

CRIMINAL PROCEEDINGS/Sentencing

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Judge Edward J. Lodge

Date: October 26, 2004

Case No. Cr. 03-254-S

Deputy Clerk: Carol Vaughn

Reporter: Lisa Yant

UNITED STATES OF AMERICA vs. Idefonso Castillo-Arcadia

Counsel for United States: Rafael Gonzalez

Defendant: Tom Monaghan

Probation Officer: Brent Flock

Interpreter: Susan Evans

On July 29, 2004, the defendant entered a plea of guilty as charged in a One Count Indictment charging Illegal Reentry. The plea was pursuant to a written Plea Agreement.

There were no objections to the presentence report, Court adopted the same.

Plaintiff's 5K3.1 Motion for a two level downward departure based on defendant's agreement not to contest a prior order of removal and to the reinstatement of that order: Denied

Defendant committed to the custody of the Bureau of Prisons for a term of **24 months**. Sentence to run concurrently with the State of Idaho term of imprisonment defendant is presently serving in Docket Nos. H0200153 and H0301053.

Upon release from custody, defendant to be placed on Supervised Release for a term of **3 years**.

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 defendant shall participate in a program of drug/alcohol aftercare, which may include urine testing in accordance with 18 USC 3583(d), as directed by the probation officer. Cost of the treatment and testing to be paid by the defendant and the government based upon the defendant's ability to pay.

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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.

No fine, inability to pay. The defendant shall perform 40 hours of community service as directed by the probation officer in lieu of a fine.

Special Assessment of \$100.00 imposed. Due immediately.

Right to appeal explained.

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

Time: 3:00 - 3:30pm
Boise