

CRIMINAL PROCEEDINGS - Change of Plea

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Magistrate Judge Mikel H. Williams  
Case No. CR04-85E-BLW  
Place: Boise  
Time: 1 hour

Date: August 24, 2004  
Deputy Clerk: Anne Lawron  
Recorder: Pam

UNITED STATES OF AMERICA vs PEDRO DUENAS-RIVERA

Counsel for United States : Mike Fica  
Defendant(s): Scott Hansen  
Interpreter: Herman Garcia

- Interpreter sworn  
 Defendant sworn. Dft advised if there is something he does not understand or wishes to be repeated please advise the interpreter.  
 Defendant advises he wishes to enter a plea of GUILTY to Count(s) Two.  
 Plaintiff will move to dismiss remaining counts (Count One) at the time of sentencing.  
 Defendant WAIVES appearance before a District Judge for entry of Plea. Waiver entered. A report and Recommendation will be made to the District Judge regarding this defendants plea and the plea agreement. Read to dft in Spanish.  
 Court orally examines the defendant and finds the defendants competent to enter plea.  
 Defendant is satisfied with representation by counsel.  
 Copy of Plea agreement and charging document furnished to defendant(s). Explained by Court Defendant understands the charges and maximum penalties. Plea agreement explained to the defendant, however, the dft does not agree with the facts in the plea agreement. The Court questioned the dft and the **plea was not accepted**. Judge Winmill's chambers will be notified this case needs to be set for Trial. .  
 Sentencing guidelines explained.  
 Defendant's Constitutional Rights and the rights he is waiving explained and are understood.  
 The Court finds a factual basis for the plea of Guilty  
 Signed Plea Agreements filed with the Court.  
 Defendant withdraw previous plea of NOT GUILTY, and enters a GUILTY plea to of the indictment/superseding indictment/information pursuant to the plea agreement. Court finds plea of guilty knowing and voluntary and will recommend to the District Judge he accept guilty plea and take under advisement whether to accept the plea agreement. Plea and Plea Agreement - **UNDER ADVISEMENT**  
 **Sentencing set before Judge Winmill:**  
Court ordered a presentence investigation report.  
Original report to Counsel:  
Notification of Objections:  
Final Report Due:  
 Defendants custody status remains as previously ordered  
 Defendant remanded to the custody of the US Marshal Service.  
 Defendant released pending sentencing. All pretrial release conditions shall remain in effect.  
 Defendant advised of penalties for failure to appear for Sentencing.