CRIMINAL PROCEEDINGS/Sentencing
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Judge Edward J. Lodge
Case No. Cr. 04-092-S

Date: October 26, 2004
Deputy Clerk: Carol Vaughn
Reporter: Lisa Yant

UNITED STATES OF AMERICA vs. Francisco J. Castillo-Machuca

Counsel for United States: Rafael Gonzalez
Defendant: Charles Peterson
Probation Officer: Brent Flock
Interpreter: Eduardo Silva

On August 16, 2004, the defendant entered a plea of guilty to Count Six charging Possession of False Immigration Documents and to Count Seven charging Sale of Fraudulent Social Security Card. The pleas were pursuant to a written Plea Agreement.

The United States had no objections to the presentence report.

The Defendant filed numerous written objections to the presentence report. The Court has had the opportunity to consider the remarks and responses to those objections, along with the comments expressed in court today; and, except as modified here today, felt the responses to those objections as contained in the addendum to the presentence report adequately addressed the concerns and objections of the defendant and adopted the presentence report and the addendum thereto.

Defendant committed to the custody of the Bureau of Prisons for a term of **10 months** on each of Counts Six and Seven to run concurrently.

Upon release from custody, defendant to be placed on Supervised Release for a term of **3 years** on each of Counts Six and Seven to run concurrently.

Standard conditions of Supervised Release plus: Defendant to comply with all rules and regulations of the Probation Department. Defendant shall not commit another federal, state, or local crime, defendant shall not possess a firearm or other dangerous weapon.

The court waived the mandatory drug testing required by 18 USC 3583 pursuant to 18 USC 3563 as the defendant's presentence report indicated a low risk of future substance abuse by the defendant.

The defendant shall comply with the rules and regulations of the Immigration and Customs Enforcement, and if deported either voluntarily or involuntarily, shall not return to the United States without permission of the Secretary of the Department of Homeland Security.

Within 72 hours of release from any custody or re-entry into the United States during the term of Court ordered supervision, the defendant shall report in person to the probation office in the district to which the defendant was released or allowed to re-enter.

The defendant shall submit to a search of his home, vehicle, and/or person upon demand of the probation officer, without necessity of a warrant.

$2,000.00 fine imposed ($1,000.00 each count). No interest, inability to pay.

The defendant shall provide the probation officer with access to any and all requested financial information.

Special Assessment of $200.00 imposed ($100.00 each count). Due immediately.

Right to appeal explained.

Count 1 dismissed on motion of the United States.

Defendant remanded back to the custody of the U.S. Marshal.

Time: 9:30 - 10:10am
Boise