

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JOSE GERALDO,

Defendant

Criminal Action No. 98cr391-02

FILED

APR 22 2008

MEMORANDUM OPINION

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

(April 22, 2008)

This matter is before the Court on Jose Geraldo's *Motion for Reconsideration of Unopposed Motion to Reduce Sentence* [#256]. Although the Court sentenced Mr. Geraldo to 140 months, which is within the amended guideline range of 121 months to 151 months, Defendant argues primarily that because it was unopposed by the government and the United States Probation Office, the Court should have sentenced the defendant to 130 months. By reducing the original 160 months sentence to 140 months, the defendant argues it is only "a partial reduction."

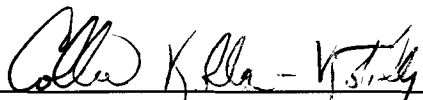
The Court is not required to follow the recommendation of government counsel and/or the probation officer, but is expected to impose a sentence sufficient, but not greater than necessary, to accomplish the objectives set out in 18 U.S.C. § 3553(a). The Court has reviewed the original presentence report, the Court's factual findings at the original sentencing, recognizing that the Sentencing Guidelines are now advisory and amended, the defendant's pleadings filed regarding an amended sentence, and the probation report with the institutional

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record. Based on this information, the Court has determined that a sentence of 140 months, which is within the amended advisory sentencing guideline, to be an appropriate and reasonable sentence pursuant to the objectives of 18 U.S.C. § 3553(a).

For the reasons set forth above, the Court will deny Defendant Jose Geraldo's *Motion for Reconsideration of Unopposed Motion to Reduce Sentence* [#256]. An appropriate order accompanies this memorandum opinion.

Date: April 22, 2008


COLLEEN KOLLAR-KOTELLY
United States District Judge