

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 19-20351-CR-ALTONAGA

UNITED STATES OF AMERICA,

Plaintiff,

v.

**LUIS ALBERTO CHACIN HADDAD
and JESUS RAMON VEROES,**

Defendants.

ORDER ON RULE 35 MOTION

THIS CAUSE came before the Court on the Government’s Amended Rule 35 Motion and Memorandum for Sentence Reduction [ECF No. 147], and Memorandum in Support [ECF No. 148], both filed on August 31, 2020. In the Motion, the Government requests the Court reduce Defendants’ respective (and identical) sentences from 51 months to 30 months — a 40 percent reduction for each Defendant in recognition of their cooperation. (*See* Mot. 1–2; Mem. 2). Defendants are serving their sentences at the D. Ray James Correctional Facility in Georgia; Defendant Jesus Ramon Veroes (“Veroes”) tested positive for COVID-19 in July 2020 and has since recovered. (*See* Mot. 2).

In his Response [ECF No. 151], filed on September 8, 2020, Defendant Louis Alberto Chacin Haddad (“Haddad”) engages in mathematical calculations — and assumptions regarding good time and Haddad’s continuing good behavior in custody — that lead him to conclude granting the Government’s Motion will result in Haddad having to serve an additional 15.7 months in custody. (*See id.* 2). Haddad then touches upon the risks he faces due to COVID-19 and a medical history of Hepatitis B; as well as the fact a 15.7-month sentence falls within Zone C of the Sentencing Guidelines, meaning such a sentence would qualify for supervision under home confinement. (*See id.* 3). He concludes by urging the Court to further reduce his sentence from

the 40 percent requested by the Government to a sentence of 15.7 months of supervised release, with six months of that time served on home confinement. (*See id.* 4). In its Reply [ECF No. 165], the Government states the requested 40 percent reduction adequately accounts for the substantial assistance Haddad provided. (*See id.* 2).

In his Response [ECF No. 162] to the Government's Motion, Veroes calculates if the Court were to grant the 40 percent reduction, his sentence would be 30.6 months. (*See id.* 2). Veroes, like his co-Defendant, engages in mathematical calculations and assumptions that applying time-served and factoring good time credit, a 40 percent sentence reduction would mean Veroes would have to serve an additional 14 to 15 months of imprisonment, a sentence falling within Zone C of the Sentencing Guidelines. (*See id.*). Like Haddad, Veroes relies on COVID-19 and his "fragile health condition resulting from COVID-19 infection" to request a sentence of 15 months of supervised release with 6 months served on home confinement. (*Id.*). Finally, he states "[t]he increased evidence of the so-called COVID 'long-haulers' highlights the ongoing problems that Veroes will likely suffer even as he may emerge from the most serious, acute and life-threatening stages of the COVID infection." (*Id.* 4 (alteration added)). In its Reply [ECF No. 169], the Government repeats its position that the requested reduction adequately rewards Veroes for the substantial assistance he provided. (*See id.* 3).

The Court has carefully reviewed the parties' written submissions, the record, and applicable law. "[T]he only factor that may militate *in favor* of a Rule 35(b) reduction is the defendant's substantial assistance." *United States v. Manella*, 86 F.3d 201, 204 (11th Cir. 1996) (alteration added; emphasis in original). Conversely, "[n]othing in the text of [Rule 35(b)] purports to limit what factors may militate *against* granting a Rule 35(b) reduction." *Id.* (alterations added; emphasis in original).

The Court's original 51-month sentences were below Defendants' advisory guidelines range of 108 to 135 months, as well as the 60-month maximum sentences authorized under 18

U.S.C. section 371. (*See* Presentence Investigation Report [ECF No. 63] 25; Presentence Investigation Report [ECF No. 64] 24). Defendants' cooperation prior to and after sentencing consisted of: waiving their right to be charged by grand jury; meeting with law enforcement agents on several occasions to provide detailed information regarding how bribe payments were made, how money was laundered, and the individuals involved; and providing bank records and correspondence that substantially assisted in the indictment of two other individuals. (*See* Mem. 1-2). Such cooperation is appropriately rewarded by a 40 percent reduction, which equates to 30-month reductions of Defendants' already below-Guidelines sentences. The COVID-19 pandemic and the increased risk posed to inmates with health conditions serving sentences in Bureau of Prisons facilities — including Haddad who contracted the virus and recovered — are not factors the Court considers in assessing the propriety and extent of sentence reductions under Rule 35.

After careful consideration of the nature and extent of Defendants' cooperation, as well as other relevant factors in 18 U.S.C. section 3553(a), *see United States v. Dobson*, 315 F. App'x 192, 195 (11th Cir. 2008); *United States v. McMahan*, 872 F.3d 717 (5th Cir. 2017), it is

ORDERED AND ADJUDGED that the Government's Amended Rule 35 Motion and Memorandum for Sentence Reduction [**ECF No. 147**] is **GRANTED**.

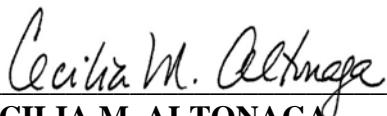
The Judgment in a Criminal Case as to Luis Alberto Chacin Haddad [ECF No. 82], entered on September 26, 2019, is **AMENDED** as follows: "The Defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **30 months**. All other provisions of the Judgment in a Criminal Case entered on September 26, 2019 remain in full force and effect."

The Judgment in a Criminal Case as to Jesus Ramon Veroes [ECF No. 93], entered on October 29, 2019, is **AMENDED** as follows: "The Defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **30 months**. All other

provisions of the Judgment in a Criminal Case entered on October 29, 2019 remain in full force and effect."

This Order shall not be filed under seal.

DONE AND ORDERED in Miami, Florida, this 13th day of October, 2020.


CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record;
U.S. Marshal