

ENTERED

November 13, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA §
 §
vs. § CRIMINAL NO. 4:23-CR-413
 §
ABIGAIL JO SHRY §
 §
 §

REPORT AND RECOMMENDATION

Before the Court, by referral pursuant to 28 U.S.C. § 636(b), is the matter of the re-arraignment of Abigail Jo Shry, Defendant in this action. Order, ECF No. 41.¹ The Court, having addressed Defendant personally in open court, now submits its Report and Recommendation.

On November 13, 2024, Defendant Abigail Jo Shry appeared with counsel before the Court for the purpose of entering a guilty plea to Count 1 of the Indictment, charging her with threat by interstate communication. 18 U.S.C. § 875(c). After conducting this proceeding in the form and manner prescribed by Rule 11 of the Federal Rules of Criminal Procedure, this Court makes the following findings of fact:

1. Defendant Shry, after consultation with counsel of record and with the approval of the Government, has knowingly and

¹ Defendant Abigail Jo Shry consented *in writing* to plead guilty before United States Magistrate Judge Dena Palermo.

voluntarily consented to be advised of her rights and to enter a plea of guilty before United States Magistrate Judge Dena Palermo, subject to United States District Judge Keith Ellison's final approval and imposition of sentence.

2. Defendant Shry is fully competent and capable of entering an informed plea.
3. Defendant Shry is aware of the nature of the charges, the maximum punishment range, and the penalties that may be imposed at sentencing.
4. Defendant Shry understands her constitutional and statutory rights and wishes to waive those rights, including the right to plead not guilty, the right to trial, the right to appeal, and the right to collaterally attack the conviction.
5. Defendant Shry understands that Judge Ellison, the sentencing judge, is not bound by any recommendation on sentencing counsel may make to him. In addition, if Judge Ellison does not follow a recommendation on sentencing, Shry understands she may not withdraw her plea of guilty.
6. There is an independent basis in fact to support each of the essential elements of the offense charged in Count 1 of the Indictment, and the Defendant intended to do the acts she committed.
7. Defendant Shry's plea of guilty is knowingly, voluntarily, and freely made, and the Defendant understands the consequences of her plea. This is an informed plea.

Therefore, it is the Court's **RECOMMENDATION** that Judge Ellison **ACCEPT** the guilty plea of Defendant Abigail Jo Shry to Count 1 of the Indictment and that Abigail Jo Shry be adjudged guilty of the offense alleged in Count 1, to wit: threat by interstate communication. 18 U.S.C. § 875(c).

The parties have fourteen (14) days to file written objections pursuant to General Order 2002-13. Failure to file written objections within the time period mentioned shall bar an aggrieved party from attacking the factual findings and legal conclusions on appeal.

Signed on November 13, 2024, at Houston, Texas.



**Dena Hanovice Palermo
United States Magistrate Judge**