

United States District Court
Southern District of Texas
FILED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

AUG 28 2008

Michael N. Milby, Clerk

UNITED STATES OF AMERICA	§	
	§	
v.	§	Criminal No. 7:07-CR-00489-07-S
	§	
ARNULFO CUAHTEMOC OLIVAREZ	§	

NOTICE OF PLEA AGREEMENT

COMES NOW the United States of America, hereinafter referred to as "the Government," by and through its United States Attorney for the Southern District of Texas and its Assistant United States Attorney assigned to this matter, and would respectfully show the Court that the Government and the Defendant have entered into the following plea agreement:

1. Defendant agrees to plead guilty to Count 1 of the Superseding Indictment.
2. The Government will recommend that the offense level decrease by 2 levels pursuant to *U.S.S.G. § 3E1.1(a)* if the defendant clearly demonstrates acceptance of responsibility as that term is defined in the Guidelines Manual. Further, if the Defendant qualifies for an adjustment under *U.S.S.G. § 3E1.1(a)*, the United States agrees to move for an additional one level departure based on the timeliness of the plea and the expeditious manner in which the Defendant provided complete information regarding her role in the offense if the defendant's offense level is 16 or greater.
3. The Government will recommend that the relevant conduct used to determine the offense level be calculated using the value of benefits given by the Defendant to officials with the Pharr San Juan Alamo Independent School District.

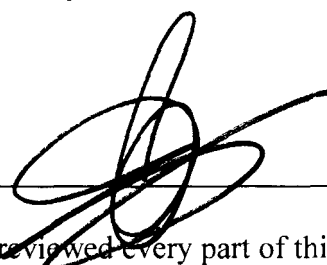
4. The Government will recommend that based on the factual basis underlying the Defendant's plea of guilty, the relevant sentencing guideline section to be used to determine the Defendant's offense level is that found in *U.S.S.G. §2C1.2*.
5. The Government will recommend that Defendant's offense level be reduced by two levels for being a minor participant in the charged criminal activity under *U.S.S.G. §3B1.2(b)*.
6. In the event the final sentencing range for the Defendant allows for a sentencing option of probation, as determined after all appropriate reductions are made by the Court, the Government agrees not to oppose the Defendant's request for the imposition of a sentence of probation.
7. That Count One of the original Indictment under this same cause number and the Indictment in Cause No. 1:08-cr-286 pending against this Defendant be dismissed with prejudice at the time of sentencing.
8. The Government agrees not to further prosecute Defendant for any additional non-tax related charges related to, based on, or arising from the conduct underlying the investigation in this case.

This document states the complete and only Plea Agreement between the United States of America and the Defendant, and is binding only on the parties to this Agreement, and it supersedes all prior understandings, if any, whether written or oral, and cannot be modified other than in writing and signed by all parties or on the record in Court. No other promises or inducements have been or will be made to the Defendant in connection with this case, nor have any promises or threats been made in connection with this plea.

ACKNOWLEDGMENTS:


I have read this agreement and carefully reviewed every part of it with my attorney. If I have difficulty understanding the English language, I have had a person fluent in the Spanish language interpret this agreement to me.

Date: 08 26 08

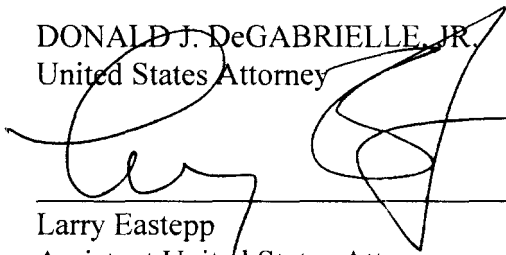
Defendant: 

I am the Defendant's counsel. I have carefully reviewed every part of this agreement with the Defendant. I certify that this agreement has been translated to my client by a person fluent in the Spanish language if my client is unable to read or has difficulty understanding the English language.

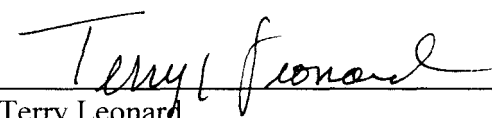
Date: 8-25-08


Counsel for Defense

For the United States of America:

DONALD J. DeGABRIELLE, JR.
United States Attorney

Larry Eastepp
Assistant United States Attorney

APPROVED BY:


Terry Leonard
Assistant United States Attorney-in-Charge