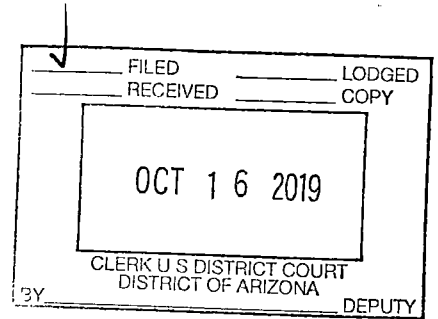


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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Andrew Lamar Blake,

Defendant.

CR 18-00761-TUC-RM (EJM)

PLEA AGREEMENT

The United States of America and the defendant agree to the following disposition of this matter:

PLEA

The defendant agrees to plead guilty to Count 2 of the Superseding Indictment charging the defendant with violations of 8 U.S.C. §§ 1324(a)(1)(A)(v)(I), 1324(a)(1)(A)(ii), 1324(a)(1)(B)(i), 1324(a)(1)(B)(iii), and 1324(a)(1)(B)(iv), Conspiracy to Transport Illegal Aliens for Profit Wherein the Aliens' Lives Were Placed in Jeopardy and During Which Death Resulted, a felony.

ELEMENTS OF THE OFFENSE AND SENTENCING FACTOR

1. There was an agreement between two or more persons to commit the offense of transporting illegal aliens in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii), that is, there was an agreement that all or some of the co-conspirators,

1 knowing or in reckless disregard of the fact that certain aliens, including Jose LOPEZ-
2 Ordonez, Josue LEYVA-Lopez, Darvin SANCHEZ-Carrillo, Narciza CRUZ-Mendoza,
3 Henry RAMIREZ-Ramirez, Rolando CARDONA-Hernandez, Pedro GONZALES-Tulu,
4 Genaro SANTILLO-Pileno, D.N.-R., and P.M.-T. had come to, entered, or remained in the
5 United States in violation of law, knowingly transported or moved such aliens within the
6 United States by means of transportation or otherwise in order to help such aliens remain
7 in the United States illegally, in furtherance of such violation of law.

8 2. The defendant became a member of the conspiracy knowing that the object
9 of the conspiracy was the transportation of illegal aliens and the defendant intended to
10 accomplish said object for the purpose of private financial gain or commercial advantage.

11 3. During and in relation to the transportation of the aliens, the defendant and his
12 co-conspirators placed in jeopardy the lives of said aliens.

13 4. During and in relation to the transportation of the aliens, serious bodily injury to
14 D.N.-R. resulted, and P.M.-T. died, and the defendant and his co-conspirators'
15 transportation of the illegal aliens was the proximate cause of the serious bodily injury and
16 death; that is the death was a foreseeable result of the defendant and his co-conspirators'
17 transportation.

18 STIPULATIONS, TERMS AND AGREEMENTS

19 Maximum Penalties

20 A violation of 8 U.S.C. §§ 1324(a)(1)(A)(v)(I), 1324(a)(1)(A)(ii), 1324(a)(1)(B)(i),
21 1324(a)(1)(B)(iii), and 1324(a)(1)(B)(iv), is punishable by a maximum fine of
22 \$250,000.00, or a maximum term of life imprisonment, or both, plus a term of supervised
23 release of five years and a special assessment of \$100 (for each count); the special
24 assessment is due and payable at the time the defendant enters the plea of guilty, and must
25 be paid by the time of sentencing unless the defendant is indigent. If the defendant is
26 indigent, the special assessment will be collected according to Title 18, United States Code,
27 Chapters 227 and 229.

28

1 The defendant will pay upon conviction an additional \$5,000 special assessment
2 pursuant to 18 U.S.C. § 3014(a), unless the Court determines that the defendant is indigent.

3 Agreements Regarding Sentence

4 1. Sentencing Range: Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the government and
5 the defendant stipulate and agree that the following is an appropriate disposition of this
6 case, based on the defendant's criminal history category (CHC) of Level II:

7 **4.5 years (54 months) to 8.5 years (102 months) of imprisonment.**

8 2. The defendant may withdraw from the plea agreement if he receives a sentence
9 that exceeds the stipulated sentencing range of **4.5 years (54 months) to 8.5 years (102**
10 **months)** of imprisonment. Also, the government may withdraw from the plea agreement
11 if the defendant receives a sentence that is less than **54 months** of imprisonment.

12 3. The defendant agrees and understands that he may not make a motion for or move
13 for any adjustments in Chapters Two, Three or Four of the Sentencing Guidelines or any
14 "departures" from the Sentencing Guidelines, nor may he apply for or request any
15 variances to his sentence. If the defendant moves for or requests any "departures" or
16 variances, the government may withdraw from this agreement.

17 4. If the Court, after reviewing this plea agreement, concludes any provision is
18 inappropriate under Fed. R. Crim. P. 11(c)(5), it may reject the plea agreement, giving the
19 defendant, in accordance with Fed. R. Crim. P. 11(d)(2)(A), an opportunity to withdraw
20 the defendant's guilty plea and the government an opportunity to withdraw from the plea
21 agreement.

22 5. The defendant recognizes that pleading guilty may have consequences with
23 respect to his immigration status if defendant is not a citizen of the United States. Under
24 federal law, a broad range of crimes are removable offenses, including the offense(s) to
25 which defendant is pleading guilty. Removal and other immigration consequences may be
26 the subject of a separate judicial or administrative proceeding, and the defendant has
27 discussed the direct and collateral implications this plea agreement may have with his
28 defense attorneys. Defendant nevertheless affirms that he wants to plead guilty regardless

1 of any immigration consequences that this plea may entail, even if the consequence is
2 defendant's automatic removal from the United States.

3 6. The government will move to dismiss the remaining counts of the Superseding
4 Indictment at the time of sentencing.

5 Plea Addendum

6 This written plea agreement, and any written addenda filed as attachments to this
7 plea agreement, contain all the terms and conditions of the plea. Any additional
8 agreements, if any such agreements exist, shall be recorded in a separate document and
9 may be filed with the Court under seal. Accordingly, additional agreements, if any, may
10 not be in the public record.

11 Restitution

12 The defendant specifically agrees to pay full restitution, jointly and severally,
13 regardless of the resulting loss amount, to all victims directly or proximately harmed by
14 the defendant's "relevant conduct," including conduct pertaining to any dismissed counts
15 or uncharged conduct, as defined by U.S.S.G. § 1B1.3. The defendant understands that
16 such restitution will be included in the Court's Order of Judgment, ordered jointly and
17 severally, and that an unanticipated restitution amount will not serve as grounds to
18 withdraw the defendant's guilty plea or to withdraw from this plea agreement.

19 Assets and Financial Responsibility. The defendant shall make a full accounting of
20 all assets in which the defendant has any legal or equitable interest. The defendant shall
21 not (and shall not aid or abet any other party to) sell, hide, waste, spend, or transfer any
22 such assets or property before sentencing, without the prior approval of the United States
23 (provided, however, that no prior approval will be required for routine, day-to-day
24 expenditures). The defendant also expressly authorizes the United States Attorney's Office
25 to immediately obtain a credit report as to the defendant in order to evaluate the defendant's
26 ability to satisfy any financial obligation imposed by the Court. The defendant also shall
27 make full disclosure of all current and projected assets to the U.S. Probation Office
28 immediately and prior to the termination of the defendant's supervised release or probation,

1 such disclosures to be shared with the U.S. Attorney's Office, including the Financial
2 Litigation Unit, for any purpose. Finally, the defendant shall participate in the Inmate
3 Financial Responsibility Program to fulfill all financial obligations due and owing under
4 this agreement and the law.

5 Waiver of Defenses and Appeal Rights

6 The defendant waives any and all motions, defenses, probable cause determinations,
7 and objections which the defendant could assert to the information, indictment or
8 superseding indictment or to the petition to revoke, or to the Court's entry of judgment
9 against the defendant and imposition of sentence upon the defendant, providing the
10 sentence is consistent with this agreement. The sentence is in accordance with this
11 agreement if the sentence imposed is the agreed upon stipulated sentence. The defendant
12 further waives: (1) any right to appeal the Court's entry of judgment against defendant; (2)
13 any right to appeal the imposition of sentence upon defendant under 18 U.S.C. § 3742
14 (sentence appeals); (3) any right to collaterally attack defendant's conviction and sentence
15 under 28 U.S.C. § 2255, or any other collateral attack; and (4) any right to file a motion for
16 modification of sentence, including under 18 U.S.C. § 3582(c). The defendant
17 acknowledges that this waiver shall result in the dismissal of any appeal or collateral attack
18 the defendant might file challenging his conviction or sentence in this case. If the defendant
19 files a notice of appeal or a habeas petition, notwithstanding this agreement, defendant
20 agrees that this case shall, upon motion of the government, be remanded to the district court
21 to determine whether defendant is in breach of this agreement and, if so, to permit the
22 government to withdraw from the plea agreement. This waiver shall not be construed to
23 bar an otherwise preserved claim of ineffective assistance of counsel or of "prosecutorial
24 misconduct" (as that term is defined by Section II.B of Ariz. Ethics Op. 15-01 (2015)).

25 Reinstitution of Prosecution

26 Nothing in this agreement shall be construed to protect the defendant in any way
27 from prosecution for perjury, false declaration or false statement, or any other offense
28 committed by the defendant after the date of this agreement. In addition, if the defendant

1 commits any criminal offense between the date of this agreement and the date of
2 sentencing, the government will have the right to withdraw from this agreement. Any
3 information, statements, documents and evidence which the defendant provides to the
4 United States pursuant to this agreement may be used against the defendant in all such
5 proceedings.

6 If the defendant's guilty plea is rejected, withdrawn, vacated, or reversed by any
7 court in a later proceeding, the government will be free to prosecute the defendant for all
8 charges as to which it has knowledge, and any charges that have been dismissed because
9 of this plea agreement will be automatically reinstated. In such event, the defendant waives
10 any objections, motions, or defenses based upon the Speedy Trial Act or the Sixth
11 Amendment to the Constitution as to the delay occasioned by the later proceedings.
12 Defendant agrees that the stipulated sentence set forth under "Agreements Regarding
13 Sentence" will not be offered if prosecution is re-instituted.

14 Disclosure of Information to U.S. Probation Office

15 The defendant understands the government's obligation to provide all information
16 in its file regarding defendant to the United States Probation Office. The defendant fully
17 understands and agrees to cooperate fully with the United States Probation Office in
18 providing all information requested by the probation officer.

19 Effect on Other Proceedings

20 I further understand that if I violate any of the conditions of my supervised release,
21 my supervised release may be revoked. Upon such revocation, notwithstanding any other
22 provision of this agreement, I may be required to serve a term of imprisonment or my
23 sentence may otherwise be altered.

24
25 WAIVER OF DEFENDANT'S RIGHTS

26 I have read each of the provisions of the entire plea agreement with the assistance
27 of counsel and understand its provisions. I have discussed the case and my constitutional
28 and other rights with my attorney. I understand that by entering my plea of guilty I will be

1 giving up my right to plead not guilty; to trial by jury; to confront, cross-examine, and
2 compel the attendance of witnesses; to present evidence in my defense; to remain silent
3 and refuse to be a witness against myself by asserting my privilege against self-
4 incrimination; all with the assistance of counsel, to be presumed innocent until proven
5 guilty beyond a reasonable doubt, and to appeal.

6 I agree to enter my guilty plea as indicated above on the terms and conditions set
7 forth in this agreement.

8 I have been advised by my attorney of the nature of the charge to which I am entering
9 my guilty plea. I have further been advised by my attorney of the nature and range of the
10 possible sentence.

11 My guilty plea is not the result of force, threats, assurance or promises other than
12 the promises contained in this agreement. I agree to the provisions of this agreement as a
13 voluntary act on my part, rather than at the direction of or because of the recommendation
14 of any other person, and I agree to be bound according to its provisions.

15 I agree that this written plea agreement contains all the terms and conditions of my
16 plea and that promises made by anyone (including my attorney) that are not contained
17 within this written plea agreement are without force and effect and are null and void.

18 I am satisfied that my defense attorneys have represented me in a competent manner.

19 I am not now on or under the influence of any drug, medication, liquor, or other
20 intoxicant or depressant, which would impair my ability to fully understand the terms and
21 conditions of this plea agreement.

22 FACTUAL BASIS AND SENTENCING FACTOR

23 I agree that the following facts accurately describe my conduct in connection with
24 the offense to which I am pleading guilty and that if this matter were to proceed to trial the
25 government could prove these facts beyond a reasonable doubt:

26 **On April 6, 2018, at approximately 10:00 p.m., a group of people exited the**
27 **desert brush near Marana, Arizona, and a Nissan Titan pick-up truck approached**
28 **and stopped. All individuals ran toward the truck, and the truck drove away with all**
those individuals.

1 Agents followed the Nissan Titan as the truck approached Interstate 10.
2 Agents coordinated to attempt to pull over the Nissan Titan. A Pinal County Sheriff's
3 deputy activated his siren and overhead lights. The truck initially appeared to pull
4 over to the highway shoulder in an effort to comply. However, after it reached the
5 highway shoulder, it accelerated, and pulled away from law enforcement. The truck
6 continued to drive on the shoulder for several miles, accelerating to speeds exceeding
the speed limit up to approximately 90 miles per hour. At this time, there were four
aliens in the bed of the truck, six in the back of the crew cab, and one in the passenger
leg area.

7 The truck eventually began to exit the interstate, however became faced with a
8 closed exit and construction barriers. The truck attempted to correct itself back onto
9 the interstate, however the driver lost control, and the vehicle rolled over, coming to
10 rest on its passenger side in the highway median. The four individuals in the truck
11 bed were ejected. As agents initially approached the truck, they observed smoke. The
interior cab appeared to be filling with smoke. The occupants kicked out the
windshield to exit the interior.

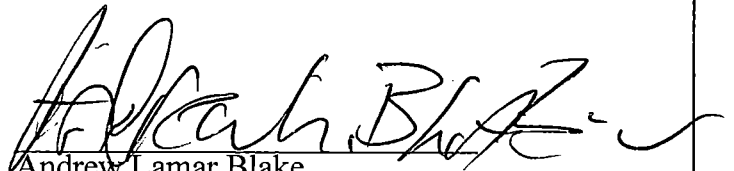
12 I understand that one of the ejected passengers, P. M-T., was pronounced dead
13 at the scene, and that his death resulted from injuries sustained in the rollover
14 accident. Also, D.N.-R., another ejected passenger, became pinned under the truck
15 and agents retrieved him. D.N.-R. suffered serious bodily injury, including multiple
16 rib fractures, cervical spine and/or thoracic transverse process fractures, bilateral
17 pneumothorax (collapsed lungs) and trauma to the liver. All the occupants were
taken to various hospitals, two of which were transported by emergency helicopter.

18 I, Andrew Lamar Blake, was the driver of the vehicle. I knew, or was in
19 reckless disregard, of the fact that that all the occupants who entered the vehicle in
20 Marana, Arizona, did not have legal permission to be in the United States, nor did
21 they have documentation to come to, enter, or remain in the United States. I was to
22 be paid to further transport these individuals within the United States. I conspired
23 with others, including but limited to, Pedro Perez-Aguilar and Brian Lindsey, to
24 transport these individuals within the United States in further violation of the law. I
25 understood the lives of everyone were endangered, which was reasonably foreseeable
based on the fact that there were individuals in the back of the truck, that there were
not enough safety belts for the interior passengers, and the speed and manner in
which I drove. It was also reasonably foreseeable that a collision would cause serious
physical injury and/or death.

26 All of these activities occurred in the District of Arizona.

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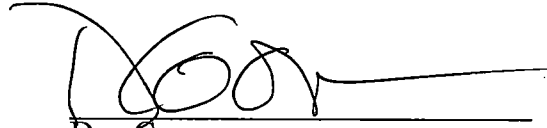
1 Date: 10/16/19

2 
Andrew Lamar Blake
Defendant

3
4 DEFENSE ATTORNEYS' APPROVAL

5 I have discussed this case and the plea agreement with my client in detail and have
6 advised the defendant of all matters within the scope of Rule 11, Fed. R. Crim. P., the
7 constitutional and other rights of an accused, the factual basis for and the nature of the
8 offense to which the guilty plea will be entered, possible defenses, and the consequences
9 of the guilty plea, including the defendant's waiver of the right to appeal. No assurances,
10 promises, or representations have been given to me or to the defendant by the government
11 or by any of its representatives which are not contained in this written agreement. I concur
12 in the entry of the plea as indicated above and on the terms and conditions set forth in this
13 agreement as in the best interests of my client. I agree to make a bona fide effort to ensure
14 the guilty plea is entered in accordance with all the requirements of Rule 11, Fed. R. Crim.
15 P.

16 Date: 10/16/19

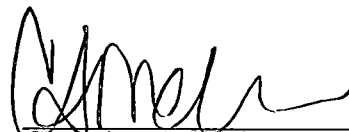
17 
Dan Cooper
Attorneys for Defendant

18
19 GOVERNMENT'S APPROVAL

20 I have reviewed this matter and the plea agreement. I agree on behalf of the United
21 States that the terms and conditions set forth are appropriate and are in the best interests of
22 justice.

23 MICHAEL BAILEY
24 United States Attorney
25 District of Arizona

26 Date: 10/16/19

27 
Christine A. Melton
28 Arturo A. Aguilar
Assistant U.S. Attorney