

APPENDIX C

UNITED STATES DISTRICT COURT
District of Connecticut

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

vs.

CASE NO. 3:16CR173 (MPS)

USM NO: 25076-014

JESUS SANTIAGO

PATRICIA STOLFI COLLINS

Assistant United States Attorney

JAMES P. MAGUIRE

Defendant's Attorney

THE DEFENDANT: plead guilty to count 1 of the Indictment.

Accordingly the defendant is adjudicated guilty of the following offense:

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Offense Concluded</u> | <u>Count</u> |
|--------------------------------------|--|--------------------------|--------------|
| 18 U.S.C. §§ 922(g)(1) and 924(a)(2) | Possession of a Firearm by a Convicted Felon | June 21, 2016 | 1 |

The sentence was slightly below the Guidelines range to reflect the defendant's likely age at the time of release and the fact that conditions of supervised release will be included to protect the public. The sentence was nonetheless very substantial for this offense and slightly longer than the longest time the defendant had previously served to ensure that the sentence adequately served the need to protect the public and deter the defendant from returning to criminal activity. The sentence was driven primarily by the nature and extent of the defendant's lengthy criminal record, which included drug and violent offenses, the length of time the defendant had previously served, the nature and circumstances of this offense, and the defendant's demonstrated inability to follow the rules while incarcerated. The sentence also included conditions aimed at protecting the public and addressing the defendant's vocational and substance abuse needs. As noted at the sentencing hearing, the court would have imposed the same sentence even if it had not determined that the defendant's sale of narcotics conviction was a "controlled substance offense" and his robbery conviction a "crime of violence" under the Guidelines.

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total of **75** months.

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a total term of **3** years. The Mandatory and Standard Conditions of Supervised Release as attached, are imposed. In addition, the following Special Conditions are imposed:

1. The defendant is prohibited from possessing a firearm or other dangerous weapon.
2. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by a U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon suspicion of contraband or evidence of a violation of a condition

of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

3. The defendant must participate in a program recommended by the U. S. Probation Office and approved by the Court for inpatient or outpatient substance abuse treatment and testing. Following an initial medical evaluation, the Probation Office shall give consideration to an in-patient program aimed at dual diagnosis, in particular, substance abuse and mental health issues. The defendant shall pay all or a portion of costs associated with treatment based on the defendant's ability to pay as recommended by the Probation Officer and approved by the Court.
4. The defendant must participate in program recommended by the U. S. Probation Office and approved by the Court for inpatient or outpatient mental health treatment. The defendant shall pay all or a portion of the costs associated with treatment based on the defendant's ability to pay as recommended by the Probation Officer and approved by the Court.
5. The defendant shall participate in an educational program to obtain a GED, if not employed full-time.

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments as follows:

Special Assessment: \$100.00

It is further ordered that the defendant will notify the United States Attorney for this district within 30 days of any change of name, residence or mailing address until all costs and special assessments imposed by this judgment, are paid.

The defendant is remanded to the custody of the United States Marshal.

JUDICIAL RECOMMENDATION TO THE BUREAU OF PRISONS

That the defendant serve his term of incarceration as close to Connecticut as possible.
That the defendant participate in the 500 hour drug rehabilitation treatment program.

May 8, 2017
Date of Imposition of Sentence

/s/
Michael P. Shea
United States District Judge
Date: May 9, 2017

CONDITIONS OF SUPERVISED RELEASE

In addition to the Standard Conditions listed below, the following indicated (■) Mandatory Conditions are imposed:

MANDATORY CONDITIONS

- (1) You must not commit another federal, state or local crime.
- (2) You must not unlawfully possess a controlled substance.
- (3) You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
- (4) ■ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
- (5) ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
- (6) ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

STANDARD CONDITIONS

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

- (1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- (2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- (3) You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- (4) You must answer truthfully the questions asked by your probation officer.
- (5) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- (6) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- (7) You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- (8) You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- (9) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- (10) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- (11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- (12) You must follow the instructions of the probation officer related to the conditions of supervision.

Upon a finding of a violation of supervised release, I understand that the court may (1) revoke supervision and impose a term of imprisonment, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) _____
Defendant

Date

U.S. Probation Officer/Designated Witness

Date

CERTIFIED AS A TRUE COPY ON THIS DATE: _____

By: _____
Deputy Clerk

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ a _____ with a certified copy of this judgment.

Brian Taylor
Acting United States Marshal

By _____
Deputy Marshal