

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Mag./Crim. No. 15-402

v.

APPLICATION FOR PERMISSION
TO ENTER PLEA OF GUILTY

Santos Colon

(Defendant with Counsel)

(Defendant's Name)

Santos Colon

, hereby certifies as follows:

(Defendant's Name)

1. My full name is Santos Colon and I request that all proceedings against me be held in that name.
2. I understand that the Constitution and laws of the United States guarantee me the right to be represented by a lawyer at every stage in these proceedings, including any trial on these charges, and that if I cannot afford to hire a lawyer, the Court will provide one for me.
3. I have a lawyer who is representing me in this proceeding. My lawyer's name is Rudolph Conzales. I am satisfied that I have had enough time to discuss this matter with my lawyer.
4. English [IS] [IS NOT] my native language. My formal education ^{is in} stopped after [grade] 11. I am presently [UNEMPLOYED] [EMPLOYED] as a _____ (occupation).
5. I have taken [NOT] [THE FOLLOWING] drugs or medication within the past seventy-two hours: visital. FC 4/3/17
GC/SC
6. I [HAVE] [HAVE NEVER] been a patient in a mental hospital or institution. I [DO] [DO NOT] believe that at the present time I am mentally ill or mentally incompetent in any respect.
7. I received a copy of the [COMPLAINT] [INDICTMENT] [INFORMATION] before being called upon to plead. I have read and discussed it with my lawyer. I understand that the substance of the charge(s) against me is that I: Attempted to provide material support to a terrorist organization

- 18. My lawyer has explained to me, and I understand, that at such a trial the jury would be told by the judge that I am presumed to be innocent, and that the Government would be required to prove me guilty of the charge(s) against me beyond a reasonable doubt. I understand that I would not have to prove that I am innocent, and that I could not be convicted unless all twelve jurors voted unanimously for conviction.
- 19. My lawyer has explained to me, and I understand, that if I went to trial on these charge(s), the Government would have to produce in open court the witnesses against me, and that my lawyer could confront and cross-examine them and object to evidence offered by the Government.
- 20. My lawyer has further explained to me, and I understand, that I have the right to produce witnesses and could offer evidence in my defense at a trial on these charge(s), and that I would have the right, if I so chose, to testify on my own behalf at that trial; but if I chose not to testify, the jury could draw no suggestion or inference of guilt from that fact.
- 21. My lawyer has explained to me, and I understand, that if I plead GUILTY to any charge(s) in this [COMPLAINT] [INDICTMENT] ~~[INFORMATION]~~ and the judge accepts my plea, I WAIVE MY RIGHT TO TRIAL AND THE OTHER RIGHTS SET FORTH IN PARAGRAPHS 17, 18, 19 and 20 ABOVE. I am aware and understand that if my GUILTY plea is accepted, there will be no trial and a judgment of GUILTY will be entered after which, the judge, upon consideration of my presentence report, will impose punishment upon me. I understand that if I plead GUILTY, the judge may impose the same punishment as if I had pleaded "not guilty", went to trial and was convicted by a jury.
- 22. My lawyer has also explained to me, and I understand, that if I plead GUILTY, I WAIVE MY RIGHT NOT TO INCRIMINATE MYSELF. I understand that the judge will ask me what I did and I will have to acknowledge my guilt as charged by setting forth my actions so that the judge is satisfied that I am, indeed, guilty. I understand that any statements I make at the time I plead GUILTY, if untrue and made under oath, can be the basis of a perjury prosecution against me.

SENTENCING ISSUES

- 23. My lawyer has informed me, and I understand, that the maximum punishment which the law provides for the offense(s) charged in this [COMPLAINT] [INDICTMENT] ~~[INFORMATION]~~ is:

A MAXIMUM OF 15 years imprisonment and a fine of \$ 250,000 for the offense(s) charged in Count(s) 1. My lawyer has further explained, and I understand, that there is ~~[NO]~~ [A] mandatory minimum punishment of 0 years imprisonment and ~~[NO]~~ [A] mandatory minimum fine of \$ — for the offense(s) charged in Count(s) 1.

- 31. I understand that parole has been abolished and if I am sentenced to prison I will not be released on parole.
- 32. I further understand that the Court [~~SHALL~~] [~~MAY~~] impose a term of supervised release to follow any term of imprisonment and that any violation of that term of supervised release may result in an additional term of imprisonment. I understand that I am subject to a term of supervised release of up to Life years, the statutory maximum period of supervised release for the crime(s) to which I am pleading guilty.

I further understand that the provisions of 21 U.S.C. § _____, which provide for a mandatory minimum term of supervised release of _____ years, [DO] [DO NOT] apply to my case.

- 33. I understand that I will have no right to withdraw my plea on the grounds that anyone's prediction as to the Guidelines range or expectation of sentence proves inaccurate.
- 34. *W/A* My lawyer has explained to me, and I understand, that if I am not a citizen of the United States, my plea of GUILTY to the charged offense(s) [MAY] [WILL LIKELY] result in my being subject to separate immigration law proceedings to have me removed from the United States by making me deportable, excludable, or inadmissible, or ending my naturalization.
- 35. My lawyer has explained to me, and I understand, that if the charged offense(s) is a sex offense under 42 U.S.C. § 16911(5), my plea of GUILTY [MAY] [WILL LIKELY] result in a requirement that I register as a sex offender under Federal and State law, and I will be subject to the registration law's requirements and penalties.

PLEA AGREEMENT

36. I hereby declare that I have not been forced, coerced or threatened in any manner by any person to plead GUILTY to these charge(s). Nor have I been told that if I refuse to plead GUILTY, other persons will be prosecuted.

37. There [~~HAS~~] [HAS NOT] been a plea agreement entered into between me and the United States Attorney, by Assistant United States Attorney Matthew Smith (name).
Stephen Stigall + C. Alexandria Isagle

[] The plea agreement DOES NOT exist in written form.

[X] The plea agreement DOES exist in written form. I have read it or have had it read to me in English (LANGUAGE). My lawyer has explained it to me and I understand it.

38. The substance of the plea agreement is: Set forth in a letter to my attorney dated October 12, 2016, the full contents of which are incorporated by reference

To Count(s) 1 of this [COMPLAINT] [INDICTMENT] INFORMATION.

44. I offer my plea of GUILTY freely and voluntarily and of my own accord with full understanding of all matters set forth in the [COMPLAINT] [INDICTMENT] INFORMATION, in this application, and in the certification of my lawyer which is attached to this application.

45. I further declare that I wish to waive the reading of the [COMPLAINT] [INDICTMENT] INFORMATION in open court, and I request the Court to enter my plea of GUILTY as set forth in Paragraph 43, above.


46. The following person(s), if any, assisted me in completing this application: Frederick Coughlin

I hereby certify that the foregoing information and statements herein are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Signed by me in open court in the presence of my lawyer this 3rd day of April, 2017.

Antonio Colon
Defendant

Signed by me in open Court in the presence of the defendant above named, and after full disclosure of the contents of this Certification to the defendant, this 3rd day of April 2017.



Attorney for the Defendant