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Attorneys for Defendant **BEATA GIZELLA PRIORE**

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,) No. SA CR 08-180-DOC
)
) SENTENCING MEMORANDUM
Plaintiff,)
)
v.)
)
)
BEATA GIZELLA PRIORE,)
)
) DATE: April 28, 2014
Defendant.) TIME: 1:30 p.m.
)
) CTM: Hon. Judge Carter

Defendant Beata Gizella Priore, by and through her attorney of record, Edward M. Robinson hereby submits her position with respect to the findings in the probation office's recommendation letter to the Court (Doc 228) in the Presentence Report ("PSR") Doc 229.

DATED: April 14, 2014 LAW OFFICE OF EDWARD M. ROBINSON

/s/ EDWARD M. ROBINSON
EDWARD M. ROBINSON
Attorney for Defendant
BEATA GIZELLA PRIORE

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INTRODUCTION

Appearing before this Court is a 67 year old woman for whom the probation office has recommended a three (3) year term of probation with no incarceration and conditions to include 9 months of home detention. On behalf of Ms. Priore, counsel joins in that recommendation for the reasons set forth in the letter from probation to the Court as well as paragraphs 111 and 112 of the PSR. (Doc 228, 229)

OFFENSE CONDUCT

Ms. Prior has no objections to the Offense Conduct section of the PSR set forth in paragraphs 9 through 38.

UNITED STATES SENTENCING GUIDELINES -

18 U.S.C. §3553(a) ANALYSIS

Ms. Priore has no objection to the Offense Level computation set forth in paragraph 42 through 60 of the PSR and has no objection to the Criminal History calculation set for in paragraphs 62 through 70 of PSR.

Ms. Priore joins in the probation office's analysis of the overstated loss calculation as referenced in paragraph 111. As such, Ms. Prior has no objection to an Advisory Guideline Calculation rendering a Total Offense Level of 19, Criminal History Category I, resulting in an advisory sentencing range of 37 months.

The 'Booker' variance recommended by the probation office and joined by Ms. Priore is set forth in paragraphs 111 and 112 of the PSR as well as in the "Justification" section of the letter to this Court from the probation office.

1 Counsel reserves the right to address at sentencing his
2 observations concerning Ms. Priore's mental health. These
3 observations corroborate the mitigating information set
4 forth in the PSR and the probation office's recommendation
5 letter and are mitigating factors under the History and
6 Characteristics as to Ms. Priore as well Congress passing 18
7 U.S.C. §3553(a) requiring courts to consider imposing a
8 sentence that promotes the purposes of sentencing.

9 **CONCLUSION**

10 For the reasons set for the in the probation office's
11 recommendation letter to the Court and PSR, it's
12 recommendation of home confinement, as viewed against the
13 backdrop of who Ms. Priore is and the sentence imposed on
14 Mr. Onciu, it is reasonable and "not greater than necessary"
15 to promote the factors for sentencing as set forth in 18
16 U.S.C. §3553(a) et. sec.

17 DATED: April 14, 2014

LAW OFFICE OF EDWARD M. ROBINSON

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/s/ EDWARD M. ROBINSON

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EDWARD M. ROBINSON

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Attorney for Defendant

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BEATA GIZELLA PRIORE

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