

ENRIQUE R. GONZALES, ESQ.
1135 W. Frontage Road, Ste. C
Rio Rico, Az. 85648
Telephone: (520) 761-8004
Fax: (520) 761-3489
Arizona State Bar No.: 009462

Attorney For: Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. : CR 06-1817-TUC-FRZ(JJM)
)	
)	
)	SENTENCING MEMORANDUM
-VS-)	
)	
JORGE SANCHEZ-SERRANO,)	
)	
Defendant.)	
_____)	

COMES NOW, the Defendant, JORGE SANCHEZ-SERRANO, by and through undersigned counsel, and hereby submits the following Sentencing Memorandum regarding his sentencing hearing.

RESPECTFULLY SUBMITTED this 29th day of May, 2007.

BY: s/ Enrique Gonzales
ENRIQUE R. GONZALES
Attorney for Defendant

A copy of the foregoing electronically filed this 30th day of May, 2007, and a courtesy copy mailed/delivered to:

Honorable Frank R. Zapata
U.S. District Court
405 W. Congress
Tucson, Az. 85701

// // //

A copy of the foregoing electronically mailed to:

Jerry Albert, Esq.
U.S. Attorney's Office
405 W. Congress, Ste. 4800
Tucson, Az. 85701

A copy of the foregoing
delivered by other means to:

Stacy L. Strack
U.S. Probation
405 W. Congress, Ste. 2400
Tucson, Az. 85701

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION:

The Defendant, Jorge Sanchez-Serrano, is 38 years old and a Mexican citizen. He was arrested on October 8, 2006 at the Grand Port of Entry in Nogales, Arizona after agents discovered 4.58 kilograms of methamphetamine in his vehicle. He was entering the United States driving his vehicle when he was arrested. Agents discovered the drug contraband in the car's muffler.

He was subsequently arrested by Immigration and Customs Enforcement agents and has been in custody since then or approximately a little more than 8 months. He did speak with the agents at the time of his arrest and fully cooperated with them. During the time he has been in custody, it does not appear he has had any disciplinary problems while in custody. However, he has had some medical problems in the past. For instance, he was previously diagnosed with testicular cancer. He has not been checked but is concerned about this problem.

The defendant admitted his complicity at the time of arrest and again, at his change of plea hearing as well as when he was interviewed by Ms. Stacy Strack during his pre-sentence interview. He admitted he was going to be paid for delivering the drugs in his vehicle. As such, the

probation officer gave him a downward adjustment in his offense level for Acceptance of Responsibility as set forth on page 5, paragraph 22.

Jorge is truly remorseful for his involvement in the offense and has accepted responsibility for his involvement in this case from the beginning after he was arrested. He will not become involved in this type of activity in the future. As such, during his pre-sentence interview, Jorge cooperated with the probation officer and admitted his complicity in this case. After he completes his sentence, he is going to return to his wife and reunite with her and his family including his parents, wife and children.

He was detained, subsequently arrested and charged with a two count indictment on November 1, 2006 charging Possession with Intent to Distribute Methamphetamine in violation of 21 U.S.C. Section 841 (a)(1) and (b)(1)(A)(viii). He was also charged with Importation of approximately 4.58 kilograms of Methamphetamine in violation of 21 U.S.C. Sections 952 (a), 960 (a)(1) and 960(b)(1)(H).

Jorge is remorseful for having committed these offenses. He also has entered a guilty plea and as a result the government has saved money in not fully prosecuting this case and going to trial. In addition, no dispositive pre-trial motions were filed and none were argued.

There is a stipulated plea agreement in this case of 60 months. Jorge does not have any prior felony or misdemeanor convictions in the

United States. He has no convictions in Mexico. Thus, he is a Criminal History Category I. He is also safety valve eligible and the Government concurs with this. See, PSR, p. 3, paragraph 4.

Jorge is remorseful and is hoping that this Court will give him an opportunity to return to his wife and children as soon as he completes his sentence. He is not asking for any downward adjustments but only respectfully requesting that the Court accept his stipulated plea agreement. He has already been in custody for approximately 8 months and is asking the Court to give him credit for time served.

Undersigned counsel received the probation officer's recommendation of 108 months and disagrees with her recommendation for the reasons set forth above and in this Sentencing Memorandum. In addition, the Defendant would ask to consider the information contained in the PSR on page 4, paragraph 9. Also, see attached letters of recommendation and there translations.

Imposition of a lengthy sentence being recommended by U.S. Probation in this case i.e. 108 months given the circumstances of this case and Jorge's personal attributes violates the statutory mandate that courts should impose a sentence "sufficient, but not greater than necessary, to ... provide just punishment...", 18 U.S.C. Section 3553 (a).

A sentence of 60 months is just punishment in this case for Jorge's actions.

Furthermore, such a lack of humanity and caring is not only not required by the sentencing guidelines, but, as discussed below; the guidelines allow this Court to take into account all these factors in fashioning an appropriate sentence. Indeed, the United States Supreme Court has recently stated:

“The goal of the Sentencing Guidelines is, of course, to reduce unjustified disparities and so reach towards the evenhandedness and neutrality that are the distinguishing marks of any principled system of justice. In this respect, the Guidelines provide uniformity, predictability, and a degree of detachment lacking in our earlier system. This too must be remembered, however. It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometime mitigate, sometimes magnify the crime and the punishment to ensue. We do not understand it to have been the congressional purpose to withdraw all sentencing discretion from the United States District Judge.”

Koon v. United States, 116 S.Ct., 2035, 2045 (1996)

Finally, as this Court is aware the federal sentencing guidelines have been rendered “advisory” given the current case law. However, this does not mean that the Court can totally ignore them. However, given the factors set forth above, Jorge would respectfully request that this Court sentence him to 60 months together with credit for time served. This would

be sufficient punishment and adequate deterrence for purposes of 18 U.S.C. Section 3553.

Jorge would also respectfully request that the Court recommend to the U.S. Bureau of Prisons that he serve the remainder of his sentence in a federal prison located in Southern Arizona in order to be close to his wife, children and family

Guamuchil, Sinaloa, January 5, 2007.

YORK HOTEL

TO WHOM IT MAY CONCERN:

BY WAY OF THIS LETTER PERMIT ME TO TELL YOU THAT MR. JORGE LUIS SANCHEZ SERRANO WAS EMPLOYED AT THIS BUSINESS IN THE RESTAURANT FOR 5 YEARS, HE WAS A RESPONSIBLE, SERIOUS AND COMMITTED EMPLOYEE AND FOR THESE REASONS WE ARE NOT INCONVENIENCED IN HIGHLY RECOMMENDING HIM.

WE EXTEND THE PRESENT BEFOREHAND FOR THE ATTENTION THAT MAY BE SERVED ON BEHALF OF JORGE LUIS SANCHEZ-SERRANO.

WE REMAIN,
VERY ATTENTIVE,
/s/
MOTEL YORK
LIC. ARNOLDO FAVELA
GENERAL MANAGER

International Highway KM 1528, Telephone nos. 732-57-77* 732-05-00

152 Guamuchil, Sinaloa. 81420 Hotel York@prodigy.net.mx

[Salvador](#) Alvarado
City Hall

Municipal Presidency
Municipal Public Security

RE: CERTIFICATE OF NO PRIOR
CONVICTIONS

TO WHOM IT MAY CONCERN:

The undersigned, Lic. Jesus Maria Montoya Perez, assistant director of Public Security and Municipal Traffic of Salvador, Alvarado, Sinaloa.

CERTIFIES

That Mr. Jorge Luis Sanchez Serrano , who is married, 38 years old, was unemployed, originally from Agua Caliente De Abajo, Sinaloa, whose address is Miguel Lerdo DeTejada # 82, Villa Benito Juarez, Salv. Alv. Sin., the bearer of the present pursuant to an investigation of the archives of this agency, no prior convictions in the police records and good government are found.

At the request of the interested party and for the finest legal attention that may conveyed, I extend the present in the City of Guamuchil, Salvador Alvarado, Sinaloa, Mexico, being the 20th day of the month of December of the year 2006.

Attentively.

Suffrage Effective, No Reelection

The Assistant Director of Public Security and Municipal Traffic

/s/

Lic. Jesus Maria Montoya-Perez

cc. archives

York@prodigy.net.mx

Salvador Alvarado
City Hall

Town of Benito Juarez Salvador Alvarado Sinaloa
3rd of January 2007.

TO WHOM IT MAY CONCERN:

The undersigned, Mr. Octavio Roman Lopez, Municipal Union of the Town of Villa Benito Juarez, belonging to the Municipality of Salvador Alvarado Sinaloa.

CERTIFIES AND BELIEVES TO BE

That Mr. Jorge Luis Sanchez Serrano , whose photograph appears in the margin of this document, origin Mexican, whose address is Melchor Ocampo Street # 53, Town of Benito Juarez Salvador Alvarado Sinaloa, is well known by the undersigned, and I have always observed him to be dedicated in his employment as a field worker, working on his father's land, Mr. Domingo Sanchez-Lopez, whose address is above-mentioned.

I extend the present this 3rd day of the month of January 2007, in the Municipality of the Town of Juarez, Salvador Alvarado, Sinaloa.

Attentively.
Suffrage Effective, No Reelection
Municipality
/s/
Octavio Roman Lopez

Town of Benito Juarez Municipality of Salvador Alvarado Sinaloa
3rd of January 2007.

TO WHOM IT MAY CONCERN:

The undersigned, Mr. Jesus Ramon Montoya Lopez, president of the Communal Underground Hot Waters, belonging to the Municipality of Salvador Alvarado of the State of Sinaloa.

CERTIFIES AND BELIEVES TO BE

That Mr. Jorge Luis Sanchez Serrano, whose photograph appears in the margin of this document, and whose permanent address is in this municipality is well known by the undersigned, and I have always observed him to be dedicated in his employment as a field worker, working on his father's land, Mr. Domingo Sanchez-Lopez, whose address is on Melchor Ocampo Street, Number 53 of this community.

/s/

Attentively.

Jesus Ramon Montoya-Lopez
President of the Communal Underground Hot Waters
Salv. Alv. Sin.

/s/