

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FOR PUBLICATION**

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

**COMMONWEALTH OF THE NORTHERN  
MARIANA ISLANDS,** )  
)  
Plaintiff, )  
)  
v. )  
)  
**LARRY B. AGUILAR,** )  
)  
Defendants. )  
\_\_\_\_\_ )

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

**ORDER DENYING DEFENDANT’S  
MOTION FOR REDUCTION OF  
SENTENCE**

**I. INTRODUCTION**

This matter came before the Court for a hearing on DEFENDANT’S MOTION FOR REDUCTION OF SENTENCE, and for a restitution hearing on May 17, 2005, at 1:30 p.m. in Courtroom 220A. Plaintiff appeared through its counsel, Chief Prosecutor Jeffrey Moots. Defendant appeared with his attorney, Chief Public Defender Masood Karimipour. The Court, having reviewed the record, the memorandum of law, and having heard the arguments of both counsel and reviewed the evidence, now renders its written decision.

**II. PROCEDURAL BACKGROUND**

On January 7, 2004, Defendant Larry B. Aguilar entered a guilty plea to Count I of the Information, First Degree Murder. On November 9, 2004, this Court entered an order (“Sentence and Commitment Order”) sentencing the Defendant as follows:

- (1) imprisonment for a term of fifty (50) years, with credit for time served since his arrest on July 16, 2003, without the possibility of parole pursuant to Public Law 12-41, § 7;
- (2) write a letter of apology to the family of the victim, Ms. Lenor S. Miranda;
- (3) pay a \$5,000 fine;
- (4) pay the \$100 court assessment fee; and
- (5) pay restitution in an amount to be determined at a restitution hearing.

1 At the motion and restitution hearing, the Commonwealth, at the outset, informed the Court that it  
2 did not have any supporting documents to present for an assessed restitution amount as required by  
3 this Court's written Order entered February 23, 2005, because the victim's family did not submit  
4 anything to the Attorney General's Office. A representative from the Office of Adult Probation  
5 ("OAP") also informed the Court that the OAP does not have any supporting documents to support  
6 the claimed \$14,963 that was included in the Pre-sentence Investigation Report prepared by Office  
7 of Adult Probation. Based on the Commonwealth's failure to provide any evidence to substantiate  
8 the previously claimed \$14,963 claim, this Court entered an order of zero dollars (\$0.00) for  
9 restitution. With the restitution issue settled, the Defendant pursued his motion for a reduction of  
10 sentence.  
11

### 12 **III. ANALYSIS**

13  
14 Defendant Aguilar pleaded guilty to committing the crime of murder against his former  
15 girlfriend, Ms. Lenor Salunga Miranda, which this Court found was done in a brutal way. He will  
16 soon turn forty (40) years old come July 13, 2005, and he is presently incarcerated and is serving  
17 the balance of his fifty-year sentence. Based on the current sentence, he must reach the age of  
18 eighty-eight (88) before he can be released. He argues that based on the average life expectancy of  
19 a Filipino male being 66.74 years, he concludes that he will surely die in prison. Defendant now  
20 argues that the "[i]nterests of the victim, if not the interests of justice, require that Mr. Aguilar's  
21 sentence be reduced to permit parole consideration." He further argues that:  
22

23 if given parole eligibility, he must serve at least 16 years and four months before he  
24 becomes even eligible for consideration for the first time. He may well be denied  
25 release on parole then. But even assuming he is released on parole on his first  
26 application, he will be fifty-four (54) years old in the year 2020. At that time, he will  
27 still be able to work to pay restitution.

28 Defendant argues two bases to support his motion for reduction of sentence: first, that the  
victim's family is legally entitled to restitution from him; and second, that it is only humane to give

1 Mr. Aguilar a purpose for living, and that it may help save or improve other people's lives. The first  
2 basis has been rendered moot by the fact that no restitution amount is ordered. As for the second  
3 basis, this Court disagrees for the following reasons.

4  
5 At the time of sentencing, this Court considered the option of allowing the Defendant to  
6 pursue the right of seeking an early release from the Board of Parole. As stated in the earlier order,  
7 this Court has, on prior criminal cases, decided not to invoke its power to restrict a criminal  
8 defendant from being granted parole. However, this Court concluded that this is a case that warrants  
9 the invocation of such power. By denying Defendant Aguilar the possibility of parole, this Court  
10 sought to not allow him another opportunity to even threaten to take away another human being's  
11 life. The Court recalls that at the sentencing hearing, Ms. Miranda's sister testified and asked on  
12 behalf of the victim's family that the death penalty be imposed. Of course, the Court noted that the  
13 Commonwealth's laws do not allow for such a punishment, and the plea agreement that the Court  
14 accepted also does not contemplate such a sentence.

15  
16 The Court also recognized that if Defendant were allowed to seek parole, the surviving  
17 family members of Ms. Lenor Miranda, her sister and young daughter, would have to re-live the  
18 nightmare they witnessed on July 14, 2003, at each Board of Parole hearing on Defendant's  
19 application for an early release. The Court, in preparing for this motion hearing, reviewed the  
20 record, including the Sentence and Commitment Order ("Sentence Order") entered in this case.  
21 Reviewing the Sentence Order brought back the detailed images of how Ms. Miranda suffered. The  
22 ten black and white photographs of Ms. Miranda while she was alive, and her dead body showing  
23 all her injuries that were described in the Sentence Order were more graphic and very telling of the  
24 young vibrant life that the Defendant took away in a horrible way. Defendant argued that one of the  
25 reasons he decided not to force the Commonwealth to prove his guilt through a lengthy and costly  
26 jury trial was to spare the victim's young daughter from having to come to Court and re-live the  
27  
28

1 experience. In deciding to deny him the possibility of parole, the Court also spares the victim's  
2 daughter and all those who witnessed his act and the injuries Ms. Miranda sustained from having  
3 to re-live the nightmare.

4  
5 **IV. CONCLUSION**

6 It is this Court's opinion that maintaining the fifty-year sentence without the possibility of  
7 parole will continue to deter others from committing the heinous crime that Defendant Aguilar  
8 committed against Ms. Lenor Miranda. Since imposing the sentence, this Court has not seen any  
9 new domestic violence cases wherein the abuser has threatened to commit the same acts as  
10 Defendant Aguilar. If the Defendant is truly sorry for his crime, he should nevertheless pursue the  
11 program of working with members of the Community Guidance Center to help treat and rehabilitate  
12 others who abuse their family and their loved ones. This project will hopefully restore self value  
13 in his own life during the remainder of his prison term.

14  
15 For the foregoing reasons, Defendant's motion for reduction of sentence in the form of parole  
16 eligibility and any other relief the Court deems appropriate is hereby DENIED.

17 SO ORDERED this 17th day of May 2005.

18  
19  
20 /s/  
21 RAMONA V. MANGLONA, Associate Judge