

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEON CORNELIUS MITCHELL,

Defendant.

CR 18-21-GF-BMM

ORDER

Defendant Leon Mitchell (Mitchell) appeared before United States Magistrate Judge John Johnston on June 21, 2018, and entered a plea of guilty to Conspiracy to Possess with the Intent to Distribute Methamphetamine as charged in Count I of the Indictment. Judge Johnston entered Findings and Recommendations on June 21, 2018. (Doc. 19). Judge Johnston determined: (1) that Mitchell was fully competent and capable of entering an informed and voluntary plea; (2) that Mitchell was aware of the nature of the charges against him and the consequences of pleading guilty to Count I; (3) that Mitchell understood his constitutional rights, and the extent to which he was waving those rights by pleading guilty; (4) that Mitchell's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing each of the essential elements of the offense charged in Count I; (5) that Mitchell had adequate time to

review the Plea Agreement with counsel; and (6) that Mitchell understood each provision of the Plea Agreement. (Doc. 19 at 1-2). Judge Johnston recommended that this Court accept Mitchell's plea of guilty to Conspiracy to Possess with the Intent to Distribute Methamphetamine as charged in Count I. (Doc. 19 at 2). Neither party filed objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error, given that no objections were filed. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Mitchell's Motion to Change Plea (Doc. 13) is GRANTED.
2. The Court will defer acceptance of the Plea Agreement (Doc. 15) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 10th day of July, 2018.

A handwritten signature in blue ink, reading "Brian Morris", is positioned above a horizontal line.

Brian Morris
United States District Court Judge