

# EXHIBIT A

Affidavit of Good Cause by ICE Special Agent Laird

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA

In the Matter of Revocation of the  
Naturalization of

Melchor Munoz-Correa  
A076 448 989

**AFFIDAVIT OF GOOD CAUSE**

I, Michael A Laird, declare under penalty of perjury as follows:

I. I am a Special Agent employed by U.S. Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations within the Department of Homeland Security ("DHS"). In this capacity, I have access to the official records of DHS, including the immigration file of Mr. Melchor Munoz-Correa, A076 448 989 ("Munoz").

II. I have examined DHS and District Court criminal records relating to Munoz. Based on a review of these records, I state, on information and belief, that the information set forth in this Affidavit of Good Cause is true and correct.

III. On June 6, 2009 Munoz filed an application for naturalization, Form N-400, with the Jacksonville, Florida District Office of DHS, U.S. Citizenship and Immigration Services ("CIS"). This application was ultimately approved.

A. On the Form N-400, Part 10. Section D. Good Moral Character, Question #15 asks,

**"Have you ever committed a crime or offense for which you were not arrested?"**

Munoz answered the question **"NO"**.

B. On the Form N-400, Part 10. Section D. Good Moral Character, Question #22c asks,

**"Have you ever: Sold or smuggled controlled substances, illegal drugs, or narcotics?"** Munoz answered **"NO."**

- C. CIS officer, T. Hudson (#004868) interviewed him on July 6, 2009 to determine his eligibility for naturalization. At the beginning of the naturalization interview, Munoz was placed under oath and he swore or affirmed that he would answer all questions truthfully. During the course of his naturalization interview the CIS Examiner asked Munoz about involvement with controlled substances, illegal drugs or narcotics and about his criminal history.
- D. On September 8, 2009, the date Munoz became a naturalized U.S. citizen, Munoz affirmed to CIS on the Notice of Naturalization Oath Ceremony, Form N-445, Question #8, that since the date of his July 2009 interview he had not committed an offense for which he had not been arrested, that he had not illicitly trafficked in drugs or marijuana, and that he had not provided false testimony to obtain immigration benefits.
- E. Based on the information in his naturalization application, his testimony at the naturalization interviews, and the documentary evidence he provided, CIS approved Munoz's application for naturalization on August 17, 2009.
- F. Consequently, Munoz took the oath of allegiance and was admitted as a citizen of the United States on September 8, 2009 at the Wilson Center for the Arts, Florida Community College in Jacksonville, Florida.
- G. Munoz was issued Certificate of Naturalization No. 32588918.

IV. Munoz illegally procured his naturalization because he could not have established that he was a person of good moral character during the five-year period immediately preceding the date he filed his application for naturalization.

- A. To qualify for naturalization pursuant to 8 U.S.C. § 1427(a), an applicant must demonstrate that, among other things, he was a person of good moral character for at least five years immediately preceding the filing of his application for naturalization up to the time of admission to citizenship.
- B. In this case, Munoz must have been a person of good moral character from at least June 6, 2004 (five years before he filed his application) through September 8, 2009 (the date he naturalized). This is called the statutory period.
- C. Pursuant to 8 U.S.C. § 1101(f), an applicant for naturalization is precluded from establishing good moral character if he falls within certain specified classes of individuals, or if for other reasons, such as committing unlawful acts, he is precluded from establishing good moral character.
- D. Munoz could not have established that he was a person of good moral character because he was convicted of an act which constitutes the essential elements of a crime involving moral turpitude.
- E. Beginning in 2008 and continuing to in or about May 2011, Munoz led a conspiracy to distribute cocaine marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), and (b)(1)(B)(vii).

- F. On or about May 31, 2011, Munoz and multiple co-defendants were charged by criminal complaint in the U.S. District Court for Northern District of Florida with conspiracy to distribute five kilograms or more of cocaine and 100 kilograms or more of marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and 846.
- G. On April 9, 2012, Munoz pled guilty pursuant to a plea agreement to conspiracy to distribute and possess with intent to distribute five kilograms or more of cocaine and 100 kilograms or more of marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), and (b)(1)(B)(vii).
- H. In support of his April 9, 2012 guilty plea, Munoz signed a Statement of Facts, admitting *inter alia* that “[b]etween 2008 and 2010, [co-conspirators] picked up marijuana from [him] . . . about sixty times, in amounts from 60 to 100 lbs., with an average of about 80 lbs.” and that Defendant “kept 400 to 500 lbs. of marijuana on hand,” “had gallon zip-lock bags of methamphetamine most of the time,” and “multiple blocks of cocaine most of the time.”
- I. During his change of plea hearing, Defendant acknowledged the truth of the facts recited above from his signed Statement of Facts, and admitted under oath that he conspired to sell and distribute marijuana, and began receiving marijuana, for that purpose starting in “late 2008.”
- J. Munoz’s convictions and admissions prove that his responses to questions 15 and 22(c) in Part 10 of his N-400 application were false.
- K. This information also establishes that Munoz’s testimony on July 6, 2009, regarding the truthfulness and accuracy of his application, and specifically as

it relates to the answers he provided to questions 15 and 22(c) in Part 10 of his N-400 application, was false.

L. Similarly, this information shows that Munoz's assertions on September 8, 2009, to CIS that since the date of his interview he had not committed an offense for which he had not been arrested, that he had not illicitly trafficked in drugs or marijuana, and that he had not provided false testimony to obtain immigration benefits were false.

V. Munoz was statutorily precluded from establishing the good moral character necessary to naturalize because he committed a *controlled substance offense* during the statutory period. 8 U.S.C. § 1101(f)(3);

8 C.F.R. § 316.10(b)(2)(iii).

A. Munoz has admitted to, and been convicted of, conspiracy to distribute and possess with intent to distribute five kilograms or more of cocaine and 100 kilograms or more of marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), and (b)(1)(B)(vii).

B. Munoz further admitted that he entered into the conspiracy and began possessing and distributing marijuana in late 2008, during the statutory period.

C. Munoz's conviction for conspiracy to possess with intent to distribute marijuana and cocaine under 21 U.S.C. §§ 841(a)(1), and 841(b)(1)(B)(vii) is a controlled substance offense.

D. Because Munoz committed a controlled substance offense during the statutory period, to which he later admitted and for which he was convicted,

Defendant was barred under 8 U.S.C. § 1101(f)(3) from showing that he had the good moral character necessary to become a naturalized U.S. citizen.

VI. Munoz was statutorily precluded from establishing the good moral character necessary to naturalize because he committed a CIMT during the statutory period. 8 U.S.C. § 1101(f)(3); 8 C.F.R. § 316.10(b)(2)(i).

A. Munoz has admitted to, and been convicted of, conspiracy to distribute and possess with intent to distribute five kilograms or more of cocaine and 100 kilograms or more of marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), and (b)(1)(B)(vii).

B. Munoz admitted that he entered into the conspiracy and began possessing and distributing marijuana in late 2008, during the statutory period (from June 6, 2004 through September 8, 2009).

C. Munoz's conviction under 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), and (b)(1)(B)(vii), as a drug-related offense, constitutes a CIMT. *See, e.g., Barragan-Lopez v. Mukasey*, 508 F.3d 899, 903-05 (9th Cir. 2007) (conviction for solicitation to possess at least four pounds of marijuana is a CIMT).

D. Because Munoz committed a CIMT during the statutory period, to which he later admitted and for which he was convicted, Defendant was barred under 8 U.S.C. § 1101(f)(3) from showing that he had the good moral character necessary to become a naturalized U.S. citizen.

E. Because Munoz committed a CIMT and was therefore not a person of good moral character, he was ineligible for naturalization under 8 U.S.C. § 1427(a)(3).

F. Because he was ineligible to naturalize, Munoz illegally procured his citizenship, and this Court must revoke his citizenship, as provided for by 8 U.S.C. §1451(a).

VI. Munoz could not establish the requisite good moral character for naturalization because he committed *unlawful acts* during the statutory period that reflected adversely on his moral character and there were no extenuating circumstances. 8 U.S.C. § 1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

- A. Munoz has admitted to, and been convicted of, conspiracy to distribute and possess with intent to distribute five kilograms or more of cocaine and 100 kilograms or more of marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), and (b)(1)(B)(vii).
- B. Munoz further admitted that he entered into the conspiracy and began possessing and distributing marijuana in late 2008, during the statutory period.
- C. Commission of a federal controlled substance offense adversely reflects on his moral character.
- D. Munoz cannot establish extenuating circumstances with regard to the conspiratorial conduct and drug offenses underlying his guilty plea pursuant to 21 U.S.C. § 841. He therefore cannot avoid the regulatory bar on establishing good moral character found in 8 C.F.R. § 316.10(b)(3)(iii).
- E. The regulatory “unlawful acts” bar on establishing good moral character found in 8 C.F.R. § 316.10(b)(3)(iii) applies to Munoz.



F. Munoz's criminal conduct precluded him from establishing good moral character, rendering him ineligible for naturalization at the time he took the oath of allegiance. See 8 C.F.R. § 316.10(b)(3)(iii).

G. Because Munoz was ineligible to naturalize, he illegally procured his naturalization, and this Court must revoke his citizenship, as provided for by 8 U.S.C. § 1451(a).

VI. Munoz was statutorily precluded from showing that he was a person of good moral character because he gave *false testimony*, under oath during the statutory period, for the purpose of obtaining an immigration benefit, specifically naturalization. 8 U.S.C. § 1101(f)(6); 8 C.F.R. § 316.10(b)(2)(vi).

A. Munoz provided false testimony for the purpose of obtaining an immigration benefit when he swore, under oath, during his July 6, 2009 naturalization interview, that he had never committed a crime or offense for which he had not been arrested. Indeed, had Munoz disclosed the truth about his conduct, his statutory ineligibility for naturalization would have been disclosed, and USCIS would not have approved his application or administered the oath of allegiance.

B. Munoz provided false testimony for the purpose of obtaining an immigration benefit during the statutory period, he was barred under 8 U.S.C. § 1101(f)(6) from showing that he had the good moral character necessary to become a naturalized U.S. citizen.

C. Because he was ineligible to naturalize, Munoz procured his citizenship illegally, and this Court must revoke his citizenship, as provided for by 8 U.S.C. § 1451(a).

VII. Munoz is subject to denaturalization because he procured his naturalization by concealment of a material fact and by willful misrepresentation.

A. Munoz willfully misrepresented and concealed his involvement in a conspiracy to distribute and possess with intent to distribute five kilograms or more of cocaine and 100 kilograms or more of marijuana, for which he later pled guilty in the U.S. District Court for the Northern District of Florida to violations of 21 U.S.C. § 841(a)(1), (b)(1)(A)(ii), and (b)(1)(B)(vii).

B. Munoz represented on his N-400, during his naturalization interview, and on his Oath Notice that he had never knowingly committed any crime or offense for which he had not been arrested, despite knowing that such representations were false and misleading. Accordingly, Munoz made these representations willfully.

C. Munoz's misrepresentations were material to his naturalization because the disclosure of his drug distribution conspiracy would have had a natural tendency to influence USCIS's decision whether to approve Defendant's naturalization application. Indeed, had Defendant disclosed the truth about his conduct, his statutory ineligibility for naturalization would have been disclosed, and USCIS would not have approved his application or administered the oath of allegiance.

D. Munoz thus procured his naturalization by willful misrepresentation and concealment of material facts, and this Court must revoke his citizenship pursuant to the requirements of 8 U.S.C. § 1451(a).

VI. Based on the facts outlined in paragraphs III through VII, good cause exists to institute proceedings pursuant to 8 U.S.C. § 1451, to revoke Munoz's citizenship, and to cancel his certificate of naturalization.

VII. Mr. Munoz's last known place of residence is at Federal Correctional Institution, 50 Capital Circle, NE, Tallahassee, FL.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13 day of JUNE, 2018, at 1600 hrs.



Michael A. Laird  
Special Agent  
U.S. Department of Homeland Security/HSI  
Tallahassee, Florida

# EXHIBIT B

Criminal Complaint, Second Superseding  
Indictment and Indictment

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT  
for the  
Northern District of Florida

United States of America )  
v. )  
Lissette A. Pena, Xavier Pena-Cintrón, Melchor )  
Munoz, Luis Barrantes, Jose Luis Acosta-Patino, )  
Jose Misael Garfias-Garcia, and )  
Miguel Angel Moreno-Ortega )

Case No.

4:11mj101-WCS(1-7)

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 29, 2011 in the county of Jackson and Calhoun in the  
Northern District of Florida, the defendant(s) violated:

*Code Section*

Title 21 USC 841(a)(1) and § 846

*Offense Description*

Conspiracy to Distribute Controlled Substances, that is, Marijuana and  
Cocaine. 5 kilograms or more of Cocaine and 100 kilograms or more of  
Marijuana

This criminal complaint is based on these facts:

See attached Affidavit

☐ Continued on the attached sheet.*Complainant's signature*

Kevin Whittle, Special Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 05/31/2011*Judge's signature*City and state: Tallahassee, Florida

Hon. William C. Sherrill, Jr., U.S. Magistrate Judge  
*Printed name and title*

Rec'd 0531\*11USDC-FL-441155

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

v.

SECOND SUPERSEDING  
INDICTMENT

JOSE MISAEL GARFIAS-GARCIA  
MELCHOR MUNOZ,  
JOSE LUIS OROZCO,  
MIGUEL ANGEL MORENO-ORTEGA,  
NOE VASQUEZ,  
ROBERT DANTE JONES, and  
JAMIE JONES

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CASE No. 4:11cr37-RH

THE GRAND JURY CHARGES:

COUNT ONE

Between on or about June 1, 2008, and on or about May 30, 2011, in the Northern District of Florida and elsewhere, the defendants,

JOSE MISAEL GARFIAS-GARCIA,  
MELCHOR MUNOZ,  
JOSE LUIS OROZCO,  
MIGUEL ANGEL MORENO-ORTEGA,  
NOE VASQUEZ,  
ROBERT DANTE JONES, and  
JAMIE JONES,

did knowingly and willfully combine, conspire, confederate, and agree together and with other persons to distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1), and this offense involved five

Filed 10/04/11 11:50 AM

(5) kilograms or more of a mixture and substance containing a detectable amount of cocaine, one hundred (100) kilograms or more of marijuana, and a mixture and substance containing methamphetamine, in violation of Title 21, United States Code, Sections 841(b)(1)(A)(ii), 841(b)(1)(A)(vii), and 841(b)(1)(C).

All in violation of Title 21, United States Code, Section 846.

#### **CONTROLLED SUBSTANCE FORFEITURE**

The allegations contained in Count One of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 21, United States Code, Section 853.

From their engagement in the violation alleged in Count One of this Indictment, punishable by imprisonment for more than one year, the defendants,

**JOSE MISAEL GARFIAS-GARCIA,  
MELCHOR MUNOZ,  
JOSE LUIS OROZCO,  
MIGUEL ANGEL MORENO-ORTEGA,  
NOE VASQUEZ,  
ROBERT DANTE JONES, and  
JAMIE JONES,**

shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853(a)(1) and (2), all of their interest in:

A. Property constituting or derived from any proceeds the defendants obtained directly or indirectly as the result of such violation including, but not limited to, approximately \$54,832.00 in U.S. currency; and

B. Property used and intended to be used in any manner or part to commit and to facilitate the commission of such violations, including, but not limited to:

- a. 2006 Honda Ridgeline, VIN 2HJYK165X6H546617;
- b. 2007 Ford F-150, VIN 1FTRW12WX7FA96644;
- c. 2001 Toyota Tacoma, VIN 5TESN92N01Z724327;
- d. 2000 Ford F-350, VIN:1FDWE35L0YHA89075;
- e. 2006 Dodge Magnum, VIN:2D4FV57T86H207407; and
- f. 2006 Honda Accord, VIN 1HGCM65826A0284682006.

If any of the property subject to forfeiture as a result of any act or omission of the defendants:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third person;
- iii. has been placed beyond the jurisdiction of this Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property that cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.



All pursuant to Title 21, United States Code, Section 853.

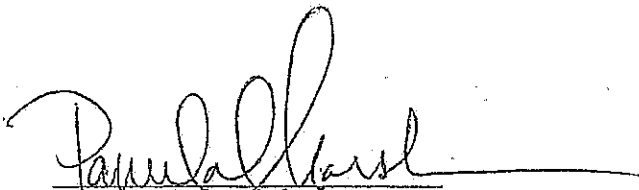
A TRUE BILL:

**REDACTED**

FOREPERSON

October 4, 2011

DATE



PAMELA C. MARSH  
United States Attorney



MICHAEL T. SIMPSON  
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

v.

INDICTMENT

JOSE MISAEL GARFIAS-GARCIA,  
MELCHOR MUNOZ,  
XAVIER PENA-CINTRON,  
MIGUEL ANGEL MORENO-ORTEGA,  
JOSE LUIS ACOSTA-PATINO,  
LUIS BARRANTES, and  
LISSETTE A. PENA

4:11cr37-RH

THE GRAND JURY CHARGES:

COUNT ONE

Between on or about January 1, 2010, and on or about May 30, 2011, in the Northern  
District of Florida and elsewhere, the defendants,

JOSE MISAEL GARFIAS-GARCIA,  
MELCHOR MUNOZ,  
XAVIER PENA-CINTRON,  
MIGUEL ANGEL MORENO-ORTEGA,  
JOSE LUIS ACOSTA-PATINO,  
LUIS BARRANTES, and  
LISSETTE A. PENA,

did knowingly and willfully combine, conspire, confederate and agree together and with  
other persons to distribute and possess with intent to distribute controlled substances, in  
violation of Title 21, United States Code, Section 841(a)(1), and that this offense involved

five (5) kilograms or more of a mixture and substance containing a detectable amount of cocaine and one hundred (100) kilograms or more of marijuana, in violation of Title 21, United States Code, Sections 841(b)(1)(A)(ii) and 841(b)(1)(A)(vii).

All in violation of Title 21, United States Code, Section 846.

### **CONTROLLED SUBSTANCE FORFEITURE**

The allegations contained in Count One of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 21, United States Code, Section 853.

From their engagement in the violation alleged in Count One of this Indictment, punishable by imprisonment for more than one year, the defendants,

**JOSE MISAEL GARFIAS-GARCIA,  
MELCHOR MUNOZ,  
XAVIER PENA-CINTRON,  
MIGUEL ANGEL MORENO-ORTEGA,  
JOSE LUIS ACOSTA-PATINO,  
LUIS BARRANTES, and  
LISSETTE A. PENA,**

shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853(a)(1) and (2), all of their interest in:

A. Property constituting or derived from any proceeds the defendants obtained directly or indirectly as the result of such violation including, but not limited to, approximately \$54,832.00 in U.S. currency; and

B. Property used and intended to be used in any manner or part to commit and to facilitate the commission of such violations, including, but not limited to:

- a. 2006 Honda Ridgeline, VIN 2HJYK165X6H546617;
- b. 2007 Ford F-150, VIN 1FTRW12WX7FA96644;
- c. 2001 Toyota Tacoma, VIN 5TESN92N01Z724327;
- d. 2000 Ford F-350 box truck, VIN:1FDWE35L0YHA89075;
- e. 2006 Dodge Magnum, VIN:2D4FV57T86H207407; and
- f. 2006 Honda Accord, VIN 1HGCM65826A028468.

If any of the property subject to forfeiture as a result of any act or omission of the defendants:

- i. cannot be located upon the exercise of due diligence;
- ii. has been transferred or sold to, or deposited with, a third person;
- iii. has been placed beyond the jurisdiction of this Court;
- iv. has been substantially diminished in value; or
- v. has been commingled with other property that cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

All pursuant to Title 21, United States Code, Section 853.

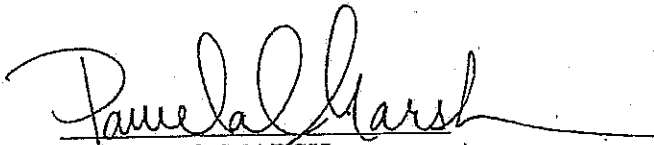
A TRUE BILL:

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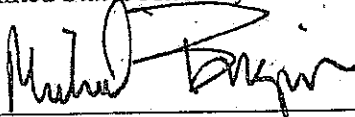
6-7-2011

DATE



PAMELA C. MARSH

United States Attorney



MICHAEL T. SIMPSON

Assistant United States Attorney

# EXHIBIT C

## 2012 Plea Agreement and Judgment

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

Case No. 4:11cr37-RH

vs.

MELCHOR MUNOZ

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PLEA AGREEMENT

1. PARTIES TO AGREEMENT

This agreement is entered into, by, and between, Melchor Munoz as the Defendant, Clyde M. Taylor, Jr., Esq., as attorney for the Defendant, and the United States Attorney for the Northern District of Florida. This agreement specifically excludes and does not bind any other state or federal agency, including other United States Attorneys and the Internal Revenue Service, from asserting any civil, criminal, or administrative claim against the Defendant.

2. TERMS

The parties agree to the following terms:

a. The Defendant will plead guilty to Count One (Title 21 conspiracy involving five kilograms of cocaine and more than one hundred kilograms of marijuana) of the Indictment. As to Count One, the Defendant faces, a minimum term of ten years imprisonment, at least five years of supervised release, a maximum term of life

FILED IN OPEN COURT ON

April 9, 2012

United States District Court  
Northern District of Florida

imprisonment, a maximum \$10,000,000 fine, and a \$100 special monetary assessment. Defendant agrees to pay the special monetary assessment on or before the date of sentencing.

If the Defendant is unable to pay the special assessment prior to sentencing due to indigence, the Defendant agrees to participate in the Inmate Financial Responsibility Program.

The maximum sentence to which the Defendant is subject includes the forfeiture of all forfeitable assets.

b. By voluntarily pleading guilty to the charge in the Indictment, the Defendant, as to the count pled herein, knowingly waives and gives up constitutional rights which attend a Defendant on trial in a criminal case. These constitutional rights include: the right to plead not guilty; the right to have a jury or judge determine guilt on the evidence presented; the right to compel the government to prove guilt beyond a reasonable doubt; the right to confront and cross-examine witnesses; the right not to be compelled to incriminate oneself; the right to testify; the right to present evidence; and the right to compel the attendance of witnesses.

c. The Defendant is pleading guilty because the Defendant is in fact guilty of the charge alleged in Count One of the Indictment. In pleading guilty, the Defendant acknowledges that were this case to go to trial, the government would present evidence to support the charge beyond a reasonable doubt.



d. Upon the District Court's adjudication of guilt of the Defendant for the charged crime, the United States Attorney, Northern District of Florida, will not file any further criminal charges against the Defendant arising out of the same transactions or occurrences to which the Defendant has pled. The Defendant agrees that substantial evidence exists to support the charge.

e. Nothing in this agreement shall protect the Defendant in any way from prosecution for any offense committed after the date of this agreement.

f. The Defendant understands that this conviction may adversely affect the Defendant's immigration status and may lead to revocation of his citizenship and deportation.

g. The parties agree that the sentence to be imposed is left solely to the discretion of the District Court, which is required to consult the United States Sentencing Guidelines and take them into account when sentencing the Defendant. The parties further understand and agree that the District Court's discretion in imposing sentence is limited only by the statutory maximum sentence and any mandatory minimum sentence prescribed by statute for the offense.

h. Both parties reserve the right to advise the District Court and other authorities of their versions of the circumstances surrounding the offense committed by the Defendant. The United States Attorney further reserves the right to correct any misstatements by the Defendant or Defendant's attorney and to present evidence and make arguments pertaining to the application of the sentencing guidelines and the considerations set forth in Title 18, United States Code, Section 3553(a), including sentencing recommendations, and whether departure upward or downward is appropriate.

### 3. SENTENCING

a. Defendant understands that any prediction of the sentence that may be imposed is not a guarantee or binding promise. Due to the variety and complexity of issues that may arise at sentencing, the sentence may not be subject to accurate prediction.


b. The parties understand and agree that either party may offer additional evidence relevant to sentencing issues. However, the Court is not limited to consideration of the facts and events provided by the parties. Adverse rulings or a sentence greater than anticipated shall not be grounds for withdrawal of the Defendant's plea.

c. The parties reserve the right to appeal any sentence imposed.

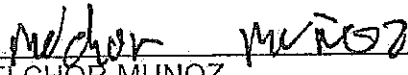
### CONCLUSION

In every case in the Northern District of Florida in which the parties enter a Plea Agreement, the Court requires the parties to enter a sealed Supplement to Plea Agreement indicating whether or not the Defendant agrees to cooperate with the United States Attorney. The parties agree to the Supplement to Plea Agreement entered in this case.

The Defendant enters this agreement knowingly, voluntarily, and upon advice of counsel.


  
CLYDE M. TAYLOR, Jr.  
Attorney for Defendant

4-9-12  
Date

  
MELCHOR MUNOZ  
Defendant

4 09 12  
Date

PAMELA C. MARSH  
United States Attorney

  
MICHAEL T. SIMPSON  
Florida Bar No. 254,339  
Assistant United States Attorney  
Northern District of Florida  
111 North Adams Street, 4<sup>th</sup> Floor  
Tallahassee, Florida 32301  
850-942-8430

4/9/12  
Date

FLND Form 245B (rev 12/2003) Judgment in a Criminal Case  
4:11cr37-002(S) - MELCHOR MUNOZ

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

-VS-

Case # 4:11cr37-002(S)

MELCHOR MUNOZ

USM # 21033-017

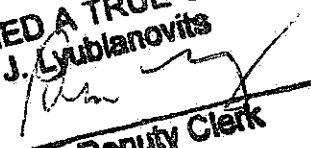
Defendant's Attorney:  
Clyde M. Taylor, Jr. (Retained)  
119 East Park Avenue  
Tallahassee, Florida 32301

JUDGMENT IN A CRIMINAL CASE

The defendant pled guilty to Count 1 of the Superseding Indictment on April 9, 2012. Accordingly, **IT IS ORDERED** that the defendant is adjudged guilty of such count which involves the following offense:

TITLE/SECTION NUMBER	NATURE OF OFFENSE	DATE OFFENSE CONCLUDED	COUNT
21 U.S.C. §§ 841(a)(1),(b)(1)(A)(ii) and (b)(1)(B)(vii)	Conspiracy to Distribute and Possess With Intent to Distribute Five Kilograms or More Cocaine and 100 Kilograms or More Marijuana	May 30, 2011	1

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, including amendments effective subsequent to 1984, and the Sentencing Guidelines promulgated by the U.S. Sentencing Commission.

**CERTIFIED A TRUE COPY**  
Jessica J. Lyublanovits  
By:  Deputy Clerk

FLND Form 245B (rev 12/2003) Judgment in a Criminal Case  
4:11cr37-002(S) - MELCHOR MUNOZ

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### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **188 months**.

The Court recommends to the Bureau of Prisons in order of priority:

1. That Defendant participate in a Residential Drug Abuse Program while in the custody of the Bureau of Prisons.
2. That Defendant be designated to a facility as near as possible to Marianna, Florida.

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

### 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 U.S. Marshal

FLND Form 245B (rev 12/2003) Judgment in a Criminal Case

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4:11cr37-002(S) - MELCHOR MUNOZ

**IT IS FURTHER ORDERED** that the defendant shall 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.

Date of Imposition of Sentence:

July 27, 2012

s/Robert L. Hinkle

United States District Judge

August 3, 2012

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime and shall not possess a firearm, destructive device, or any other dangerous weapon.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall 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 defendant shall cooperate in the collection of DNA as directed by the probation officer.

### **STANDARD CONDITIONS OF SUPERVISION**

The defendant shall comply with the following standard conditions that have been adopted by this court.

1. the defendant shall not leave the judicial district without the permission of the court or probation officer;
2. the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. the defendant shall support his or her dependents and meet other family responsibilities;
5. the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;

FLND Form 245B (rev 12/2003) Judgment in a Criminal Case

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4:11cr37-002(S) - MELCHOR MUNOZ

7. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11. the defendant shall notify the probation officer within **72 hours** of being arrested or questioned by a law enforcement officer;
12. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
14. if this judgment imposes a fine or a restitution obligation, it shall be a condition of supervision that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.



FLND Form 245B (rev 12/2003) Judgment in a Criminal Case  
4:11cr37-002(S) - MELCHOR MUNOZ

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### ADDITIONAL CONDITIONS OF SUPERVISED RELEASE

The defendant shall also comply with the following additional conditions of supervised release:

1. The defendant must report to the probation office in person within 72 hours after the defendant is released from custody. The office must be in the Northern District of Florida or the district where the defendant is released from custody.
2. The defendant must not own or possess a firearm, dangerous weapon, or destructive device.
3. The defendant must submit to testing to determine whether he is using drugs or alcohol.
4. The defendant must participate in a program of substance-abuse treatment.
5. The defendant must provide the probation officer all requested financial information, business or personal.
6. The defendant must cooperate with the probation department and the appropriate state agency on child-support matters and must make all required child-support payments.

FLND Form 245B (rev 12/2003) Judgment in a Criminal Case

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4:11cr37-002(S) - MELCHOR MUNOZ

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

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

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
U.S. Probation Officer/Designated Witness

\_\_\_\_\_  
Date

**CRIMINAL MONETARY PENALTIES**

All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program, are to be made to the Clerk, U.S. District Court, unless otherwise directed by the Court. Payments shall be made payable to the Clerk, U.S. District Court, and mailed to 111 N. Adams St., Suite 322, Tallahassee, FL 32301-7717. Payments can be made in the form of cash if paid in person.

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in the Schedule of Payments. The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options in the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

**SUMMARY**

<b><u>Special</u></b>		
<b><u>Monetary Assessment</u></b>	<b><u>Fine</u></b>	<b><u>Restitution</u></b>
<b>\$100.00</b>	<b>-0-</b>	<b>-0-</b>

**SPECIAL MONETARY ASSESSMENT**

A special monetary assessment of **\$100.00** is imposed.

No fine imposed.

No restitution imposed.

FLND Form 245B (rev 12/2003) Judgment in a Criminal Case  
4:18cr37-002(S) - MELCHOR MUNOZ

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### SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) special monetary assessment; (2) non-federal victim restitution; (3) federal victim restitution; (4) fine principal; (5) costs; (6) interest; (7) penalties

Payment of the total fine and other criminal monetary penalties shall be due as follows:

in full immediately

The defendant must notify the court of any material changes in the defendant's economic circumstances, in accordance with 18 U.S.C. §§ 3572(d), 3664(k) and 3664(n). Upon notice of a change in the defendant's economic condition, the Court may adjust the installment payment schedule as the interests of justice require.

Special instructions regarding the payment of criminal monetary penalties pursuant to 18 U.S.C. § 3664(f)(3)(A):

Unless the court has expressly ordered otherwise above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. In the event the entire amount of monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due. The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

The defendant shall forfeit the defendant's interest in the following property to the United States:

# EXHIBIT D

## 2012 Statement of the Facts

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

vs.

Case Number: 4:11cr37-RH

MELCHOR MUNOZ

---

STATEMENT OF FACTS

COMES NOW THE UNITED STATES OF AMERICA, and provides this factual basis for the acceptance of a guilty plea from Melchor Munoz (hereinafter "Munoz").

1. During the Spring of 2011, law enforcement agents in the Northern District of Florida and the Middle District of Alabama conducted an investigation, assisted by several court authorized wiretaps. This investigation resulted in the seizure of approximately 177 lbs. of marijuana from the residence and vehicle of Noe Vasquez in Montgomery, Alabama on May 29, 2011, the seizure of other items of evidence from a number of locations, and the arrest of twelve persons on drug trafficking offenses.

2. Lissette Pena was arrested on May 29, 2011, at her residence in north Calhoun County, Florida, near the Jackson County line and near a drug storage location on April Lane. She and her husband, Xavier Pena-Cintron, distributed cocaine and marijuana for Munoz. They became involved with Munoz through Pena's father, Jose Orozco, who distributed Munoz's drugs until his own deportation after a May 31, 2010 arrest. The Pena's customers included Robert Dante Jones, Tony O'Neal, and Torbin

CERTIFIED A TRUE COPY  
Jessica J. Lyubianovits

By: [Signature]  
Deputy Clerk

FILED IN OPEN COURT ON

April 9, 2012  
United States District Court  
Northern District of Florida

Dykes. Pena played a lesser role than her husband, being more active when he was absent for work purposes.

3. Xavier Pena-Cintron was arrested in Panama City, Florida on May 30, 2011, as he returned from working on a barge off the Louisiana coast. Pena-Cintron met Munoz through his father-in-law, Orozco. Orozco still had about 20 lbs. of Munoz's marijuana, which Pena-Cintron distributed and for which Pena-Cintron paid Munoz. Between June 2010 and April 2011, Pena-Cintron received about twenty kilograms of cocaine and about one hundred pounds of marijuana from Munoz, distributed it, and remitted the bulk of the proceeds to Munoz. Sometimes Pena dealt directly with Munoz and sometimes through his assistant, Jose Acosta-Patino. Pena-Cintron's primary customers included Tony O'Neal, Torbin Dykes, and, Robert Dante Jones. Lissette Pena assisted in the distribution of drugs and the collection of drug proceeds.

4. Jose Acosta-Patino was arrested at his residence in Grand Ridge, Florida on May 29, 2011. At this residence, agents seized a white cargo truck with an enclosed body, scales suitable for weighing out marijuana in bulk quantities, and industrial plastic wrap, as is often used for bulk marijuana. In 2010, Munoz hired Acosta to transport drugs from suppliers in the Atlanta area to Munoz in North Florida. Acosta transported marijuana for Munoz on this route 8 to 10 times, from 50 to 100 lbs. per trip. Acosta transported cocaine for Munoz on this route about five times, five kilograms per trip. Munoz had other drivers besides Acosta making these trips. Acosta made about six trips out to Houston to get marijuana for Munoz, the last load being the 177 lbs. seized from Vasquez in Montgomery, Alabama. Acosta delivered kilograms of cocaine to Pena-Cintron for Munoz four or five times and picked up monies from him on several

occasions. Acosta also delivered cocaine directly to Pena-Cintron's customer, Tony O'Neal.

5. Tony O'Neal was arrested on June 14, 2011. In the preceding year, he assisted in the distribution of marijuana about twenty kilograms of cocaine which was provided by Munoz, including drugs delivered by Munoz, by Acosta, and by Pena-Cintron. On occasion, he received kilograms of cocaine directly from Munoz. O'Neal paid Munoz as much as \$40,000 at one time for the drugs he had received. O'Neal overheard a conversation in which Munoz talked about the drug suppliers shifting from distribution points in Chicago and Atlanta to Texas, because of arrests in the other areas.

6. Robert Dante Jones was arrested at his Panama City residence on June 14, 2011. Jones began receiving kilograms of cocaine from Jose Orozco in the spring of 2010, receiving about seven kilograms before Orozco's arrest in late 2010. Through Orozco, Jones met Munoz and learned that Munoz was Orozco's cocaine supplier. On one occasion, when Jones was at a party at Orozco's residence, Orozco told him that the two kilograms of cocaine present were brought by Munoz. On another occasion, Jones saw Munoz deliver 20 lbs. of marijuana to Orozco, which Orozco then delivered to Jones. After Orozco's arrest, Jones took \$30,000 to Munoz, for which Munoz delivered one kilogram of cocaine. Jones received another half kilogram directly from Munoz, with the other half of the same kilogram going to another Munoz customer. Thereafter, Jones got 6 or 7 kilograms of Munoz's cocaine through Pena-Cintron, Orozco's son in law. After their arrest, Munoz told Jones that he would sell Jones kilograms of cocaine at a low price after upon release, so long as Jones went to trial (and did not cooperate with the government).



7. Noe Vasquez distributed Munoz's marijuana in Montgomery, Alabama during the first half of 2011. Including the 177 lbs. seized, Vasquez received about 400 lbs. of marijuana from Munoz.

8. Luis Barrantes was originally hired by Munoz to do plumbing and other work at Munoz's residence and restaurants. Eventually, Munoz asked Barrantes to stay at a mobile home on Smoky Lane, to watch over the drugs stored there. Between February, 2011 and his May 29, 2011 arrest, Munoz and people working with him delivered 100 to 150 lb. loads of marijuana to the mobile home three or four times. Munoz would send customers to pick up portions of the marijuana and would visit the residence once or twice a week. Munoz purchased the drugs from Jose Misael Garfias-Garcia and paid him as much as \$70-80,000 at a time. Once, Munoz and Garfias waited while Miguel Moreno-Ortega removed two kilograms of cocaine that were concealed under a vehicle. Munoz had Barrantes break up the cocaine into smaller amounts so that Munoz's fingerprints would not be on the packages.

9. On September 23, 2010, authorities in the Atlanta area witnessed apparent drug negotiations between Munoz and a group of men at a restaurant. Munoz was followed from that location, stopped, and found to have a small amount of marijuana, a small amount of cocaine, and about \$2,700. The other men were followed to a residence. When a search warrant was executed there, a kilogram of cocaine was found in the vehicle that had been at the restaurant. One of the men arrested at the residence was a partner with Munoz in a Tallahassee restaurant.

10. An informant for United States Customs will testify that Munoz was using drug proceeds to set up this restaurant. After his Atlanta arrest, Munoz said that he had

looked at a kilogram of cocaine that the partner in the restaurant had, but only took a sample. Munoz said that he was looking for a distributor to sell marijuana for him in the Tallahassee area. Munoz also said that he was looking for cocaine to sell, because he could not make enough money selling marijuana. Munoz discussed several different sets of suppliers. Munoz sometimes took the informant with him while collecting from drug dealers and once sent the informant to collect from Pena-Cintron. Munoz took the informant to the Smoky Lane stash house, describing it as a place to store drugs.

11. Another informant worked for and with a drug dealer in Jackson County, Florida. Between 2008 and 2010, the men picked up marijuana from Munoz at Smoky Lane and elsewhere about sixty times, in amounts from 60 to 100 lbs., with an average of about 80 lbs. Munoz kept 400 to 500 lbs. of marijuana on hand, and would have different marijuana by the time of the informant's next purchase. Munoz had gallon zip-lock bags of methamphetamine most of the time, some of which was purchased by the informant's associate. The informant observed Munoz with multiple blocks of cocaine most of the time. On occasion, the informant and his associate paid Munoz as much as \$50,000 as partial payment for marijuana that that had been fronted to them.

11. Authorities intercepted numerous conversations between Munoz and others in which Munoz talked in coded references about weights, monies owed, impending sales, the availability of "onions" (cocaine), security concerns, problems with slow-paying customers, etc. It was obvious from these conversations that Munoz was talking about commerce in illegal products. These conversations led directly to the 177 lb. marijuana seizure in Montgomery, Alabama.

ELEMENTS

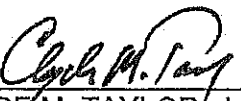
Conspiracy to distribute a controlled substance 21 U.S.C. 846;

(1) two or more people in some way agreed to try to accomplish a shared and unlawful plan to possess and distribute cocaine and marijuana;

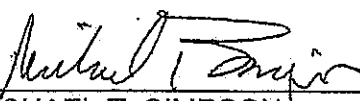
(2) the Defendant knew the unlawful purpose of the plan and willfully joined in it; and

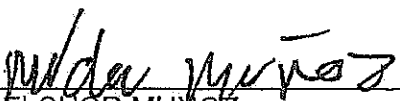
(3) the object of the unlawful plan was to possess with the intent to distribute more than five kilograms of cocaine and more than 100 kilograms of marijuana.

PAMELA C. MARSH  
United States Attorney

  
CLYDE M. TAYLOR, Jr., Esq.  
Attorney for Defendant

4-9-12  
Date

  
MICHAEL T. SIMPSON  
Assistant United States Attorney  
Florida Bar No. 254,339  
Northern District of Florida  
111 N. Adams Street, Fourth Floor  
Tallahassee, FL 32301  
(850) 942-8430

  
MELCHOR MUNOZ  
Defendant

4/9/12  
Date

4 9 12  
Date

# EXHIBIT E

## Transcript of Change of Plea Proceedings

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE, FLORIDA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No: 4:11-cr-37
	)	
vs.	)	Tallahassee, Florida
	)	April 9, 2010
MELCHOR MUNOZ,	)	8:25 A.M.
	)	
Defendant.	)	
_____	)	

TRANSCRIPT OF CHANGE OF PLEA PROCEEDINGS  
BEFORE THE HONORABLE ROBERT L. HINKLE,  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff, United States of America:	Pamela C. Marsh United States Attorney By: MICHAEL T. SIMPSON Assistant U.S. Attorney <a href="mailto:michael.t.simpson@usdoj.gov">michael.t.simpson@usdoj.gov</a> 111 North Adams Street Suite 400 Tallahassee, Florida 32301
For the Defendant, Melchor Munoz:	Clyde M. Taylor, Jr., P.A. By: CLYDE M. TAYLOR, JR. Attorney at Law <a href="mailto:ct@taylor-taylor-law.com">ct@taylor-taylor-law.com</a> Attorney at Law Tallahassee, Florida 32301
Interpreter:	Gabriela Loncar



P R O C E E D I N G S

(Call to Order of the Court.)

(Defendant present.)

THE COURT: Good morning. Please be seated.

We are scheduled for trial this morning on the charges against Mr. Garfias-Garcia, Mr. Munoz, and Mr. Moreno-Ortega. Word was sent back to chambers that Mr. Munoz may wish to enter a guilt.

Mr. Taylor, is that true?

MR. TAYLOR: Yes, sir.

THE COURT: All right. If you would and Mr. Munoz come right in front of the bench.

MR. TAYLOR: We are going to need an interpreter, Judge, just for some of the terms.

THE COURT: Yes. Ms. Loncar is here as the interpreter. She has executed the written oath, and I have signed the order designating her as the interpreter for the proceeding.

Mr. Munoz, you heard Mr. Taylor's indication that you wish to enter a guilty plea in the case. You don't have to do that. Whether to plead guilty or not is entirely up to you.

Before I can accept a guilty plea, I'll talk with you here in the courtroom to make sure that you understand what you're doing and the consequences of what you're doing, and to make sure there are facts to support your guilty plea to this

1 charge.

2 In order to do that I'm going to ask you some  
3 questions. We'll have you placed under oath just like every  
4 witness who testifies in federal court is placed under oath.  
5 It's very important that you answer all of my questions  
6 truthfully and completely. If it should turn out later that  
7 an answer was not completely truthful, you would be subject to  
8 prosecution for perjury -- a separate federal crime -- just  
9 like any witness who gives false testimony would be subject to  
10 prosecution for perjury.

11 If you don't understand a question, please just tell  
12 me. I speak English, you speak Spanish. Ms. Loncar is here  
13 to help us communicate, but sometimes it's harder when we're  
14 speaking two different languages. If anything is said that  
15 you don't understand fully, just tell me. We'll back up and  
16 go over things again. We will do whatever we need to do to  
17 make sure that you and I are communicating fully.

18 If you would like to stop at any point and talk with  
19 your lawyer, just tell me that. We will stop as many times as  
20 you'd like for as long as you'd like so that you can consult  
21 with your lawyer.

22 Do you understand all of this?

23 THE DEFENDANT: Yes.

24 THE COURT: Please swear the witness.

25 DEPUTY CLERK: Please raise your right hand.

1                   **MELCHOR MUNOZ, THE DEFENDANT, DULY SWORN**

2                   DEPUTY CLERK: Please, state your full name and spell  
3 your last name for the record.

4                   THE DEFENDANT: Melchor Munoz, M-u-n-o-z.

5                   THE COURT: Mr. Munoz, tell me the city where you  
6 live.

7                   THE DEFENDANT: Marianna.

8                   THE COURT: Tell me your age.

9                   THE DEFENDANT: Thirty-six.

10                  THE COURT: How far did you go in school?

11                  THE DEFENDANT: High School.

12                  THE COURT: Do you read and write?

13                  THE DEFENDANT: Yeah.

14                  THE COURT: What kind of work have you done?

15                  THE DEFENDANT: Restaurant.

16                  THE INTERPRETER: Restaurant.

17                  THE COURT: And do you own a restaurant?

18                  THE DEFENDANT: Yes.

19                  THE COURT: Have you ever been treated for a mental  
20 or a psychological problem?

21                  THE DEFENDANT: No.

22                  THE COURT: Have you ever had a mental or  
23 psychological problem?

24                  THE DEFENDANT: No.

25                  THE COURT: Have you had any alcohol or drugs in the



1 last 24 hours?

2 THE DEFENDANT: No.

3 THE COURT: Let's talk about rights you have as a  
4 person charged with a crime in federal court.

5 You have the right to a trial by jury.

6 You have a right to be represented by a lawyer at  
7 every stage of the case; and, if you're unable to afford one,  
8 you have a right to have one appointed for you.

9 You have a right to remain silent. That means at the  
10 trial you would not be required to testify or to say anything  
11 at all. You could testify if you wanted to. Whether to  
12 testify or not would be entirely up to you.

13 At the trial you would have the right to confront  
14 witnesses. That means the witnesses would come into the  
15 courtroom and testify right here in open court with you  
16 present. There would not be any secret evidence. It would  
17 all be presented right here. Your lawyer would be able to  
18 cross-examine witnesses, to ask them questions.

19 At the jury trial you would have the right to present  
20 evidence in your own defense. You would have the right to  
21 compel the attendance of witnesses. That means if there are  
22 people you would like to have testify, they could be required  
23 to come to court and testify.

24 And at the jury trial the government would be  
25 required to prove your guilt beyond any reasonable doubt.

1           The decision about whether the government had, in  
2 fact, proved your guilt beyond a reasonable doubt would be  
3 made by 12 jurors. These would be people chosen from the  
4 community who have no interest in the case and not connected  
5 with the prosecution in any way.

6           Do you understand all of the rights I have just  
7 talked with you about?

8           THE DEFENDANT: Yeah.

9           THE COURT: Now, if you plead guilty, you will be  
10 giving up all the rights I just described, except the right to  
11 be represented by a lawyer. Do you understand?

12          THE DEFENDANT: Yes.

13          THE COURT: If you plead guilty, there's not going to  
14 be any trial of the charges against you at all. Do you  
15 understand that?

16          THE DEFENDANT: Yes.

17          THE COURT: It may be that you have some defense to  
18 this charge. I don't know whether you do or not; but, if you  
19 plead guilty, it won't matter, because by pleading guilty, you  
20 waive -- that is, you give up -- any defense you might have  
21 had. Do you understand?

22          THE DEFENDANT: Yes.

23          THE COURT: Now, the charge against you is conspiring  
24 to distribute and possess with intent to distribute cocaine  
25 and marijuana. The charge is that the offense involved

1 5 kilograms or more of cocaine and 100 kilograms or more of  
2 marijuana. Do you understand what you are charged with?

3 THE DEFENDANT: Yes.

4 THE COURT: Have you had a chance to talk with  
5 Mr. Taylor about what the government would have to prove to  
6 establish your guilt of this charge?

7 THE DEFENDANT: Yes.

8 THE COURT: Now, there's a statement of facts in the  
9 case. It is a six-page document. I'm going to hand that down  
10 to you.

11 Is that your signature at the end of the statement of  
12 facts?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Before you signed it, did you read it  
15 line-by-line and word-by-word?

16 THE DEFENDANT: Yes.

17 THE COURT: Was it translated for you word-by-word?

18 THE DEFENDANT: Yes.

19 THE COURT: When I come to court for a hearing like  
20 this and there is a statement of facts like this one,  
21 sometimes a defendant tells me it's all true, sometimes a  
22 defendant tells me it's not all true. That's perfectly okay.  
23 This is the government's version of what happened. That  
24 doesn't mean you have to agree with it, but I need to know  
25 whether you agree with it or not.

1 Is everything in this statement of facts true or are  
2 there parts that you disagree with?

3 Mr. Taylor, you can jump in if there are parts that  
4 you --

5 MR. TAYLOR: Thank you, Judge. We do not disagree at  
6 all with the fact that the government could prove more than  
7 5 kilograms of cocaine and more than 100 kilograms of  
8 marijuana.

9 We take specific issue with some of the allegations  
10 attributed to Lissette Pena in paragraph 2, basically, as to  
11 who was doing what for whom. It does not impact the weights  
12 that would give rise to the conviction.

13 We also -- my client has objections to some of the  
14 weight allegations in paragraph 4 dealing with José  
15 Acosta-Patino. Those, again, still don't take us below either  
16 5 or 100.

17 And there would be other disputes for sentencing  
18 purposes that go not to guilt or innocence, but strictly  
19 issues concerning weights and the time frames of the  
20 activities of this defendant.

21 THE COURT: All right. Mr. Munoz, let me ask you  
22 this:

23 Let's put aside the written statement for just a  
24 minute. Tell me in the time period from 2008 to 2011 what you  
25 were doing in the activities of distributing drugs. What was

1 going on?

2 THE DEFENDANT: What do you mean?

3 THE COURT: I just need you to give me a summary, if  
4 you would, how the drug operation was working and what you  
5 did.

6 *(Mr. Taylor confers with the defendant.)*

7 THE DEFENDANT: I started getting and reselling.

8 THE INTERPRETER: I started getting and reselling.

9 MR. TAYLOR: Explain the drugs.

10 THE DEFENDANT: Late 2008 I started getting --

11 MR. TAYLOR: Marijuana?

12 THE DEFENDANT: Marijuana.

13 THE COURT: All right. So late in 2008, you were  
14 receiving some marijuana.

15 THE DEFENDANT: Yeah.

16 THE COURT: And then in turn you distributed that to  
17 others?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And then at some point did you also  
20 become involved with cocaine?

21 THE DEFENDANT: Yes, sir, 2010, end of the year.

22 THE COURT: I didn't --

23 THE INTERPRETER: 2010, at the end of the year.

24 MR. TAYLOR: Late 2010 it began with the cocaine.

25 THE COURT: All right. And you would receive amounts

1 of cocaine and then, in turn, distribute those to others?

2 THE DEFENDANT: Yes.

3 THE COURT: And you were making money on this, were  
4 you?

5 THE DEFENDANT: A little.

6 THE COURT: And that was the goal at least was to  
7 make money, right?

8 THE DEFENDANT: That was, yeah.

9 THE COURT: And was the amount of cocaine that you  
10 bought and sold between 2010 and the time you got arrested in  
11 2011, was it more than 5 kilograms of cocaine in all?

12 *(Mr. Taylor confers with the defendant.)*

13 THE DEFENDANT: I don't have it exactly, but maybe 1  
14 to 6, or 5, something like that.

15 MR. TAYLOR: There were a number of trips with  
16 weights, which is what we're talking about, and it totals over  
17 five; is that correct?

18 THE DEFENDANT: Yes.

19 THE COURT: How much did you get at a time?

20 THE DEFENDANT: One.

21 THE COURT: One kilogram?

22 THE DEFENDANT: *(Nods head.)*

23 THE COURT: You're nodding "yes"?

24 THE DEFENDANT: Yes.

25 THE COURT: And so it was at least five times that

1 you got that much?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And then in all, while you were dealing  
4 with marijuana, was it at least 100 kilograms of marijuana?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Let's talk about the maximum sentence  
7 that you face on this charge.

8 The highest sentence I can give you is life in  
9 prison. You face a fine up to \$10 million. You'll be  
10 required to pay a special assessment of \$100. You may be  
11 required to forfeit any property that was used in the crime or  
12 derived from the crime. You face a period of at least five  
13 years of supervised release. That's a time when there are  
14 restrictions on your activities after you are released from  
15 prison.

16 Do you understand those maximum penalties?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You also face a minimum mandatory  
19 sentence of ten years in prison. That means the shortest  
20 sentence I can give you is ten years. There are two possible  
21 exceptions that I'll talk with you about in just a moment.  
22 Unless one of the exceptions applies, I have to sentence you  
23 to at least ten years in prison.

24 Do you understand?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Here are the exceptions:

2 First, there is something referred to as the safety  
3 valve. It applies only if you meet five specific criteria.  
4 Nobody can have died or seriously injured in connection with  
5 this crime. You cannot have been a leader or supervisor of  
6 anybody else. You cannot have possessed a gun in connection  
7 with the crime. You have to tell the government everything  
8 you know about the crime by the time of sentencing. And you  
9 have to have a fairly minimum criminal history, not more than  
10 one criminal history point, under the sentencing guidelines.

11 I don't know whether you will meet those criteria or  
12 not. What I want you to understand this morning is this:

13 If I decide that you do not meet the criteria, you  
14 can appeal to a higher court, but you cannot take back your  
15 guilty plea. Do you understand?

16 THE DEFENDANT: Yes.

17 THE COURT: That's one exception.

18 Now, the other possible exception to the ten-year  
19 minimum mandatory sentence is this:

20 If you provide assistance to the government in the  
21 investigation or prosecution of others, the government will  
22 assess whether the assistance rises to the level of  
23 substantial assistance. If the government decides that you  
24 have provided substantial assistance, the government can file  
25 a motion saying so. If the government files such a motion,



1 then I don't have to sentence you to at least ten years. I  
2 still could sentence you to ten years or more, up to life, but  
3 I would not have to. Do you understand?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Have you had a chance to talk with  
6 Mr. Taylor about substantial assistance -- what that means and  
7 how that system works?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: There's a couple of things I need you to  
10 understand about substantial assistance. First, it's up to  
11 the government to decide whether any assistance you provide  
12 rises to the level of substantial assistance. If they decide  
13 you have not provided substantial assistance, there won't be  
14 anything you can do about that. Do you understand?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Then, if they decide that you have  
17 provided substantial assistance, they can decide whether or  
18 not to file a substantial assistance motion. If they decide  
19 not to, there won't be anything you can do about that, unless  
20 they made the decision on a reason that is itself  
21 unconstitutional. Do you understand?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Now, as I understand it there is no  
24 agreement that you will provide assistance in the case; is  
25 that correct?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And so nobody has promised you a  
3 substantial assistance motion; is that correct?

4 THE DEFENDANT: Correct.

5 THE COURT: Has anybody made any promise to you about  
6 what sentence will be imposed if you plead guilty?

7 THE DEFENDANT: No.

8 THE COURT: Have you talked with Mr. Taylor about the  
9 United States Sentencing Guidelines?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: In deciding the actual sentence in the  
12 case, I'm required to consider a number of things. One thing  
13 I will consider is the guideline range. I'm also required to  
14 consider a number of other things. I can impose a sentence  
15 within the guideline range, but I also can impose a lower  
16 sentence or a higher sentence. Do you understand that?

17 THE INTERPRETER: Pardon? What was that?

18 THE COURT: I can impose a sentence that is within  
19 the guideline range, but I also can impose a sentence lower  
20 than the guideline range or higher than the guideline range.  
21 Do you understand?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: The only thing you can be sure of is that  
24 the sentence will be at least ten years, unless one of the  
25 exceptions we talked about applies, and the sentence won't be

1 more than life. Other than that --

2 THE DEFENDANT: Yes.

3 THE COURT: -- you can't be sure of anything other  
4 than that. Do you understand?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Taylor is a very experienced lawyer.  
7 He has dealt with the United States Sentencing Guidelines many  
8 times. Even so, he does not necessarily know the guideline  
9 range in this case. There are at least two reasons for that.  
10 He may not know all of the facts that go into calculating the  
11 guideline range. Also, there's sometimes disagreements about  
12 what the guidelines mean or how they apply in a case. If  
13 there are disagreements, I resolve them. Mr. Taylor doesn't  
14 necessarily know the rulings I'll make, just like Mr. Simpson,  
15 the government's lawyer, doesn't necessarily know the rulings  
16 I'll make. If it should turn out that any estimate Mr. Taylor  
17 has given you is not correct, that will not be a basis for you  
18 to withdraw your guilty plea. Do you understand?

19 THE DEFENDANT: Yes.

20 THE COURT: No matter what sentence I impose in the  
21 case, it will not be a basis for you to withdraw your guilty  
22 plea. Do you understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: If you don't like my sentence, you can  
25 appeal to a higher court, but you can't take back your guilty

1 plea. Do you understand?

2 THE DEFENDANT: Yeah.

3 THE COURT: There is a plea agreement in the case and  
4 a supplement. In this division anytime there is a plea  
5 agreement there is a supplement. The supplement indicates  
6 whether or not a defendant has agreed to cooperate with the  
7 government. The plea agreement addresses any other agreement  
8 between the defendant and the government. The plea agreement  
9 always becomes part of the public docket. The supplement is  
10 always sealed. This way the public docket never indicates  
11 whether or not a defendant has agreed to cooperate with the  
12 government.

13 Is that your signature at the end of the plea  
14 agreement and at the end of the supplement?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Before you signed those, were they  
17 translated for you word-by-word?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Did you understand every word of them?

20 THE DEFENDANT: I do.

21 THE COURT: Do you agree to every word of them?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do those include everything you've agreed  
24 to with the government?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Have you ever had any discussions with  
2 anybody from the government -- the prosecutor, the case agent,  
3 any law enforcement officer -- on the subject of the sentence  
4 that will be imposed in this case?

5 THE DEFENDANT: No.

6 THE COURT: Has anybody threatened you or pressured  
7 you or used force against you to get you to plead guilty?

8 THE DEFENDANT: No.

9 THE COURT: Have you had as much time as you'd like  
10 to talk about your case with Mr. Taylor?

11 THE DEFENDANT: Yes.

12 THE COURT: Has he answered all of your questions?

13 THE DEFENDANT: Yeah.

14 THE COURT: Are you satisfied with the way he has  
15 represented you?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you have any complaints at all?

18 THE INTERPRETER: Not presently.

19 THE COURT: All right. I take it from that there  
20 might have been a rough patch in the past?

21 MR. TAYLOR: I think he's talking about the future,  
22 Judge, because we've got some things to still resolve between  
23 now and sentencing.

24 THE COURT: All right. So are you happy with the way  
25 Mr. Taylor has represented you so far?

1 THE DEFENDANT: So far so good.

2 THE COURT: Mr. Taylor, can you assure me that so far  
3 as you're aware this plea is freely and voluntarily made with  
4 full knowledge of the consequences, and that there are no  
5 agreements or understandings with the government other than as  
6 set out in the plea agreement and supplement?

7 MR. TAYLOR: I can, Your Honor.

8 THE COURT: Mr. Simpson, can you give me the same  
9 assurance for the government?

10 MR. SIMPSON: I do, Your Honor. There is one portion  
11 of the plea agreement I need to bring the court's attention  
12 to.

13 Mr. Munoz is a nationalized citizen of the United  
14 States, originally from Mexico. Mr. Munoz was nationalized, I  
15 believe, in October of 2009. The law provides that, if  
16 someone was engaged in criminal activity and thus not of good  
17 moral character as they professed when becoming a citizen,  
18 that that citizen is subject to revocation.

19 So one of the potential consequences of this plea of  
20 guilty is that the government may seek to revoke Mr. Munoz's  
21 citizenship and have him deported at the conclusion of his  
22 sentence. The decision has not been made whether or not to do  
23 that, but that is a possibility in this case.

24 THE COURT: All right. And I do need to talk to  
25 Mr. Munoz about that.

1 MR. TAYLOR: Judge, that was in the plea agreement.  
2 It was reviewed in detail and discussed with my client.

3 MR. SIMPSON: I just wanted to be sure --

4 MR. TAYLOR: I don't know why it's coming up at this  
5 point.

6 MR. SIMPSON: Well, because people sometimes complain  
7 about it afterwards.

8 THE COURT: I'm probably obligated to talk about it,  
9 and I should have.

10 THE INTERPRETER: I don't understand that.

11 *(Mr. Taylor confers with the defendant.)*

12 MR. TAYLOR: Thank you, Judge.

13 THE COURT: Mr. Munoz, I understand you're a citizen  
14 of the United States.

15 THE DEFENDANT: Yes.

16 THE COURT: Here's what I need you to understand  
17 about that:

18 I am not a judge who deals with citizenship matters.  
19 So I will have nothing to do with the question of whether this  
20 case has any effect on your citizenship status. What I want  
21 you to understand is -- well, just what I told you, I'm not  
22 the judge that deals with this. This could have an effect on  
23 your citizenship status. I don't know that it will; I don't  
24 know that it won't. I just want to make sure that nobody has  
25 made any promises to you about whether or not this will affect

1 your citizenship status.

2 So do I have that right? Has anybody made any  
3 promises to you one way or the other on that subject?

4 THE DEFENDANT: No.

5 THE COURT: Knowing the rights you'll be waiving and  
6 considering everything we've discussed this morning, how do  
7 you now plead in response to the charge of conspiring to  
8 distribute and possess with intent to distribute cocaine in  
9 the amount of at least 5 kilograms and marijuana in the amount  
10 of at least 100 kilograms?

11 THE DEFENDANT: Guilty.

12 THE COURT: Are you pleading guilty because you are,  
13 in fact, guilty of this charge?

14 THE INTERPRETER: Pardon?

15 THE COURT: Are you pleading guilty because you are,  
16 in fact, guilty of this charge?

17 THE DEFENDANT: Yeah, I'm guilty.

18 THE COURT: I find that this plea has been entered  
19 knowingly, voluntarily, and intelligently; and that it is  
20 supported by a factual basis. I accept the plea and  
21 adjudicate Mr. Munoz guilty. I order a presentence report.

22 Mr. Munoz, the probation officer is right over here  
23 in the courtroom today. She is going to be preparing a  
24 presentence report. That report is the first way I get  
25 information to consider on your sentencing. If there is



1 information that you would like me to have, tell it to the  
2 probation officer. If there are people you would like her to  
3 talk to, tell her who they are and how to get in touch with  
4 them so that she may consider doing that.

5 When the report comes out, you'll have the right to  
6 read it. You'll have the right to have it translated for you.  
7 You should do so very carefully. If anything about that  
8 report is not correct or anything is left out that you think  
9 should be in it, you need to let Mr. Taylor know that right  
10 away.

11 The court's rules have strict time limits within  
12 which any objection has to be made. So it's important for you  
13 to read that report as soon as you get it and talk about it  
14 with Mr. Taylor. You'll have the availability of a translator  
15 all through that process.

16 If there are objections, the lawyers for the two  
17 sides and the probation officer will try to sort it out. If  
18 everybody is not able to agree, I will resolve the dispute at  
19 the sentencing hearing. In order to get that process started,  
20 you've got to go through that report word-by-word and talk  
21 about it with Mr. Taylor.

22 Sentencing is set for Wednesday, June 20th, at 1:00  
23 in the afternoon.

24 What else, if anything, do we need to do in  
25 Mr. Munoz's case this morning?

1 MR. SIMPSON: Nothing, Your Honor.

2 MR. TAYLOR: Nothing else from the defense, Judge.

3 THE COURT: All right. Then we will be in recess for  
4 Mr. Munoz, and we'll turn to the remaining case against  
5 Mr. Garfias-Garcia and Mr. Moreno-Ortega.

6 MR. TAYLOR: Thank you, Judge.

7 THE COURT: Thank you.

8 (The proceedings adjourned at 8:56 a.m.)

9 \* \* \* \* \*

10

11

12

13 I certify that the foregoing is a correct transcript from the  
14 record of proceedings in the above-entitled matter. Any  
15 redaction of personal data identifiers pursuant to the  
16 Judicial Conference Policy on Privacy are noted within the  
17 transcript.

16

17

18 Judy A. Gagnon  
19 Judy A. Gagnon, RMR, FCRR  
20 Official U.S. Court Reporter

3/15/2018  
Date

20

21

22

23

24

25

# EXHIBIT F

N-400 for Muñoz-Correa

Department of Homeland Security  
U.S. Citizenship and Immigration Services

OMB No. 1615-0052, Expires 12/31/09

# N-400 Application for Naturalization

Clearly or type your answers using CAPITAL letters. Failure to print clearly may delay your application. Use black ink.

## Part 1. Your Name (Person applying for naturalization)

Write your USCIS A'- number here:

A 076448989

### A. Your current legal name.

Family Name (Last Name)

Muñoz

Given Name (First Name)

Melchor

Full Middle Name (If applicable)

### For USCIS Use Only

Bar Code

Date Stamp

Remarks

NBC\*000161912

PP  
Rec 2 SR

new

### B. Your name exactly as it appears on your Permanent Resident Card.

Family Name (Last Name)

Muñoz

Given Name (First Name)

Melchor

Full Middle Name (If applicable)

### C. If you have ever used other names, provide them below.

Family Name (Last Name)

Given Name (First Name)

Middle Name

Muñoz Correa

Melchor

### D. Name change (optional)

Read the Instructions before you decide whether to change your name.

1. Would you like to legally change your name? ☐ Yes ☒ No

2. If "Yes," print the new name you would like to use. Do not use initials or abbreviations when writing your new name.

Family Name (Last Name)

Given Name (First Name)

Full Middle Name

## Part 2. Information About Your Eligibility (Check only one)

I am at least 18 years old AND

A. ☒ I have been a lawful permanent resident of the United States for at least five years.

B. ☐ I have been a lawful permanent resident of the United States for at least three years, and I have been married to and living with the same U.S. citizen for the last three years, and my spouse has been a U.S. citizen for the last three years.

C. ☐ I am applying on the basis of qualifying military service.

D. ☐ Other (Explain)





**Part 3. Information About You**Write your USCIS A- number here:  
A 076448989

A. U.S. Social Security Number

[REDACTED] 566

B. Date of Birth (mm/dd/yyyy)

[REDACTED] 975

C. Date You Became a Permanent Resident (mm/dd/yyyy)

02/03/2004

D. Country of Birth

Mexico

E. Country of Nationality

Mexico

F. Are either of your parents U.S. citizens? (If yes, see instructions)

☐ Yes☒ No

G. What is your current marital status?

☐ Single, Never Married☒ Married☐ Divorced☐ Widowed☐ Marriage Annulled or Other (Explain) \_\_\_\_\_

H. Are you requesting a waiver of the English and/or U.S. History and Government requirements based on a disability or impairment and attaching Form N-648 with your application?

☐ Yes☒ No

I. Are you requesting an accommodation to the naturalization process because of a disability or impairment? (See instructions for some examples of accommodations.)

☐ Yes☒ No

If you answered "Yes," check the box below that applies:

☐ I am deaf or hearing impaired and need a sign language interpreter who uses the following language: \_\_\_\_\_☐ I use a wheelchair.☐ I am blind or sight impaired.☐ I will need another type of accommodation. Explain: \_\_\_\_\_**Part 4. Addresses and Telephone Numbers**

A. Home Address - Street Number and Name (Do not write a P.O. Box in this space.)

Apartment Number

City

Marianna

County

Jackson

State

Florida

ZIP Code

32248

Country

USA

B. Care of

Mailing Address - Street Number and Name (If different from home address)

Apartment Number

N/A

Same as above

City

State

ZIP Code

Country

C. Daytime Phone Number (If any)

Evening Phone Number (If any)

E-Mail Address (If any)



**Part 5: Information for Criminal Records Search**Write your USCIS A- number here:  
A 076448989

NOTE: The categories below are those required by the FBI. See instructions for more information.

**A. Gender**☒ Male ☐ Female**B. Height**

5 Feet 6 Inches

**C. Weight**

190 Pounds

**D. Are you Hispanic or Latino?**☐ Yes ☐ No**E. Race (Select one or more)**☒ White ☐ Asian ☐ Black or African American ☐ American Indian or Alaskan Native ☐ Native Hawaiian or Other Pacific Islander**F. Hair color**☒ Black ☐ Brown ☐ Blonde ☐ Gray ☐ White ☐ Red ☐ Sandy ☐ Bald (No Hair)**G. Eye color**☒ Brown ☐ Blue ☐ Green ☐ Hazel ☐ Gray ☐ Black ☐ Pink ☐ Maroon ☐ Other**Part 6: Information About Your Residence and Employment****A. Where have you lived during the last five years? Begin with where you live now and then list every place you lived for the last five years. If you need more space, use a separate sheet of paper.**

Street Number and Name, Apartment Number, City, State, Zip Code, and Country	Dates (mm/dd/yyyy)	
	From	To
Current Home Address - Same as Part 4.A	05/25/2006	Present
██████████ Marianna, FL 32446	12/20/1999	05/25/2006

**B. Where have you worked (or, if you were a student, what schools did you attend) during the last five years? Include military service. Begin with your current or latest employer and then list every place you have worked or studied for the last five years. If you need more space, use a separate sheet of paper.**

Employer or School Name	Employer or School Address (Street, City, and State)	Dates (mm/dd/yyyy)		Your Occupation
		From	To	
San Marcos Mexican Grill	4867 West Site Plaza, Marianna, FL 32448	06/17/2007	Present	Owner
San Marcos Mexican Restaurant	4727 Hwy 90 East, Marianna, FL 32448	06/23/2004	12/13/2007	Owner

2009083161080 2900713 004644 21 E230821 032709 05:47 032409 N400CT-299026



**Part 7. Time Outside the United States***(Including Trips to Canada, Mexico and the Caribbean Islands)*Write your USCIS A- number here:  
A 076448989

- A. How many total days did you spend outside of the United States during the past five years? 32 days
- B. How many trips of 24 hours or more have you taken outside of the United States during the past five years? 4 trips
- C. List below all the trips of 24 hours or more that you have taken outside of the United States since becoming a lawful permanent resident. Begin with your most recent trip. If you need more space, use a separate sheet of paper.

Date You Left the United States (mm/dd/yyyy)	Date You Returned to the United States (mm/dd/yyyy)	Did Trip Last Six Months or More?		Countries to Which You Traveled	Total Days Out of the United States
03/31/2008	04/07/2008	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Mexico	8
08/03/2006	08/11/2006	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Mexico	8
07/27/2005	08/03/2005	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Mexico	8
10/26/2005	11/02/2005	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Mexico	8
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		
		<input type="checkbox"/> Yes	<input type="checkbox"/> No		

**Part 8. Information About Your Marital History**

- A. How many times have you been married (including annulled marriages)? 2 If you have never been married, go to Part 9.

- B. If you are now married, give the following information about your spouse:

1. Spouse's Family Name (Last Name)		Given Name (First Name)		Full Middle Name (If applicable)	
<span style="background-color: black; color: black;">[REDACTED]</span>		<span style="background-color: black; color: black;">[REDACTED]</span>		<span style="background-color: black; color: black;">[REDACTED]</span>	
2. Date of Birth (mm/dd/yyyy)		3. Date of Marriage (mm/dd/yyyy)		4. Spouse's U.S. Social Security #	
<span style="background-color: black; color: black;">[REDACTED]</span> 1972		07/02/2008		N/A	
5. Home Address - Street Number and Name					Apartment Number
<span style="background-color: black; color: black;">[REDACTED]</span>					<span style="background-color: black; color: black;">[REDACTED]</span>
City		State		Zip Code	
Marianna		Florida		32448	



**Part 8. Information About Your Marital History (Continued)**Write your USCIS A- number here:  
A 076448989C. Is your spouse a U.S. citizen? ☐ Yes ☒ No

D. If your spouse is a U.S. citizen, give the following information:

1. When did your spouse become a U.S. citizen?

☐ At Birth☐ Other

If "Other," give the following information:

2. Date your spouse became a U.S. citizen

3. Place your spouse became a U.S. citizen (See instructions)

City and State

E. If your spouse is **not** a U.S. citizen, give the following information :

1. Spouse's Country of Citizenship

Honduras

2. Spouse's USCIS A- Number (If applicable)

A N/A

3. Spouse's Immigration Status

☐ Lawful Permanent Resident☒ Other EW1

F. If you were married before, provide the following information about your prior spouse. If you have more than one previous marriage, use a separate sheet of paper to provide the information requested in Questions 1-5 below.

1. Prior Spouse's Family Name (Last Name)

Given Name (First Name)

Full Middle Name (If applicable)

2. Prior Spouse's Immigration Status

☒ U.S. Citizen☐ Lawful Permanent Resident☐ Other

3. Date of Marriage (mm/dd/yyyy)

12/23/1997

4. Date Marriage Ended (mm/dd/yyyy)

01/25/2005

5. How Marriage Ended

☒ Divorce☐ Spouse Died☐ Other

G. How many times has your current spouse been married (including annulled marriages)?

If your spouse has ever been married before, give the following information about your spouse's prior marriage.

If your spouse has more than one previous marriage, use a separate sheet(s) of paper to provide the information requested in Questions 1 - 5 below.

1. Prior Spouse's Family Name (Last Name)

N/A

Given Name (First Name)

Full Middle Name (If applicable)

2. Prior Spouse's Immigration Status

☐ U.S. Citizen☐ Lawful Permanent Resident☐ Other

3. Date of Marriage (mm/dd/yyyy)

4. Date Marriage Ended (mm/dd/yyyy)

5. How Marriage Ended

☐ Divorce☐ Spouse Died☐ Other



**Part 9. Information About Your Children**Write your USCIS A- number here:  
A 076448989

A. How many sons and daughters have you had? For more information on which sons and daughters you should include and how to complete this section, see the Instructions.

2

B. Provide the following information about all of your sons and daughters. If you need more space, use a separate sheet of paper.

Full Name of Son or Daughter	Date of Birth (mm/dd/yyyy)	USCIS A- number (if child has one)	Country of Birth	Current Address (Street, City, State and Country)
[REDACTED]	[REDACTED]	A N/A	USA	Unknown <i>Enterprise Ave (2)</i>
[REDACTED]	[REDACTED]	A N/A	USA	Unknown " "
		A		
		A		
		A		
		A		
		A		
		A		

Add Children

Go to continuation page

**Part 10. Additional Questions**

Answer Questions 1 through 14. If you answer "Yes" to any of these questions, include a written explanation with this form. Your written explanation should (1) explain why your answer was "Yes" and (2) provide any additional information that helps to explain your answer.

**A. General Questions.**

1. Have you ever claimed to be a U.S. citizen (in writing or any other way)?
2. Have you ever registered to vote in any Federal, State, or local election in the United States?
3. Have you ever voted in any Federal, State, or local election in the United States?
4. Since becoming a lawful permanent resident, have you ever failed to file a required Federal, State, or local tax return?
5. Do you owe any Federal, State, or local taxes that are overdue?
6. Do you have any title of nobility in any foreign country?
7. Have you ever been declared legally incompetent or been confined to a mental institution within the last five years?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No



**Part 10. Additional Questions (Continued)**Write your USCIS A- number here:  
A 076448989**B. Affiliations.**

8. a. Have you ever been a member of or associated with any organization, association, fund foundation, party, club, society, or similar group in the United States or in any other place? ☒ Yes ☐ No
- b. If you answered "Yes," list the name of each group below. If you need more space, attach the names of the other group(s) on a separate sheet of paper.

Name of Group	Name of Group
1. St. Ana Catholic Church, Marianna, FL Since 2006	6.
2.	7.
3.	8.
4.	9.
5.	10.

9. Have you ever been a member of or in any way associated (*either directly or indirectly*) with:
- a. The Communist Party? ☐ Yes ☒ No
- b. Any other totalitarian party? ☐ Yes ☒ No
- c. A terrorist organization? ☐ Yes ☒ No
10. Have you ever advocated (*either directly or indirectly*) the overthrow of any government by force or violence? ☐ Yes ☒ No
11. Have you ever persecuted (*either directly or indirectly*) any person because of race, religion, national origin, membership in a particular social group, or political opinion? ☐ Yes ☒ No
12. Between March 23, 1933, and May 8, 1945, did you work for or associate in any way (*either directly or indirectly*) with:
- a. The Nazi government of Germany? ☐ Yes ☒ No
- b. Any government in any area (1) occupied by, (2) allied with, or (3) established with the help of the Nazi government of Germany? ☐ Yes ☒ No
- c. Any German, Nazi, or S.S. military unit, paramilitary unit, self-defense unit, vigilante unit, citizen unit, police unit, government agency or office, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, or transit camp? ☐ Yes ☒ No
- C. Continuous Residence.**
- Since becoming a lawful permanent resident of the United States:
13. Have you ever called yourself a "nonresident" on a Federal, State, or local tax return? ☐ Yes ☒ No
14. Have you ever failed to file a Federal, State, or local tax return because you considered yourself to be a "nonresident"? ☐ Yes ☒ No



**Part 10. Additional Questions (continued)**Write your USCIS A- number here:  
A 076448989**D. Good Moral Character.**

For the purposes of this application, you must answer "Yes" to the following questions, if applicable, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record.

15. Have you ever committed a crime or offense for which you were **not** arrested? ☐ Yes ☒ No
16. Have you ever been arrested, cited, or detained by any law enforcement officer (including USCIS or former INS and military officers) for any reason? ☒ Yes ☐ No
17. Have you ever been charged with committing any crime or offense? ☐ Yes ☒ No
18. Have you ever been convicted of a crime or offense? ☐ Yes ☒ No
19. Have you ever been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication)? ☐ Yes ☒ No
20. Have you ever received a suspended sentence, been placed on probation, or been paroled? ☐ Yes ☒ No
21. Have you ever been in jail or prison? ☒ Yes ☐ No

If you answered "Yes" to any of Questions 15 through 21, complete the following table. If you need more space, use a separate sheet of paper to give the same information.

Why were you arrested, cited, detained, or charged?	Date arrested, cited, detained, or charged? (mm/dd/yyyy)	Where were you arrested, cited, detained, or charged? (City, State, Country)	Outcome or disposition of the arrest, citation, detention, or charge (No charges filed, charges dismissed, jail, probation, etc.)
Domestic Violence	10/28/2004	Marianna, Florida, USA	Pre-trial Diversion
Gun w/ no permit	2008	Alabama Foley	Fine PL.

Answer Questions 22 through 33. If you answer "Yes" to any of these questions, attach (1) your written explanation why your answer was "Yes" and (2) any additional information or documentation that helps explain your answer.

22. Have you ever:
- a. Been a habitual drunkard? ☐ Yes ☒ No
  - b. Been a prostitute, or procured anyone for prostitution? ☐ Yes ☒ No
  - c. Sold or smuggled controlled substances, illegal drugs, or narcotics? ☐ Yes ☒ No
  - d. Been married to more than one person at the same time? ☐ Yes ☒ No
  - e. Helped anyone enter or try to enter the United States illegally? ☐ Yes ☒ No
  - f. Gambled illegally or received income from illegal gambling? ☐ Yes ☒ No
  - g. Failed to support your dependents or to pay alimony? ☐ Yes ☒ No
23. Have you ever given false or misleading information to any U.S. Government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal? ☐ Yes ☒ No
24. Have you ever lied to any U.S. Government official to gain entry or admission into the United States? ☐ Yes ☒ No



**Part 10. Additional Questions (Continued)**Write your USCIS A- number here:  
A 076448989**E. Removal, Exclusion, and Deportation Proceedings.**

25. Are removal, exclusion, rescission, or deportation proceedings pending against you? ☐ Yes ☒ No
26. Have you ever been removed, excluded, or deported from the United States? ☐ Yes ☒ No
27. Have you ever been ordered to be removed, excluded, or deported from the United States? ☐ Yes ☒ No
28. Have you ever applied for any kind of relief from removal, exclusion, or deportation? ☐ Yes ☒ No

**F. Military Service.**

29. Have you ever served in the U.S. Armed Forces? ☐ Yes ☒ No
30. Have you ever left the United States to avoid being drafted into the U.S. Armed Forces? ☐ Yes ☒ No
31. Have you ever applied for any kind of exemption from military service in the U.S. Armed Forces? ☐ Yes ☒ No
32. Have you ever deserted from the U.S. Armed Forces? ☐ Yes ☒ No

**G. Selective Service Registration.**

33. Are you a male who lived in the United States at any time between your 18th and 26th birthdays in any status except as a lawful nonimmigrant? ☒ Yes ☐ No

If you answered "NO," go on to question 34.

If you answered "YES," provide the information below.

If you answered "YES," but you did not register with the Selective Service System and are still under 26 years of age, you must register before you apply for naturalization, so that you can complete the information below:

Date Registered (mm/dd/yyyy)

Selective Service Number

If you answered "YES," but you did not register with the Selective Service and you are now 26 years old or older, attach a statement explaining why you did not register.

**H. Oath Requirements. (See Part 14 for the text of the oath)**

Answer Questions 34 through 39. If you answer "No" to any of these questions, attach (1) your written explanation why the answer was "No" and (2) any additional information or documentation that helps to explain your answer.

34. Do you support the Constitution and form of government of the United States? ☒ Yes ☐ No
35. Do you understand the full Oath of Allegiance to the United States? ☒ Yes ☐ No
36. Are you willing to take the full Oath of Allegiance to the United States? ☒ Yes ☐ No
37. If the law requires it, are you willing to bear arms on behalf of the United States? ☒ Yes ☐ No
38. If the law requires it, are you willing to perform noncombatant services in the U.S. Armed Forces? ☒ Yes ☐ No
39. If the law requires it, are you willing to perform work of national importance under civilian direction? ☒ Yes ☐ No



**Part 11. Your Signature**Write your USCIS A- number here:  
A 076448989

I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct. I authorize the release of any information that the USCIS needs to determine my eligibility for naturalization.

Your Signature

Date (mm/dd/yyyy)

**Part 12. Signature of Person Who Prepared This Application for You (If applicable)**

I declare under penalty of perjury that I prepared this application at the request of the above person. The answers provided are based on information of which I have personal knowledge and/or were provided to me by the above named person in response to the exact questions contained on this form.

Preparer's Printed Name

Elizabeth Ricci, Esq.

Preparer's Signature

Date (mm/dd/yyyy)

Preparer's Firm or Organization Name (If applicable)

Rambana and Ricci, P. A.

Preparer's Daytime Phone Number

850-224-4529

Preparer's Address - Street Number and Name

521 East Tennessee Street

City

Tallahassee

State

Florida

Zip Code

32308

**NOTE: Do not complete Parts 13 and 14 until a USCIS Officer instructs you to do so.****Part 13. Signature at Interview**

I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me, including corrections numbered 1 through 5 and the evidence submitted by me numbered pages 1 through 0, are true and correct to the best of my knowledge and belief.

Subscribed to and sworn to (affirmed) before me

**T. HUDSON**

Officer's Printed Name or Stamp

**JUL 06 2009**

Date (mm/dd/yyyy)

Complete Signature of Applicant

Officer's Signature

**Part 14. Oath of Allegiance**

If your application is approved, you will be scheduled for a public oath ceremony at which time you will be required to take the following Oath of Allegiance immediately prior to becoming a naturalized citizen. By signing, you acknowledge your willingness and ability to take this oath:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen;  
that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic;  
that I will bear true faith and allegiance to the same;  
that I will bear arms on behalf of the United States when required by the law;  
that I will perform noncombatant service in the Armed Forces of the United States when required by the law;  
that I will perform work of national importance under civilian direction when required by the law; and  
that I take this obligation freely, without any mental reservation or purpose of evasion, so help me God.

Printed Name of Applicant

Complete Signature of Applicant

07/26/18

07/26/18

# EXHIBIT G

Muñoz-Correa's N-445



Department of Homeland Security  
U.S. Citizenship and Immigration Services

N-445, Notice of Naturalization Oath Ceremony

OMB No. 1615-0054; Expires 01/31/2010

A# A076448989 NBC\*000161912

Date August 19, 2009

APPLICANT COPY

MELCHOR MUNOZ

MARIANNA FL 32448

|||||

You are hereby notified to appear for a Naturalization Oath Ceremony on:

at: Tuesday, September 8 2009

FLORIDA COMMUNITY COLLEGE @ JACKSONVILLE  
11901 BEACH BOULEVARD  
JACKSONVILLE, FL 32246

Please report promptly at WILSON CENTER FOR THE ARTS, NATHAN WILSON CENTER, NONE

11:05 AM

You must bring the following with you:

1. This letter completed in its entirety. Print clearly or type your answers to all questions on page 2 using CAPITAL letters in black ink.
2. Your Permanent Resident Card.
3. All Reentry Permits or Refugee Travel Documents in your possession.
- X 4. Any other Immigration documents you may have in your possession.
- X 5. If this citizenship application was filed on behalf of a child, bring the child to the ceremony.
- X 6. Other.
- X
- X

Proper attire should be worn. The naturalization ceremony is a solemn and meaningful event. Please dress in proper attire to respect the dignity of this event (please no hats, shorts, flip-flops, etc.).

If you cannot come to this ceremony, return this notice immediately and state why you cannot appear. In such case, you will be sent another notice of ceremony at a later date. You must appear at an oath ceremony to complete the naturalization process.



In connection with your application for naturalization, please answer each of the questions by checking "Yes" or "No."

You must answer these questions the day you are to appear for your citizenship oath ceremony. These questions refer to actions since the date you were first interviewed on your Application for Naturalization. The questions do not refer to anything that happened before the interview.

After you have answered each question, sign your name and fill in the date and place of signing, and provide your current address.

You MUST bring this completed questionnaire with you to the oath ceremony, as well as the documents indicated on the front, and give them to the employee of U.S. Citizenship and Immigration Services at the oath ceremony. You may be questioned further on your answers at that time.

	ANSWERS
1. Since your interview, have you married, or been widowed, separated or divorced? (If "Yes," please bring documented proof of marriage, death, separation or divorce.)	1. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Since your interview, have you traveled outside the United States?	2. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Since your interview, have you knowingly committed any crime or offense, for which you have not been arrested?	3. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Since your interview, have you been arrested, cited, charged, indicted, convicted, fined or imprisoned for breaking or violating any law or ordinance, including traffic violations?	4. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Since your interview, have you joined any organization, including the Communist Party, or become associated or connected therewith in any way?	5. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. Since your interview, have you claimed exemption from military service?	6. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7. Since your interview, has there been any change in your willingness to bear arms on behalf of the United States; to perform non-combatant service in the armed forces of the United States; to perform work of national importance under civilian direction, if the law requires it?	7. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. Since your interview, have you practiced polygamy, received income from illegal gambling, been a prostitute, procured anyone for prostitution or been involved in any other unlawful commercialized vice, encouraged or helped any alien to enter the United States illegally, illicitly trafficked in drugs or marijuana, given any false testimony to obtain immigration benefits, or been a habitual drunkard?	8. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

I certify that each answer shown above were made by me or at my direction, and that each answer is true and correct as of the date of my naturalization oath ceremony.

Signed at (MAR) Jacksonville FL, on Tuesday September 8, 2009  
(City and State) (Date)

Melchor Lopez [REDACTED] MARIA MA 1532448  
(Full Signature) (Code)

OUR AUTHORITY for collection of the information requested on Form N-445 is contained in Sections 101(f), 313, 316, 332, 335 and 336 of the Immigration and Nationality Act (8 U.S.C. 1101 (f), 1427, 1443, 1446 and 1447). Submission of the information is voluntary. The principal purposes for requesting the information are to enable Adjudications Officers of U.S. Citizenship and Immigration Services to determine an applicant's eligibility for naturalization. The information requested may, as a matter of routine use, be disclosed to naturalization courts and to other federal, state, local or foreign law enforcement and regulatory agencies, the Department of Defense, including any component thereof, Selective Service System, Department of State, Department of Treasury, Department of Transportation, Central Intelligence Agency, Interpol and individuals and organizations in the processing of any application for naturalization, or during the course of investigation, to elicit further information required by U.S. Citizenship and Immigration Services to carry out its functions. Information solicited which indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, may be referred as a routine use to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating, enforcing or prosecuting such violations. Failure to provide all or any of the requested information may result in a denial of the application for naturalization.

THE PUBLIC REPORTING BURDEN for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529.

# EXHIBIT H

## Certificate of Naturalization



UNITED STATES OF AMERICA

No. 32588918

DEPARTMENT OF HOMELAND SECURITY

NATURALIZATION

Personal description of holder  
as of date of naturalization:

C.I.S. Registration, No. A076448989

Date of birth: [REDACTED], 1975

I certify that the description given is true, and that the photograph affixed  
hereto is a likeness of me.

Sex: MALE

Height: 5 feet 6 inches

(Complete and true signature of holder)

Marital status: MARRIED

Be it known that, pursuant to an application filed with the Secretary of  
Homeland Security

Country of former nationality:  
MEXICO

at: JACKSONVILLE, FLORIDA

The Secretary having found that:

MELCHOR MUNOZ



then residing in the United States, intends to reside in the United States when so  
required by the Naturalization Laws of the United States, and had in all other  
respects complied with the applicable provisions of such naturalization laws and  
was entitled to be admitted to citizenship, such person having taken the oath of  
allegiance in a ceremony conducted by the

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

at: JACKSONVILLE, FLORIDA

on: SEP 08 2009

that such person is admitted as a citizen of the United States of America.

IT IS PUNISHABLE BY U.S. LAW TO COPY,  
PRINT OR PHOTOGRAPH THIS CERTIFICATE,  
WITHOUT LAWFUL AUTHORITY.

Director, U.S. Citizenship and Immigration Services

DEPARTMENT OF HOMELAND SECURITY