

CRIMINAL PROCEEDINGS - Change of Plea

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

Judge: B. Lynn Winmill
Case No. CR04-141S-BLW
Place: Boise, Idaho
Time: .5 hour

Date: October 21, 2004
Deputy Clerk: Anne Lawron
Recorder: Vicki Jones

UNITED STATES OF AMERICA vs ISUARDO ALMEIDA-ESPINOZA

Counsel for United States : Monte Stiles, Nicole Burns

Defendant(s): Tom Monaghan

Interpreter: Eduardo Silva – Mr. Monaghan advises the court his client has a better understanding of the English language and requests the interpreter stand by to assist if necessary but to proceed in English. Following discussion with the dft the court will proceed in English with an interpreter at counsel table if needed.

Defendant sworn

Defendant advises he wishes to enter a plea of GUILTY to Count(s) One.

Plaintiff will move to dismiss remaining counts 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.

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. Defendant understands the plea agreement.

Blakely/Emiline Issues explained.

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 Count One of the indictment/superseding indictment/information pursuant to the plea agreement. Court finds plea of guilty knowing and voluntary.

Sentencing set before Judge Winmill: January 10, 2005 at 11:00AM, Boise

Court ordered a presentence investigation report.

Original report to Counsel: 12/2/04

Notification of Objections: 12/16/04

Final Report Due: 12/30/04

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.

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO
HEARING MINUTES

Judge: B Lynn Winmill
Date: October 21, 2004

Case No.: CV01-244S-BLW
Deputy Clerk: Anne Lawron

KIMBERLY SMITH

Plaintiff

vs.

MICRON ELECTRONICS

Defendant

Counsel for: Plaintiff – William Thomas, Dan Williams
Defendant -- Kim Dockstader

HEARING ON: PENDING MOTIONS

- #269 Motion of dft Micron for partial summary judgment re: willfullness
- #266 Motion to Strike plaintiffs statement of undisputed facts
- #242 Motion to Strike plaintiffs statement of material facts
- #223 Motion of pla Smith for partial summary judgment
- #193 Motion of dft Micron for partial summary judgment re: statute of limitations

Court Ordered: The Court heard oral argument on the pending motions. Defendant will have to October 27, 2004 at 5PM to file supplemental bricfing. Pending motions taken under advisement and a decision is forthcoming.

Time: 3:00PM to 3:40PM
Recorder: Vicki Jones

MINUTES