

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
NO. [REDACTED]

UNITED STATES OF AMERICA :
 :
 v. : STIPULATION FOR
 : JUDICIAL DEPORTATION
 [REDACTED] :

The Defendant, [REDACTED] and the United States of America, by and through their respective attorneys pursuant to Paragraph 8 of the Plea Agreement filed March 5, 1998, do hereby stipulate and agree to the following:

1. The Defendant, [REDACTED] is not a citizen of the United States. He is a native and citizen of the state of Mexico.

2. The Defendant, [REDACTED] agrees that when he is found guilty by this Court on Count One of the Indictment pursuant to his guilty plea, he will stand convicted of a crime involving moral turpitude, and concedes that he will then be deportable pursuant to Title 8, United States Code, Section 1227(a)(2)(A)(i).

3. The Defendant, [REDACTED] agrees that he is an alien who is present in the United States in violation of Chapter 12 of Title 8, United States Code, and thus is deportable pursuant to Title 8, United States Code, Section 1227(a)(2)(B).

4. The Defendant, [REDACTED] knowingly waives his right to receive notice of the Government's intent to request judicial removal and his right to a hearing on the question of

deportability as provided in Title 8, United States Code, Section 1228(c).

5. a. The Defendant, [REDACTED] agrees and stipulates to entry of a judicial order of removal by the sentencing judge pursuant to Title 8, United States Code, Section 1228(c)(5), knowing that this will result in his immediate removal from the United States upon completion of any period of incarceration. The Defendant agrees that the order should be issued for his removal to the state of Mexico.

b. The Defendant, [REDACTED] knowingly waives any and all rights to appeal, reopen, or challenge in any way the judicial order of removal of the sentencing judge. This waiver, however, does not include any challenge the Defendant may have based upon a claim of ineffective assistance of counsel or of prosecutorial misconduct.

6. In exchange for the Defendant's stipulation to an order of removal, the United States agrees to the following:

a. The United States will recommend at sentencing that the Court sentence the Defendant to a term of imprisonment equivalent to the amount of time the Defendant has spent in pretrial detention providing that such term is within the sentencing guidelines range for imprisonment as finally determined by the Court. It is agreed that the Defendant, [REDACTED]

██████████ will remain in the custody of the United States Marshal until he is placed in the custody of the Immigration and Naturalization Service for removal to the state of Mexico.

b. The United States, upon the entry of the judgment in this case, will in the interest of justice file a petition for remission of the \$100 special assessment pursuant to Title 18, United States Code, Section 3573.

7. No agreements, representations, or understandings have been made between the parties in this case other than those which are explicitly set forth in this Stipulation and the above-mentioned Plea Agreement, and none will be entered into unless executed in writing and signed by all of the parties.

So stipulated this ____ day of _____, 1998.

WALTER C. HOLTON, JR.
United States Attorney

THOMAS N. COCHRAN
Attorney for the Defendant

ARNOLD L. HUSSER
GASB ██████████
DCB

██████████
Defendant

Assistant United States Attorney
Post Office Box 1858
Greensboro, NC 27402
(336) 333-5351

