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**For Publication**

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

**COMMONWEALTH OF THE NORTHERN  
MARIANA ISLANDS,** )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
**LARRY BANAL AGUILAR, a.k.a. “Mike”** )  
**d.o.b. 07/13/65,** )  
 )  
Defendant. )  
\_\_\_\_\_ )

**CRIMINAL CASE NO. 03-0252C**

**SENTENCE AND  
COMMITMENT ORDER**

THIS MATTER came before the Court for a Sentencing Hearing on November 9, 2004, at 10:00 a.m. in courtroom 220A of the Guma’ Hustisia/Imwal Aweewe on Saipan.<sup>1</sup> The Commonwealth of the Northern Mariana Islands was represented by Chief Prosecutor David W. Hutton. Defendant Larry Banal Aguilar (“Defendant”) appeared in custody with his counsel, Chief Public Defender Masood Karimipour.

On January 7, 2004, Defendant entered a guilty plea pursuant to a Plea Agreement and this Court found him guilty of **First Degree Murder**, as charged in **Count I** of the Information, in violation of 6 CMC § 1101(a)(1). The Court finds that for the crime of **First Degree Murder**, Defendant is subject, under 6 CMC § 1101(c)(1) and 6 CMC § 4101(a), to a sentence of a minimum mandatory term of ten years imprisonment and a maximum of life imprisonment; and to a minimum of no fine to a maximum of \$10,000.

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<sup>1</sup> The sentencing hearing was originally scheduled for April 7, 2004, but was continued several times pursuant to the parties’ stipulation or by the Court.

1 DEFENDANT’S RIGHT OF ALLOCUTION

2 Defendant, when given the opportunity to address the Court and speak on his own behalf  
3 before the imposition of sentence, stated that he was sorry for what he did, that he regrets what he  
4 did, and asks for forgiveness from Lenor’s family, especially her young daughter. Defendant wishes  
5 he could be given a chance to go back in time so that he could change things. However, because he  
6 knows he cannot change what happened in this case, he stated that he will never forgive himself.

7 SENTENCE

8  
9 In this domestic violence case, Defendant killed his former girlfriend, Ms. Lenor Salunga  
10 Miranda, last July 14, 2003, in a brutal way. The facts show that on the night of July 14, the  
11 Defendant and the victim were in the process of moving the victim into a new apartment. In the  
12 early evening hours, Defendant consumed alcohol with his two male neighbors and ate the “chaser”  
13 that the victim prepared. By the late night hours, Defendant and the victim got into a serious fight,  
14 with Defendant shooting Lenor on the head with an air pistol, chopping her wrist with a machete,  
15 and cutting her throughout her body. The victim’s sister managed to intervene and stop Defendant  
16 as he continued punching the victim, even after inflicting the shot to her head and cutting her wrist.  
17 Defendant fled the scene before the police officers arrived.

18  
19 The responding police officer later described the victim’s wrist as appearing “to have almost  
20 been cut off.” The victim managed to survive her attack long enough to identify her attacker to her  
21 sister and the responding police officers. The victim’s young, six-year-old daughter informed the  
22 police about what she saw Defendant do to her mother; she saw him hit mom with the gun that had  
23 a brown handle, mom screaming, mom hurt, and mom bleeding on the hand, on the shoulder, and  
24 on her back. The victim, only 38 years old, died the next morning due to her multiple wounds and  
25 loss of blood. The autopsy report corroborated the infliction of injuries; the forensic pathologist  
26 found that the victim sustained “*near amputation of the left wrist; cutting wounds of scalp, left*  
27  
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1 *shoulder, left scapular area, and right hand; cutting wound of the left earlobe; and airgun pellet*  
2 *wound, left[on her] temple.”* In essence, Defendant Aguilar butchered her.

3  
4 This case has had a resounding effect on the entire Commonwealth community. The  
5 manager of the victims’ shelter, Guma’ Esperanza, reported an increase in the number of women  
6 seeking shelter because they were threatened the same fate as Lenor by their partners. Since this  
7 murder occurred, I have in my judicial capacity had at least three different occasions to have seen  
8 domestic violence reports submitted to the Court in which the complaining victim reported that their  
9 abuser threatened to kill them just like the Filipina lady that was cut up by her boyfriend. This case  
10 is not, and should not, be held as an example for other abusers of how to treat their domestic  
11 partners. In fact, it is they, the abusers, that should fear the consequences of any similar act.

12  
13 A major aggravating point in this case against Defendant is the fact that when he inflicted  
14 all these injuries on the victim, Lenor, he did so in front of her young, innocent daughter. He  
15 traumatized not only Lenor, but also Lenor’s young daughter.

16  
17 Having reviewed the Pre-sentence Investigation Report, the Court recognizes and considers  
18 Defendant’s family as well as his individual character, as known by his friends. Defendant is a  
19 married man with two daughters who are now adults, ages 18 and 19. In addition, Defendant has  
20 expressed his remorse and sincere apology to the victim, the victim’s family, the Court, and the  
21 entire community, and accepts full responsibility for his action. Defendant acknowledges that what  
22 he did was wrong. The Court accepts the Defendant’s sincere statements as an indication of his  
23 efforts toward rehabilitation.

24  
25 This Court further notes that Defendant Aguilar does not have an extensive criminal history.  
26 Nevertheless, there is evidence that Defendant made numerous prior threats to the victim in this  
27 case, as reported by the victim’s sister, Marie Fe. In fact, when Defendant inflicted all the pain on  
28 Lenor and Lenor’s family, and when he ultimately took Lenor’s life, he not only destroyed Lenor’s

1 family, but also his own, because he now must face the consequences. Just as Lenor's children,  
2 siblings, and parents cannot feel her intimate love or receive her financial support, so too will the  
3 Defendant's own family.

4  
5 The Defense argues that a sentence to twenty years imprisonment with the possibility of  
6 parole is adequate punishment for Defendant. If this Court agreed, Defendant may be eligible and  
7 be released in a little more than six years. Given the nature of the crime of this case, the manner in  
8 which the victim suffered at the hands of Defendant, and the message such a sentence would send  
9 to the community, this Court disagrees. The Court is aware that no punishment can be imposed  
10 against Defendant that could bring Lenor Miranda back to life. Therefore, the sentence imposed in  
11 this case can only seek to ensure that Defendant clearly understands the seriousness of his offense,  
12 to deter him from committing any future crimes, and to deter others from committing the same  
13 heinous offense.  
14

15 This Court finds that the facts of this case comprise the epitome of the most feared domestic  
16 violence case. Here, there has been a killing of a loved one by someone who claimed to love her.  
17 Lenor's death was a result of a continued beating in various forms: shooting to the head, cutting of  
18 her body, and punching. There is also a history of physical abuse between Defendant and Lenor,  
19 and a history of Defendant's prior domestic violence report made by his former girlfriend. And what  
20 is Defendant's reason for taking Lenor's life away? Because, as he told his arresting officer, "no  
21 one else could have her."  
22

23 By taking away his freedom to be a part of this community, this Court intends to send a  
24 strong message to other abusers in this community: **Enough**. If there are other couples who have  
25 a history of domestic violence, I urge each of them to jointly seek help while it's still not too late.  
26 To the abusers, get the counselling you need to deal with your problems in the relationship.  
27 Otherwise, you too will end up in the same situation as Defendant in this case.  
28

1           Whereas this Court has, on prior criminal cases, decided not to invoke its power to restrict  
2 the defendant from being granted parole by the Board of Parole, this Court finds that this is a case  
3 that warrants the invocation of such power. To the extent that this Court can do so, the Court will  
4 not allow this Defendant another opportunity to even threaten to take away another human being's  
5 life. This way, the surviving family members of Lenor Miranda will not have to re-live the  
6 nightmare they witnessed on July 14, 2003, at any Board of Parole hearing.

8           Also, let this jail sentence deter other people from committing this heinous and serious crime  
9 of murder in the first degree. Why? Because the injuries Defendant inflicted is not limited to the  
10 victim who died, Ms. Lenor Miranda, but extends to Lenor's children and other family members,  
11 especially the poor young girl who witnessed her mother's attack. Lenor's youngest child will still  
12 have to live her young life without her natural mother. Hopefully, this young child will know that  
13 her mother's murderer has been imprisoned for what he did to her. And hopefully, she will live her  
14 own life peacefully.

16           This Court has a role in ensuring that justice is done. The Commonwealth Constitution  
17 provides that "[t]he right of the people to be secure in their persons, houses, and belongings against  
18 crime shall be recognized at sentencing." N.M.I. Const. art I, §11. The Commonwealth Legislature  
19 has provided the severest form of punishment in our criminal justice system for the crime that  
20 Defendant has committed: life imprisonment. Because of Defendant's negotiated plea agreement,  
21 which this Court accepted to be bound to, Defendant faces a minimum sentence of twenty years, and  
22 a maximum of fifty years, rather than life imprisonment. In view of the foregoing facts, this Court  
23 hereby sentences Defendant Larry Banal Aguilar as follows:  
24

- 26           1.       For **Count I, First Degree Murder**, in violation of 6 CMC § 1101(a)(1), Defendant  
27 shall be imprisoned for a term of **fifty (50) years**, with credit for time served since  
28 his arrest on July 16, 2003. Defendant shall serve his sentence without the  
possibility of parole pursuant to 6 CMC § 4254, as amended by Public Law 12-41  
§ 7.

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The Defendant is further ordered to perform the following terms and conditions:

1. The Defendant shall write a letter of apology to the family of the victim in this case, Ms. Lenor S. Miranda, and submit the original to the Court with a copy to the Office of the Attorney General within thirty days. The Attorney General's Office shall transmit a copy of the letter to Lenor's family and to Defendant's counsel.
2. The Defendant shall pay a fine of \$5,000.
3. The Defendant shall pay the \$100 court assessment fee within 30 days of his sentence pursuant to Public Law 11-105.

Because there is some discrepancy in the reported possible restitution amount, this Court hereby sets a restitution hearing for **January 19, 2005, at 9 a.m.**

IT IS SO ORDERED this 9th day of November 2004.

/s/  
RAMONA V. MANGLONA, Associate Judge