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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Case No.: 19CR4768-GPC
11)
12 Plaintiff,) FINDINGS AND RECOMMENDATION
13 v.) OF THE MAGISTRATE JUDGE
14) UPON A PLEA OF GUILTY
15 Waiel Yousif Anton,)
16)
17)
18 Defendant.)

17 Upon Defendant's request to enter a guilty plea to
18 Count 8 of the Superseding Indictment pursuant to Rule
19 11 of the Federal Rules of Criminal Procedure, this
20 matter was referred to the Magistrate Judge by the
21 District Judge, with the consents of the Defendant,
22 counsel for the Defendant, and counsel for the United
23 States.

24 Thereafter, the matter came on for a hearing on
25 Defendant's guilty plea, in full compliance with Rule
26 11, Federal Rules of Criminal Procedure, before the
27 Magistrate Judge, in open court and on the record.
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1 In consideration of that hearing and the allocution
2 made by the Defendant under oath on the record and in
3 the presence of counsel, and the remarks of the
4 Assistant United States Attorney,

5 **I make the following FINDINGS - that the Defendant**
6 **understands:**

- 7 1. The government's right, in a prosecution for
8 perjury or false statement, to use against the
9 defendant any statement that the defendant
10 gives under oath;
- 11 2. The right to persist in a plea of "not guilty";
- 12 3. The right to a speedy and public trial;
- 13 4. The right to trial by jury, or the ability to
14 waive that right and have a judge try the case
15 without a jury;
- 16 5. The right to be represented by counsel-and if
17 necessary to have the court appoint counsel-at
18 trial and at every other stage of the
19 proceeding;
- 20 6. The right at trial to confront and cross-
21 examine adverse witnesses, to be protected from
22 compelled self-incrimination, to testify and
23 present evidence, and to compel the attendance
24 of witnesses;
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- 1 7. The defendant's waiver of these trial rights if
- 2 the court accepts a guilty plea or nolo
- 3 contendere;
- 4 8. The nature of each charge to which the
- 5 defendant is pleading;
- 6 9. Any maximum possible penalty, including
- 7 imprisonment, fine, and term of supervised
- 8 release;
- 9 10. Any applicable mandatory minimum penalty;
- 10 11. Any applicable forfeiture;
- 11 12. The court's authority to order restitution, if
- 12 applicable;
- 13 13. The court's obligation to impose a special
- 14 assessment;
- 15 14. In determining a sentence, the court's
- 16 obligation to calculate the applicable
- 17 sentencing guideline range and to consider that
- 18 range, possible departures under the Sentencing
- 19 Guidelines, and other sentencing factors under
- 20 18 U.S.C § 3553(a);
- 21 15. The term of any plea agreement and any
- 22 provision in that agreement that waives the
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1 right to appeal or to collaterally attack the
2 conviction and sentence; and

3 16. That, if convicted, a defendant who is not a
4 United States citizen may be removed from the
5 United States, denied citizenship, and denied
6 admission to the United States in the future.
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8 **I further find that:**

9 17. The defendant is competent to enter a plea;

10 18. The defendant's guilty plea is made knowingly
11 and voluntarily, and did not result from force,
12 threats or promises (other than those made in a
13 plea agreement); and
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15 19. There is a factual basis for Defendant's plea.

16 **I therefore RECOMMEND that the District Judge**
17 **accept the Defendant's guilty plea to Count 8 of the**
18 **Superseding Indictment.**
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20 The sentencing hearing will be before United States
21 **District Judge Gonzalo P. Curiel**, on **11/7/2022** at 8:30
22 AM. The court excludes time from 7/15/2022 through
23 11/7/2022 pursuant to 18 USC § 3161(h)(1)(G) on the
24 ground that the District Judge will be considering the
25 proposed plea agreement or guilty plea without
26 agreement.
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