

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	
	:	
<b>v.</b>	:	<b>CRIMINAL ACTION</b>
	:	<b>NO. 14-482-1</b>
<b>ANGELICA LEONARE DELMORAL</b>	:	
	:	

**MEMORANDUM**

**SCHMEHL, J.**

**MAY 26, 2017**

Defendant pled guilty to six counts of making false statements to federal firearms licensees, in violation of 18 U.S.C. § 924(a)(1)(A) and agreed not to contest forfeiture of the 10 firearms acquired during these transactions. Based on the offense level and defendant’s criminal history category, the advisory federal Sentencing Guidelines recommended a sentencing range of 12-18 months. The government, however, took into account certain mitigating factors and recommended the Court impose a sentence of eight months imprisonment followed by three years of supervised release. The Court accepted the government’s recommendation and varied downward from the guideline range and imposed a sentence of eight months imprisonment to be followed by three years of supervised release. The Court also imposed a mandatory special assessment of \$600. Defendant has served her eight months of imprisonment and has completed approximately 19 months of her 36 months of supervised release. Presently before the Court is the defendant’s motion for early termination of supervised release pursuant to 18 U.S.C. § 3583(e)(1). For the reasons that follow, the motion is denied.

18 U.S.C. § 3583(e)(1) provides:

**(e) Modification of conditions or revocation.**--The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7) –

(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, **if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice[.]**

18 U.S.C. § 3583(e) (emphasis added.)

The applicable § 3553(a) factors are the nature and circumstances of the offense and the history and characteristics of the defendant; the need for the sentence imposed to protect the public from further crimes of the defendant and provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; the sentencing range established by the Sentencing Commission; any pertinent policy statement issued by the Sentencing Commission; the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and the need to provide restitution to any victims of the offense. 18 U.S.C. § 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6) & (a)(7).

The decision to modify the terms of or terminate supervised release is committed to the broad discretion of the sentencing court. *Cf. Gall v. United States*, 552 U.S. 38, 51-52(2007).

Defendant argues that the remaining 17 months of her supervised release should be terminated because following her release from prison, she has found full-time employment, successfully completed drug and alcohol treatment as well as mental health treatment. She also points out that she has timely paid the \$600 special assessment in full and is currently on low-moderate supervision.

The Court is pleased to learn that since her release from prison, defendant has found full-time employment, successfully completed drug and alcohol treatment as well as mental health treatment and has also paid her \$600 special assessment in full. However, the Court views these accomplishments as the natural result of complying with the terms of supervised release as all former inmates are supposed to do. If simple compliance were sufficient for early termination of supervised release, “every defendant who avoided revocation would be eligible for early

termination.” *United States v. Lohman*, No. Crim. A. 02-219, 2007 WL 1430282, at \*1 (E.D. Wisc. May 15, 2007); See also *United States v. Medina*, 17 F. Supp. 2d 245, 247 (S.D.N.Y. 1998) (“While [the defendant’s] post-incarceration conduct is apparently unblemished, this alone cannot be sufficient reason to terminate the supervised release since, if it were, the exception would swallow the rule.”)

Defendant only has 17 more months until she finishes her term of supervised release. She does not argue that the terms of her supervised release are onerous for her, other than to state that she “eventually” wishes to relocate to New York to be closer to her family. If defendant wants to move to New York in the near future to be closer to her family, her supervision can simply be transferred to the appropriate district in New York. Based on its familiarity with this case, the Court agrees with the government, that contrary to being onerous, defendant’s structured period of supervised release has actually contributed to defendant’s success in becoming a productive and law-abiding citizen.

Defendant also argues that from a cost containment standpoint, it makes more sense to terminate her supervised release at this time so that the United States Probation Office’s resources can be allotted to monitor more complex and serious offenders. The Court is also not concerned about the costs involved in keeping defendant on supervised release for another 17 months.

Despite defendant’s compliance with the terms of her supervised release so far, there are simply no compelling interests of justice that would suggest that the remaining 17 months should be terminated. Defendant pled guilty to a serious crime. She straw purchased 10 handguns for others to sell on the black market in New York. Considering all of the goals of sentencing - particularly, appropriate punishment, deterrence, protection of the public interest, and the need to provide the defendant with appropriate supervision in her life as a law-abiding citizen - the Court concludes that early termination of defendant’s supervised release is not warranted.

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ORDER

**AND NOW**, this 26<sup>th</sup> day of May, 2017, it is hereby **ORDERED** that the defendant's motion for early termination of supervised release [Doc. 33] is **DENIED**.

**BY THE COURT:**

s/s JEFFREY L. SCHMEHL  
**JEFFREY L. SCHMEHL, J.**