

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>PHILBERT RENTZ,</p> <p>Defendant.</p>	<p>Case No. 2:11CR000771CW-DP</p> <p>STATEMENT BY DEFENDANT IN ADVANCE OF PLEA OF GUILTY</p> <p>Magistrate Judge Dustin Pead Judge Clark Waddoups</p>
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I hereby acknowledge and certify that I have been advised of and that I understand the following facts and rights, and that I have had the assistance of counsel in reviewing, explaining this statement in advance of plea:

1. I intend to plead guilty to Count V of the Superseding Indictment. My attorney has explained the nature of the charge against me, and I have had an opportunity to discuss the nature of the charge with my attorney. I understand the charge and what the government is required to prove in order to convict me. The elements of Count V, Felon in Possession of a Firearm are:

- 1) the defendant knowingly possessed a firearm,
- 2) the firearm traveled in and affecting interstate commerce, and
- 3) the defendant has previously been convicted of a crime punishable by more than one year imprisonment.

2. I know that the maximum possible penalty provided by law for Count V of the Superseding Indictment, a violation of 18 U.S.C. § 922(g)(1), is a term of imprisonment of up to 10 years, a fine of \$250,000, a term of supervised release of up to 3 years, and any applicable forfeiture. I understand that if I violate a term or condition of

supervised release, I can be returned to prison for the length of time provided in 18 U.S.C. § 3583(e)(3).

a. Additionally, I know the Court is required to impose an assessment in the amount of \$100 for each offense of conviction, pursuant to 18 U.S.C. § 3013. Furthermore, restitution to the victim of my offense may be ordered pursuant to 18 U.S.C. § 3663.

b. I understand that, if I am not a United States citizen, I may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

3. I know that the sentencing procedures in this case and the ultimate sentence will be determined pursuant to 18 U.S.C. § 3553(a), and that the Court must consider, but is not bound by, the United States Sentencing Guidelines, in determining my sentence. I have discussed these procedures with my attorney. I also know that the final calculation of my sentence by the Court may differ from any calculation the United States, my attorney, or I may have made, and I will not be able to withdraw my plea if this occurs.

4. I know that I can be represented by an attorney at every stage of the proceeding, and I know that if I cannot afford an attorney, one will be appointed to represent me.

5. I know that I have a right to plead "Not Guilty" or maintain my earlier plea of "Not Guilty" and can have a trial on the charges against me.

6. I know that I have a right to a trial by jury, and I know that if I stand trial by a jury:

a. I have a right to the assistance of counsel at every stage of the proceeding.

b. I have a right to see and observe the witnesses who testify against me.

c. My attorney can cross-examine all witnesses who testify against me.

d. I can call witnesses to testify at trial, and I can obtain subpoenas to require the attendance and testimony of those witnesses. If I cannot afford to pay for the appearance of a witness and mileage fees, the government will pay them.

e. I cannot be forced to incriminate myself, and I do not have to testify at any trial.

f. If I do not want to testify, the jury will be told that no inference adverse to me may be drawn from my election not to testify.

g. The government must prove each and every element of the offense charged against me beyond a reasonable doubt.

h. It requires a unanimous verdict of a jury to convict me.

i. If I were to be convicted, I could appeal, and if I could not afford to appeal, the government would pay the costs of the appeal, including the services of appointed counsel.

7. If I plead guilty, I will not have a trial of any kind.

8. I know that 18 U.S.C. § 3742(a) sets forth the circumstances under which I may appeal my sentence.

9. I know that 18 U.S.C. § 3742(b) sets forth the circumstances under which the United States may appeal my sentence.

10. I know that under a plea of guilty the judge may ask me questions under oath about the offense. The questions, if asked on the record and in the presence of counsel, must be answered truthfully and, if I give false answers, I can be prosecuted for perjury.

11. I stipulate and agree that the following facts accurately describe my conduct. These facts provide a basis for the Court to accept my guilty plea:

On July 23, 2011, I knowingly possessed a firearm, that is a Hi-Point 9mm carbine rifle, in Aneth, Utah. The Hi-Point rifle has traveled in interstate commerce. At the time I had previously been convicted of a felony, possession of a controlled substance, 2009 in Montezuma County Court, Colorado.

12. There are no terms and conditions pertaining to this plea.

* * * *

I make the following representations to the Court:

1. I am 28 years of age. My education consists of not.
I _____ [can/cannot] read and understand English.

2. No one has made threats, promises, or representations to me that have caused me to plead guilty, other than the provisions set forth in this agreement.

3. Neither my attorney nor the government has promised me that I would receive probation or any other form of leniency because of my plea.

4. I have discussed this case and this plea with my lawyer as much as I wish, and I have no additional questions.


5. I am satisfied with my lawyer.

6. My decision to enter this plea was made after full and careful thought; with the advice of counsel; and with a full understanding of my rights, the facts and circumstances of the case and the consequences of the plea. I was not under the influence of any drugs, medication, or intoxicants when I made the decision to enter the plea, and I am not now under the influence of any drugs, medication, or intoxicants.

7. I have no mental reservations concerning the plea.

8. I understand and agree to all of the above. I know that I am free to change or delete anything contained in this statement. I do not wish to make changes to this agreement because I agree with the terms and all of the statements are correct.

DATED this 16 day of April, 2015



PHILBERT RENTZ
Defendant

I certify that I have discussed this statement in advance of plea with the defendant, that I have fully explained his rights to him, and that I have assisted him in completing this written agreement. I believe that he is knowingly and voluntarily entering the plea with full knowledge of his legal rights and that there is a factual basis for the plea.

DATED this 16 day of April, 2015



STEVEN MCCAUGHEY
Attorney for Defendant