



Unlike the vast majority of Mexican immigrants who appear before this Honorable Court, Daniela was not raised in abject poverty. Daniela enjoyed a stable middle class lifestyle in Mexico surrounded by a loving, educated, law abiding family. In Daniela's household, education was important as witnessed by the fact that her three siblings are attorneys in Mexico.

When she was 19, Daniela married Joaquin Jaleasco, in Mexico and was blessed with the birth of two of her children, Dany who is 12 and Sharon who is 11. When Daniela moved to the United States, she had one child, Jaime Coaquin who is 6, from a relationship with Francisco Coaquin.

When Daniela arrived in the United States approximately 10 years ago, she worked at low paying jobs like restaurants and hotels which required physical labor. Like so many million Mexicans residing in the United States, Daniela lived in the shadows. She was paid in cash and did her best to make ends meet to provide for her children.

What separates Daniela from other Mexicans is that she rose above menial jobs and in November of 2010 began working at El Gran Radio Station in Orlando. At El Gran Radio, Daniela oversaw marketing and assisted in sales. It was a job that Daniela loved and she thrived in the competitive environment that existed there.

Unfortunately, Daniela only earned between \$20,000 and \$26,000 per year which was not enough to support herself and three young children.

### *III. Reymundo Ankean*

Most people are unable to know with precision the absolute low point of their lives. The low point of Daniela's life was the moment she met *el don nadie*, Reymundo Ankean.

While not "king of the world," Ankean was "king" of a large scale drug conspiracy that distributed cocaine throughout the metro east. Ankean was primarily a distributor of cocaine, but when the cartel in Sinaloa Mexico shipped a large supply of crystal methamphetamine instead of cocaine, Ankean had no problem using his extensive drug connections to distribute the crystal methamphetamine.

Ankean was the leader of this drug conspiracy. Ankean directed his minions to collect money. Ankean directed his minions to distribute drugs. Ankean paid his minions when his drugs were distributed. Ankean paid his minions when money was collected. Not one gram of drugs were distributed or one penny collected without Ankean directing that it be done.

The cowardice of drug distributors like *el don nadie* is how they use people, even those who they supposedly love. In April of 2015, during a recorded conversation, Ankean was going to use his own daughter to collect a drug debt, which is about as low as any drug dealer can go. Ankean cleverly thought that he could use people like Daniela to collect his drug debts and distribute his drugs so that he could have plausible deniability. Ankean constructed a Chinese wall so that he could control his drug operation while not getting his hands dirty. If Daniela or another minion were arrested for distributing his drugs or collecting his money, Ankean could pretend that he had nothing to do with these criminal acts.

#### *IV. Daniela's Role*

Because of their relationship, one might assume that Daniela and Ankean were partners or a modern day "Bonnie & Clyde." Nothing could be further from the truth. Ankean was in complete charge of his drug conspiracy and Daniela did what she was told to do.

At Ankean's direction, Daniela delivered methamphetamine to and collected payment from Ankean's drug distributors. Ankean paid Daniela to do this.

Towards the end of the summer in 2013, the investigation into Ankean's drug operation was picking up steam. Numerous confidential buys and overhears between Ankean and his conspirators were successfully conducted.

On January 8, 2014, Daniela had an opportunity to rid herself of Ankean. She was approached by law enforcement and truthfully told them everything she knew about Ankean's drug operation. She admitted the crimes that she had committed.

The tragedy of this case is that on January 8, 2014, instead of running as fast as she could from this snake, Daniela stayed. She was in love with Ankean. Ankean used this love and the payments of cash to Daniela to continue controlling her.

Daniela continued to follow Ankean's directions, which culminated in the collection of Ankean's drug proceeds on April 1, 2015. Ankean had originally intended to use his daughter to collect the drug proceeds but ultimately decided to use Daniela. Ankean called Daniela and asked her to drive to Carbondale, Illinois, to meet someone who owed him money. Daniela drove to Carbondale and met a male, who gave her \$3,000. Ankean instructed the Daniela to keep some of the money for herself to pay bills and to give the rest to his daughter. Daniela kept \$800 for herself and gave the rest to Ankean's daughter, who in turn wired \$1,000 to him.

#### *V. 3553 Factors*

Now that the Guidelines have become advisory, criminal defense attorneys tend to request outlandish variances. Hopefully, a sentence allowing Daniela to be deported immediately after her sentencing will not be viewed as "outlandish."

The recommendations made herein are done with the assumption that a Motion pursuant to 5K1.1 will be filed by the Government, which will allow for a non-Guideline sentence.

As the mandate of the draconian Guidelines has ebbed, the imposition of well thought out sentences based on 3553 (a) factors and who the individual is has flowed.

#### *A. Nature of the Offense*

3553 directs this Honorable Court to impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2), which will be discussed below.

Almost immediately one jumps to paragraph (2) and bypasses paragraph (1) which requires this Honorable Court to take look at the nature and circumstances of the offense and the history and characteristics of the defendant.

The nature of this crime is simple. All drugs are poison. Drug dealers peddle their poison and oftentimes exacerbate an addict's condition. For purposes of the nature of the

offense, Daniela was no different than anyone else involved in the illegal distribution of drugs.

*B. Circumstances of the Offense*

While the nature of the offense is bad, the circumstances surrounding the offense are a little different, and in Daniela's case tend to lessen what the nature of the crime is.

Daniela thought she was in love with Ankean. Foolishly, Daniela thought that Ankean loved her and would tell the truth about her role in the offense as soon as he was arrested. She could have and should have stopped helping Ankean, but was paralyzed from doing so. The money that Ankean gave to Daniela was used to provide for her children. The faux love he exhibited kept Daniela in Ankean's life.

*C. History & Characteristics of Daniela*

Notwithstanding this crime, Daniela is a good person. She is a loving mother who has been separated from her children since being incarcerated nearly a year ago. Because her children reside with her mother in Mexico, Daniela has not been able to physically see them since she was incarcerated nearly a year ago.

Daniela has no criminal record whatsoever. She is a hardworking person whose misfortune was meeting Ankean and allowing him to manipulate her.

*D. 3553(a)(2)*

Section 3553(a)(2) of Title 18 requires the Sentencing Court, in determining the particular sentence to be imposed, to consider—

“(2) the need for the sentence imposed—

(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

(B) to afford adequate deterrence to criminal conduct;

(C) to protect the public from further crimes of the defendant; and

(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;”

Like so much in Section 3553, subsection (a)(2)(A) seems to require some sort of a balancing by this Honorable Court which must weigh the seriousness of the offense

with promoting respect for the law. Any sentence of incarceration for Daniela reflects the seriousness of the offense.

Similarly, any sentence of incarceration will ensure that Daniela respects the law. In reality, while her actions in this case belie someone who respects the law, Daniela does respect the law. She was raised in a family where her parents stressed the importance of following rules. All of her siblings are attorneys. So, any sentence this Honorable Court imposes will have respect for the law as a major component.

Just punishment has a different meaning for every Defendant who appears before this Honorable Court. For leaders and organizers like Ankean who are willing to use their own children to peddle their poison, just punishment means a long prison sentence.

For individuals like Daniela, hopefully this Honorable Court will understand that to a large degree she has already been punished. Daniela is a good and loving mother. Because of her actions, Daniela has not seen her children, who reside with her mother in Mexico, for nearly a year. Because of her actions, Daniela will in all likelihood be deported and not allowed to return to the United States.

The other subsections of 3553(a) do not apply regarding deterrence and protecting the public from future crimes by Daniela because she has never been in trouble, will in all likelihood be deported and was controlled and manipulated by Ankean.

*E. 3553(a)(6)*

3553(a)(6) appears to be a quagmire for illegal aliens like Daniela. The sentencing court is directed to ensure that its sentence should avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.

Suppose that this Honorable Court determines that a reduction from 37 months to 30 months is appropriate. Well, if Daniela were American she would receive the benefits a reduction in her sentence for successfully completing the 500 hour RDAP program. That could reduce the 30 month sentence to sentence 18 months for an American. There would be no reduction for an illegal alien like Daniela because the Bureau of Prisons does not allow non-citizens to participate in these type of programs. Likewise, Daniela will not be placed in a minimum security prison or camp due to her status as a non-

American. She will not be eligible to serve any of her sentence in a halfway house like an American. All of this seems to defeat the purpose of 3553 (a)(6).

The undersigned has learned the “hard way” that no two criminal defendants are equally situated and that the idea of “similar conduct” is fiction. Here, Daniela’s cooperation and characteristics take her out of the “norm” for purposes of 3553 (a)(6) and warrant a creative sentence.

Which begs the question as to what is a “creative” sentence? Hopefully, this Honorable Court will depart downward so that Daniela can be deported and reunited with her children.

Under the Advisory Guidelines, the *best* sentence Daniela can hope for is 37 months. Since it would be a Zone D sentence, Daniela would have to be incarcerated for at best 31 months, which is 85% of 37 months.

While the Guidelines are advisory, they are nevertheless informative regarding the types of sentences available. Section 5C1.1 of the U.S. Sentencing Guidelines discusses the various sentences available in the Zones that comprise the Sentencing Table:

“§5C1.1. Imposition of a Term of Imprisonment

- (a) A sentence conforms with the guidelines for imprisonment if it is within the minimum and maximum terms of the applicable guideline range.
- (b) If the applicable guideline range is in Zone A of the Sentencing Table, a sentence of imprisonment is not required, unless the applicable guideline in Chapter Two expressly requires such a term.
- (c) If the applicable guideline range is in Zone B of the Sentencing Table, the minimum term may be satisfied by --
  - (1) a sentence of imprisonment; or
  - (2) a sentence of imprisonment that includes a term of supervised release with a condition that substitutes community confinement or home detention according to the schedule in subsection (e), provided that at least one month is satisfied by imprisonment; or
  - (3) a sentence of probation that includes a condition or combination of conditions that substitute intermittent confinement, community confinement, or home detention for imprisonment according to the schedule in subsection (e).

(d) If the applicable guideline range is in Zone C of the Sentencing Table, the minimum term may be satisfied by --

(1) a sentence of imprisonment; or

(2) a sentence of imprisonment that includes a term of supervised release with a condition that substitutes community confinement or home detention according to the schedule in subsection (e), provided that at least one-half of the minimum term is satisfied by imprisonment.

(e) Schedule of Substitute Punishments:

(1) One day of intermittent confinement in prison or jail for one day of imprisonment (each 24 hours of confinement is credited as one day of intermittent confinement, provided, however, that one day shall be credited for any calendar day during which the defendant is employed in the community and confined during all remaining hours);

(2) One day of community confinement (residence in a community treatment center, halfway house, or similar residential facility) for one day of imprisonment;

(3) One day of home detention for one day of imprisonment.

(f) If the applicable guideline range is in Zone D of the Sentencing Table, the minimum term shall be satisfied by a sentence of imprisonment.”

The Application Notes to Section 5C1.1 indicate that even in cases where probation is not possible, under Zone A, a sentence can be served by probation and Zone B sentences can be served by a combination of probation and home confinement. That is because when a Defendant is “booked” after their initial appearance, that counts as one day of incarceration. So, even though probation is being given for a non-probationable felony, the reality is that the sentence would be one day of confinement plus whatever probationary period is imposed.

Zone C sentences require that at least one-half of the sentence imposed be served by incarceration.

Presently, Daniela’s Advisory Guideline sentence commences at 37 months before a 5K1.1 motion is filed. As such, a Zone A or B sentence is not realistic. Hopefully, a

Zone C sentence can be imposed whereby Daniela receives time served plus some sort of period of supervised release.

#### *VI. Conclusion*

The preamble to 18 U.S.C. 3553(a)(1) is a good place to end. It mandates that the court “shall impose a sentence sufficient, ***but not greater than necessary***, to comply with the purposes set forth in paragraph (2) of this subsection.”

There is no doubt whatsoever that Daniela’s actions warranted incarceration. The hope though is that the period of incarceration reflects not only who Daniela is, but her role in the crime.

Each second Daniela is incarcerated is a second she is not with her children. Each minute Daniela is incarcerated she knows the full impact of her actions. Each hour Daniela is incarcerated, she realizes that she was used by Ankean.

A sentence which allows Daniela to be released from prison as soon as possible is sufficient and not greater than necessary to comply with all aspects of Sentencing.

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