

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>Criminal No. 12-10044-DPW</b>
	)	
<b>INOCENTE ORLANDO MONTANO,</b>	)	
	)	
<b>Defendant</b>	)	

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**DEFENDANT’S NOTICE TO THE COURT REGARDING  
WITHDRAWAL OF ARGUMENTS AS TO THE PLEA AGREEMENT**

Defendant, Inocente Orlando Montano, hereby withdraws all arguments alleging prosecutorial violation(s) of the plea agreement, made in his earlier filing in this case. *See* Defendant’s Response to the Government’s Sentencing Memorandum and to Miscellaneous Submissions to the Court, Docket Entry 57 (“Defendant’s Response”). After consultation with supervisory attorneys within the Federal Defender’s Office, which included a review of the government’s response to these arguments, undersigned counsel agrees that no breach of the plea agreement occurred as a result of the government’s arguments or in its recommendation for a particular sentence in its January 8, 2013 memorandum. *See* “Memorandum in Support by USA as to Inocente Orlando Montano re [52] Motion for Leave to File Sentencing Memorandum in Excess of 20 Pages”, Docket Entry 53.

Defense counsel acknowledges that he misconstrued certain terms of the plea agreement as having foreclosed departure arguments by the government. He discussed with his client, at length and in detail, his decision to withdraw the motion and defendant concurs in the request.

Defense counsel sincerely apologizes to Mr. Capin for his error, and to the Court for the inconvenience.

Respectfully Submitted,

**INOCENTE ORLANDO MONTANO,**  
By His Attorney,

Oscar Cruz, Jr.  
**Oscar Cruz, Jr.**  
**(BBO# 630813)**  
**Federal Public Defender Office**  
**51 Sleeper Street, 5<sup>th</sup> Floor**  
**Boston, Massachusetts 02210**  
**(617) 223-8061 (phone)**  
**(617) 223-8080 (fax)**

**Date:** March 12, 2013

**CERTIFICATE OF SERVICE**

I, Oscar Cruz, Jr., hereby certify that this document was served by hand on Assistant United States Attorney John Capin, and, by hand and electronic mail, on March 12, 2013.

Oscar Cruz, Jr.  
**Oscar Cruz, Jr.**