

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE № 23-CR-20036-MOORE

UNITED STATES OF AMERICA

Plaintiff,

vs.

DANIELA RENDON,

Defendant.

_____ /

UNOPPOSED MOTION FOR SENTENCE REDUCTION

DANIELA RENDON, (hereafter **Ms. RENDON**) by and through undersigned counsel, respectfully moves the Court for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) and Part B of Amendment 821 to the United States Sentencing Guidelines. In support of her motion, **Ms. RENDON** states as follows:

1. On April 25, 2023, **Ms. RENDON** pled guilty to one (1) count of wire fraud.
2. **Ms. RENDON's** calculated guideline range at the time of her sentencing hearing was forty-one (41) to fifty-one (51) months imprisonment, based on a total offense level of twenty-two (22), and a criminal history category I. [PSR, ¶ 89].
3. On August 17, 2023, the Court sentenced **Ms. RENDON** to forty-one (41) months incarceration. [ECF № 63].
4. Since **Ms. RENDON's** sentencing hearing, the United States Sentencing Commission issued Amendment 821 to the United States Sentencing Guidelines, which provides for a two (2) offense level reduction for certain offenders who present zero (0) criminal history points and satisfy the criteria listed in U.S.S.G. § 4C1.1(a).¹ The United

¹ Specifically, § 4C1.1 applies if: (1) the defendant did not receive any criminal

States Sentencing Commission made the provision retroactive beginning February 1, 2024. See U.S.S.G. § 1B1.10(e)(2) (Nov. 1, 2023); 88 Fed. Reg. 60534.

5. 18 U.S.C. § 3582(c)(2) provides this Court with the discretion to reduce a defendant's sentence if it was "based on a sentencing range that has subsequently been lowered by the Sentencing Commission." Before reducing a defendant's sentence, the Court must consider the factors set forth in section 3553(a) and determine whether a reduction is consistent with the applicable policy statements issued by the Sentencing Commission. *Id.*

6. **Ms. RENDON** is eligible for a two (2) level reduction to her offense level under Part B of Amendment 821 because she has zero (0) criminal history points and meets all the criteria under U.S.S.G. § 4C1.1(a). Such a reduction is also consistent with the policy statement in § 1B1.10, and with the 18 U.S.C. § 3553(a) factors in this case.

7. After applying the two (2) level reduction to **Ms. RENDON's** sentence, her amended guideline range is thirty-three (33) to forty-one (41) months based upon a total offense level of twenty (20). **Ms. RENDON** respectfully requests that the Court reduce her sentence to thirty-three (33) months.

history points from Chapter Four, Part A; (2) the defendant did not receive an adjustment under §3A1.4; (3) the defendant did not use violence or credible threats of violence in connection with the offense; (4) the offense did not result in death or serious bodily injury; (5) the instant offense of conviction is not a sex offense; (6) the defendant did not personally cause substantial financial hardship; (7) the defendant did not possess, receive, purchase, transport, transfer, sell, or otherwise dispose of a firearm or other dangerous weapon (or induce another participant to do so) in connection with the offense; (8) the instant offense of conviction is not covered by §2H1.1; (9) the defendant did not receive an adjustment under §3A1.1 or §3A1.5; and (10) the defendant did not receive an adjustment under §3B1.1 and was not engaged in a continuing criminal enterprise, as defined in 21 U.S.C. § 848.

8. Pursuant to Local Rule 88.9, undersigned counsel conferred with Assistant United States Attorney Jonathan Bailyn regarding the foregoing motion. Mr. Bailyn advised counsel that he has no objection to the Court granting the relief sought herein.

WHEREFORE, the Defendant, **DANIELA RENDON**, prays that this Honorable Court will reduce her sentence to thirty-three (33) months imprisonment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of April 2024, a true and correct copy of the foregoing Unopposed Motion for Sentence Reduction was furnished via the CM/ECF system to all parties designated to receive the electronic filings in this cause.

s/ Samuel J. Rabin, Jr.

SAMUEL J. RABIN, JR.