

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 1:24-cr-00155-AKB
)	
v.)	REPORT AND
)	RECOMMENDATION
ARTEMIO MORGAN HURTADO, JR.,)	
)	
Defendant.)	
_____)	

On February 11, 2025, Defendant appeared before the undersigned United States Magistrate Judge to enter a change of plea pursuant to a written plea agreement. Defendant executed a written waiver of the right to have the presiding United States District Judge take his change of plea. Thereafter, the Court explained to Defendant the nature of the charges, the maximum penalties applicable, his constitutional rights, the effect of the Sentencing Guidelines, and that the District Judge would not be bound by any agreement of the parties as to the penalty to be imposed.

Having conducted the change of plea hearing and having inquired of Defendant and his counsel, and counsel for the United States, the Court concludes that there is a factual basis for Defendant's plea of guilty, and that it was entered voluntarily and with full knowledge of the consequences, and that the plea should be accepted. The undersigned also ordered a pre-sentence investigation to be conducted and a report prepared by the United States Probation Office.

Because Defendant has entered a guilty plea to an offense described in subparagraph (A), (B), or (C) of 18 U.S.C. § 3142(f)(1), which triggers the mandatory

detention provisions of 18 U.S.C. § 3143(a)(2), the Court heard oral argument and received evidence as to whether exceptional reasons exist under 18 U.S.C. § 3145(c) to justify Defendant's release pending sentencing. For the reasons stated on the record, the Court finds and recommends that:

remain subject to all previously imposed conditions of release.

- ☒ Having carefully considered the arguments of counsel and the evidence presented on the record, the Court concludes that, pursuant to 18 U.S.C. § 3145(c), (i) there is clear and convincing evidence that the Defendant is not likely to flee or pose a danger to any other person or the community, and (ii) it has been clearly shown that exceptional reasons exist why the Defendant's detention would not be appropriate. Accordingly, Defendant shall remain released pending sentencing, pursuant to all conditions and requirements set forth in the Court's prior release Order or Orders.

RECOMMENDATION

NOW THEREFORE IT IS HEREBY RECOMMENDED:

1. The District Court accept Defendant's plea of guilty to Count 1 of the Superseding Indictment (Dkt. 67).
2. The District Court take under advisement the decision whether to accept the terms of the plea agreement pending review of the pre-sentence investigation report.
3. The District Court order forfeiture consistent with Defendant's admission to the Criminal Forfeiture allegation in the Superseding Indictment (Dkt. 67) and detailed in the Plea Agreement (Dkt. 134).


4. The District Court order that:

☒ Defendant remain released pending sentencing subject to the previously imposed Conditions of Pretrial Supervision.

Written objections to this Report and Recommendation must be filed within fourteen (14) 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: **February 10, 2025**



Honorable Raymond E. Patricco
Chief U.S. Magistrate Judge