

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

ANTONIO BENJAMIN MARTINEZ

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Criminal No. JFM-10-0798

Civil No. – JFM-13-836

MEMORANDUM

Antonio Benjamin Martinez has filed a motion to vacate sentence. The Government has filed a response. The time for Martinez to file a reply has expired. The motion will be denied.

Martinez pled guilty to attempted use of a weapon of mass destruction. He was sentenced to a term of 300 months imprisonment and five years of supervised release pursuant to a plea agreement entered into under Fed. R. Crim. P. 11(c)(1)(C).

Although in his motion to vacate Martinez contends that the court denied him various rights, there is no basis for those contentions. The court did deny various pretrial motions that Martinez filed but, but for the plea agreement, the court's rulings could have been appealed. Properly understood, Martinez's motion is based upon an allegation of ineffective assistance of counsel. His counsel (two Assistant Federal Public Defenders) however, were extremely competent and pursued all of the issues that should have been pursued. Martinez faced life imprisonment and the negotiated plea of twenty-five years was in his best interest. Martinez admitted, both in his plea agreement and at the sentencing proceeding, to having attempted to bomb an Army Recruiting Station, and if he had not entered into an agreed upon plea, the imposition of a life sentence was not unlikely.

A separate order denying Martinez's motion is being entered herewith.

Date: September 26, 2013

/s/
J. Frederick Motz
United States District Judge