

FEB 01 2024

for the Northern Mariana Islands
By af

IN THE UNITED STATES DISTRICT COURT (Deputy Clerk)
FOR THE NORTHERN MARIANA ISLANDS

In re:

Requests for Retroactive Application of
U.S.S.G. Amendment 821 Pursuant to
18 U.S.C. § 3582(c)(2)

GENERAL ORDER NO. 24-00001

ORDER

On August 24, 2023, the U.S. Sentencing Commission authorized retroactive application of U.S. Sentencing Commission Guideline Amendment 821 relating to criminal history. Part A of Amendment 821 limits the overall criminal history impact of “Status Points” under § 4A1.1. Part B, Subpart 1 of Amendment 821 creates a new Chapter Four guideline at § 4C1.1 decreasing by two the offense levels for defendants who did not receive any criminal history points and whose instant offense did not involve specific aggravating factors. These amendments become retroactive effective February 1, 2024 (“Effective Date”).

(1) List of Defendants: The U.S. Probation Office compiled a list of defendants (“List of Defendants”)¹ who are serving or will be serving a sentence imposed before November 1, 2023, by the U.S. District Court for the Northern Mariana Islands as of February 1, 2024, to determine which defendants may qualify for retroactive relief under Amendment 821.²

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¹ The List of Defendants is attached to this Order as Appendix A.

² The List of Defendants includes individuals who are currently under U.S. Bureau of Prisons’ Federal Location Monitoring.

1 **(2) Appointment of Criminal Justice Act (“CJA”) Committee:**³ In the interests of justice
2 and the efficient administration of both the Court’s docket and public resources, the Court orders
3 that, pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. § 3006A(a)(1) and (c), the
4 CJA Committee is hereby appointed to represent the List of Defendants previously determined to
5 have been entitled to appointment of counsel, or who is now entitled to appointment of counsel, to
6 determine which defendant may qualify for retroactive relief under Amendment 821 and to present
7 any requests relating thereto to the Court for adjudication. This Order does not confer additional
8 rights.

9 **(3) Pro Se Filings:** In any case in which a defendant has filed either a letter or motion
10 requesting relief under Amendment 821, the CJA Committee will be alerted of that filing by the
11 Clerk of Court and disposition of that filing will be stayed pending action by defendant’s counsel.

12 If defendant’s counsel determines the defendant is eligible for relief, then defendant’s
13 counsel shall file a Contested Motion or Joint Stipulation within fourteen days of having received
14 notice of the pro se defendant’s filed motion. If counsel for a defendant determines that defendant is
15 ineligible for a sentence reduction under the retroactive provisions of Amendment 821, defense
16 counsel must: (1) communicate that determination to the defendant and (2) file a notice indicating
17 such with the Court within fourteen days of the pro se motion or letter. If defense counsel determines
18 that a defendant is ineligible for a sentencing reduction under Amendment 821, the Government does
19 not need to file a response.

20 The Court recognizes that pro se defendants have already filed motions pursuant to
21 Amendment 821.⁴ For these motions, if counsel for the defendant determines the defendant is
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23 ³ The current CJA Committee members are Bruce L. Berline, David G. Banes, and Robert T. Torres.

24 ⁴ Pending before the Court are pro se defendants Xi Huang (Case No. 1:15-cr-00014-1) and Vincent David Cabrera, Jr.’s (Case No. 1:18-cr-00006-1) motions.

1 eligible for relief, a Contested Motion or Joint Stipulation will follow within fourteen days of this
2 Order. If defendant's counsel determines that his/her client is ineligible for relief pursuant to
3 Amendment 821, then he/she will file a Motion to Withdraw denoting such.

4 Further, the Court has already ruled upon pro se defendant Richard S. Benavente's motion
5 (Case No. 1:13-cr-00008-1) seeking relief pursuant to Amendment 821. Nevertheless, the Court
6 grants the CJA Committee leave to review his eligibility. If Benavente's counsel determines that he
7 is eligible for relief, he/she will file a Motion for Reconsideration detailing the rationale.
8 Alternatively, if Benavente's counsel determines that he is ineligible for relief pursuant to
9 Amendment 821, then he/she will file a Motion to Withdraw denoting such.

10 **(4) Joint Stipulation:** If the United States and a defendant through counsel reach an
11 agreement concerning a discretionary sentence reduction, the parties will file a Joint Stipulation
12 regarding the proposed amended sentence. The Joint Stipulation will contain a statement by defense
13 counsel that he/she has communicated with the defendant and that the defendant consents to the
14 proposed resolution. The Joint Stipulation must set forth the defendant's sentencing range under the
15 amended Guidelines as calculated by the parties and the proposed sentence. No hearing will be
16 required in cases where the parties file a Joint Stipulation and the Court adopts the jointly proposed
17 sentence. If the Court disagrees with the proposed sentence in the parties' Joint Stipulation, the Court
18 will permit the defendant to participate telephonically at a hearing scheduled by the Court to address
19 the appropriate sentence.

20 **(5) Contested Motions:** In contested cases, defense counsel must file a § 3582(c)(2) motion.
21 Within fourteen calendar days of the filing of the § 3582(c)(2) motion by defense counsel, the
22 Government must file a response. The defense may file a reply within seven calendar days of the
23 Government's response. Generally, such motions will be decided on the briefs; however, the Court
24 may exercise its discretion in setting a motion sua sponte or pursuant to a request for a hearing. In

1 cases where the parties do not reach agreement, unless waived by the defendant, the defendant may
2 appear telephonically in any hearing that addresses the merits of the § 3582(c)(2) motion.

3 **(6) Supplement to the Presentence Investigation Report:** For each individual on the List
4 of Defendants, U.S. Probation will prepare and file under seal a Supplement to the Presentence
5 Investigation Report to assist the parties and the Court in determining eligibility and the
6 appropriateness and length of a discretionary sentence reduction.

7 **(7) Amended Judgment:** If the Court grants the Joint Stipulation or otherwise amends a
8 defendant's sentence, the Court will issue an Amended Judgment.

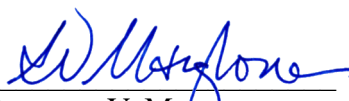
9 **(8) Authorized Disclosures:** The U.S. Probation Office and the Clerk of Court are
10 authorized to disclose to the CJA Committee and the U.S. Attorney's Office, upon request,
11 documents from the List of Defendants' case files not otherwise available through the judiciary's
12 Public Access to the Court Electronic Records ("PACER") service to determine defendants'
13 eligibility for relief, to evaluate conflicts, and to file and litigate any petitions, motions, or
14 applications under Amendment 821. The Probation Office and the Clerk of Court may disclose any
15 such documents, including Indictment, Plea Agreement, Presentence Investigation Report,
16 Judgment, Statement of Reasons, Sentry Report, Docket Sheet, and any sealed documents pertinent
17 to Amendment 821 and sentencing. No counsel may further distribute such documents unless so
18 ordered by the Court.

19 **(9) Joint Stipulations, Contested Motions, and Motions to Withdraw Deadline:** The CJA
20 Committee will, after twenty-eight days of this Order, file any appropriate motion or stipulation
21 pursuant to this Order. The CJA Committee is directed to prioritize their review of the List of
22 Defendants according to their release dates.

23 **(10) Termination of Representation:** Upon the Court's adjudication of a Contested Motion
24 or Joint Stipulation, the Court automatically discharges the defendant's counsel, and the discharge

1 takes effect fourteen days after the adjudication. Alternatively, if defendant's counsel determines
2 that his/her client is ineligible for relief pursuant to Amendment 821, then he/she will file a Motion
3 to Withdraw denoting such.

4 **IT IS SO ORDERED** this 1st day of February 2024.

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8 RAMONA V. MANGLONA
9 Chief Judge

Appendix A

LIST OF DEFENDANTS

| | Name | Case No. | BOP Register No. |
|-----|---|--------------|------------------|
| 1. | Ada, Melvin Garong | CR12-00030-1 | 00821-005 |
| 2. | Aguon, Steven Romie | CR11-00028-1 | 03268-093 |
| 3. | Aldan, Dwight Lee Deleon Guerrero | CR21-00009-1 | 45584-509 |
| 4. | Babauta, Jesse Reyes | CR20-00012-1 | 03550-093 |
| 5. | Backman, Chang Ru Meng | CR12-00015 | 03523-093 |
| 6. | Basa, Annette Nakatsukasa | CR13-00007-1 | 00832-005 |
| 7. | Benavente, Richard | CR13-00008 | 00833-005 |
| 8. | Cabrera, Vincent David Jr. | CR18-00006-1 | 00450-005 |
| 9. | Castro, Joanne Marie Deleon Guerrero | CR19-00001 | 00926-005 |
| 10. | Huang, Xi | CR15-00014-1 | 00872-005 |
| 11. | Igisomar, Randy Anthony | CR14-00016 | 00856-005 |
| 12. | Kani, Sidney Capelle | CR18-00006-4 | 00335-005 |
| 13. | Leon Guerrero, Vince Koki | CR19-00004-1 | 05722-093 |
| 14. | Li, Bing | CR23-00003 | 41669-510 |
| 15. | Li, Hongjie | CR22-00005 | 99411-509 |
| 16. | Omar, Rick Urumelog Jr. | CR18-00006-3 | 00912-005 |
| 17. | Paez, Miguelito Palacios | CR21-00003 | 27747-509 |
| 18. | Repeki, Eugene Blas Jr. | CR18-00006-2 | 00911-005 |
| 19. | Reyes, Derik Jonathan Castro | CR22-00007 | 02534-510 |
| 20. | Sablan, William | CR99-00018-1 | 00232-005 |

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| 21. | Tydingco, Evelyn Chon | CR19-00004-2 | 05723-093 |
| 22. | Wang, Huaishu | CR22-00005-2 | 99417-509 |
| 23. | Wong, Eugene Ka Lok | CR21-00008 | 47818-509 |
| 24. | Zhang, Yuzhu | CR23-000006 | 50633-510 |