURT DISTRICT OF ARIZONA</p>	
BY _____	DEPUTY _____

1 DANIEL G. KNAUSS
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 2 District of Arizona
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 6 Attorneys for Plaintiff

7 UNITED STATES DISTRICT COURT
 8 DISTRICT OF ARIZONA

9 United States of America,
 10 Plaintiff,
 11 v.
 12 Manuel Rodrigo Verdugo-Munoz,
 13 Defendant.

CR 07-1071-TUC-FRZ(JCG)
 PLEA AGREEMENT
 (Fast Track 5K3.1)

14 The United States of America and the defendant agree to the following
 15 disposition of this matter:

16 1. The defendant agrees to plead guilty to Count Two of the Indictment,
 17 which charges the defendant with a felony violation to Title 21, United States Code, Section
 18 841(a)(1), Possession with Intent to Distribute Marijuana.

19 The elements of the crime are as follows:

- 20 a) The defendant knowingly and intentionally possessed a quantity of marijuana;
- 21 b) The defendant intended to deliver the marijuana to another person.

22 As a sentencing factor, the government would be required to prove that the
 23 quantity possessed was 16 kilograms of marijuana.

24 2. The defendant understands that the maximum penalty for the offense to
 25 which he is pleading is a fine of \$250,000.00, a term of five (5) years imprisonment, or
 26

1 both, and a minimum term of two (2) years supervised release and a maximum term of three
2 (3) years supervised release.

3 3. The defendant agrees to pay a fine unless the defendant establishes the
4 applicability of the exceptions contained in § 5E1.2(e) of the Sentencing Guidelines.

5 4. Pursuant to Title 18, United States Code, Section 3013, the defendant
6 shall pay a special assessment of \$100.00. The special assessment is due and payable at the
7 time the defendant enters the plea of guilty, but in no event shall be paid later than the time
8 of sentencing unless the defendant is indigent. If the defendant is indigent, the special
9 assessment will be collected according to the provisions of Chapters 227 and 229 of Title
10 18, United States Code.

11 5. Pursuant to Title 21, United States Code, Section 862a, defendant will not
12 be eligible for either assistance under programs funded under Part A of Title IV of the
13 Social Security Act (Temporary Assistance for Needy Families) or benefits under the Food
14 Stamp program. In addition, any benefits to defendant's family under these programs will
15 be reduced.

16 6. Pursuant to U.S.S.G., Section 5K3.1, and Fed. R. Crim. P., Rule
17 11(c)(1)(C), the government and the defendant stipulate and agree to a binding
18 recommendation of 3 months imprisonment, Zone D sentencing options only, as the
19 appropriate disposition of this case. The defendant may withdraw from the plea agreement
20 if he receives a sentence in excess of 3 months imprisonment. The government may
21 withdraw from the plea agreement if the defendant receives a sentence of less than 3
22 months imprisonment. Count One of the Indictment will be dismissed at the time of
23 sentencing.

24 7. This agreement is expressly conditioned on the defendant's criminal
25 history falling within Category I of the Sentencing Guidelines. If the defendant's criminal
26 history exceeds Category I, the government reserves its right to withdraw from the plea
agreement.

1 8. The defendant understands that if the defendant violates any of the
2 conditions of the defendant's supervised release, the supervised release may be revoked.
3 Upon such revocation, notwithstanding any other provision of this agreement, the defendant
4 may be required to serve a term of imprisonment or the defendant's sentence may otherwise
5 be altered.

6 9. If the Court, after reviewing this plea agreement, concludes any provision
7 is inappropriate, it may reject the plea agreement, pursuant to Rule 11(c)(5), Fed. R.
8 Crim.P., giving the defendant, in accordance with Rule 11(d)(2)(A), Fed. R. Crim. P., an
9 opportunity to withdraw defendant's guilty plea.

10 10. The defendant and the government agree that this agreement does not in
11 any manner restrict the actions of the government in any other district or bind any other
12 United States Attorney's Office.

13 11. The defendant waives any and all motions, defenses, probable cause
14 determinations, and objections which the defendant could assert to the information or
15 indictment, or to the petition to revoke, or to the Court's entry of judgment against the
16 defendant and imposition of sentence upon the defendant providing the sentence is
17 consistent with this agreement. The defendant further waives: (1) any right to appeal the
18 Court's entry of judgment against defendant; (2) any right to appeal the imposition of
19 sentence upon defendant under Title 18, United States Code, Section 3742 (sentence
20 appeals); and (3) any right to collaterally attack defendant's conviction and sentence under
21 Title 28, United States Code, Section 2255, or any other collateral attack. The defendant
22 acknowledges that this waiver shall result in the dismissal of any appeal or collateral attack
23 the defendant might file challenging his/her conviction or sentence in this case. If the
24 defendant files a notice of appeal or a habeas petition, notwithstanding this agreement,
25 defendant agrees that this case shall, upon motion of the government, be remanded to the
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1 district court to determine whether defendant is in breach of this agreement and, if so, to
2 permit the government to withdraw from the plea agreement.

3 12. If the defendant's guilty plea is rejected, withdrawn, vacated, or reversed
4 by any court in a later proceeding, the government will be free to prosecute the defendant
5 for all charges as to which it has knowledge, and any charges that have been dismissed
6 because of this plea agreement will be automatically reinstated. In such event, the
7 defendant waives any objections, motions, or defenses based upon the Speedy Trial Act or
8 the Sixth Amendment to the Constitution as to the delay occasioned by the later
9 proceedings.

10 13. The defendant understands and agrees to cooperate fully with the United
11 States Probation Office in providing:

12 (A) All criminal history information, i.e., all criminal convictions as
13 defined under the Sentencing Guidelines.

14 (B) All financial information, i.e., present financial assets or liabilities
15 that relate to the ability of the defendant to pay a fine or restitution.

16 (C) All history of drug abuse which would warrant a treatment
17 condition as part of sentencing.

18 (D) All history of mental illness or conditions which would warrant
19 a treatment condition as part of sentencing.

20 14. Nothing in this plea agreement shall be construed to protect the defendant
21 from civil forfeiture proceedings or prohibit the United States from proceeding with and/or
22 initiating an action for civil forfeiture. Further, this agreement does not preclude the United
23 States from instituting any civil proceedings as may be appropriate now or in the future.

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1 WAIVER OF DEFENDANT'S RIGHTS AND FACTUAL BASIS

2 Waiver of Rights

3 I have read each of the provisions of the entire plea agreement with the
4 assistance of counsel and understand its provisions. I have discussed the case and my
5 constitutional and other right with my attorney. I understand that by entering my plea of
6 guilty I will be giving up my right to plead not guilty; to trial by jury; to confront, cross-
7 examine, and compel the attendance of witnesses; to present evidence in my defense; to
8 remain silent and refuse to be a witness against myself by asserting my privilege against
9 self-incrimination; all with the assistance of counsel; to be presumed innocent until proven
10 guilty beyond a reasonable doubt; and to appeal.

11 I agree to enter my guilty plea as indicated above on the terms and conditions
12 set forth in this agreement.

13 I have been advised by my attorney of the nature of the charge to which I am
14 entering my guilty plea. I have been advised by my attorney of the nature and range of the
15 possible sentence, and that I will not be able to withdraw my guilty plea if I am dissatisfied
16 with the sentence the court imposes.

17 My guilty plea is not the result of force, threats, assurance or promises other than
18 the promises contained in this agreement. I agree to the provisions of this agreement as a
19 voluntary act on my part, rather than at the direction of or because of the recommendation
20 of any other person, and I agree to be bound according to its provisions. I agree that any
21 Sentencing Guidelines range referred to herein or discussed with my attorney is not binding
22 on the Court and is merely an estimate.

23 I agree that this written plea agreement contains all the terms and conditions of
24 my plea and that promises made by anyone (including my attorney) that are not contained
25 within this written plea agreement are without force and effect and are null and void.
26

1 I am satisfied that my defense attorney has represented me in a competent
2 manner.

3 I am not now on or under the influence of any drug, medication, liquor, or other
4 intoxicant or depressant, which would impair my ability to fully understand the terms and
5 conditions of this plea agreement.

6 Factual basis

7 I further agree that the following facts accurately describe my conduct in
8 connection with the offense to which I am pleading guilty and that if this matter were to
9 proceed to trial the government could prove the elements of the offense beyond a
10 reasonable doubt:

11 On or about May 9, 2007, at or near Nogales, in the District of Arizona,
12 MANUEL RODRIGO VERDUGO-MUNOZ was driving a 1996 Dodge Neon
13 that contained 16 kilograms of marijuana. VERDUGO-MUNOZ knew the
14 marijuana was in the vehicle and he intended to be paid to deliver the marijuana
15 to another person.

16 7.9.07
Date


Manuel Rodrigo Verdugo Munoz
MANUEL RODRIGO VERDUGO-MUNOZ
Defendant

17 DEFENSE ATTORNEY'S APPROVAL

18 I have discussed this case and the plea agreement with my client in detail and
19 have advised the defendant of all matters within the scope of Rule 11, Fed. R. Crim. P., the
20 constitutional and other rights of an accused, the factual basis for and the nature of the
21 offense to which the guilty plea will be entered, possible defenses, and the consequences
22 of the guilty plea, including the defendant's waiver the right to appeal. No assurances,
23 promises, or representations have been given to me or to the defendant by the government
24 or by any of its representatives which are not contained in this written agreement. I concur
25 in the entry of the plea as indicated above and on the terms and conditions set forth in this
26 agreement as in the best interests of my client. I agree to make a bona fide effort to ensure

1 that the guilty plea is entered in accordance with all the requirements of Rule 11, Fed. R.
2 Crim. P.


3
4 7.9.07
Date


Peter M. Raptis
Attorney for Defendant

6 GOVERNMENT'S APPROVAL

7 I have reviewed this matter and the plea agreement. I agree on behalf of the
8 United States that the terms and conditions set forth are appropriate and are in the best
9 interests of justice.

10 DANIEL G. KNAUSS
11 United States Attorney
12 District of Arizona


13 SUSAN A. BAUMANN
14 Assistant U.S. Attorney

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