

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:12CR71
(Judge Keeley)

CARISSA HADS,

Defendant.

**ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S
RECOMMENDATION THAT DEFENDANT'S GUILTY PLEA BE ACCEPTED**

On October 10, 2012, defendant, Carissa Hads, appeared before United States Magistrate Judge John S. Kaul and moved this Court for permission to enter a plea of GUILTY to Count One of the Indictment. The defendant stated that she understood that the magistrate judge is not a United States District Judge, and consented to pleading before the magistrate judge. This Court had referred the guilty plea to the magistrate judge for the purposes of administering the allocution pursuant to Federal Rule of Criminal Procedure 11, making a finding as to whether the plea was knowingly and voluntarily entered, and recommending to this Court whether the plea should be accepted.

Based upon the defendant's statements during the plea hearing and the testimony of West Virginia State Police Officer Robert Talkington, the Magistrate Judge found that the defendant was competent to enter a plea, that the plea was freely and voluntarily

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given, that the defendant was aware of the nature of the charges against her and the consequences of her plea, and that a factual basis existed for the tendered plea. On October 10, 2012, Magistrate Judge Kaul entered an "Opinion/Report and Recommendation concerning Plea of Guilty in a Felony Case" finding a factual basis for the plea and recommending that the Court accept the defendant's plea of guilty to Count One of the Indictment.

The magistrate judge also directed the parties to file any written objections to the report and recommendation within fourteen (14) days after service of the report and recommendation. The magistrate judge further directed that failure to file objections would result in a waiver of the right to appeal from a judgment of this Court based on the report and recommendation.

The parties did not file any objections. Accordingly, this Court **AFFIRMS** the magistrate judge's recommendation and **ACCEPTS** the defendant's plea of guilty to Count One of the Indictment and **ADJUDGES** the defendant **GUILTY** of the crime charged in Count One of the Indictment.

Pursuant to Fed. R. Crim. P. 11(c)(3) and U.S.S.G. § 6B1.1(c), acceptance of the proposed plea agreement and stipulated addendum

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to the plea agreement, is **DEFERRED** until the Court has received and reviewed the presentence report prepared in this matter.

Pursuant to U.S.S.G. § 6A1 et seq., it is hereby **ORDERED** that:

1. The Probation Officer undertake a presentence investigation of **CARISSA HADS** and prepare a presentence report for the Court;

2. **The Government and the defendant to provide their versions of the offense to the probation officer by November 7, 2012;**

3. The presentence report to be disclosed to the defendant, defense counsel, and the United States on or before **December 10, 2012;** however, the Probation Officer is not to disclose the sentencing recommendations made pursuant to Fed. R. Crim. P. 32(e)(3);

4. Counsel to file written objections to the presentence report on or before **December 21, 2012;**

5. The Office of Probation to submit the presentence report with addendum to the Court on or before **January 4, 2013;** and

6. Counsel to file any written sentencing statements and motions for departure from the Sentencing Guidelines, including the

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factual basis from the statements or motions, on or before **January 18, 2013.**

Magistrate Judge Kaul remanded the defendant to the custody of the United States Marshals.

The Court will conduct the sentencing hearing for the defendant on **Tuesday, January 29, 2013 at 11:30 A.M.** at the **Clarksburg, West Virginia** point of holding court.

It is so **ORDERED.**

The Court directs the Clerk of Court to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: October 24, 2012

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE