

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL MURATELLA

Defendant.

8:14CR155

ORDER

This matter comes before the Court on the parties' joint proposed settlement agreement and joint motion to dismiss the [21 U.S.C. § 851](#) information notice previously filed in this matter ([Filing No. 464](#)).

After considering the proposed settlement and joint motion to dismiss, the Court hereby adopts the parties' settlement agreement and grants the parties' joint motion to dismiss the [21 U.S.C. § 851](#) information notice. The Court hereby finds that trial counsel was ineffective by providing incorrect advice regarding the basis upon which the Court might set aside the § 851 information. Had Defendant Muratella ("Muratella") been properly advised, the Court finds that Muratella would have accepted the Rule 11(c)(1)(C) plea agreement the government offered with an agreed upon sentence of 210 months. The Court further grants Muratella's [28 U.S.C. § 2255](#) motion ([Filing No. 439](#)) and modifies Muratella's sentence to a term of 210 months imprisonment, to be followed by 5 years of supervised release with the same conditions as previously imposed. The Clerk shall prepare an amended judgment in criminal case reflecting the new sentence of 210 months, and 5 years of supervised release. All other aspects of the sentence shall remain unaffected.

Dated this 6th day of December 2018.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge