

5. Recognizing your right to proceed before a district judge, do you expressly consent to proceed in this court, that is, before a United States Magistrate Judge?

YES: X NO:

6. Please state your full name, age, and education.

Terry Scott Hyde, 50 ^{or} graduate in 1979 from East Pulaski High School in Rutherford County, North Carolina

7. Are you presently under the influence of any intoxicating liquors?

YES: NO: X

Are you presently under the influence of any narcotics?

YES: NO: X

Are you presently under the influence of any medicines or drugs of any kind?

YES: NO: X

Have you taken any medications within the last 48 hours?

YES: X NO:

If so, what medications have you taken within the last 48 hours?

Lisinopril - taken for high blood pressure.

8. Are you currently under the care of a physician?

YES: X NO:

The doctor at the Buncombe County Detention Facility.
Have you ever been treated for mental illness?

YES: NO: X

Have you ever been treated for substance abuse?

YES: NO: X

9. Is your mind clear and do you understand that you are here today to enter a guilty plea that may not later be withdrawn?

YES: X NO: _____

10. Do you understand that you have the right to be represented by an attorney at every stage of the proceeding and, if necessary, one will be appointed to represent you?

YES: X NO: _____

Have you reviewed the bill of indictment with your attorney?

YES: X NO: _____

11. Are you pleading guilty to count one as contained in the bill of indictment?

YES: X NO: _____

The law requires that I advise you of the essential elements of such an offense. The elements of the offense or offense(s) to which you are pleading guilty are as follows:

Counts One:

18 USC § 1343

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than twenty years or both.

Elements:

1. That you knowingly devised, or intended to devise, a scheme or artifice to defraud, or for obtaining money or property by means of false pretenses, representations, or promises;

2. That, for the purpose of executing such scheme ^{artifice}, you transmitted or caused to be transmitted by means of wire communications any writing, sign, signal, picture, or sound; and
3. That you did such acts knowingly, willfully, intentionally, and unlawfully.

Penalty:

I am also required by law to advise you concerning the maximum and minimum penalties prescribed by law for such an offense. Those maximum and minimum penalties are as follows:

The maximum possible penalty for each count is a term of imprisonment of not more than 20 years', a fine not to exceed the sum of \$250,000, or both, a term of supervised release of not more than 3 years' and a \$100 special assessment.

12. Have you been advised by your attorney that if you are not a citizen of the United States, your guilty plea may have adverse immigration consequences?

YES: X

NO: _____

13. Have you been advised by your attorney that if you are not a citizen of the United States, your guilty plea may result in deportation or removal from the United States?

YES: X

NO: _____

14. a) Do you fully understand the charges against you, including the maximum and minimum penalties?

YES: X

NO: _____

- b) Do you understand each element of the offenses charged?

YES: X

NO: _____

- c) Do you understand that upon a plea of not guilty the government would be required to prove each element of the offenses charged beyond a reasonable doubt?

YES: X

NO: _____

d) Do you understand that the government would be required to prove that the unlawful act(s) were committed knowingly, wilfully, intentionally, and unlawfully?

YES: X NO: _____

15. If the court imposes an active term of imprisonment of more than one year, the court is required also to order a term of "supervised release," and a term of supervised release may be ordered in other circumstances. This means that after a defendant is released from prison, there are certain terms and conditions they will be required to follow. The length of supervised release usually ranges from one to five years, but may be more or less than that for certain offenses. Do you understand the terms "supervised release" as the court has explained ~~to~~ ^{to you} to you?

YES: X NO: _____

16. Do you understand that if you violate the terms and conditions of supervised release, you could be returned to prison for an additional period of time?

YES: X NO: _____

17. Do you understand that parole has been abolished in the federal system; and if you are sentenced to a term of imprisonment, you will not be released on parole?

YES: X NO: _____

18. Have you and your attorney discussed how the Sentencing Guidelines may apply in your case?

YES: X NO: _____

19. Do you understand how these Guidelines may apply to you?

YES: X NO: _____

20. Do you understand that the Court is not bound by the Sentencing Guidelines but nevertheless must consult the Guidelines and take them into account when sentencing?

YES: X NO: _____

21. Do you understand that the sentence the Court will impose will be within the statutory limits and in the Court's sound discretion and could be greater or less than the sentence as provided by the Guidelines?

YES: X NO: _____

22. Do you understand that the Court will follow the procedural components of the Guidelines system, which means that the Probation Office will prepare a presentence report which contains Guidelines calculations and both you and the Government will have an opportunity to object to any alleged deficiencies in the report?

YES: X NO: _____

23. Do you understand that in some circumstances you may receive a sentence that is different - that is, either higher or lower - than that called for by the Guidelines?

YES: X NO: _____

24. Do you understand that if the sentence is more severe than you expect, you will still be bound by your plea and have no right to withdraw the plea of guilty?

YES: X NO: _____

25. Do you understand that the court has the discretion, in appropriate circumstances, to order you to make restitution to any victim of the offense. The court may also, in the appropriate circumstance, require you to pay the costs of your confinement in prison or costs of supervision or special investigative costs, or all of these costs. The court may also require you to forfeit property involved in the offense. Do you understand these requirements as I have explained them to you?

YES: X NO: _____

26. Do you understand you have a right to plead not guilty, to have a speedy trial before a judge and jury, to summons witnesses to testify in your behalf, and to confront witnesses against you?

YES: X NO: _____

27. Do you understand that if you exercise your right to trial you would be entitled to the assistance of an attorney, that you would not be required to testify, that you would be presumed innocent, and the burden would be on the Government to prove your guilt beyond a reasonable doubt. Do you understand all of these rights?

YES: X

NO:

28. Do you understand that by entering a plea of guilty, you forfeit and waive (or give up) your right to plead not guilty, to a trial by jury, and at that trial the right to assistance of counsel, the right to confront and cross-examine witnesses against you, and the right against compelled self-incrimination or any other rights associated with a jury trial? Do you understand that by entering this plea of guilty you are waiving (or giving up) all of these rights. There will be no trial. If your plea of guilty is accepted, there will be one more hearing where the district court will determine:

(a) Whether there is a factual basis for your plea; and

(b) What sentence to impose.

Do you understand that?

YES: X

NO:

29. Are you, in fact, guilty of the count in the bill of indictment to which you have come to court today to plead guilty? That is, did you commit the act(s) described in count one of the bill of indictment?

YES: X

NO:

30. Is your plea of guilty voluntary and not the result of coercion, threats or promises in any way?

YES: X

NO:

31. Do you understand that entering a plea of guilty to a felony charge may deprive you, at least for a time, of certain civil rights such as the right to vote, hold a public office, serve on a jury and possess a firearm?

YES: X

NO:

32. Is your willingness to plead guilty the result of prior discussions between your attorney and the attorney for the government?

YES:

NO: X

33. Have the government and defendant entered a plea agreement of any kind or nature in this case?

YES: X NO: _____

34. Have you had ample time to discuss with your attorney any possible defenses you may have to this charge, and have you told your attorney everything you want such attorney to know about this case?

YES: X NO: _____

35. Are you entirely satisfied with the services of your attorney?

YES: X NO: _____

36. Are you telling the court that you know and understand fully what you are doing; that you heard and understood all parts of this proceeding; and want the court to accept your plea of guilty?

YES: X NO: _____

37. Do you have questions, statements, or comments to make about anything brought up or discussed in the course of the proceeding? If you do, I will be happy to try and answer your questions or I will be glad to hear any statements or comments that you want to make.

YES: _____ NO: X

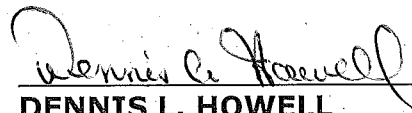
On advice and in the presence of counsel, the defendant respectfully requests the Magistrate Judge to accept his or her guilty plea. By signing below, the defendant (and counsel) certify and affirm that the answers given to the questions propounded by the court, as recorded above and on the record, are true and accurate to the best of their knowledge.

Jerry Snyder
Defendant's Signature

Al Messer
Counsel's Signature

Based upon the representations and answers given by the defendant (and counsel) in the foregoing Rule 11 proceeding, the court finds that the defendant's plea is knowingly and voluntarily made; and that the defendant understands the charges, potential penalties, and consequences of said plea. Accordingly, the defendant's plea is hereby accepted.

SO ORDERED, this the 16 day of February, 2011.



DENNIS L. HOWELL
UNITED STATES MAGISTRATE JUDGE