

United States v. Delgado

Decided Feb 20, 2024

1:19-cr-00817-LAK D

02-20-2024

UNITED STATES OF AMERICA, v. MARIO
DELGADO, Defendant.

LEWIS A. KAPLAN, DISTRICT JUDGE.

ORDER

LEWIS A. KAPLAN, DISTRICT JUDGE.

Before the Court is the defendant's motion for a sentence reduction pursuant to [18 U.S.C. § 3582\(c\)\(2\)](#).

On June 8, 2021, the defendant was sentenced principally to a term of imprisonment of 72 months, below the Guidelines range of 84-105 months. On November 20, 2023, the Probation Office completed a Supplemental Presentence Report indicating that the defendant is eligible for a sentence reduction under the terms of Part A of Amendment 821. On December 21, 2023, defense counsel moved for a reduction of sentence of two months, the maximum allowable under his new criminal history category. On January 10, 2024, the Government submitted a letter to the Court stating that it does not object to defendant's motion for a sentence reduction.

The Court finds that the defendant is eligible for a sentence reduction. At the time of his initial sentencing, the defendant had ten criminal history points, which placed him in Criminal History Category V and resulted in a Sentencing Guidelines range of 84-105 months' imprisonment. Under the Sentencing Guidelines as revised by Amendment 821, however, the defendant now has ² *2 nine criminal history points, placing him in Criminal History Category IV and reducing his guidelines range to 70-87 months' imprisonment. Because the Court cannot reduce the defendant's imprisonment to a term less than the minimum of his amended guidelines range,¹ the defendant is eligible for a reduction in his sentence from 72 months to 70 months' imprisonment.

The Court has considered the record in this case and the submissions of the parties and the Probation Office. The Court has weighed the factors in [18 U.S.C. § 3553\(a\)](#) as well in determining whether a sentence reduction is warranted.

Accordingly, it is hereby ORDERED that the defendant's term of imprisonment is reduced to 70 months. In addition, the Court recommends to the Bureau of Prisons that the defendant be released from custody two months prior to his projected release date.

SO ORDERED.
