UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CECILIA NAVIL AQUINO,

Defendant.

Case No. 1:21-CR-00144-JLT-SKO

ORDER DENYING DEFENDANT'S MOTION FOR SENTENCE REDUCTION

(Doc. 46)

Cecilia Navil Aquino seeks a reduction in her sentence based upon the Amendments to the United States Sentencing Guidelines, by noting that she received two "status points" for being on probation at the time she committed the crime at issue. Though it is apparent that under the Amendments Ms. Aquino is entitled to a one-point reduction in her criminal history points, this reduction will not impact her criminal history category. Consequently, because the sentence imposed would not change, her motion is **DENIED**.

I. ANALYSIS

Ms. Aquino pleaded guilty to one count of mail fraud (18 U.S.C. § 1341) and one count of Aggravated Identity Theft (18 U.S.C. § 1028(a)(1). (Doc. 35) At the sentencing hearing, the Court determined Ms. Aquino had suffered numerous convictions, which resulted in her being assigned 15 criminal history points. *Id*. at 14. Because she was under a term of probation at the time she committed the offenses at issue, the Court added two additional points to the total as

indicated by former § 4A1.1(d) of the United States Sentencing Guidelines. *Id*. According to the Sentencing Table in USSG Chapter 5, Part A, these 17 criminal history points, placed her in a criminal history category VI. *Id*.

As noted by Ms. Aquino, § 4A1.1(e) of the United States Sentencing Guidelines has been amended to allow impose one added status point for those who commit their crimes while under supervision if the defendant has at least seven criminal history points by that time. As noted above, Ms. Aquino had 15 points before status points were added. A defendant is placed in Criminal History Category VI when the defendant has 13 or more criminal history points. Thus, even reducing her status points to a single point, she would still have 16 criminal history points, which continues her in criminal history category VI. Thus, because the Amendment to § 4A1.1€ has no impact on her sentence, Ms. Aquino's motion to reduce her sentence (Doc. 48) is **DENIED**.

IT IS SO ORDERED.

Dated: **June 7, 2024**

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE