

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT,
YELLOWSTONE COUNTY**

STATE OF MONTANA,

Plaintiff,

vs.

ANTHONY PAUL FLORES,

Defendant.

Cause No.: DC 08-566

Judge Ingrid Gustafson

**ACKNOWLEDGMENT OF
WAIVER OF RIGHTS AND
PLEA AGREEMENT**

I, Anthony Paul Flores, am prepared to enter a plea of guilty to Count I in the above-captioned matters. This plea is being voluntarily made and not the result of force, threat, or coercion. I acknowledge that my attorney has explained to me and advised me of the following and I fully understand the following:

1. Offense/Penalty/Lesser Included Offenses:

I am presently charged with the following offense:

Count I: Insurance fraud/theft, felony, §§ 33-1-1202 & 45-6-301(6)(a), MCA punishable by up to 10 years incarceration and a \$50,000 fine.

The State has filed a Notice of State's Intent to Have Defendant Designated a Persistent Felony Offender pursuant to § 46-18-502, MCA, under which a sentence of a term not less than 5 years and not more than 100 years could be imposed, with a maximum fine of \$50,000.

2. Right to Trial/Not Guilty Plea:

I have the right to plead not guilty or to persist in that plea if it has already been made and go to trial.

3. Advisal of Rights:

I have the right to be tried by a judge or a jury, and at that trial I have the following rights:

- a. The right to the assistance of competent and effective counsel.

- b. The right to have witnesses testify on my behalf.
- c. The right to confront and cross-examine witnesses against me.
- d. The right not to be compelled to incriminate myself.
- e. The right to require that proof of my guilt be found beyond a reasonable doubt by a judge or unanimous jury.
- f. The right to challenge any evidence that has been illegally seized.
- g. The right to appeal a guilty verdict or adverse legal ruling.

4. **Waiver of Rights:**

By pleading guilty I give up the right to a trial by jury or Judge, the right to have witnesses testify on my behalf, the right to confront and cross-examine witnesses against me, the right not to be compelled to incriminate myself, and the right to appeal any finding of guilt. However, I have the right to apply for a sentence review if I were to receive a sentence of incarceration for 1 year or more.

5. **Plea Agreement /Sentence Recommendation:**

There is a 1(b) plea agreement in this case. The State and Defendant will jointly recommend a sentence of:

Count I: 5 years custody of the Department of Corrections, all suspended, and a \$1,500 fine. The State will withdraw the Persistent Felony Offender designation pursuant to the plea agreement.

In addition, I agree to participate in intensive alcohol treatment.

I further understand that this plea agreement is binding on the Court. If for any reason the Court does not accept the joint sentence recommendation as set forth herein, I will be permitted to withdraw my guilty pleas.

6. **Competency Issues:**

I am not suffering any emotional or mental disability from any cause including mental defect or impairment. I am not under the influence of any drugs, alcohol or prescription medicine today. I fully understand what I am doing.

7. **Factual Basis:**

The following are the facts that cause me to plead guilty to this offense:

On or around June 18, 2007, in Yellowstone County, I caused to be reported to my automobile insurance company a false claim that my

vehicle had been stolen on the prior night. I did so with the intent and understanding that the claim would lead the insurance company to pay or reimburse me for repairs to my vehicle.

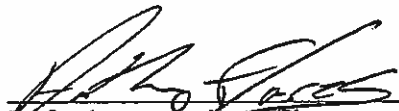
8. **Services of Counsel:**

I am satisfied with my attorney's services and advice, and I have had adequate time to prepare a defense. I have received a copy of all of the discovery and investigative reports in this case, and have reviewed those with my attorney.

9. **No Other Promises:**

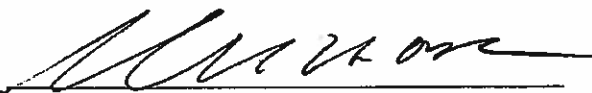
I acknowledge receiving a copy of this agreement. No other promises have been made to me, other than those in this agreement.

DATED this 30 day of January, 2009.


Defendant - Anthony Flores


Counsel for Defendant - Michael Shin

1/30/09
Date


Counsel for the State - Michael Winsor

1/27/09
Date