

PETITION APPENDIX

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24-2101
United States v. Snipe

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 19th day of December, two thousand twenty-five.

PRESENT:

DENNY CHIN,
RICHARD J. SULLIVAN,
ALISON J. NATHAN,
Circuit Judges.

UNITED STATES OF AMERICA,

Appellee,

v.

No. 24-2101

BUSHAWN SHELTON, a.k.a. SHELZ, HERMAN
BLANCO, a.k.a. TALIBAN, ARTHUR
CODNER, a.k.a. FEDDI, a.k.a. FETTY, a.k.a.
FEDDI BOSSGOD, a.k.a. FETTY BOSS, a.k.a.

SCARY, KALIK MCFARLANE, HIMEN ROSS,
a.k.a. ACE, JASON CUMMINGS, a.k.a. THE
HAT, a.k.a. STACKS, ALFRED LOPEZ, a.k.a.
ALOE, BRANDEN PETERSON, a.k.a. B, a.k.a.
MUR B, ANTHONY ZOTTOLA SR., a.k.a.
ANTHONY ZOTTOLA,

Defendants,

JULIAN SNIPE, a.k.a. BIZ, a.k.a. BIZZZY,

*Defendant-Appellant.**

For Defendant-Appellant:

INES MCGILLION, Ines McGillion Law
Offices, PLLC, Putney, VT.

For Appellee:

ANDREW M. RODDIN (Amy Busa, Kayla C.
Bensing, Devon E. Lash, Emily J. Dean, *on
the brief*), Assistant United States
Attorneys, *for* Joseph Nocella, Jr., United
States Attorney for the Eastern District of
New York, NY.

Appeal from a judgment of the United States District Court for the Eastern
District of New York (Hector Gonzalez, *Judge*).

**UPON DUE CONSIDERATION, IT IS HEREBY ORDERED,
ADJUDGED, AND DECREED** that the August 2, 2024 judgment of the district

* The Clerk of Court is respectfully directed to amend the official case caption as set forth above.

court is **AFFIRMED** in part and **VACATED and REMANDED** in part. The remainder of the appeal is **DISMISSED**.

Julian Snipe appeals from a judgment of conviction after pleading guilty to one count of murder-for-hire conspiracy (“Count One”) and one count of substantive murder-for-hire (“Count Two”), both in violation of 18 U.S.C. § 1958(a), for which he received a sentence of 240 months’ imprisonment, followed by three years’ supervised release. Snipe raises a host of challenges to his conviction and sentence, most of which the government contends were waived pursuant to the terms of the parties’ plea agreement.¹ We assume the parties’ familiarity with the underlying facts, procedural history, and issues on appeal, to which we refer only as needed to explain our decision.

¹ In particular, Snipe argues that (1) the district court erred in finding that the objects of the criminal conspiracy to which he belonged were the murders of Sylvester Zottola and Salvatore Zottola; (2) there was “insufficient evidence of guilt” to support his conviction for conspiracy to murder Sylvester Zottola, Snipe Br. at 9; (3) his conviction on Count Two was subject to a ten-year statutory maximum sentence; (4) the government breached the parties’ plea agreement when it argued for a “serious sentence,” *id.*; and (5) the special condition of his supervised release that prohibits him from associating with anyone affiliated with “organized crime groups, gangs[,] or any other criminal enterprise” (the “non-association condition”), PSR ¶ 128, is unconstitutionally vague and overbroad, infringes on his First Amendment rights to free speech and association, and represents an unconstitutional delegation to the Probation Office (“Probation”). In a motion to submit a supplemental letter brief, Snipe also contends that this Court’s decision in *United States v. Maiorana*, 153 F.4th 306 (2d Cir. 2025) (en banc), requires vacatur of the thirteen standard conditions of his supervised release and a remand to the district court. We grant Snipe’s motion and address his *Maiorana* claim on the merits below.

I. Snipe Is Bound By His Plea Agreement, in Which He Waived All Challenges to His Conviction and Sentence.

The government contends that Snipe waived each of his appellate challenges – apart from those to his supervised-released conditions – by “knowingly and intelligently execut[ing] a valid waiver of his right to appeal any sentence of 480 months or less.” Gov’t Br. at 26. We agree.

Though we possess discretion “to correct errors that were forfeited because [they were] not timely raised in the district court,” we have “no such discretion” where “there has been true waiver.” *United States v. Spruill*, 808 F.3d 585, 596 (2d Cir. 2015) (emphases deleted) (citing Fed. R. Crim. P. 52(b)). And we have “recognized waiver where a party actively solicits or agrees to a course of action that he later claims was error.” *Id.* at 597.

Here, Snipe signed a comprehensive appeal waiver relinquishing his right to challenge “the conviction or sentence in the event that the [district] [c]ourt impose[d] a term of imprisonment of 480 months or below.” App’x at 110. At the outset of Snipe’s guilty plea proceeding, the district court confirmed that Snipe had read the waiver and understood that he “agreed not to appeal or in any way challenge [his] sentence or conviction as part of [his plea] agreement.” *Id.* at 100; *see also id.* at 71–72 (confirming that Snipe understood his rights). Following

Snipe's allocution and prior to accepting his guilty plea, the district court concluded that Snipe "act[ed] voluntarily" and "fully underst[ood] his rights . . . and [the] possible consequences of his pleas." *Id.* at 104–05. There is nothing, in other words, to substantiate Snipe's claim that "his plea was involuntary and unknowing." Snipe Br. at 22. To the contrary, Snipe pleaded guilty to two-lesser included offenses, thereby avoiding a potential life sentence under the five-count indictment. He is therefore "bound by his undertaking in the plea agreement," and the government is entitled to "the benefit of its bargain." *United States v. Yemitan*, 70 F.3d 746, 747–48 (2d Cir. 1995).

Snipe nonetheless contends that the appeal waiver is unenforceable because the government breached the plea agreement when it (1) opposed a reduction to his offense level for acceptance of responsibility under the advisory Sentencing Guidelines, and (2) "advocat[ed] for a 'serious sentence'" during the sentencing proceeding. Snipe Br. at 48 (capitalization altered) (quoting App'x at 345), 52. Because Snipe raised neither objection in the district court, we review for plain error. *See United States v. Taylor*, 961 F.3d 68, 81 (2d Cir. 2020). "To establish plain error, a defendant must demonstrate: (1) error, (2) that is plain, and (3) that affects substantial rights." *United States v. Bleau*, 930 F.3d 35, 39 (2d Cir. 2019)

(internal quotation marks omitted). “If all three conditions are met, we will then exercise our discretion to rectify this forfeited error only if (4) the error seriously affects the fairness, integrity, or public reputation of judicial proceedings.” *Id.* (internal quotation marks omitted).

To determine whether the government breached a plea agreement, we examine it “in accordance with principles of contract law,” analyzing “what the parties reasonably understood to be the terms of the agreement.” *United States v. Vaval*, 404 F.3d 144, 152 (2d Cir. 2005) (internal quotation marks omitted). Snipe’s plea agreement stated that the government would “take no position concerning where within the Guidelines range determined by the [c]ourt [Snipe’s] sentence should fall” and “make no motion for an upward departure under the Sentencing Guidelines.” App’x at 111. The plea agreement also provided for a three-level reduction in offense level “[i]f [Snipe] clearly demonstrate[d] acceptance of responsibility, through allocution and subsequent conduct prior to the imposition of sentence . . . to the satisfaction of the [government].” *Id.* at 109–10. Prior to sentencing, however, Snipe moved to withdraw his guilty plea “multiple times,” “assert[ing] actual innocence to his participation in the charged crimes.” *Id.* at 382; *see id.* at 121 (Snipe: “I didn’t help plot or carry out this conspiracy.”). In

response, the government opposed the three-level reduction for acceptance of responsibility that the parties had contemplated in the plea agreement. The government ultimately recommended a 360-month sentence, which was at “the low end” of the Guidelines range “of 360 to 480 months’ imprisonment estimated in the parties’ plea agreement” but below the final Guidelines sentence of 480 months. *Id.* at 340, 387; *see also* U.S.S.G. § 5G1.1(a) (“Where the statutorily authorized maximum sentence is less than the minimum of the applicable guideline range, the statutorily authorized maximum sentence shall be the guideline sentence.”).

These facts are insufficient to support a finding that the government breached the plea agreement. For starters, the agreement expressly stated that the government would “advise the [c]ourt and the Probation Department of information relevant to sentencing,” App’x at 109, and provided that the acceptance-of-responsibility reduction was only available “[i]f [Snipe] clearly demonstrates acceptance of responsibility . . . prior to the imposition of sentence,” *id.* Snipe’s claims of innocence – that he “didn’t have any part of this [conspiracy],” *id.* at 119 – clearly contradicted any acceptance of responsibility. *See* U.S.S.G. § 3E1.1, Application Note 1(A) (to determine whether a defendant

qualifies for a sentencing reduction, “appropriate considerations” include “truthfully admitting the conduct comprising the offense(s) of conviction, and truthfully admitting or not falsely denying any additional relevant conduct”); *see also, e.g., United States v. Beltre*, 562 F. App’x 15, 19 (2d Cir. 2014) (“[A] post-plea disavowal of guilt may be treated as inconsistent with acceptance of responsibility.”).

Similarly, the government’s agreement not to take a “position concerning where within the Guidelines range determined by the [c]ourt the sentence should fall,” App’x at 111, was premised “upon information *now known* to the [U.S. Attorney’s] Office,” *id.* (emphasis added). But that bargain was struck *before* Snipe asserted his innocence and attempted to withdraw his guilty plea – actions that clearly undercut Snipe’s acceptance of responsibility. Put differently, these “new justifying facts,” far from “involv[ing] bad faith” on the government’s part, expressly lend support to its argument that the sentencing reduction should not apply. *United States v. Habbas*, 527 F.3d 266, 271 (2d Cir. 2008). By advocating for a 360-month sentence – the *lowest* sentence contemplated by the plea agreement and a full ten years *below* the range ultimately settled on by the district court – the government did not “deprive[] Mr. Snipe of his bargain.” Snipe Br. at 52.

In any event, even if Snipe could demonstrate that the government breached the plea agreement, he fails to demonstrate plain error. *See Bleau*, 930 F.3d at 39. Though the plea agreement stipulated that the “effective Guidelines range of imprisonment is 360–480 months,” App’x at 110, that range was premised on Snipe demonstrating acceptance of responsibility. Given his subsequent conduct and the district court’s denial of a reduction for acceptance of responsibility, the court, Probation, and the parties agreed that the applicable Guidelines range was 480 months – the statutory maximum for the two stacked counts of conviction. *See id.* at 387. The district court then sentenced Snipe to 240 months’ imprisonment, emphasizing that “[it] would have imposed the same sentence on [Snipe] even had [it] found that he was entitled to the two-[level] acceptance of responsibility adjustment.” *Id.* at 420.² It bears noting that the two-level reduction would have reduced Snipe “to an offense level of 43,” which would still have resulted in an “advisory range of life [imprisonment]” capped at the statutory maximum of 480 months. *Id.* at 420–21. Thus, any breach of the plea agreement by the government did not “affect[] the outcome of the district court proceedings.”

² The plea agreement contemplated a two-level reduction in offense level committed to the court’s discretion, with an additional one-level reduction “if [Snipe] has accepted responsibility . . . to the satisfaction of the [government].” App’x at 109–10.

Puckett v. United States, 556 U.S. 129, 135 (2009) (internal quotation marks omitted); see also *United States v. Arigbodi*, 924 F.2d 462, 464 (2d Cir. 1991) (underscoring that a district court does not commit plain error where a “defendant could have received exactly the same sentence in the absence of the alleged error”).

In sum, Snipe waived the challenges to his conviction and sentence by pleading guilty, and we reject his arguments that the government breached the plea agreement.³

II. The District Court Did Not Err in Imposing the Non-Association Condition.

Snipe next asserts that Special Condition #1 of his supervised release (the “non-association condition”) – which prohibits him from associating with criminally-linked individuals and organizations and from visiting certain places –

³ In the lead-up to oral argument, Snipe filed a letter pursuant to Federal Rule of Appellate Procedure 28(j) citing ongoing merits briefing in the Supreme Court to challenge this Circuit’s precedent in *United States v. Fisher*, 232 F.3d 301, 304 (2d Cir. 2000) (holding “that an otherwise enforceable waiver of appellate rights is not rendered ineffective by a district judge’s post-sentencing advice suggesting, or even stating, that the defendant may appeal”). See Snipe Dec. 10, 2025 Rule 28(j) Letter at 1. Snipe also contends that the government “forfeited and/or waived its ability to enforce the appeal waiver or restrict Mr. Snipe’s appellate rights to a greater degree than that articulated by the sentencing judge” in light of the pending Supreme Court litigation. *Id.* at 2. But it is well established that a party “is strictly forbidden from making additional arguments or from attempting to raise points clarifying its brief or oral argument” in Rule 28(j) submissions. *United States v. Bortnovsky*, 820 F.2d 572, 575 (2d Cir. 1987); see also *Poor v. Amazon.com Servs. LLC*, 104 F.4th 433, 444 n.10 (2d Cir. 2024) (argument made “for the first time in a Rule 28(j) letter” was “forfeited”). Because Snipe attempts to do just that –the day before argument, no less – we do not consider the arguments and briefing referenced in his Rule 28(j) letter.

(1) “infringes on [his] First Amendment right to free speech and association”; (2) is impermissibly “vague and overbroad”; and (3) “unconstitutionally delegates to U.S. Probation” the ability to set the terms of his supervised release. Snipe Br. at 53–55. He also contends that the district court erred by not pronouncing the non-association condition at sentencing. Unlike the other arguments raised on appeal, this challenge is not covered by the appeal waiver in the plea agreement, and so we address it on the merits.

“District courts possess broad discretion in imposing conditions of supervised release,” *United States v. Betts*, 886 F.3d 198, 202 (2d Cir. 2018), which we review “for abuse of discretion,” *United States v. Parkins*, 935 F.3d 63, 65 (2d Cir. 2019). To set conditions of supervised release, courts may consider conditions “reasonably related” to “the nature and circumstances of the offense and the history and characteristics of the defendant”; “the need for the sentence imposed to afford adequate deterrence to criminal conduct”; and “the need to protect the public from further crimes of the defendant.” *Betts*, 886 F.3d at 202 (quoting U.S.S.G. § 5D1.3(b)); *see also* 18 U.S.C. § 3583(d). Finally, “[w]e have upheld probation conditions that restrict a person’s liberty” so long as those conditions “bear a reasonable relation to the crime of which the defendant stands convicted,”

United States v. Schiff, 876 F.2d 272, 276 (2d Cir. 1989), and are “adequately explained” and “supported by the record,” *United States v. Sims*, 92 F.4th 115, 119 (2d Cir. 2024).

To begin, Snipe concedes that he neither objected to the non-association condition itself, nor to the way it was pronounced at sentencing, and so we review for plain error. Given Snipe’s acknowledged association with the “Gorilla Stone set of the Bloods” street gang, Sealed App’x at 56 (quoting PSR ¶ 8), we cannot say that the district court plainly erred in imposing a condition that barred him from “associat[ing] with other individuals engaged in criminal activity or gang activity,” App’x at 422. As the district court explained, Snipe’s “interactions with gang members” caused him “to be pulled into the orbit of th[e] conspiracy.” *Id.* at 423. It was therefore reasonable for the district court to conclude that the non-association condition would “mitigate th[e] risk” of further entanglements with criminal conduct and was thus “appropriate under the[] circumstances.” *Id.* In short, the “district court’s reason for imposing such a condition is self-evident based on the record,” *United States v. Arguedas*, 134 F.4th 54, 71 (2d Cir. 2025), and “reasonably related” to both (1) “the nature and circumstances of the offense and the history and characteristics of the defendant,” and (2) “the need to protect the

public from further crimes of the defendant,” *Betts*, 886 F.3d at 202 (quoting U.S.S.G. § 5D1.3(b)).

To the extent that Snipe challenges the non-association condition as “unconstitutionally vague and overbroad,” Snipe Br. at 55, we have often “rejected vagueness and overbreadth challenges to [similar] non-association conditions,” *Sims*, 92 F.4th at 125 n.6; *see also, e.g., United States v. Green*, 618 F.3d 120, 123–24 (2d Cir. 2010) (“The statutory background of the federal criminal law gives the phrase ‘criminal street gang’ provision a constitutionally sufficient foundation, and this part of the condition is therefore not unconstitutionally overbroad.”); *United States v. Marshall*, 808 F. App’x 11, 12–14 (2d Cir. 2020) (upholding a supervised-release condition “not to associate with any member, associate[,] or prospect of any criminal gang, club[,] or organization” (internal quotation marks omitted)); *United States v. Rakhmatov*, No. 21-151, 2022 WL 16984536, at *3 & n.1 (2d Cir. Nov. 17, 2022) (similar); *United States v. MacMillen*, 544 F.3d 71, 74–76 (2d Cir. 2008) (upholding a bar on “frequenting locations where children are likely to congregate” (internal quotation marks omitted)). As we have explained, “[c]onditions need not be cast in letters six feet high, or describe every possible permutation, or spell out every last, self-evident detail.” *United States v. Reeves*,

591 F.3d 77, 81 (2d Cir. 2010) (alteration rejected, ellipses and internal quotation marks omitted).

We also reject Snipe's assertion that the "special condition unconstitutionally delegates to U.S. Probation the sentencing authority to further develop a 'prohibition list'" restricting the people with whom Snipe could associate and the places he could visit. Snipe Br. at 55. Though district courts may not delegate the "decisionmaking authority which would make a defendant's liberty *itself* contingent on a probation officer's exercise of discretion," they "may delegate to a probation officer decisionmaking authority over certain minor *details* of supervised release." *United States v. Matta*, 777 F.3d 116, 122 (2d Cir. 2015) (emphases added). Restrictions on associating with "individual[s] with an affiliation to any organized crime groups, gangs[,] or any other criminal enterprise," Sealed App'x at 76 (quoting PSR ¶ 128), "are properly understood as matters of detail" within Probation's purview, *United States v. Kunz*, 68 F.4th 748, 766 (2d Cir. 2023). After all, "sentencing judge[s] cannot reasonably be expected to compile a detailed list" of prohibited persons and places. *Id.* Particularly on plain-error review, Snipe's challenge fails.

Finally, Snipe’s argument that the conditions of his supervised release “were not pronounced at sentencing” is belied by the record. Snipe Br. at 54. Though the district court did not read the non-association condition verbatim, “adequate[]” explanation of such conditions does not require a full recitation. *Sims*, 92 F.4th at 119; *see also United States v. Maiorana*, 153 F.4th 306, 314 (2d Cir. 2025) (en banc) (“A sentencing court need not read the full text of every condition on the record.”). Indeed, we have consistently concluded that district judges fulfill their sentencing-pronouncement requirements through “summary” reference to conditions in other charging documents, including the PSR. *See, e.g., United States v. Washington*, No. 22-688, 2024 WL 2232464, at *1–2 (2d Cir. May 17, 2024), *cert. denied sub nom. Alexander v. United States*, 145 S. Ct. 330 (2024); *United States v. Whitaker*, No. 21-1543, 2023 WL 5499363, at *4 (2d Cir. Aug. 25, 2023). Here, the district court went out of its way to highlight that the “non-association condition” meant that “[Snipe] cannot associate with other individuals engaged in criminal activity or gang activity,” and to explain why that was necessary. App’x at 422 (internal quotation marks omitted). Probation also included the condition in its PSR and in its sentencing recommendation, and the court directed Snipe and

his counsel to those materials at sentencing, mitigating any notice concerns. Cf. *Maiorana*, 153 F.4th at 314.

III. Our Decision in *Maiorana* Requires Vacatur of the Standard Conditions of Snipe’s Supervised Release and a Remand to the District Court.

Snipe further contends that our decision in *United States v. Maiorana* – issued after sentencing occurred in this case – requires vacatur of the thirteen standard conditions of his supervised release and a remand to the district court to determine whether to reimpose them. In *Maiorana*, we held that “a sentencing court intending to impose non-mandatory conditions of supervised release, including the ‘standard’ conditions described in [U.S.S.G.] § 5D1.3(c), must notify the defendant during the sentencing proceeding; if the conditions are not pronounced, they may not later be added to the written judgment.” *Id.* at 314; *see also id.* at 314 n.11 (applying this “new rule of criminal procedure” to “cases currently on direct review”).⁴

Here, given the state of the law at the time, the district court neither pronounced Snipe’s standard conditions of supervised release listed in the judgment at sentencing, nor “specifically incorporate[d] by reference particular

⁴ Although we decided *Maiorana* on August 28, 2025, Snipe’s counsel waited, inexplicably, until December 9, 2025 – three months and eleven days after *Maiorana*, and a mere two days before oral argument – to file a motion to supplement the briefing in this case.

conditions that ha[d] been set forth in writing and made available to [Snipe].” *Id.* at 314. The government has conceded error and agreed that a remand is appropriate. Though “[t]his Court, of course, is not bound to accept the Government’s concession that the courts below erred on a question of law,” *Orloff v. Willoughby*, 345 U.S. 83, 87 (1953) (Jackson, J.), we agree that vacatur of Snipe’s standard conditions of supervised release is appropriate to ensure that he is “afforded the constitutionally grounded protections encompassed by the right to be present at sentencing,” *Maiorana*, 153 F.4th at 314. On remand, the district court should address the standard conditions of Snipe’s supervised release in accordance with the procedures laid out in *Maiorana*.

* * *

Accordingly, we **AFFIRM** the imposition of Special Condition #1 of Snipe’s supervised release, **DISMISS** Snipe’s additional challenges to his conviction and sentence raised in the merits briefing pursuant to the appeal waiver in his plea agreement, and **VACATE** the imposition of the thirteen standard conditions of his supervised release. The case is **REMANDED** to the district court for further proceedings.

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court

The image shows a handwritten signature in black ink that reads "Catherine O'Hagan Wolfe". The signature is written in a cursive, flowing style. To the right of the signature is a circular official seal of the United States Court of Appeals for the Second Circuit. The seal features the words "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom, with small stars on either side of the center text.

NS:KCB/EJD
F. # 2018R01984

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

PLEA AGREEMENT

- against -

18 CR 609 (S-3)

JULIAN SNIPE,
also known as "Biz," Bizzie B," and
"Bizzzy,"

Defendant.

----- X

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the United States Attorney's Office for the Eastern District of New York (the "Office") and JULIAN SNIPE (the "defendant") agree to the following:

1. The defendant will plead guilty to a lesser-included offense of Count One and a lesser-included offense of Count Two of the third superseding indictment (the "Indictment"), each charging violations of 18 U.S.C. § 1958(a). The lesser-included offenses of the counts carry the following statutory penalties:

Count One: Murder-for-Hire Conspiracy

- a. Maximum term of imprisonment: 20 years
(18 U.S.C. § 1958(a)).
- b. Minimum term of imprisonment: 0 years
(18 U.S.C. § 1958(a)).
- c. Maximum supervised release term: three years, to follow any term of imprisonment; if a condition of release is violated, the defendant may be sentenced to up to two years without credit for pre-release

imprisonment or time previously served on post-release supervision
(18 U.S.C. § 3583(b) & (e)).

- d. Maximum fine: Greater of \$250,000, or twice the gross gain or twice the gross loss
(18 U.S.C. § 3571(b)(2), (b)(3) and (d)).
- e. Restitution: In the full amount of each victim's losses as determined by the Court.
(18 U.S.C. §§ 3663 and 3664)
- f. \$100 special assessment
(18 U.S.C. § 3013).
- g. Other penalties: criminal forfeiture as listed in paragraphs 6 through 12.
(18 U.S.C. § 981(a)(1)(C), 21 U.S.C. § 853(p) and 28 U.S.C. § 2461(c)).

Count Two: Murder-for-Hire

- a. Maximum term of imprisonment: 20 years
(18 U.S.C. § 1958(a)).
- b. Minimum term of imprisonment: 0 years
(18 U.S.C. § 1958(a)).
- c. Maximum supervised release term: three years, to follow any term of imprisonment; if a condition of release is violated, the defendant may be sentenced to up to two years without credit for pre-release imprisonment or time previously served on post-release supervision
(18 U.S.C. § 3583(b) & (e)).
- d. Maximum fine: Greater of \$250,000, or twice the gross gain or twice the gross loss
(18 U.S.C. § 3571(b)(2), (b)(3) and (d)).
- e. Restitution: In the full amount of each victim's losses as determined by the Court.
(18 U.S.C. §§ 3663 and 3664)
- f. \$100 special assessment
(18 U.S.C. § 3013).

- g. Other penalties: criminal forfeiture as listed in paragraphs 6 through 12.
(18 U.S.C. § 981(a)(1)(C), 21 U.S.C. § 853(p) and 28 U.S.C. § 2461(c)).

The sentence imposed on each count may run consecutively.

2. The defendant understands that although imposition of a sentence in accordance with the United States Sentencing Guidelines (the “Guidelines” and “U.S.S.G.”) is not mandatory, the Guidelines are advisory and the Court is required to consider any applicable Guidelines provisions as well as other factors enumerated in 18 U.S.C. § 3553(a) to arrive at an appropriate sentence in this case. The Office will advise the Court and the Probation Department of information relevant to sentencing, including criminal activity engaged in by the defendant, and such information may be used by the Court in determining the defendant’s sentence. See 18 U.S.C. § 3661 (“No limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.”). The Office estimates the likely offense level under the Guidelines to be 43, which is predicated on the following Guidelines calculation:

Base Offense Level (§§ 2E1.4(a)(2); 2A1.1(a))	43
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Total:	<u>43</u>
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If the defendant clearly demonstrates acceptance of responsibility, through allocution and subsequent conduct prior to the imposition of sentence, a two-level reduction will be warranted, pursuant to U.S.S.G. § 3E1.1(a), resulting in an adjusted offense level of 41 and a range of imprisonment of 360 months – life, assuming that the defendant falls within Criminal History Category IV. Furthermore, if the defendant has accepted responsibility as described above, to

the satisfaction of the Office, and if the defendant pleads guilty on or before April 27, 2022, an additional one-level reduction will be warranted, pursuant to U.S.S.G. § 3E1.1(b), resulting in an adjusted offense level of 40. This level carries a range of imprisonment of 360 months – life, assuming that the defendant falls within Criminal History Category IV. However, because the statutory maximum term of imprisonment is 480 months, the effective Guidelines range of imprisonment is 360 – 480 months. The defendant stipulates to the above Guidelines calculation.

3. The Guidelines estimate set forth in paragraph 2 is not binding on the Office, the Probation Department or the Court. If the Guidelines offense level advocated by the Office, or determined by the Probation Department or the Court, is, for any reason, including an error in the estimate, different from the estimate, the defendant will not be entitled to withdraw the plea and the government will not be deemed to have breached this agreement.

4. The defendant agrees not to file an appeal or otherwise challenge, by petition pursuant to 28 U.S.C. § 2255 or any other provision, the conviction or sentence in the event that the Court imposes a term of imprisonment of 480 months or below. This waiver is binding without regard to the sentencing analysis used by the Court. The defendant waives all defenses based on the statute of limitations and venue with respect to any prosecution that is not time-barred on the date that this agreement is signed in the event that (a) the defendant's conviction is later vacated for any reason, (b) the defendant violates this agreement, or (c) the defendant's plea is later withdrawn. The defendant further waives the right to raise on appeal or on collateral review any argument that (1) the statute to which the defendant is pleading guilty is unconstitutional and (2) the admitted conduct does not fall within the scope of the statute. Nothing in the foregoing waiver of appellate and collateral review rights shall preclude the

defendant from raising a claim of ineffective assistance of counsel in an appropriate forum. The defendant waives any right to additional disclosure from the government in connection with the guilty plea. The defendant agrees that with respect to all charges referred to in paragraphs 1 and 5(a) he is not a “prevailing party” within the meaning of the “Hyde Amendment,” 18 U.S.C. § 3006A note, and will not file any claim under that law. The defendant agrees to pay the special assessment by check payable to the Clerk of the Court at or before sentencing.

5. The Office agrees that:

- a. no further criminal charges will be brought against the defendant for his participation in (1) the murder-for-hire and conspiracy to commit murder-for-hire of Sylvester Zottola and John Doe #1 on or about and between November 1, 2017 and October 11, 2018, both dates being approximate and inclusive (as charged in Counts One and Two of the Indictment); (2) the possession, brandishing and discharge of one or more firearms during and relation to the same murder-for-hire scheme (as charged in Count Three of the Indictment); (3) causing the death of Sylvester Zottola through the use of a firearm (as charged in Count Four of the Indictment); and (4) possessing a firearm on or about June 18, 2019, while knowing that he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year (as charged in Count Eight of the Indictment), it being understood that this agreement does not bar the use of such conduct as a predicate act or as the basis for a sentencing enhancement in a subsequent prosecution including, but not limited to, a prosecution pursuant to 18 U.S.C. §§ 1961 et seq., and at the time of sentence, it will move to dismiss the remaining counts of the Indictment with prejudice.

and, based upon information now known to the Office, it will

- b. take no position concerning where within the Guidelines range determined by the Court the sentence should fall; and
- c. make no motion for an upward departure under the Sentencing Guidelines.

Should it be judged by the Office that the defendant has violated any provision of this agreement, the defendant will not be released from his plea of guilty but this Office will be released from its

obligations under this agreement, including but not limited to: (a) moving for the additional one-level downward adjustment for timely acceptance of responsibility described in paragraph 2 above; and (b) the provisions of paragraphs 5(a)-(c).

6. The defendant acknowledges that he obtained and/or acquired property that is subject to forfeiture as a result of his violation of 18 U.S.C. § 1958(a), as alleged in the above-captioned indictment. The defendant consents to the entry of a forfeiture money judgment in the amount of eight thousand dollars and zero cents (\$8,000.00) (the “Forfeiture Money Judgment”), in addition to the forfeiture of all right, title and interest in the following assets:

- (i) the real property and premises located at 15 S. Ridge Road, Larchmont, New York 10538, and all proceeds traceable thereto (the “Larchmont Property”);
- (ii) approximately one hundred thirty-eight thousand five hundred forty-four dollars and zero cents (\$138,544.00) in United States currency, and all proceeds traceable thereto, seized from the Larchmont Property on or about June 18, 2019; and
- (iii) approximately forty-five thousand dollars and zero cents (\$45,000.00) in United States currency, and all proceeds traceable thereto, seized from the residence located at 561 Belmont Avenue, Brooklyn, New York on or about October 11, 2018 (items (i) through (iii), collectively, the “Subject Assets”).

The defendant agrees that the amount of the Forfeiture Money Judgment and any payments toward the Forfeiture Money Judgment represent property, real or personal, constituting, or derived from, proceeds obtained directly as a result of his violation of 18 U.S.C. § 1958(a), and/or substitute assets, and thus are forfeitable to the United States pursuant to 18 U.S.C. § 981(a)(1)(C), 21 U.S.C. § 853(p), and 28 U.S.C. § 2461(c), in any administrative and/or judicial (civil or criminal) proceeding(s) at the Office’s exclusive discretion. The defendant agrees that the Subject Assets represent property, real or personal, constituting, or derived from, proceeds obtained directly as a result of his violation of 18 U.S.C. § 1958(a), and thus are

forfeitable to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), in any administrative and/or judicial (civil or criminal) proceeding(s) at the Office's exclusive discretion. The defendant consents to the entry of a Preliminary Order of Forfeiture, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, imposing the Forfeiture Money Judgment and forfeiting the Subject Assets. The defendant further consents to have any order of forfeiture made final at any time before sentencing pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure.

7. The Forfeiture Money Judgment shall be paid in full 30 days in advance of sentencing (the "Due Date"). All payments made by the defendant toward the Forfeiture Money Judgment shall be made by money order, certified check and/or official bank check, payable to the "U.S. Marshals Service." The defendant shall cause said payment(s) to be sent by overnight mail delivery to Assistant United States Attorney Brian D. Morris, United States Attorney's Office, Eastern District of New York, 271-A Cadman Plaza East, Brooklyn, New York 11201, with the criminal docket number noted on the face of the instrument. The defendant consents to the restraint of all payments made toward the Forfeiture Money Judgment and the restraint of the Subject Assets. The defendant also waives all statutory deadlines, including but not limited to deadlines set forth in 18 U.S.C. § 983. The forfeiture of the Subject Assets will not be credited towards the Forfeiture Money Judgment.

8. If the defendant fails to pay any portion of the Forfeiture Money Judgment on or before the Due Date and/or forfeit the Subject Assets, the defendant consents to the forfeiture of any other property of his up to the amount of the unpaid Forfeiture Money Judgment and/or value of the Subject Assets, pursuant to 21 U.S.C. § 853(p), and further agrees that the conditions of 21 U.S.C. § 853(p)(1)(A)-(E) have been met.

9. The defendant agrees to fully assist the government in effectuating the payment of the Forfeiture Money Judgment and the surrender and forfeiture of the Subject Assets to the United States, and to take whatever steps are necessary to ensure that clear title passes to the United States, including the execution of any documents necessary to effectuate the surrender and transfer of title to the United States. The defendant agrees not to file a claim or petition seeking remission or contesting the forfeiture of the Subject Assets or any property against which the government seeks to satisfy the Forfeiture Money Judgment in any administrative or judicial (civil or criminal) proceeding. The defendant further agrees not to assist any person or entity in the filing of any claim or petition seeking remission or contesting the forfeiture of the Subject Assets and any property against which the government seeks to satisfy the Forfeiture Money Judgment in any administrative or judicial (civil or criminal) forfeiture proceeding. Further, if any third party files a claim to the Subject Assets, the defendant will assist the government in defending such claim.

10. The failure of the defendant to forfeit any monies and/or properties as required under this agreement, including the failure of the defendant to execute any document to accomplish the same on timely notice to do so, may constitute a material breach of this agreement. Upon such a breach, the defendant will not be entitled to withdraw the plea, but the Office may bring additional criminal charges against the defendant.

11. The defendant knowingly and voluntarily waives his right to any required notice concerning the forfeiture of any monies and/or properties forfeited hereunder, including notice set forth in an indictment, information or administrative notice. In addition, the defendant knowingly and voluntarily waives his right, if any, to a jury trial on the entry of a Forfeiture Money Judgment and the forfeiture of the Subject Assets, and waives all constitutional, legal and

equitable defenses to the forfeiture of said monies and/or properties, including, but not limited to, any defenses based on principles of double jeopardy, the Ex Post Facto clause of the Constitution, any applicable statute of limitations, venue, or any defense under the Eighth Amendment, including a claim of excessive fines.

12. The defendant agrees that the entry and payment of the Forfeiture Money Judgment and the forfeiture of the Subject Assets are not to be considered a payment of a fine, penalty, restitution loss amount, or any income taxes that may be due, and shall survive bankruptcy.

13. This agreement does not bind any federal, state, or local prosecuting authority other than the Office, and does not prohibit the Office from initiating or prosecuting any civil or administrative proceedings directly or indirectly involving the defendant.

14. Apart from any written proffer agreements, if applicable, no promises, agreements or conditions have been entered into by the parties other than those set forth in this agreement and none will be entered into unless memorialized in writing and signed by all parties. Apart from any written proffer agreements, if applicable, this agreement

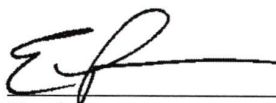
supersedes all prior promises, agreements or conditions between the parties. To become effective, this agreement must be signed by all signatories listed below.

Dated: Brooklyn, New York

May 9, 2022

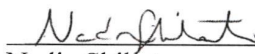
BREON PEACE
United States Attorney
Eastern District of New York

By:



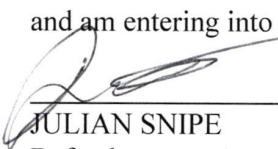
Kayla Bensing
Emily J. Dean
Devon E. Lash
Assistant United States Attorneys

Approved by:



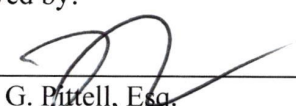
Nadia Shihata
Supervising Assistant U.S. Attorney

I have read the entire agreement and discussed it with my attorney. I understand all of its terms and am entering into it knowingly and voluntarily.



JULIAN SNIPE
Defendant

Approved by:



Jeffrey G. Pittell, Esq.
Thomas Ambrosio, Esq.
Counsel to Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X
UNITED STATES OF AMERICA, : 18-CR-00609(RJD)
:
:
-against- : United States Courthouse
:
:
May 27, 2022
2:30 p.m.
JULIAN SNIPE, :
:
Defendant. :
- - - - - X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE RAYMOND J. DEARIE
UNITED STATES SENIOR DISTRICT JUDGE

A P P E A R A N C E S:

For the Government: BREON PEACE, ESQ.
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Brooklyn, New York 11201

BY: KAYLA BENSING, ESQ.
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Proceedings recorded by computerized stenography. Transcript
produced by Computer-aided Transcription.

Proceedings

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1 (In open court.)

2 THE COURTROOM DEPUTY: All rise.

3 THE COURT: Good afternoon, everyone.

4 THE COURTROOM DEPUTY: This is a criminal cause for
5 a pleading in the matter of USA versus Julian Snipe, docket
6 number 18-CR-609.

7 Can counsel please state their appearance for the
8 record starting with the Government.

9 MS. BENSING: Kayla Bensing for the Government.
10 Good afternoon, Your Honor.

11 MR. PITTELL: Jeffrey Pittell and Tom Ambrosio
12 appearing for Mr. Snipe.

13 Good afternoon, Your Honor.

14 THE COURT: Good afternoon, gentlemen.

15 Mr. Snipe, good afternoon.

16 THE DEFENDANT: Good afternoon, Your Honor.

17 THE COURT: Have a seat, everyone.

18 Are we ready to begin, counsel?

19 MR. PITTELL: Yes, we are.

20 MS. BENSING: Yes, Your Honor.

21 THE COURT: Swear the defendant, please.

22 THE COURTROOM DEPUTY: Mr. Snipe, please raise your
23 right hand.

24 (Defendant sworn.)

25 THE COURT: All right. Mr. Snipe, I have to ask you

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1 some questions, as I'm sure counsel has told you, and you're
2 aware of this from prior proceedings. Obviously, if there's
3 anything that I say that isn't totally clear to you, say so,
4 okay? It's critical that you understand everything that's
5 being said. If you wish, at any time, to confer with counsel,
6 simply ask, and I will give you whatever time you need to talk
7 privately with your attorneys.

8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: Also, as we proceed, you should bear in
11 mind you are under oath. That means that your answers to my
12 questions must be truthful. If they are not, in any material
13 way, you could subject yourself to further charges for the
14 offense of perjury, which is lying while under oath.

15 Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Could you tell me your full name,
18 please.

19 THE DEFENDANT: Julian William Snipe.

20 THE COURT: And how old are you, sir?

21 THE DEFENDANT: I'm 36 years old.

22 THE COURT: What schooling or formal education have
23 you had?

24 THE DEFENDANT: I have my GED. I've been in trade
25 school for culinary arts.

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1 THE COURT: Okay. How's your health?

2 THE DEFENDANT: It's been better.

3 THE COURT: It's been better?

4 THE DEFENDANT: Yeah. I got herniated disk that
5 pinch on my cervical and lumbar spine.

6 THE COURT: You do? How did that happen?

7 THE DEFENDANT: I was assaulted in 2014 by the NYPD.

8 THE COURT: Are you taking any medication?

9 THE DEFENDANT: They actually just switched me a
10 couple weeks ago from the medication I was taking at MDC
11 because it was messing with my heart, because -- and then now
12 they gave -- they are giving me some medication, but it really
13 don't do nothing, though.

14 THE COURT: Is this supposedly pain medication?

15 THE DEFENDANT: It's supposed to be pain medication.
16 I've been on schedule to receive therapy for three years now,
17 but that's it.

18 THE COURT: Are you able to concentrate on what I'm
19 saying to you now?

20 THE DEFENDANT: Yes.

21 THE COURT: All right.

22 Counsel, in your discussions with your client, have
23 you had, at any time, had difficulty communicating with
24 Mr. Snipe?

25 MR. PITTELL: I have not.

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1 MR. AMBROSIO: Your Honor, this is Thomas Ambrosio
2 on behalf of Mr. Snipe. I have not either.

3 THE COURT: Okay. Thank you.

4 Are you confident he understands the rights he will
5 be waiving by pleading guilty?

6 THE DEFENDANT: Yes.

7 THE COURT: No. This is for counsel.

8 MR. PITTELL: I'm confident.

9 MR. AMBROSIO: Yes, Your Honor.

10 THE COURT: Is he, in your judgment, competent to
11 proceed and capable of understanding the nature of these
12 proceedings?

13 MR. PITTELL: Yes, to all the questions.

14 THE COURT: Mr. Snipe, are you satisfied with
15 counsel's representation?

16 THE DEFENDANT: Yes.

17 THE COURT: And you wish to have them continue in
18 their role as your counsel?

19 THE DEFENDANT: Yes.

20 THE COURT: Now, sir, the next series of questions I
21 ask you is designed to establish as a matter of record that
22 you understand the rights you will be waiving by pleading
23 guilty, all right?

24 As you sit there right this moment, Mr. Snipe, you
25 have an absolute right to continue in your plea of not guilty.

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1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: No one can make you plead guilty.

4 You understand; right?

5 THE DEFENDANT: Yes.

6 THE COURT: If you were to persist in your plea of
7 not guilty, under our Constitution and laws, you would be
8 entitled to a speedy and public trial by jury with the
9 assistance of counsel on the charges contained in the
10 indictment.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: That trial is now scheduled for
14 August 24th, Catherine; is it not?

15 THE COURTROOM DEPUTY: Yes, Judge.

16 THE COURT: At trial, you would be presumed to be
17 innocent of the charges. The Government would have to
18 overcome, or try to overcome, this presumption of innocence
19 and prove you guilty by competent evidence and beyond a
20 reasonable doubt. You, sir, would not be required to prove a
21 thing. You could sit back, do nothing, say nothing, simply
22 put the Government to the burden of trying to convince the
23 jury of your guilt, as I said, beyond a reasonable doubt.

24 Do you understand that?

25 THE DEFENDANT: Yes.

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1 THE COURT: That means that if the Government were
2 to fail for any reason, the jury would be obligated, under my
3 instructions, to find you not guilty even if you committed
4 these offenses.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: In the course of the trial, witnesses
8 for the Government will be required to come here to court and
9 testify under oath in your presence, presence of counsel, of
10 course. You would have the right, through counsel, to
11 cross-examine each of the Government's witnesses. You would
12 have the right, when appropriate, to object to evidence
13 offered by the Government. You would have the right to offer
14 evidence in your own defense, but you would be under no
15 obligation to do so. And you would have the right to avail
16 yourself with the Court's authority by compelling the
17 appearance of witnesses and the production of possible
18 evidence through the use of a subpoena.

19 Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Sorry?

22 THE DEFENDANT: Yes.

23 THE COURT: At trial, you would have the right to
24 testify, if you chose to do so, but, once again, no one can
25 make you testify, not your lawyer, the Government's lawyer, or

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1 even the Court. You have an absolute right to remain silent,
2 and if you chose to do that, and if counsel requested it of
3 me, I would instruct the jury in the strongest possible terms
4 that under no circumstances could they, the jury, hold your
5 decision against you.

6 Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay.

9 Now, if you plead guilty and I accept your pleas,
10 you will be giving up your constitutional right to a trial and
11 these other rights I've just explained. There will be no
12 trial. There will be -- with the possible exception of
13 appeal -- excuse me -- with the possible exception of
14 sentence, there is no right to an appeal. I will simply enter
15 a judgment of guilty based upon what you tell me, based upon
16 your plea of guilty.

17 Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: I'm sorry, I didn't hear you.

20 THE DEFENDANT: Yes.

21 THE COURT: Okay.

22 Now, if you plead guilty, before I can accept your
23 pleas, I'm required, under the rules, sir, to satisfy myself
24 that you are, in fact, guilty of the charges reflected: The
25 lesser-included offenses charged in Counts One and Two of the

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1 third superseding indictment. To do that, in just a few
2 minutes, I will ask you some questions. In responding to my
3 questions, quite obviously, you will give up your right to
4 remain silent. You will give up your constitutional right not
5 to incriminate yourself, and you will be called upon here in
6 open court this afternoon to acknowledge your guilt.

7 Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: Are you willing, then, to give up your
10 right to a trial and these other rights I have just discussed?

11 THE DEFENDANT: Yes.

12 THE COURT: I have before me a document that bears
13 the caption of the case and the terms of the plea agreement.
14 It's a ten-page, typewritten document containing 14 numbered
15 paragraphs.

16 Mr. Snipe, are you familiar with this document?

17 THE DEFENDANT: Yes.

18 THE COURT: And have you read it carefully?

19 THE DEFENDANT: Yes.

20 THE COURT: Could you move that microphone down
21 toward him? That's it.

22 Have you read it carefully, sir?

23 THE DEFENDANT: Yes.

24 THE COURT: You understand that, in terms of your
25 future, this is a very important document; fair to say?

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1 THE DEFENDANT: Yes.

2 THE COURT: And have you read it with that degree of
3 care?

4 THE DEFENDANT: Absolutely.

5 THE COURT: And have you reviewed it with counsel?

6 THE DEFENDANT: Yes.

7 THE COURT: And have they answered any questions you
8 might have?

9 THE DEFENDANT: Yeah.

10 THE COURT: Do you have any questions to the Court?

11 THE DEFENDANT: No.

12 THE COURT: As far as you understand, sir, is your
13 agreement with the United States Attorney fully and accurately
14 set out in this agreement?

15 THE DEFENDANT: Say that again.

16 THE COURT: As far as you understand, is your full
17 agreement with the Government written down in this plea
18 agreement?

19 THE DEFENDANT: I didn't have a say-so in this, but
20 yeah.

21 THE COURT: I didn't hear what you said before.

22 THE DEFENDANT: I didn't have no say-so in this.

23 THE COURT: You didn't have any?

24 THE DEFENDANT: I didn't have a say-so in this
25 agreement, no.

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1 THE COURT: You didn't have a say-so? Oh, I
2 understand. Okay.

3 But, as far as you understand, your agreement, such
4 as it is, with the Government is accurately written down in
5 this document?

6 THE DEFENDANT: Yeah.

7 THE COURT: The document marked as Court Exhibit 1
8 to this proceeding.

9 Okay. Bear with me just a second.

10 All right. The charges read as follows -- these are
11 lesser-included offenses charged in Counts One and Two.

12 Count One reads as follows: On or about and between
13 November 1, 2017, and October 11, 2018, both dates being
14 approximate and inclusive, within the Eastern District of New
15 York and elsewhere, the defendants charged -- excuse me --
16 including Julian Snipe also known as Biz, Bizzy B and Bizzy,
17 together with others, did knowingly and intentionally conspire
18 to use and cause another to use one or more facilities of
19 interstate commerce, to wit, one or more cellular telephones
20 with intent that one or more murders be committed in violation
21 of New York Penal Law, Section 125.25, to wit, the murders of
22 Sylvester Zottola and John Doe Number 1, an individual whose
23 identity is known to the grand jury as consideration for the
24 receipt of and as consideration for promise and agreement to
25 pay something of pecuniary value and the death of Sylvester

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1 Zottola and the personal injury of John Doe 1 did result.

2 And then Count Two charges the same substantive
3 offense, reading: On or about and between November 1, 2017,
4 and October 11, 2018, both dates being approximate and
5 inclusive, within the Eastern District of New York and
6 elsewhere, the defendant is charged, including -- sorry -- I'm
7 looking for you, there you are -- Julian Snipe, also known as
8 Biz, Bizzy B and Bizzy, together with others, did knowingly
9 and intentionally, use and cause another to use one or more
10 facilities of interstate commerce, to wit, one or more
11 cellular telephones with intent that one or more murders be
12 committed in violation of New York Penal Law, Section 125.25,
13 to wit, the murders of Sylvester Zottola and John Doe number
14 one is consideration for the receipt of and is consideration
15 for a promise and agreement to pay something of pecuniary
16 value and the death of Sylvester Zottola and the personal
17 injury of John Doe Number 1 did result.

18 Are you familiar with these charges, Mr. Snipe?

19 THE DEFENDANT: Yes.

20 THE COURT: Any question what you are charged with
21 in Counts One and Two?

22 THE DEFENDANT: I didn't hear you. Say that again.

23 THE COURT: Do you have any question in your mind as
24 to what you are charged with in Counts One and Two?

25 THE DEFENDANT: No.

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1 THE COURT: Count One charges the offense of
2 conspiracy.

3 What is your understanding of a conspiracy? What is
4 a conspiracy?

5 THE DEFENDANT: A conspiracy?

6 THE COURT: Yes, sir.

7 THE DEFENDANT: It is knowing somebody and they do
8 something and you can get in trouble for it just for knowing
9 them.

10 THE COURT: Well, I can't quite agree with that
11 definition. A conspiracy is an illegal agreement. You agree
12 with somebody else to do something the law forbids, okay? You
13 follow me?

14 THE DEFENDANT: Yes.

15 THE COURT: That's the charge in Count One. It's
16 the agreement itself with at least one other person to do
17 something the law forbids; namely, in this case, the murder of
18 Mr. Zottola and the shooting of John Doe 1.

19 Count Two, charges the actual crime itself. Count
20 one, the agreement to do it; Count Two, the act itself.

21 Do you understand?

22 THE DEFENDANT: Yes.

23 THE COURT: Don't say yes if you don't.

24 THE DEFENDANT: I understand.

25 THE COURT: Okay.

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1 Now, let me come back now to your agreement and
2 discuss with you important information relative to sentencing,
3 and I'm sure you know this, but I'm required nonetheless to
4 review it as a matter of record.

5 Paragraph 1, Mr. Snipe, covers the statutory
6 penalties that you face as a result -- if -- if upon
7 conviction as to Count One, okay, and later on in paragraph 1,
8 as to Count Two.

9 And, unless I'm mistaken, they are pretty much
10 identical; am I correct on that?

11 MS. BENSING: Yes, Your Honor.

12 THE COURT: So on each count, you face the
13 following, maximum term -- worst that could happen -- 20 years
14 imprisonment, and that is without parole. There is no parole
15 in the federal system. You face a term of three years
16 supervised release. Supervised release, sir, is a period of
17 supervision that begins to run the moment you are released
18 from federal custody. If you were to violate the terms or
19 conditions of your supervised release at any time during the
20 period of supervision, you could then be returned to prison
21 under the terms of my sentence in this case for up to two
22 years, and that's without giving you any credit for the time
23 you spend at liberty under supervision.

24 Do you follow?

25 THE DEFENDANT: Yes.

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1 THE COURT: You also face a fine of the greater of
2 \$250,000, or twice the gross gain. Your restitution is
3 required in an amount to be determined by the Court at a
4 subsequent proceeding. I will, on each count, impose a
5 special assessment of \$100. And, as per your agreement in
6 paragraph 6 through 12, criminal forfeiture will also be an
7 inevitable outcome of your conviction.

8 Do you understand?

9 THE DEFENDANT: Can I ask a question?

10 THE COURT: Sure.

11 THE DEFENDANT: Where am I supposed to get this
12 money from?

13 THE COURT: That's an honest question. I appreciate
14 it. Well, you can't invent money, so this would be contingent
15 upon obviously you're having the resources to pay it, okay?
16 If you don't have the money, you don't have the money.

17 THE DEFENDANT: I don't have the money because the
18 resources isn't there. I got seps on me, so I can't even get
19 a job in jail where I can support myself.

20 THE COURT: Let's hope your future is a little better.

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1 MS. BENSING: Your Honor, I apologize for
2 interrupting the Court. I just want to be clear that because
3 there are two counts that can run consecutively, it would be
4 zero to 40 years, Your Honor.

5 THE COURT: Yes, indeed. I should have said that
6 earlier.

7 The sentences on Counts One and Two may be made to
8 run concurrently. I'm not telling you they're going to be,
9 but that is an option that the Court has, all right? So,
10 effectively, you face zero to 40 years as a sentence.

11 Now, the guidelines address the question of where
12 within this rather broad range you should be sentenced, and
13 you will see in paragraph 2, the Government has included their
14 calculation, which you've agreed to. Given a Criminal History
15 Category of IV, the Government calculates a sentencing range
16 of between 360 and 480 months. That's 30 to 40 years. And,
17 as I said before, paragraph 2 concludes with the statement the
18 defendant stipulates to the above guidelines calculation.

19 Now, understand Mr. Snipe, I'm not bound by the
20 guidelines, all right? I am required to consider them in
21 arriving at a reasonable sentence, and that's ultimately, what
22 the law requires. The law requires the Court to consider the
23 guideline sentencing range as I compute it, consider all the
24 statutory factors regarding you, the offense, as found in
25 Section 3553 of Title 18 of the United States Code, and any

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1 other information that your lawyers, you, or anybody else
2 brings to my attention, including the U.S. attorney, that
3 might bear on the question of an appropriate sentence. At
4 that point, I am required to impose what the law regards as an
5 appropriate sentence.

6 Now, in paragraph 4 of your agreement, you've agreed
7 not to appeal the sentence or otherwise challenge your
8 sentence or conviction in the event that I impose a sentence
9 of 480 months or less. As I understand that, Mr. Snipe, to
10 cut through it all, that effectively is a waiver of appeal.
11 You've agreed not to appeal or in any way challenge your
12 sentence or conviction as part of your agreement.

13 Is that your understanding as well?

14 THE DEFENDANT: That's what it says on the paper,
15 yeah.

16 THE COURT: And is that your understanding?

17 THE DEFENDANT: Yeah, I understand it.

18 THE COURT: You don't like it, but you understand
19 it.

20 THE DEFENDANT: No, I don't like it, and that's what
21 it says on the paper.

22 THE COURT: Okay. Fair enough. Okay.

23 Any reason why we should not proceed with the plea,
24 counsel?

25 MS. BENSING: Not from the Government's perspective,

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1 Your Honor.

2 MR. PITTELL: Not from us.

3 THE COURT: Any further inquiry?

4 Mr. Snipe, are you ready to plead?

5 THE DEFENDANT: Yes.

6 THE COURT: What is your plea, sir, to the
7 lesser-included offense charged in Count One; guilty or not
8 guilty?

9 THE DEFENDANT: Guilty.

10 THE COURT: What is your plea to the lesser-included
11 offense charged in Count Two; guilty or not guilty?

12 THE DEFENDANT: Guilty.

13 THE COURT: Are you pleading guilty voluntarily,
14 sir?

15 THE DEFENDANT: Say that again.

16 THE COURT: Are you pleading guilty voluntarily;
17 this is your decision?

18 THE DEFENDANT: Yes.

19 THE COURT: Has anybody forced you to plead?

20 THE DEFENDANT: No.

21 THE COURT: Has anybody made any promises to you
22 that are not written down in your plea agreement?

23 THE DEFENDANT: No.

24 THE COURT: Has anybody given you any assurances to
25 what I will do when it comes to sentence?

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1 THE DEFENDANT: No.

2 THE COURT: All right. It's alleged in Count One
3 that you conspired to murder Mr. Zottola and another, and it's
4 alleged in Count Two that you did, in fact, using a telephone
5 and instrumentality of interstate commerce, along with others,
6 murder Zottola and injure John Doe 1 -- was is John Doe --

7 MS. BENSING: John Doe Number 1, Your Honor. And
8 just to be clear, because he's pleading guilty to the
9 lesser-included offense, he does not need to allocute to the
10 murder itself.

11 THE COURT: I got it.

12 MS. BENSING: Thank you.

13 THE COURT: The lesser-included offense, okay.
14 So tell me what you did.

15 THE DEFENDANT: Within the period between on or
16 about November 1st, 2017, through October 11, 2018, I, Julian
17 Snipe, knowingly and intentionally, used and conspired to use
18 a cell phone and cell phone text messages with intent that --
19 that -- whoa -- that a murder of a person would be committed
20 in violation of Penal Law Section 125.25, which was to be done
21 in exchange for a promise and that a personal injury to a
22 person resulted from this conduct.

23 THE COURT: So you conspired to do it.

24 And what exactly does he have to allocute for the
25 lesser-included on Count Two?

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20

1 MS. BENSING: Your Honor, the Government would
2 proffer that it could prove at trial and would request that
3 the defendant stipulate that personal injury, in fact,
4 resulted to the individual described in the superseding
5 indictment as John Doe Number 1.

6 THE COURT: Personal injury, that's a fair
7 statement, Mr. Snipe; is it not?

8 THE DEFENDANT: I didn't hear that.

9 THE COURT: Sorry?

10 THE DEFENDANT: Can she say that again, please?

11 THE COURT: That personal injury, to say the least,
12 did occur to John Doe -- to Mr. Zottola and John Doe Number 1.

13 THE DEFENDANT: Yes.

14 THE COURT: And I'm not sure we've got venue in
15 there. Where did this activity take place?

16 MS. BENSING: Your Honor, I think it may be best for
17 the Government to proffer as to venue for this defendant.

18 So the Government would proffer that it could prove
19 at trial that venue occurred in the Eastern District of New
20 York, and, in particular, that one of the things of pecuniary
21 value that were to be given to one of the co-conspirators was
22 work on the property to be done that's located in Brooklyn,
23 New York.

24 THE COURT: Okay.

25 MS. BENSING: And I would just ask that the defense

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1 stipulate to that.

2 THE COURT: Gentlemen? So stipulated?

3 MR. PITTELL: Judge, we're willing to stipulate to
4 that, because it's our understanding Mr. Snipe's offense --
5 his direct offense conduct was in the Southern District of
6 New York and elsewhere, but we'll accept the Government's
7 proffer of venue within the Eastern District of New York.

8 THE COURT: All right.

9 Any questions, Mr. Snipe, before we conclude?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. Go ahead.

12 THE DEFENDANT: Can I talk to my lawyer privately
13 for, like, two minutes, please?

14 THE COURT: You can talk to him as long as you want.

15 THE DEFENDANT: I just need two minutes.

16 THE COURT: Okay. Turn your mics off.

17 (Discussion held off the record.)

18 MR. PITTELL: I think we're finished, Your Honor.

19 THE COURT: All right. Did your client have a
20 question?

21 MR. PITTELL: No, I think he's all set.

22 THE COURT: Are you all right, Mr. Snipe?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. Based on the information
25 given to me, I find that the defendant is acting voluntarily;

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1 that he fully understands his rights, consequences, and
2 possible consequences of his pleas and that there are factual
3 bases for these pleas of guilty. I therefore now formally
4 accept the pleas of guilty to the lesser-included offense as
5 charged in Counts One and Two of the superseding indictment
6 18-CR-609.

7 I urge you, Mr. Snipe, consistent with counsel's
8 advice, to cooperate with the Probation Department in their
9 preparation of the Presentence Report. The U.S. attorney will
10 maintain custody of the original plea agreement, and I will
11 ask the clerk of the court to announce the date of sentence.

12 THE COURTROOM DEPUTY: September 30th, 2022, at
13 2:00 p.m.

14 THE COURT: Anything else, Ms. Bensing?

15 MS. BENSING: Not from the Government.

16 THE COURT: Gentlemen, anything further?

17 Yes, Mr. Snipe.

18 THE DEFENDANT: Is it possible I can get these
19 separations taken off me now because I need to do something --
20 I'm just sitting in the cell 24 hours. I could get a job.
21 There's a thousand things I can do in this jail besides
22 sitting in this jail and just rotting, because I can't --
23 because I have prosecution seps on me for no reason.

24 THE COURT: All right.

25 Ms. Bensing?

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1 MS. BENSING: Your Honor, I think the Government
2 will consider the appropriateness of lifting some of the seps
3 in light of some of the guilty pleas and considering some of
4 the placement of the trial defendants versus the non-trial
5 defendants. So while I can't represent to the Court that I
6 will be able to lift the seps as to Mr. Snipe, I will consider
7 it, and particularly in light of the guilty plea and the
8 status of some of the defendants in the case.

9 THE COURT: Please. I mean, consider it in good
10 faith. The man is going nuts. I understand you have your
11 interest, but please do let the Court know how it's resolved.

12 MS. BENSING: Yes, Your Honor, I will.

13 THE COURT: All right, gents, madam, thank you very
14 much. Take care of yourselves.

15 THE COURTROOM DEPUTY: All rise.

16 (Matter concluded.)

17
18 * * * * *

19
20 I certify that the foregoing is a correct transcript from the
21 record of proceedings in the above-entitled matter.

22 /s/ Denise Parisi

July 5, 2022

23 _____
DENISE PARISI

DATE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X	
UNITED STATES OF AMERICA,	: 18-CR-609(HG)
	: .
	: .
-against-	: United States Courthouse
	: Brooklyn, New York
	: .
	: .
JULIAN SNIPE,	: Thursday, August 1, 2024
	: 2:00 p.m.
	: .
Defendant.	: .
- - - - -X	

TRANSCRIPT OF CRIMINAL CAUSE FOR SENTENCING
BEFORE THE HONORABLE HECTOR GONZALEZ
UNITED STATES DISTRICT JUDGE

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Proceedings recorded by computerized stenography.
Transcript produced by Computer-aided Transcription.

1 (In open court.)

2 (Defendant enters the courtroom at 2:32 p.m.)

3 COURTROOM DEPUTY: This is criminal cause for
4 sentencing, Docket No. 18-CR-609. United States of America
5 versus Snipe.

6 Parties, please state your appearances starting
7 with the Government.

8 MS. BENSING: Kayla Bensing and Andrew Roddin for
9 the Government. And we are joined by Probation Officer
10 Maxine Marquez.

11 Good afternoon.

12 MR. RODDIN: Good afternoon.

13 MS. MARQUEZ: Good afternoon.

14 MS. SHROFF: Good afternoon, your Honor. On
15 behalf of Julian Snipe who is seated to my right, Sabrina
16 Shroff. And at counsel table is Julie Smythe who has been
17 Mr. Snipe's mitigation supporter since his original counsel.

18 THE COURT: Thank you. And you can stay seated
19 throughout.

20 Good afternoon, Mr. Snipe. We're here today for
21 your sentencing. And what I'm going to do is I'm going to
22 go through with you what the process will be this afternoon.

23 If, at any point, you have any questions for me,
24 or if there is something I say that you don't understand,
25 let me know and I will try to be more clear. And if, at any

1 point, you need to take a break to discuss anything with
2 your attorney, let me know and we'll take whatever time you
3 need in that respect.

4 So the first thing I'm going to do today is just
5 say a brief word about your guilty plea in this case. Then
6 what I'm going to do is I'm going to go through every
7 sentencing-related submission that has been filed and that I
8 have received in your case to make sure that I have
9 everything that I should have. Then, we're going to discuss
10 the probation department's presentence report and, in
11 particular, the sentencing guideline calculation. Although,
12 the guidelines are advisory, I nevertheless have to make
13 sure that I am accurately calculating what the correct
14 guidelines are in your case. After I go through that, I'll
15 give the attorneys an opportunity to make whatever arguments
16 in addition to what they've already submitted in writing
17 they wish to make.

18 And then, Ms. Bensing, are any family members or
19 victims going to make statements?

20 MS. BENSING: Yes, your Honor. The murder
21 victim's two children are going to speak. And then I also
22 have a letter from an individual who witnessed the July 11th
23 shooting that I would like to read to the Court as well.

24 THE COURT: So after those individuals make their
25 statements, Mr. Snipe, you have an opportunity to make a

1 statement. Obviously, you have that right to make a
2 statement but you have no obligation to make a statement.

3 After we go through that process, then what I'll
4 do is I'll discuss what are known as the Section 3553(a)
5 factors. Those are the factors that a federal court has to
6 consider when fashioning a sentence. And after I go through
7 those factors, I'll impose the sentence.

8 Do you have any questions for me about what the
9 process today will be?

10 THE DEFENDANT: No.

11 THE COURT: So you pled guilty on May 27th of
12 2022, and that was before Judge Dearie, the judge who had
13 this case before I did. And you pled guilty to Counts One
14 and Two of the third superseding indictment which were
15 offenses for conspiracy to commit murder-for-hire and the
16 substantive offense of murder-for-hire. Your plea on those
17 counts was to what's known as a lesser included theory of
18 each charge. You later sought to withdraw that plea. I
19 held a hearing with respect to that and denied the motion
20 for you to -- that you had made to withdraw your plea. So
21 that's the history of the case and how we got here.

22 With respect to the documents that I've reviewed,
23 I've reviewed, obviously, the presentence report and the
24 sentencing recommendation that was made by the probation
25 department. The probation department also did a revised

1 sentencing recommendation in March of this year. I believe
2 those are the extent of the documents from Probation; is
3 that correct? There was an original report, original
4 recommendation, and addendum which was an addendum that also
5 had a revised recommendation.

6 MS. MARQUEZ: Yes, your Honor.

7 THE COURT: Then, from the defense, I've reviewed
8 an initial sentencing memorandum that Ms. Shroff submitted
9 on June 9th of this year. There was a supplemental
10 submission that was submitted on June 30th. Then there was
11 the mitigation report that was filed at Docket Entry 731-1.
12 Then, there were additional documents that were submitted
13 from a correctional counselor and family members. And then,
14 finally, the most recent submission was docketed at No. 736
15 which was a letter from Ms. Jackson. I believe that's the
16 extent of the defense submissions.

17 Is that correct, Ms. Shroff?

18 MS. SHROFF: That is correct, your Honor.

19 THE COURT: You can stay seated.

20 With respect to the Government's submission, the
21 Government filed its sentencing memorandum on June 13th of
22 this year at Docket No. 730, and there were a number of
23 exhibits that were part of that submission.

24 Is there anything else from the Government?

25 MS. BENSING: Yes, your Honor. There is a

1 preliminary order of forfeiture.

2 THE COURT: Oh, that's right, of which I have not
3 entered and which I will enter as part of today's
4 proceeding.

5 MS. BENSING: Thank you, your Honor.

6 THE COURT: Now, Ms. Shroff, have you and your
7 client had sufficient opportunity to discuss the PSR, the
8 addendum to the PSR, as well as the other sentencing
9 submissions in this case?

10 MS. SHROFF: Your Honor, is it okay if I stand?

11 THE COURT: However you want. I'm trying to make
12 it easier for you.

13 MS. SHROFF: Thank you. Yes, we have, your Honor.
14 I discussed each one of those documents with Mr. Snipe.

15 THE COURT: Now, I don't believe that either party
16 is seeking an evidentiary hearing; is that correct?

17 MS. BENSING: That's correct, your Honor.

18 MS. SHROFF: We are not, your Honor.

19 THE COURT: So let's turn to the guidelines in
20 this case.

21 So the guideline manual that probation used and
22 that I'm using given that we are in 2024 is the 2023
23 guideline manual. I don't believe there is a dispute over
24 which edition of the manual should be used; is that correct?

25 MS. BENSING: That's correct, your Honor.

1 MS. SHROFF: No, your Honor, there isn't.

2 THE COURT: So, as I see it from your submissions,
3 Ms. Shroff, I think the only, you took no issue with the
4 guidelines calculation except for the issue of whether the
5 defendant should be entitled to the acceptance of
6 responsibility points; is that correct?

7 MS. SHROFF: That is correct, your Honor.

8 THE COURT: So I'll get into that but I think I
9 still need to walk through in greater detail what the
10 appropriate starting point is for the guidelines. And while
11 I believe my analysis differs slightly from the probation
12 department's only with respect to the level of detail, I
13 think the bottom line conclusion that I'm going to get to is
14 the same bottom line conclusion that probation gets to. So
15 although the defendant pled guilty to the lesser-included
16 offenses of Counts One and Two, meaning, that he only pled
17 guilty to such offenses to the extent they caused serious
18 injury rather than death, under Section 1B1.2(d) of the
19 Guidelines, although I don't believe that section is
20 referenced by Probation, I think that section still directs
21 me to consider both the murder of Sylvester Zottola and the
22 attempted murder of Salvatore Zottola when calculating the
23 offense level for the conspiracy that's charged in Count
24 One. That's because both of those offenses were objects of
25 the conspiracy to which the defendant pled guilty.

1 So looking at that section and, in particular,
2 Application Note 4 to that section, it says, "Where a
3 verdict or plea is unclear as to which offenses were the
4 object of a defendant's conspiracy, the Court should only
5 incorporate any offense when calculating the offense level
6 if the Court were it sitting as a trier of fact would
7 convict the defendant of conspiring to commit that object
8 offense."

9 So, in this case, the defendant's plea agreement
10 and his allocution arguably is unclear and, therefore, falls
11 within this note because the superseding indictment clearly
12 identifies two victims. There is, obviously, the victim of
13 the homicide, Mr. Salvatore Zottola. The indictment
14 identifies Sylvester Zottola and identifies Salvatore
15 Zottola as John Doe, correct?

16 MS. BENSING: Correct, your Honor.

17 THE COURT: So I think the law in this Circuit is
18 pretty clear that it has approved the use of that
19 application note and, in particular, I'm referring to the
20 Malpeso case which is 115 F.3d 155. And here, even though
21 the defendant was convicted following a plea, I think the
22 rationale from Malpesa is the same here and that is that
23 when implementing that note, I have to sit as the trier of
24 fact to make sure that both offenses, even though he only
25 pled guilty to the lesser-included offense, but both

1 offenses are nevertheless still the object of the
2 conspiracy. And there's been no dispute to that because the
3 guideline calculation that the defendant stipulated to in
4 his plea agreement was an offense level of 43 which is the
5 first degree murder stipulation.

6 So based on the text message evidence that the
7 Government has submitted in which defendant Snipe expressly
8 discussed with defendant Shelton plans to murder
9 Mr. Sylvester Zottola, I find beyond a reasonable doubt that
10 defendant Snipe entered into the conspiracy to commit a
11 murder-for-hire involving both Sylvester Zottola and
12 Salvatore Zottola. And, therefore, I consider the murder of
13 Sylvester Zottola when calculating defendant Snipe's offense
14 level in conducting the sentencing guidelines grouping
15 analysis.

16 Like I said, I just wanted to be clear on how I
17 get there but the ultimate analysis is the same as what the
18 probation department calculated and as to which the defense
19 had no objection.

20 So this results in two different groups when
21 calculating the offense level. The first group is related
22 to the murder of Sylvester Zottola. The base offense level
23 for that offense is 43 and that's pursuant to
24 Guideline Section 2E1.4(a)(2) and 2A1.1 which applies to the
25 first degree murder. There are no adjustments and the total

1 offense level for that group is a 43.

2 The second group is related to the attempted
3 murder of Salvatore Zottola which is what the defendant
4 allocuted to. The base offense level for that offense is a
5 33. That amount is increased by four levels because the
6 victim sustained permanent or life-threatening bodily
7 injuries. And that amount further gets increased by four
8 levels because the offense involved the offer or receipt of
9 something of pecuniary value in exchange for the offense.
10 So that results in a total offense level for that group of
11 41.

12 After a grouping analysis, since each of those
13 groups results in a unit, the combine adjusted offense level
14 is a 45. And, as I noted earlier, the result of that 45 is
15 that the effective guideline is a three because 45 is
16 literally off the chart and, therefore, you go to the
17 highest level which is 43. So that is the offense level
18 calculation. Like I said, I don't believe either party had
19 an objection to an offense level calculation of 43.

20 Is that correct for the Government?

21 MS. BENSING: Yes, your Honor.

22 THE COURT: And Ms. Shroff?

23 MS. SHROFF: We did not object to the calculation.

24 THE COURT: So then, I guess what that leaves open
25 is then the question of whether the defendant is entitled to

1 any points, any adjustment, for acceptance of
2 responsibility. The parties have stated their positions but
3 I'll hear from the parties on that point and let me turn
4 first to you, Ms. Bensing.

5 MS. BENSING: Thank you, your Honor.

6 So the Government cited to United States
7 v. Beltre, a summary order from the Second Circuit as the
8 standard here. And the Second Circuit pretty clearly, at
9 least from the Government's perspective, outlined there that
10 acceptance of responsibility can be outweighed by conduct
11 that is inconsistent with acceptance of responsibility. And
12 here, I think that such conduct has occurred in the context
13 of the defendant's motion to withdraw his guilty plea. I
14 don't think motions to withdraw guilty pleas necessarily
15 give rise to an objection to a lack of acceptance points.
16 But here, I think it does where the defendant, multiple
17 times, including in counsel filings, asserted actual
18 innocence to his participation in the charged crimes. And
19 so, here I think it would be appropriate.

20 I know that defense counsel, in their reply
21 letter, indicated some differences between the facts of this
22 case in Beltre, but I just would note in Beltra, I think the
23 Government actually sought an obstruction of justice
24 enhancement. We're not doing that here, we just think that
25 the defendant is not entitled to acceptance of

1 responsibility points in light of his assertions of actual
2 innocence.

3 THE COURT: Okay. All right. Ms. Shroff.

4 MS. SHROFF: Your Honor, as I stated in my reply
5 papers, the reason Mr. Snipe should receive the three
6 points, or at least at the bare minimum two, because I'm
7 assuming the Government would not move for the third point
8 is the basis, the ultimate basis, for Mr. Snipe's withdrawal
9 motion was the -- withdrawal of the guilty plea motion --
10 was based on facts that perhaps one could say in cleaner
11 light that had not brought to the Court's attention by his
12 then counsel. He did not allege ineffectiveness. He had to
13 address each element of the law that requires certain
14 statements to be made when withdrawing a guilty plea.

15 But the case cited by the Government to which I
16 replied to in my reply papers makes clear that the conduct
17 in Mr. Snipe's case does not rise to that level. He did not
18 take part of any obstructive conduct like the get in Beltre
19 which is why the obstruction issue is not relevant here.

20 What is relevant is whether or not Mr. Snipe has
21 in essence not taken, not taken on -- I guess, it's just
22 more than responsibility for Mr. Snipe. What Mr. Snipe was
23 really trying to say is that the state of mind that he had
24 and he was -- in extant at that time that he took the plea
25 was something that should have been before the Court and

1 that's what Mr. Snipe tried to do. So, for that reason, I
2 do believe that he should at the time an acceptance of
3 responsibility adjustment in this case.

4 I believe I addressed the distinction between the
5 cases cited by the Government on Page 2 and Page 3 of my
6 reply papers and I didn't want to belabor for the Court
7 something that I've addressed in writing.

8 THE COURT: I appreciate what you're saying but I
9 think, at bottom, one of the key aspects of the withdrawal
10 motion was a claim of innocence. That was certainly a
11 finding that I made in denying the motion that he advanced
12 claims of actual innocence. I mean, it was more than his
13 state of mind. I think I actually, if I'm not mistaken, I
14 think I actually asked for specific clarification on that
15 point and that remained as one of the bases for his
16 withdrawal application.

17 MS. SHROFF: Your Honor, I'm sorry, I remind the
18 Court, also, that the Court cited from Mr. Snipe an original
19 letter that he had written to the Court where he accepted
20 the conduct itself that he had committed and that he had
21 written to the Court and noted that it was -- his
22 fundamental issue was that what he had pled to was larger
23 than what his conduct was at play. I don't think he
24 actually was saying that he wasn't responsible. In fact,
25 I'm quite certain that the Court even cited the docket

1 number because I recall that I had not that particular
2 letter that he had written wasn't upper most in my mind.

3 This court reminded me and I went back and checked
4 and Mr. Snipe did talk about the conduct that he undertook.
5 So, in essence, I'm simply asking the Court to take into
6 account the letter that he wrote. And also just -- as
7 Mr. Snipe's letter lawyer tried to tell the Court that, you
8 know, he's cognizant of his conduct. I think what he was
9 trying to say is that the way or the fashion in which he had
10 pled was much more an issue for him and his state of mind.

11 THE COURT: Right.

12 I don't disagree that there was some of that in
13 one of his numerous pro se letters. But the fact that he
14 was -- there was certainly a level of equivocation about his
15 acceptance of guilt. It wasn't as if he was saying that he
16 accepted responsibility, engaged in the conduct, but that,
17 for example, he wasn't made fully aware by his attorneys of
18 what the consequences of that were.

19 Look, I think I was clear in my of order that he
20 did advance claims of actual innocence. Whether he
21 equivocated somewhat, again, that's another example, that
22 level of equivocation is another example of an unwillingness
23 to accept responsibility. And while I appreciate the
24 argument that you make that in Beltre the defendant engaged
25 in other, to quote the exact language, "In contumacious

1 conduct."

2 Beyond just trying to withdraw the plea, I think
3 the essential feature of Beltre is that the post-plea
4 disavowal of guilt was a basis for not finding that the
5 defendant had accepted responsibility. So I'm going to
6 agree, I do agree with the Government in that respect and
7 I'm going to find that the defendant has not accepted
8 responsibility so that the result of that is that his
9 offense level is a 43 under Application Note 2 to Chapter 5
10 of the guidelines.

11 So let's turn now to the criminal history
12 category.

13 I don't think there's any dispute that it's a
14 Criminal History Category IV. The defendant has a Criminal
15 History Category of VII. One point is added because the
16 defendant received those seven points and committed the
17 instant offense while under a criminal history sentence. So
18 that results, actually, in a total he eight criminal history
19 points.

20 You made a face about the status point. You don't
21 believe he gets the status point?

22 MS. SHROFF: No, I was doing the calculation in my
23 mind, your Honor, I just I wasn't taking issue with -- I
24 think actually that's correct.

25 THE COURT: It doesn't matter, a seven or an eight

1 is Criminal History Category IV.

2 MS. SHROFF: No, no I was just doing the math.

3 THE COURT: So based on a criminal offense level
4 of 43 and a Criminal History Category of IV, the guideline
5 range for the offense is life. However, because the
6 defendant has pled guilty to two counts, each of which
7 carries a 20-year maximum sentence, the effective guideline
8 range is 480 months as stated in the addendum to the PSR.

9 Ms. Shroff, obviously, you have your objection
10 about the acceptance points, but assuming just for purposes
11 of math and the guidelines, do you have any objection with
12 the effective guideline range being 480 reserving,
13 obviously, your objection to the acceptance points.

14 MS. SHROFF: I do not have an objection, then,
15 your Honor.

16 THE COURT: Anything different from the
17 Government?

18 MS. BENSING: No, we agree with your Honor's
19 calculation.

20 THE COURT: Now, with respect to supervised
21 release, because the offenses are class C felonies, meaning,
22 that they're punishable by less than 25 years in prison, the
23 guideline range for supervised release is one to
24 three years.

25 With respect to a fine, the guideline range is

1 50,000 to 500,000. The statutory maximum for each offense
2 is \$500,000. I think that's the sum total of the guidelines
3 calculations that I need to make.

4 Other than the objections that you've raised,
5 Ms. Shroff, any other disputes with respect to the
6 guidelines?

7 MS. SHROFF: I do not have any disputes.

8 THE COURT: Anything from the Government?

9 MS. BENSING: No, your Honor.

10 THE COURT: So, for these reasons, I'm going to
11 adopt the PSR's guideline analysis in its entirety.

12 Ms. Shroff, I obviously have reviewed the various
13 submissions both that you have written and that others have
14 written. But, obviously, it's important to get those in
15 context. So anything else that you would like to add at
16 this point, I would appreciate it.

17 MS. SHROFF: Thank you, your Honor.

18 So I wanted to note for the Court that Mr. Snipe
19 and I have, along with Ms. Smythe, reviewed not just the PSR
20 or the documents that pertain to Mr. Snipe specifically. We
21 also ensured that Mr. Snipe had some sense of the enormity
22 of what had occurred here and was cognizant of the positions
23 that the Government and the victims have expressed to the
24 Court through their filings and the transcripts of the
25 sentencings of the co-defendants.

1 So I am cognizant, as is Mr. Snipe, of and, you
2 know, lawyers stand up here and we often say this is a
3 serious offense and we're cognizant of the enormity of what
4 has happened here, but I do want to take a minute and tell
5 the Court that the enormity of the crime here is basic.
6 Even a seven-year-old would know that this crime is a very
7 serious one, one from which there is really no way to fix
8 the harm done and I think Mr. Snipe is very aware of that.
9 I think Mr. Snipe also understands that the end result of
10 the conduct has been to bring colossal pain upon a family, a
11 loss of life, and a loss of health and wellbeing.

12 I say that the Court because, one, the Court has,
13 unfortunately for Mr. Snipe, the impression that he did not
14 take full responsibility for his conduct. So I wanted to
15 talk about the fact that, through his incarceration, and
16 specifically, most recently, that much has been something
17 that Mr. Snipe has talked about with us and I wanted to make
18 clear that he has -- there is one pocket of Mr. Snipe that,
19 you know, moved to withdraw his plea, but there is a whole
20 other part of Mr. Snipe that fully and completely
21 understands what it is that his actions led to.

22 THE COURT: And I don't want there to be any
23 misunderstanding. The fact that I did not -- and,
24 obviously, I'll want to hear from you -- but the fact that I
25 did not find that he had accepted responsibility from the

1 perspective of the guidelines, I don't want you to interpret
2 that as me thinking that somehow that warrants a -- that
3 that should be an aggravating factor beyond the fact that he
4 is not getting the two-level adjustment. So I want you to,
5 I want to hear your arguments and because I think they will
6 be very worthwhile to me. But I just wanted to be clear on
7 that point.

8 MS. SHROFF: I understand that, your Honor.

9 So the second point about Mr. Snipe that struck
10 and, you know, I was not his original lawyer, so I did not
11 have -- I still don't have the entire backdrop of what a
12 defense lawyer has if you meet your client on the first day
13 at presentment.

14 So what struck me the most about Mr. Snipe is the
15 depth of the addiction that was not caused by something
16 irresponsible that he did. Mr. Snipe is one of the few
17 people that I know that his addiction did not start as a
18 result of some kind of recreational use of drugs and
19 incrementally grew into him abusing Percocet. He was very
20 legitimately hurt; he was prescribed a medication. He was
21 in deep pain; the pain got worse. And with that, his
22 addiction grew.

23 So, for me, Mr. Snipe falls outside of the
24 umbrella of where you tell a person, like, you know, the
25 addiction stemmed from something that the person started

1 doing. I think Mr. Snipe himself has truly struggled with
2 this, and I do not -- I'm not trying to vouch for a client,
3 but I would be able to share with the Court this.

4 There are days when we talk to Mr. Snipe when he's
5 okay. There are days when we talk to Mr. Snipe and we can
6 see a fundamental difference in the way he's able to speak
7 to us and also the way in which he reacts to what we are
8 saying to him. And we figured out that those are the days
9 where he is in deep pain. He is, in fact, unbearable pain
10 and it is only two calls after or two meetings after that
11 he's able to he reflect back and say, On that particular
12 day, my medication wasn't working; or I was feeling worse
13 than normal, and this is why the conversation was so
14 difficult for me to have.

15 Equally telling for me about Mr. Snipe and his --
16 and who he is, is the letters written on his behalf. And
17 Ms. Jackson's letter in particular. It reveals a person
18 trying to be supportive of Mr. Snipe. Having a relationship
19 with a person who is incarcerated and facing a long
20 sentence, takes a certain amount of strength on the part of
21 the person providing that relationship. But it also speaks
22 to some positiveness in the person for whom Ms. Jackson
23 continues to show up. And Mr. Snipe is quite aware that one
24 day Ms. Jackson may have to move on depending on the length
25 of the sentence imposed here. And that, too, speaks to

1 somehow his understanding of what he has brought upon
2 himself.

3 But it does also reflect the positive
4 characteristics of Mr. Snipe. The fact that Ms. Jackson
5 continues to support him, continues to visit, and continues
6 to respond to our needs to help us help Mr. Snipe. So I
7 regard -- there's certainly no question here about
8 Ms. Jackson's good character, Ms. Jackson's progress in her
9 own life, and the very decent and kind person Ms. Jackson
10 is. So when a decent and kind person stands up for you, I
11 believe that shows something worthwhile this Mr. Snipe and I
12 ask the Court to consider that.

13 And finally, I do want to say for Mr. Snipe that
14 he's an engaged father despite the fact that he is in
15 custody. He tries his best to raise the two children he
16 has, 12 and 4. I believe that it's harder to raise the
17 12-year-old from a prison cell than a four-year-old. A
18 four-year-old is more accepting of absence.

19 And I'm very cognizant as I say this that there is
20 an entire family here who will not have that. That there is
21 a family here who will not have the grandfather present. I
22 get it completely. There is no part of me that doesn't
23 understand that for everything I'm telling this Court
24 Mr. Snipe won't have, the victim's family will not have it
25 as well. But I ask the Court to understand and I'm sure it

1 will be far more difficult for the victim's family to
2 understand why nevertheless that remains a valid
3 consideration for Mr. Snipe.

4 So unless the Court has any questions, I ask the
5 Court most respectfully to adopt the sentence requested by
6 Mr. Snipe in my sentencing submission.

7 THE COURT: Thank you.

8 MS. SHROFF: Thank you.

9 THE COURT: Thank you, Ms. Shroff.

10 All right. Ms. Bensing.

11 And, Ms. Bensing, one thing I would like the
12 Government to address is the basis for its sentencing
13 recommendation or request if Probation makes a
14 recommendation.

15 Now, Mr. Snipe is the last defendant who will be
16 sentenced in this case. It's been a long road I know for
17 everyone. And I've done most of the sentences in this case,
18 although Judge Dearie did a few of them. So, those
19 sentences, while the Government may have a different view on
20 the length and the propriety of these sentences, those are
21 the sentences that we have in this case. And the requested
22 sentence of 30 years, other than for the defendants who are
23 convicted after trial, and for the sentence for Mr. Shelton,
24 which was effectively cabined between 35 and 40 years as a
25 result of the plea agreement. This would be by far the

1 highest sentence if I were to follow the Government's
2 request.

3 So, from a disparity perspective, I would like to
4 hear from the Government on why that would not be a
5 disparate sentence even though I know the 30 years, given
6 the guidelines, is a variance. Nevertheless, a 30-year
7 sentence would be well above the sentence that Mr. Blanco
8 received who, I think, if I were to do my own, given the
9 amount of time I had spent on this case, given my own
10 relative culpability analysis, is probably the defendant
11 most closely situated with Mr. Snipe. So that is something
12 that I would like you to address in addition to anything
13 else that you want to raise.

14 MS. BENSING: Yes, your Honor.

15 The Court, obviously, has before it I think,
16 really, the full spread of conduct in this case. And, as
17 the Court mentioned, this is the last sentencing in the
18 case. And even in terms of the sentencings, I think the
19 Court has really a very wide spread with some defendants in
20 this case receiving life, Bushawn Shelton receiving less
21 than that, but a very significant sentence. And then a
22 number of other defendants who have received a spread in the
23 mid-high teens to lower 20s in terms of years.

24 And so, the Government was very cognizant of that
25 both in making its sentencing recommendation here but also,

1 as I said to the Court at previous sentencings, but I will
2 put on the record here as well, in terms of fashioning the
3 pleas in this case.

4 And so, I believe that the Government argued for
5 Mr. Blanco that a sentence of the range between 30 to
6 40 years was appropriate. Obviously, he did not receive
7 that sentence but that's what the Government advocated for.
8 That's what we believed would have been appropriate,
9 particularly, given consideration to the sentences that the
10 trial defendants received and the sentence that Bushawn
11 Shelton was going to receive under the terms of his plea
12 agreement.

13 THE COURT: I'll interrupt you.

14 As to Mr. Shelton, because that was a (c)(1)(c)
15 plea and I accepted it, I was cabined between 35 and
16 40 years, so I didn't have much discretion in that sentence.
17 And Mr. Blanco was sentenced by Judge Dearie as the first, I
18 believe that was the first sentence in this case.

19 MS. BENSING: Yes. I think it was either him or
20 Branden Pearson.

21 THE COURT: Or Mr. Pearson, I forget which.

22 MS. BENSING: Yes.

23 So I understand what the Court is saying. And the
24 reason I emphasized the requested sentences by the
25 Government is because the Government, I agree with the

1 Court's general analysis, and I think we put this in our
2 letter, that he is similarly situated and I believe slightly
3 less culpable than Blanco in terms of the actions that he
4 took in this case.

5 So that's why I emphasized the sentence that we
6 asked for Mr. Blanco and the sentence that we're asking here
7 which is at the low end of the guidelines range stipulated
8 to by the parties. I understand the sentence that
9 Mr. Blanco received, and that the Court has that before you,
10 but the Court also has before you sentences that are also
11 very high and that are also part of the spread of sentences
12 in this case.

13 And to that point, I think we tried to emphasize
14 this in our letter but, you know, one aspect of the case
15 that has always struck the Government as particularly
16 heinous was how long it went on, how many attempts were made
17 on the victims' lives in this case, and how it just
18 continued time after time. And the reason why I highlight
19 that now is because like Shelton, like Anthony Zottola, like
20 Bushawn Shelton, Julian Snipe was involved from the
21 beginning to the end. I think there can be no question
22 about that from the text messages in this case.

23 And so, you know, in terms of distinguishing him
24 from Cummings, who was a participant in the case in very
25 serious acts, but was a participant in the case for not that

1 long in the grand scheme of the case. Or, in comparing him
2 to Arthur Codner, who was a participant in the July 11th
3 attempted murder, but then did not actively participate in
4 the conspiracy after that.

5 Julian Snipe is very different from those
6 defendants because, even after the second-most serious act
7 of violence, the attempted murder of Salvatore Zottola, he
8 continued to actively participate. He continued to speak
9 with Shelton. He continued to text about this conspiracy.
10 And even after Sylvester Zottola was murdered, they texted
11 in really shocking language in terms of how their hard work
12 had paid off, literally.

13 And so, that's the basis for the Government's
14 recommendation here and the reason why we put in our letter
15 and why I'm telling the Court now is we do believe he is
16 slightly less culpable than Blanco just in terms of the
17 recruitment activity that Blanco was part of. We don't have
18 evidence of that as to this defendant.

19 But the basis for the recommendation is the other
20 sentences that the Court has before it and where he falls in
21 terms of culpability from the Government's perspective I
22 think is supported by the evidence amongst those.

23 THE COURT: Okay. All right.

24 MS. BENSING: I don't have much more to add, your
25 Honor, but I do. I would like to allow the victims to

1 address the Court.

2 THE COURT: Yes, please.

3 MS. BENSING: So I think we'll start with
4 Salvatore Zottola.

5 MS. SHROFF: Your Honor, I apologize. I would
6 like to respond to what the Government said.

7 THE COURT: Yes, sure.

8 MS. SHROFF: I'm happy to wait.

9 THE COURT: No, why don't we do that now and then
10 we can hear from the convicts without any further counsel
11 input.

12 MS. SHROFF: Your Honor, I did want to just very
13 briefly speak to the issue of disparity.

14 I read and reread several times the Government's
15 sentencing submission. And I concede here that the
16 Government, I'm sure, knows this case better. They went
17 through a trial, I wasn't part of that. I reviewed what was
18 given to me as a cold record. But I do believe that
19 Mr. Snipe, unlike the other defendants, just in terms of
20 conduct, Mr. Snipe refused to participate in the assault
21 despite every invitation. A person can talk to death, a
22 person can say inappropriate things, a person can say some
23 really terrible things in an e-mail, in a text, even in
24 person. But the fact that Mr. Snipe did not participate in
25 the assault, the fact that Mr. Snipe did not go out and

1 shoot or harm, has to sort of put him in a better position
2 than Blanco or any other co-defendant in this case.

3 THE COURT: I'm not sure what you mean he didn't
4 participate in the assault. When you say, "the assault,"
5 are you talking about the attempted murder that he pled
6 guilty to?

7 MS. SHROFF: No, I mean the actual physical
8 assault. I mean, the actual act, the act of an assault.
9 The act of killing someone.

10 THE COURT: There were a number of violent acts in
11 this case. There was an attempted killing of Sylvester
12 Zottola --

13 MS. SHROFF: Right.

14 THE COURT: -- by infliction of knife wounds that
15 he's not charged -- he's not -- part of the conspiracy but
16 it's not something he allocuted to. There was the July
17 shooting and attempted murder of Salvatore Zottola that he
18 pled guilty to as a lesser included.

19 MS. SHROFF: Right.

20 THE COURT: Are you saying that that's -- is that
21 what you're referring to as an assault?

22 MS. SHROFF: I'm referring to the fact that he
23 does not, even in that conduct, he does not have an
24 affirmative physical act of violence at all.

25 THE COURT: But you're kind of stretching there,

1 Ms. Shroff, because an individual who is involved in
2 recruiting another individual to help in securing a vehicle,
3 that vehicle is then driven across state lines to change
4 that vehicle for another vehicle that is not connected to
5 the gang. Then taking being in that vehicle with the driver
6 and the shooter, driving back across state lines, laying in
7 wait until the victim arrives, and then having one of those
8 individuals jump out of that car and shoot the individual at
9 point-blank range.

10 The fact that your client was sitting in the car
11 and was not the one shooting, I don't think there is much of
12 a distinction there in the criminal law in terms of level of
13 culpability. Yes, someone has to be the one who shoots, but
14 you don't get there unless there is a lot of other activity
15 that goes into that offense.

16 MS. SHROFF: I do not disagree with the Court at
17 all, that is why the guilty plea stands. What I'm trying to
18 suggest to the Court is there is a difference in the role
19 and I believe that the Government's own discovery shows that
20 at many times Mr. Snipe is referred to as quote, unquote,
21 "The Sleeping Beauty." There are times and time again that
22 Mr. Snipe is so under the influence of Percocet that he is
23 constantly referred to as "The Sleeping Beauty" by each
24 other and the people talking about him. I'm not walking
25 away, nor am I suggesting to the Court that his culpability

1 is in question. I'm simply suggesting that while weighing
2 the actions itself and in determining the appropriate
3 sentence, the person who gets up and does the shooting, or
4 the person who gets out and does the slashing, that's all.

5 THE COURT: I don't disagree with you, the person
6 who did the shooting is serving life right now. And I'm not
7 anywhere near thinking, one, I can't, but I'm not anywhere
8 near thinking of imposing a sentence of life on your client
9 for this very reason.

10 MS. SHROFF: And just in terms of comparing his
11 conduct to the conduct of Mr. Blanco is the point I was
12 simply trying to make, your Honor. We're not at all in any
13 sense walking away from culpability.

14 That's all, your Honor. Thank you.

15 THE COURT: All right.

16 MS. BENSING: Your Honor, I'd ask if Salvatore
17 Zottola could address the Court first.

18 THE WITNESS: Your Honor.

19 THE COURT: Mr. Zottola.

20 SALVATORE ZOTTOLA: On June 11, 2018, my father
21 had been running for his life on five to six occasions from
22 your co-defendants in this trial. On June 12th, a man
23 approached my father with a gun, and for him to save his
24 life, he pulled out his gun and shot at him. Shortly after
25 he was arrested for protecting his own life, his court date

1 was rescheduled or was scheduled for July 11, 2018. I told
2 my father I was going to court with him that day. He told
3 me not to because he didn't know what was going on with my
4 wife my children and my in-laws on 10th. My wife told me
5 not to go and I told her I'd rather be dead than not to
6 stand next to my father.

7 Thanks to you and your involvement in this case,
8 you almost made that day to come true. On July 11, 2018, I
9 left the Jersey Shore at 3:00 o'clock in the morning to
10 makes sure I was early for my father's court case. As I
11 pulled up to the house, I ran into my friend and spoke to
12 him for a minute or so. I told him have a good day and he
13 left. When I parked the car to get out, little to my
14 surprise, there was a gun a couple of feet away from me. I
15 got shot for the first time in my chest and I crawled to the
16 back of my car. Thinking that I can get up but I couldn't
17 get my balance. And then I saw a man running around the car
18 with his gun. He shot me four more times and it all
19 happened so fast. He shot me in the back, my hands, both
20 sides of my head. And I don't even know where any other
21 bullets hit me but maybe you can tell me.

22 But that wasn't -- but the last shot is the one
23 that hit me right on the side of my head and that last shot
24 I'll never forget. I saw a bright white let and I heard a
25 loud bell like the sound of the end of a boxing match. And,

1 at that moment, I thought I was dead. But then I remembered
2 taking a deep breath and something pushing me down. I
3 opened my eyes to see my blood on the pavement all around
4 me. Do you remember leaving me on the pavement? Just
5 driving off? Do you remember hearing me scream?

6 My friend Joe that just left me two minutes prior
7 came rushing back and kept talking to me. I remember
8 telling him how much pain it was. Him and his wife kept me
9 alive by talking to me. I just turned to Joe and told him,
10 Tell my wife and my kids and my father that I loved them.

11 As the ambulance came and rushed me off to the
12 hospital, I remember them cutting my clothes off and I
13 remember telling them that give me something for the pain.
14 It felt like the longest drive to the emergency room and I
15 felt every bump on the road. I remember opening my eyes in
16 the operating room seeing all the doctors around me. I
17 remember waking up in the hospital bed giving everybody the
18 thumbs up that I was okay.

19 The one thing that I wasn't okay with was watching
20 my father cry by my bedside not knowing why this was
21 happening to his family. When I was able to speak, I turned
22 to my father and said, Sir, I would have took a hundred more
23 bullets for you. Later that day, the doctor came in and
24 told me exactly what happened. I lost a couple of feet my
25 intestines, small and big. A bullet went through my gall

1 bladder, my diaphragm, my lung. A bullet punctured my
2 liver. Both of my hands and both sides of my head, and my
3 chest right next to my heart. I don't know how much blood I
4 lost, and I endured multiple surgeries of crimes that you
5 were a part of.

6 When I got home from the hospital, even if I
7 wanted to go for so much of a walk, it would a big ordeal.
8 And if that wasn't the end of it, three months later, my
9 father was killed by your co-conspirators in this case.

10 My father, my friend, my mentor. My father, my
11 family, and myself were tortured for months. And now you
12 can sit there all you want and tell my family and I how
13 sorry you are. Keep your apologies, they mean nothing to
14 me. You helped torture my family and I.

15 Your Honor, I want to thank you. The U.S.
16 Attorney I want to thank you. And Mike and the FBI, I want
17 to thank you.

18 THE COURT: Thank you, Mr. Zottola.

19 MS. BENSING: Your Honor, with the Court's
20 permission, if I could read a statement by Joe Tessi who was
21 present for the July 11th shooting. And then if Deborah
22 Zottola could address the Court.

23 "It was 7/11/18 and life on Tierney Place had not
24 been normal for many months. As I left my home to go to
25 work at 6:15 a.m., I met Sal, Jr. outside just arriving from

1 the Jersey Shore. He lived next door from me and had come
2 home to escort his dad to court that day. As we spoke
3 briefly, I kissed him good-bye and told him go inside and be
4 careful. I got in my car and drove off.

5 As I reached the next corner, my phone rang. It
6 was my wife telling me she just heard five or six gunshots.
7 So I mad a U-turn and headed town the street to see six to
8 ten people standing in the street looking down on the ground
9 and on the ground was Sal, Jr. laying face up in a pool of
10 blood that was leaking out of everywhere: From his head,
11 stomach, back, and hands. As I shouted his name, his eyes
12 opened and he called out to me. He said, Joe, it hurts bad
13 and I'm cold. I told him to stay with me and that today was
14 not his day to die. I told him stick around, your wife and
15 kids need you. He said, Joe, tell my wife and kids I love
16 them. And I assured him he would be telling them that
17 himself. By this time, he's put into the ambulance and off
18 he went.

19 Now, most of you would think that was the hard
20 part and you are completely wrong. The hard part was
21 telling his dad what had happened. You don't understand
22 that. If you ever needed to be loved, you would want to be
23 loved like that father and son love each other. They were
24 inseparable. It was wonderful to see such love. I had been
25 friends with Sal, Sr. for many years and his love and praise

1 for Sal, Jr. was tremendously infinite.

2 So the day went on and family and friends gathered
3 at the hospital where emotions ran wild. Sal, Sr. was
4 inconsolable. He cried like I've never seen a man cry
5 before and the remainder of his life was never the same.

6 Thank you. Joe."

7 And now if Debra Zottola could address the Court.

8 DEBORAH ZOTTOLA: Before I begin, your Honor,
9 Branden Peterson was on May 9 2022, he was first. Branden
10 Peterson.

11 Your Honor, attorneys for the Government, defense
12 attorneys, and Federal Bureau of Investigation
13 investigators, in particular, Mike. I appreciate you giving
14 me this opportunity to speak on behalf of my most amazing
15 father and my amazing brother and my family. I appreciate
16 how hard the Government has worked on this case for the last
17 six and a half years. September 8th will be seven years
18 since my father was on a hunt along with my brother. Seven
19 long years of a large conspiracy of people looking to murder
20 my father in cold blood and attempting to kill my brother on
21 the street where he lived and breaking up my most beautiful
22 family.

23 Today, is my 10th, and hopefully, final impact
24 statement that I will ever have to give for the rest of my
25 life. Ten. I am sure not many people will even give one

1 impact statement in a lifetime with a criminal. Today is
2 ten. You are the 10th defendant.

3 From the time I was a little girl, my father was
4 always the light of my life. I was his number one girl and
5 he was, and will forever be, the center of my world. My
6 pillar of strength, my biggest fan, and my hero. My mother,
7 our mother, died at a very young age and left him with three
8 little kids who really needed him but, at the same time, he
9 needed us. He was our protector, role model, mother,
10 father, and so much more. He worked and work is what he was
11 good at. He came from nothing but was hungry to achieve
12 success and that is exactly what he did. And that is what
13 he taught us. His hard work and drive to provide for his
14 family helped make him and my brothers and I what we are,
15 well, at least Sal and I are what we are today.

16 My brothers Sal and Anthony, my father, and myself
17 were four people but we were really one indestructible
18 force. We always watched out for each other and made sure
19 no one would hurt any of us and I mean no one.

20 That's not the case today, your Honor. The
21 defense attorney speaks of conduct. On May 9, 2022, you,
22 Mr. Julian Snipe, also known as "Biz," "Busy Bee," sat in
23 front of your Honor Judge Dearie with an attitude under
24 oath. I remember the day so clear. You stated you had
25 health problems and you were always in pain. Judge Dearie

1 apologized to make sure you got the treatment you needed for
2 depression, CAT scans, EKGs, et cetera. He felt bad for you
3 and wanted to make sure your mind was clear and you were
4 able to concentrate. We were dismissed that day at
5 10:25 a.m. because you were not certain -- the judge was not
6 certain you were comfortable. I remember that day so well.

7 So we were dismissed and I went out to get my car
8 in the parking lot alone. I paid and I pulled out of the
9 lot. Oh, no, I got a call. You decided you were running a
10 plea. I re-parked my car in the lot, paid again, and rushed
11 back up because you were ready to fully understand what you
12 were facing in this plea.

13 We began again at 11:00 and Judge Dearie wanted to
14 make sure you were comfortable and that you understood
15 what's going to happen. Your body language to your Honor
16 and the people in the courtroom was despicable. Never mind
17 your behavior in a car on a day in July. The judge defined
18 what a conspiracy was several times for the second time that
19 very day. The judge stated, Are you sure? You stated, This
20 plea is crazy. Judge stated, What's crazy? You're not
21 challenging how you feel, my friend? Maybe you need to take
22 the time out. Second time in the courtroom that day and you
23 still had no plea. Your Honor's time, prosecuting defense
24 attorneys' time, your defense attorneys' time court,
25 officers' time, and my time are ignored. You were asked to

1 leave yet again. Nice.

2 On May 27, 2022, we returned back to the courtroom
3 because you were, quote, "you were ready." You were ready
4 to concentrate on that day just like you were ready to
5 concentrate the day you were in the car to try kill my
6 brother in front of his home. Judge Dearie read you a very
7 clear description of your rights with your plea that day in
8 May. He went over the ten-page very important document and
9 asked if you reviewed it. Your respectful response was,
10 Yeah. Greatly appreciated, I am sure. You were pleading
11 guilty to Count One and Two and you were given a fine. You
12 responded, Where am I going to get this money? Maybe you
13 should have thought of that and these answers before you
14 were part of a detailed conspiracy to kill my father and
15 attempt to kill my brother. The judge asked if you
16 understood what was being stated. Your response was, I
17 don't like it. But if that's what it says on the paper.
18 Nice.

19 You stated that you were rotting in jail. You
20 were rotting in jail as my family rots on the outside on
21 what you were part of that ruined our lives. Judge Dearie
22 accepted your plea that day in May. That wasn't enough,
23 though. We needed to come back this past November for a
24 hearing with Judge Gonzalez because you felt you were not in
25 the right frame of mind when you gave the plea.

1 So we sat through experts to assess the cognitive,
2 psychological, and psychiatric level to see if you had a
3 medical diagnosis of Antidepressant Withdrawal Syndrome. We
4 went through letters, transcripts, calls, and Zooms; medical
5 visits, family history, et cetera, to hear that you were,
6 quote, "aggravated and depressed."

7 Aggravated and depressed. Well, for that matter,
8 my brother and I should have Antidepressant Withdrawal
9 Syndrome as well. Do you think you're the only one
10 aggravated and depressed? All of these court appearances
11 and reschedules for Judge Gonzalez to state you, Mr. Snipe,
12 were not impaired when you made your plea of guilty.

13 So here we are today for your sentence. I can
14 redefine a conspiracy since you asked many times during
15 those court appearances that you did not know what it meant.
16 According to the Google search, a conspiracy is a secret
17 plan by a group to do something unlawful or unhurtful.
18 Legally, a conspiracy exists when two or more persons join
19 together and form an agreement to violate a crime and
20 violate the law and act on that agreement which is what you
21 did in July of 2018.

22 It has been mentioned that Mr. Snipe struggles. I
23 could assure you, there are days when we are in pain, too.
24 For me, there really aren't good days. You, Mr. Snipe, were
25 part of this conspiracy to murder my father and attempt to

1 kill my brother. Just in case your Antidepressant
2 Withdrawal Syndrome was in the way of your thought process.
3 You were part of a crime. You were in a car where you knew
4 you weren't going for ice cream that day, that morning.
5 Even though you did not pull that trigger on my brother, you
6 were part of the crime.

7 My brother Sal is the most amazing father, uncle,
8 husband, and friend. He almost lost his life that day, but
9 with the love of God, my father, and family members behind
10 him, he pulled through.

11 You had a choice that day, you didn't need to get
12 in the car. You didn't need to be part of the texts. But
13 you did. That was your choice. When telling my friends and
14 family I was coming back to court today, some responses are:
15 That's still going on? Why do you need to go? I thought
16 that was over. Over? For me it's never over. I am
17 reminded every single court visit, morning wake up, legal
18 calls, documentary channels, inquiring e-mails,
19 repercussions of this murder case I'm reminded every day.

20 I will live with this for the rest of my life. I
21 do not need any letters written from anyone. I know what
22 went on. I lived it. My brother lived it and my family
23 lived it. Every single day of this life, of my life, this
24 has been discussed. There's no moving forward for me. It
25 left me broken. The impact this has put on our family is

1 more than just someone dying or almost dying. My own
2 personal family's been affected. My marriage was affected.
3 My children's lives of age to know what was going on.

4 The way my father had to die is discussed hundreds
5 of times every single day. There is there has to been one
6 day in the last five years nine months two weeks and
7 four days that my father and the way he died has not been
8 brought up.

9 But it's for the way he lived and that is
10 important. He lived loving his children, trying to help
11 every person around him, and knowing that one day he would
12 have to die. For me there has been no peace in five years,
13 nine months, five days today. I know my father is with my
14 mother and all his loved ones in heaven for this is peace.
15 To remember how my father and my brother were hunted down,
16 beaten, and robbed after he sacrificed his entire life for a
17 load of people.

18 I was with my father on the day my brother was
19 shot. When he got the call, uncontrollable? Died that very
20 day. That was the real day he died was the day my brother
21 was shot.

22 As for my brother, who almost lost his life six
23 years ago last month, we do not speak because of this
24 disaster. I will forever love him and ponder our beautiful
25 memories as a real family as he piles on legal actions on me

1 for no reason. One thing I do know that my brother and I
2 can agree on is the road we took with my father that year.

3 This has ruined my family. Me, particularly, on a
4 financial level as well as emotional. My father did not
5 like what was being done. My father was not a spiritual man
6 but the last year reminded me of Jesus and his road to
7 Calvary. My poor father had to begin to live his in fear.
8 What kind of way is that to live? Would you want your mom
9 or dad living in that way or your sibling. This was not
10 living. His son being shot and almost killed is what drew
11 his last straw. Something you were part of. Running from
12 attack to attack finding places to keep safe with my
13 children, not enjoying life because we were always looking
14 over our backs. Technically, we still are.

15 My faith does not teach us to judge for judgment
16 belongs to God. Despite my pain, I'm not standing here in
17 judgment. Instead, I'm going to pray that you will turn to
18 our lord in his forgiveness. My forgiveness means nothing,
19 God's forgiveness does. Only God had the right to determine
20 when people live and die. You were part of a conspiracy to
21 overcome God's judgment. You took it upon yourself to try
22 to kill my brother or be part of it. Only God had that
23 right. For that reason alone, you should never have the
24 chance to do this to my family again.

25 You see, your Honor, even though technically today

1 is the last defendant in this case of this conspiracy for
2 the murder and of my dad and the attempted murder of my
3 brother, it's not end for me and will never be the end for
4 me. This may end our time together but will never end my
5 pain and suffering. Something tells me we'll be back

1 THE COURT: Mr. Snipe, like I said at the
2 beginning, you obviously have the right and an opportunity
3 to make a statement at this point if you wish. But, again,
4 like I also said, you're under no obligation to make a
5 statement.

6 THE DEFENDANT: May I speak?

7 THE COURT: If you want to, sure, it's your right.
8 You can stay seated.

9 THE DEFENDANT: Good afternoon.

10 My name is Julian Snipe. I would like to take the
11 time to apologize to the Zottola family, to Ms. Zottola and
12 Mr. Zottola, but I asked that in the terror that was brought
13 upon they family. I know no amount of words will be able to
14 actually have any effect. I do pray one day y'all will
15 forgive me and I'm sorry.

16 MS. SHROFF: Your Honor, I apologize, may I just
17 have a moment?

18 THE COURT: Yes.

19 MS. SHROFF: Thank you.

20 (A brief pause in the proceedings was held.)

21 THE DEFENDANT: Like I said, I know there's
22 nothing I can say really to change how y'all feel or to
23 change the circumstances of what occurred. And I am deeply
24 sorry and I wish there was something more I could do or more
25 I could say but I really can't. And I just ask y'all just

1 one day that God put in your heart to forgive me and to
2 forgive my actions. I apologize and I am deeply sorry for
3 the just for the heartache, for the terror, and everything
4 with your family. I apologize.

5 That's it, your Honor.

6 THE COURT: All right. Thank you, Mr. Snipe.

7 Let me now turn to the sentencing factors and go
8 through those.

9 In determining the appropriate sentence in this
10 case, I've considered the relevant factors set out by
11 Congress in Section 3553(a) including the advisory guideline
12 range that we've discussed. And I've done that to ensure
13 that I impose a sentence that is sufficient but not greater
14 than necessary to comply with the purposes of sentencing
15 which include the need for the sentence to reflect the
16 seriousness of the crime, to promote respect for the law, to
17 provide just punishment for the offense, and to deter
18 criminal conduct by this defendant and others who may seek
19 to engage in this same type of crime.

20 I've also considered the nature and circumstances
21 of the offense, the history and characteristics of the
22 defendant, the kinds of sentences available, the need to
23 provide the defendant with needed educational or vocational
24 training, medical care, or other correctional treatment in
25 the most effective manner and the need avoid unwarranted

1 sentence disparities among defendants with similar records
2 who have been found guilty of similar conduct.

3 I consider this last factor particularly important
4 in this multidefendant case which involved defendants who
5 committed a wide variety of different acts in furtherance of
6 their conspiracy.

7 Let me first put on the record some of the
8 aggravating factors that I've considered.

9 The defendant in this case was not an idle
10 participant in the conspiracy even though he claims to have
11 been just in the car with others and to have been only a
12 passenger in the car. The only purpose for this car trip
13 was to carry out a murder. And if not for the good fortune
14 of the victim, and the near miraculous work of the
15 healthcare professionals who treated him, it would have been
16 a murder and not an attempted murder.

17 Even though he claims to have been high on opiates
18 at the time of the shooting and asleep at times, the
19 Government has pointed to persuasive text message evidence
20 showing that Mr. Snipe actively participated in the planning
21 of this attempted murder including on the day of the
22 shooting.

23 I also agree with the Government that defendant
24 demonstrated a callous attitude during the conspiracy. For
25 example, as the Government highlighted, he texted Shelton

1 after Sylvester Zottola's murder that, quote, "Hard work
2 pays off." That is an alarming view about the value of
3 human life in this case.

4 And although defendant pled guilty only to
5 conspiring to committing the murder-for-hire that resulted
6 in Salvatore Zottola's grievous injuries, I cannot turn a
7 blind eye to the text messages that show that defendant
8 clearly knew about the evidence of a broader conspiracy that
9 defendant Shelton was orchestrating which resulted in the
10 successful murder of Sylvester Zottola.

11 Now, there are also, as in most cases, there are
12 also mitigating factors that I have considered.

13 It is true that the defendant did not personally
14 commit the violent acts in this case. I appreciate the fact
15 that the defendant has made some progress at rehabilitation
16 as stated in the mitigation report including overcoming his
17 addiction to opiates. I also credit the representation from
18 the MDC correctional counselor that he has made positive
19 contributions to the community while incarcerated.

20 As I previously mentioned, I'm very conscious in
21 this case of the obligations to avoid unwarranted sentencing
22 disparities. In particular, I'm cognizant of the 19-year
23 term of imprisonment imposed on Arthur Codner and the
24 22-year term of imprisonment imposed on defendant Herman
25 Blanco.

1 Having presided over the trial, and having imposed
2 most of the sentences in this case, I find that those are
3 the proper comparators in this case, not as the defense
4 suggests defendants Peterson and Cummings, although their
5 sentences of 16 and 17 years also informs my analysis.

6 First of all, Peterson and Cummings both pled
7 guilty to just one count capping their maximum exposure in
8 this case to 20 years as opposed to the defendant in this
9 case who pled guilty to two counts with a maximum exposure
10 of 40 years.

11 Peterson also had a much more limited involvement
12 in the conspiracy than Mr. Snipe who participated in it from
13 start to finish. And as I made clear at the sentencing of
14 Mr. Cummings, he received a relatively more lenient sentence
15 because there was uncertainty regarding whether BOP or New
16 York State had primary jurisdiction over him, and it was not
17 possible at sentence to determine what with precision how
18 long he was actually going to serve. So I don't necessarily
19 view a sentence above Mr. Cummings as reflecting an
20 unwarranted disparity in this case.

21 So, to summarize, the request and recommendations
22 here are as follows:

23 The guideline range calls for a period of
24 incarceration as restricted by the statutory maximum of
25 480 months.

1 When the parties entered into the plea agreement
2 in this case, they calculated the applicable guideline range
3 accounting for the statutory maximum to be between 360 and
4 480 months. And although the Government no longer claims
5 that this is the correct guideline range, the Government has
6 nevertheless requested a below-guideline sentence of
7 360 months in this case.

8 Defendant has requested a period of incarceration
9 of 15 years, and the probation department has recommended a
10 sentence at the statutory maximum of 40 years.

11 So after assessing the particular facts of this
12 case, and in light of the relevant Section 3553 factors, I
13 find that the balance of aggravating and mitigating factors
14 including the need to avoid intra-case sentencing
15 disparities warrants that I impose a downward variance in
16 this case and I do believe their downward variance is
17 appropriate.

18 Nevertheless, I still believe that a significant
19 sentence is appropriate in this case and I sentence the
20 defendant to 240 months of incarceration on each count of
21 conviction to run concurrently followed by three years of
22 supervised release. At this point, I want to note that I
23 would have imposed the same sentence on the defendant even
24 had I found that he was entitled to the two-point acceptance
25 of responsibility adjustment. A two-point reduction would

1 have brought him down to an offense level of 43 which is the
2 maximum in Chapter 5. So there would have been no change to
3 his advisory range of life.

4 And even had I found defendant eligible for the
5 two-point reduction, and had the Government moved for the
6 additional one-point reduction, he would have had an offense
7 level of 42 for an advisory range of 360 to 480 months in
8 prison.

9 In view of the substantial downward variance that
10 I'm making here, I would have imposed the same sentence even
11 had 360 to 480 months been the advisory range rather than
12 the 480 months.

13 Likewise, to the extent that there is any issue
14 with respect to the grouping analysis, and neither party has
15 objected to the grouping analysis. But even there, the best
16 case scenario would have been a Level 38 at Criminal History
17 IV for a sentencing range of 324 to 405 months. So even at
18 that analysis, for some reason has been found to be
19 inaccurate, I nevertheless would have imposed the same
20 sentence of 240 months given the significant variance that
21 that sentence is even from a Level 38 sentence.

22 So, in addition to the term of incarceration, like
23 I said, I'm sentencing the defendant to three years of
24 supervised release.

25 And in addition to the mandatory and standard

1 conditions of supervised release, I'm going to order
2 additional special conditions with which the defendant must
3 supply.

4 Ms. Shroff, did you have an opportunity to review
5 the two special conditions of supervised release that the
6 probation department listed in the sentencing recommendation
7 with your client.

8 MS. SHROFF: I believe so, your Honor. But may I
9 just have a moment to confer with him?

10 THE COURT: Yes, sure.

11 MS. SHROFF: Thank you.

12 (A brief pause in the proceedings was held.)

13 MS. SHROFF: Thank you, your Honor. He's aware of
14 the two additional conditions.

15 THE COURT: Did you need me to read them or can I
16 just summarize them?

17 MS. SHROFF: No, your Honor, the summary will be
18 just fine.

19 THE COURT: So the first condition is what's known
20 as a "non-association condition." Meaning, that the
21 defendant cannot associate with other individuals engaged in
22 criminal activity or gang activity. I find that with
23 respect to that condition, the defendant was a member of a
24 violent gang and I think it is undisputed that the
25 co-conspirators who were among the most responsible for

1 orchestrating this conspiracy such as defendant Shelton were
2 gang members.

3 Accordingly, defendant's interactions with gang
4 members there's no question led him to be pulled into the
5 orbit of this conspiracy. So a prohibition against future
6 associations with gang members will mitigate that risk and
7 is appropriate under these circumstances.

8 With respect to the search condition, the
9 conspiracy at issue here obviously involved firearms and
10 violence. So a search condition based on reasonable
11 suspicion is necessary to ensure probation officer safety
12 during the period of defendant's supervision.

13 As such, I find that these special conditions are
14 sufficient but not more than necessary to satisfy the
15 sentencing factors in Section 3553.

16 With respect to forfeiture, I'll enter the
17 preliminary order of forfeiture at Docket No. 612 related to
18 certain property that the Government has already seized as
19 agreed to by the parties as part of defendant's plea
20 agreement.

21 Once the time for any party to come forward to
22 demonstrate an interest in the property expires, and the
23 Government makes a motion for a final order of forfeiture, I
24 will grant that motion at the appropriate time.

25 I don't believe there's anything else with respect

1 to the forfeiture.

2 Is there, Ms. Bensing?

3 MS. BENSING: No, your Honor just that it be
4 appended.

5 THE COURT: To the judgment?

6 MS. BENSING: Yes, thank you.

7 THE COURT: Yes.

8 With respect to a fine, I'm not imposing a fine
9 because I do not believe that the defendant has the
10 wherewithal to pay a fine.

11 With respect to restitution, I'm not imposing
12 restitution as in the other defendants' sentences in this
13 case. Neither the Government nor any victim has come
14 forward with a request or an estimate of restitution, so I'm
15 not in a position to order restitution.

16 With respect to the special assessment. I'm
17 statutorily bound to require a special assessment of a
18 hundred dollars for each crime of conviction. So, in this
19 case, I'm assessing a special assessment of \$200.

20 That is the sentencing in this case. I find that
21 this sentence is sufficient but not greater than necessary
22 to comply with the purposes of sentencing.

23 Now, Mr. Snipe, you can appeal your conviction if
24 you believe that your guilty plea was somehow unlawful or
25 involuntary, or if there is some other fundamental defect in

1 the proceedings that was not waived by your guilty plea or
2 plea agreement.

3 Under some circumstances, a defendant also has the
4 right to appeal the sentence. Any notice of appeal must be
5 filed within 14 days of the entry of judgment or within
6 14 days of the filing of a notice of appeal by the
7 Government.

8 If you request, the Clerk of the Court can assist
9 you in filing your notice of appeal. And if you cannot
10 afford to pay the cost of an appeal, or for an appellate
11 counsel, you have the right to apply for leave to have that
12 fee waived or to have counsel appointed for you for any
13 appeal.

14 Are there open counts?

15 MS. BENSING: Yes. The Government moves to
16 dismiss the open counts and the underlying indictments.

17 THE COURT: On the Government's motion, those
18 counts will be dismissed as part of the final judgment.

19 Anything else from the Government before I ask
20 Ms. Shroff?

21 MS. BENSING: Not from the Government. Thank you.

22 THE COURT: Ms. Shroff?

23 MS. SHROFF: Yes, your Honor, thank you. I will
24 confer with Mr. Snipe as to his right of appeal. And should
25 he wish to do so, I shall file the notice of appeal as

1 required by law.

2 THE COURT: I do note that in the plea agreement,
3 he did waive appeal for any sentence below 480 months. But
4 I will, obviously, you will do whatever you believe is in
5 the best interests of your client.

6 MS. SHROFF: Thank you, your Honor.

7 Just may I ask most respectfully that the Court
8 recommend to the Federal Bureau of Prisons that Mr. Shelton
9 be incarcerated as close to New York City as possible to
10 family visits.

11 THE COURT: In light of the mitigation report that
12 I reviewed, as well as the various sentencing letters that I
13 received, I will recommend that the Bureau of Prisons
14 designate the defendant to a facility as close as possible
15 to the New York Metropolitan area as possible to ensure his
16 opportunity to continue to maintain his family ties.

17 Obviously, my recommendation is not binding on the
18 Bureau of Prisons, and the Bureau of Prisons will make the
19 final determination regarding what is the proper facility
20 given the defendant's security risks.

21 Anything else?

22 MS. SHROFF: No, your Honor. I just wanted to
23 reiterate on behalf of Mr. Snipe his apology to the Zottola
24 family.

25 THE COURT: Thank you, Ms. Shroff. Thank you all.

1 And I want to thank the lawyers in the case. And
2 we stand adjourned.

3 Thank you. Thank you marshals.

4 (Defendant exits from courtroom at 3:59 p.m.)

5 (WHEREUPON, this matter was concluded.)
6

7 * * *
8

9 CERTIFICATE OF REPORTER

10 I certify that the foregoing is a correct transcript of the
11 record of proceedings in the above-entitled matter.
12
13
14

15 *Anthony D. Frisolone*
16

17 _____
18 Anthony D. Frisolone, FAPR, RDR, CRR, CRI
19 Official Court Reporter
20
21
22
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UNITED STATES DISTRICT COURT

Eastern District of New York

UNITED STATES OF AMERICA

v.

Julian Snipe

JUDGMENT IN A CRIMINAL CASE

Case Number: 18CR609-009-HG

USM Number: 91655-053

Sabrina Shroff

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One (1) and Two (2) of the Third Superseding Indictment☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1958(a)	Murder-for-Hire Conspiracy	10/11/2018	1s
18 U.S.C. § 1958(a)	Murder-for-Hire	10/11/2018	2s

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☒ Count(s) All Open Counts ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/1/2024

Date of Imposition of Judgment

Signature of Judge

Hector Gonzalez, United States District Judge

Name and Title of Judge

8/2/2024

Date

DEFENDANT: Julian Snipe
CASE NUMBER: 18CR609-009-HG

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:
Two-hundred and forty (240) months' custody on Counts 1s and 2s, to run concurrently.

☒ The court makes the following recommendations to the Bureau of Prisons:

The defendant be designated to a facility as close to the New York City Metropolitan area as possible.

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

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

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

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Julian Snipe
CASE NUMBER: 18CR609-009-HG

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

Three (3) years on Counts 1s and 2s, to run concurrently. The defendant shall abide by the following mandatory, standard and special conditions of supervision.

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 make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: Julian Snipe
CASE NUMBER: 18CR609-009-HG**STANDARD CONDITIONS OF SUPERVISION**

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. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: Julian Snipe
CASE NUMBER: 18CR609-009-HG

SPECIAL CONDITIONS OF SUPERVISION

- 1) The defendant shall not associate in person, through mail, electronic mail or telephone with any individual with an affiliation to any organized crime groups, gangs or any other criminal enterprise, including organizations which advocate terrorism; nor shall the defendant frequent any establishment, or other locale where these groups may meet pursuant, but not limited to, a prohibition list provided by the U.S. Probation Office. This condition shall not apply to houses of worship, but is without prejudice to site-specific prohibitions ordered upon application for appropriate modification.
- 2) The defendant shall submit his person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e) (1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that the defendant has violated a condition of his supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

DEFENDANT: Julian Snipe
CASE NUMBER: 18CR609-009-HG

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 200.00	\$	\$	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ 0.00	\$ 0.00
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Case Number
Defendant and Co-Defendant Names
(including defendant number)

Total Amount

Joint and Several
Amount

Corresponding Payee,
if appropriate

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

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ADDITIONAL FORFEITED PROPERTY

See attached signed order of forfeiture dated August 1, 2024.