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FOR PUBLICATION

**IN THE SUPERIOR COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

COMMONWEALTH OF THE NORTHERN)
MARIANA ISLANDS,)
)
Plaintiff,)
)
v.)
)
JOSEPH AGUON VILLAGOMEZ,)
)
)
Defendant.)
_____)

CRIMINAL CASE NO. 02-0121(T)

**ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION
OF SENTENCE**

This matter came on for hearing on February 13, 2004 on Tinian, pursuant to Defendant's Motion for Reconsideration of Sentence. The Government was represented by Grant D. Sanders, Assistant Attorney General. The Defendant was represented by Charlotte Tenorio, Assistant Public Defender.

Defendant's basis for his motion is an alleged family hardship that he and his family are experiencing as a result of his incarceration. The Government has filed its written opposition to Defendant's motion, emphasizing the fact that Defendant's sentence was the result of a plea agreement whereby Defendant knowingly and voluntarily agreed to it.

The Court's authority to reduce a sentence is pursuant to 6 CMC § 4114 and Com. R. Crim. P. 35(b). Although a factor that the Court may consider for reducing a sentence is increased family hardship, a prison sentence is hardly ever without the consequences of hardship to the Defendant and to family members as well.

This Court has recently expressed the harsh sentence that convicted sexual offenders of children

1 will receive absent significant mitigating circumstances. The Court has no control over the charges that
2 the Government will impose on a Defendant where, as here, the charges were reduced to Assault and
3 Battery, a misdemeanor. Defendant should consider himself fortunate that he is not serving a five (5)
4 year sentence, which he very well could have received in this Court if the original charges were not
5 reduced and he was convicted of the former charge.

6 The hardships that result to a convicted criminal's family as a consequence of his or her
7 incarceration are the natural and foreseeable result of the criminal's behavior, and whatever burden may
8 result to Defendant's family is solely the product of Defendant's criminal conduct. In this case, the
9 term of incarceration was also *agreed upon* by Defendant via a plea agreement, in exchange for the
10 dismissal of additional charges raised by the Prosecution. For these reasons, it would be contradictory
11 to the nature and purpose of criminal sanctions, as well as to the notion of bargained-for exchange
12 inherent to plea-bargaining, for this Court to grant the Defendant's request. Moreover, the Court
13 reaffirms its position that, when it comes to cases involving the sexual abuse of minors, it is all the more
14 important that convicted persons fully realize the consequences of their actions.

15 For good cause, Defendant's Motion is hereby **DENIED**.

16
17 **SO ORDERED** this 25th day of February 2004.

18
19 /s/ _____
20 DAVID A. WISEMAN, Associate Judge