

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA §

V. § CR. NO. _____

_____ §

WAIVER OF APPEAL

The defendant _____, in the above styled and numbered cause, **hereby expressly waives the right to contest and/or appeal, either directly or collaterally, his/her guilty plea, conviction, sentence, and/or detention by means of ANY post-conviction proceeding whatsoever.** Such waiver expressly includes, and **Defendant expressly agrees not to file, ANY DIRECT and/or COLLATERAL attacks** on the validity of Defendant’s guilty plea, conviction, sentence, and/or detention pursuant to any statute, law, procedure, or Constitutional provision whatsoever, including, without limitation **Title 18, U.S.C. § 3742 and Title 28, U.S.C. §2255.**

Defendant is aware that Title 28, U.S.C. § 2255, affords the right to contest or “collaterally attack” a conviction or sentence after the conviction or sentence has become final. Understanding this, Defendant agrees to waive the right to “collaterally attack” his/her conviction and/or sentence in any manner whatsoever, including Title 28, U.S.C. 2255. **Defendant is also aware** that Title 18, U.S.C. § 3742 affords a defendant the right to appeal the sentence imposed and/or the manner in which such sentence was determined. Understanding this, Defendant agrees to waive the right to appeal the sentence imposed or the manner in which it was determined on any grounds whatsoever, including, without limitation, those set forth in Title 18 U.S.C. § 3742.

The Defendant further waives all defenses based on venue, speedy trial under the Constitution and Speedy Trial Act, and the statute of limitations with respect to any prosecution that is not time barred on the date that this Agreement is signed, in the event that (a) Defendant’s conviction is later vacated for any reason, (b) Defendant violates any provision of this Agreement, or (c) Defendant’s plea is later withdrawn.

In exchange for this waiver of appeal, the United States will recommend a **one (1) level downward adjustment** pursuant to the United States Sentencing Guidelines, Section 5K2.0.

SIGNED on this the _____ day of _____, _____.

Defendant

KEN MAGIDSON
United States Attorney

By: _____
Assistant United States Attorney
Southern District of Texas

Attorney for Defendant