

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

**CASE NO: EP-07-CR-87-KC**

**THE UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**LUIS POSADA CARRILES,**

**Defendant.**

**DEFENDANT LUIS POSADA CARRILES' APPEAL TO THE DISTRICT  
COURT OF THE MAGISTRATE JUDGE'S ORDER DENYING  
DEFENDANT'S MOTION TO REOPEN PRETRIAL DETENTION  
HEARING, REQUEST FOR EXPEDITED CONSIDERATION AND  
INCORPORATED MEMORANDUM OF LAW**

**EXHIBIT B**

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IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

UNITED STATES OF AMERICA        )  
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v                                        ) Cause No. EP-07-CR-0087  
  )  
LUIS POSADA CARRILES            )

PLEA OF GUILTY  
BEFORE THE HONORABLE NORBERT J. GARNEY  
UNITED STATES MAGISTRATE JUDGE  
JANUARY 22, 2007

APPEARANCES:

For the Government: Mr. Paul Edward Ahern  
  and  
  Mr. Mike Mullaney  
  U.S. Department of Justice  
  10th and Constitution Ave., NW  
  Washington, DC 20530

For the Defendant: Mr. Felipe D.J. Millan  
  Attorney at Law  
  2630 Montana Avenue  
  El Paso, TX 79903

Proceedings recorded by electronic recording. Transcript  
produced by Rhonda McCay, CSR, RPR.

1 (Proceedings called to order)

2 THE COURT: Okay. Please be seated.

3 Court calls United States versus Luis Posada  
4 Carriles, EP-07-CR-87.

5 May I have announcements?

6 MR. AHERN: Good morning, Your Honor.

7 Paul Ahern and Michael Mullaney on behalf of the  
8 United States.

9 THE COURT: Okay.

10 MR. MILLAN: Good morning, Your Honor.

11 Felipe Millan, on behalf of Mr. Luis Posada  
12 Carriles.

13 THE COURT: Okay. I've got a waiver of the  
14 arraignment. Are we going to proceed on detention?

15 MR. MILLAN: Your Honor, we were going to  
16 respectfully request a two-week continuance of the detention  
17 hearing.

18 THE COURT: Why?

19 MR. MILLAN: Two issues, Judge. The first issue is  
20 the writ of habeas corpus, which has not been heard -- has not  
21 been finalized by Judge Martinez.

22 THE COURT: Okay. But that is completely unrelated  
23 to this. So what's your other reason?

24 MR. MILLAN: It is -- the other reason is, we wish to  
25 negotiate first with the Department of Justice, and perhaps

1 have a final resolution to the case prior to proceeding for the  
2 detention hearing.

3 THE COURT: A final resolution of the criminal case?

4 MR. MILLAN: Yes, sir.

5 MR. AHERN: Your Honor, from the government's  
6 perspective, what I understand procedurally that the defendant  
7 wants is to waive the detention issue at this point in favor of  
8 a hearing in the future. He's chosen two weeks out, I think is  
9 the date that we can both agree on.

10 We just want to be clear that whether that hearing  
11 happens in two weeks or later, that the defendant is actually  
12 waiving the detention issue in favor of reconsideration for  
13 later on. That procedurally is how I understand this is --

14 THE COURT: Well, that's different. Are you waiving  
15 your detention hearing? I'll order him detained.

16 MR. MILLAN: No, I'm not, Your Honor. I'm not -- I'm  
17 asking that it be continued.

18 THE COURT: No. Let me talk to counsel back in  
19 chambers.

20 We'll take a short recess.

21 (Recess)

22 THE COURT: Okay. Please be seated.

23 We're going back on the record for Mr. Luis Posada  
24 Carriles, 07-87.

25 Present is Mr. Posada Carriles, as well as lawyers

1 for the government and Mr. Carriles.

2 Now, what are we going to do?

3 MR. MILLAN: Your Honor, I believe that my client at  
4 this time will waive the detention hearing on the  
5 understanding -- representations made by government and counsel  
6 that this can be revisited again by a filing of a motion, and  
7 they will not object to a reconsideration hearing on the issue  
8 of detention before the Court.

9 THE COURT: All right. And for government, please.

10 MR. AHERN: Your Honor, the government has  
11 represented to counsel that it will not oppose a motion to  
12 reconsider later on, with the understanding that he is waiving  
13 the detention issue for right now.

14 THE COURT: Okay. And, of course, I guess I need to  
15 state for the record that although the government is sustaining  
16 that they would not oppose a motion for reconsideration, that  
17 doesn't change the standard under which the Court would  
18 consider that motion. I mean, there is certain statutory  
19 standards that I must consider.

20 Do you understand that?

21 MR. MILLAN: That is correct, Your Honor.

22 THE COURT: Okay, then.

23 Do we have a signature on the waiver?

24 MR. MILLAN: On the waiver you do, Your Honor. Not  
25 on the issue of detention.

1 THE COURT: All right. I think we have a form for  
2 you to sign there as well.

3 MR. MILLAN: Yeah, we do have one.

4 THE COURT: I think we have it.

5 Is there anything the government wishes to get on the  
6 record?

7 MR. AHERN: No, Your Honor.

8 THE COURT: Mr. Millan, yourself?

9 MR. MILLAN: No, Your Honor.

10 THE COURT: All right, then. We'll be in recess.

11 MR. MILLAN: Thank you.

12 MR. AHERN: Thank you, Your Honor.

13 (Proceedings concluded)

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1 CERTIFICATE OF ELECTRONIC RECORDING

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3 I, Rhonda McCay, CSR, RPR, certify that the  
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10 the action.

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March 7, 2007  
DATE

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