

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

CRIMINAL MINUTE SHEET - CHANGE OF PLEA

UNITED STATES OF AMERICA

Case No: 4:10-cr-00162-FJG-15

vs.

MYLIN D. SMITH

Date: 12/20/11

Honorable FERNANDO J. GAITAN, JR., Chief U.S. District Judge, presiding at Kansas City, MO

Time commenced - 10:36 a.m./ Time terminated - 10:46 a.m.

TOTAL TIME: 10 minutes

Plaintiff
Brent Venneman, AUSA

Appearances

Defendant
Alex McCauley

PROCEEDINGS:

Parties appear for hearing. Defendant to change plea of not guilty to Guilty. Defendant sworn.

X Offense to which defendant is **pleading guilty [lesser included offense in Count 1 of Indictment]** and statutory range of punishment summarized by defense counsel.

X Court advises defendant of perjury implications and questions defendant regarding age, education, physical and mental condition, and satisfaction w/representation of counsel. Defendant advised of rights waived by pleading guilty.

X Terms of written plea agreement, signature on document, and factual basis contained in plea agreement acknowledged by defendant.

X Government counsel acknowledges the factual basis (evidence that would have been presented at trial) as outlined in plea agreement is complete/correct.

X Defense counsel offers no additional/supplemental information regarding factual basis of plea and written plea agreement.

X Court accepts defendant's plea and provisionally accepts written agreement, orders a presentence investigation report, finds defendant understands the charge(s) against him and the consequences of his plea and that the decision to plea guilty has been made freely and voluntarily and w/o coercion, and finds there is a factual basis for the plea.

Government counsel to file motion to withdraw notice of sentencing enhancement.

X Defendant remanded to the custody of the USM.

Court Reporter: Reggie McBride

Rhonda Enss, Courtroom Deputy