

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

EFIGENIA HURTADO,

Defendant.

---

)  
)  
) Case No. CR 02-96-S-BLW  
)  
)  
)

**REPORT AND RECOMMENDATION**  
)  
)  
)  
)

On July 22, 2008, Defendant EFIGENIA HURTADO appeared before the undersigned United States Magistrate Judge to enter a change of plea pursuant to a written plea agreement. The Defendant executed a waiver of the right to have the presiding United States District Judge take his change of plea. Thereafter, the Court explained to the Defendant the nature of the charges contained in the applicable Indictment (Docket No.1), the maximum penalties applicable, her constitutional rights, the impact that the Sentencing Guidelines will have, and that the District Judge will not be bound by the agreement of the parties as to the penalty to be imposed.

The Court, having conducted the change of plea hearing and having inquired of the Defendant, her counsel, and the government, finds that there is a factual basis for the Defendant's guilty plea, that she entered it voluntarily and with full knowledge of the

consequences, and that the plea should be accepted.

**RECOMMENDATION**


Based upon the foregoing, the Court being otherwise fully advised in the premises, the Court hereby **RECOMMENDS** that:

1) The District Court accept Defendant EFIGENIA HURTADO's plea of guilty to Count 1 of the Indictment (Docket No. 1), and that a pre-sentence report be ordered.

2) The District Court GRANT, at the appropriate time, the United States' motion to dismiss Count 3 of the Indictment (Docket No. 1) as to Defendant.

Written objections to this Report and Recommendation must be filed within ten (10) days pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(b), or as a result of failing to do so, that party may waive the right to raise factual and/or legal objections to the United States Court of Appeals for the Ninth Circuit.

DATED: July 22, 2008.



---

CANDY WAGAHOFF DALE  
UNITED STATES MAGISTRATE JUDGE