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United States District Court
Southern District of California

**UNITED STATES OF AMERICA,
Plaintiff,
v.
OSCAR DANILO BLANDON,
Defendant.**

Case No. 92-0551-3

GOVERNMENT'S MOTION FOR
REDUCTION OF SENTENCE
PURSUANT TO FEDERAL RULES
OF CRIMINAL PROCEDURE,
RULE 35(b), AND REQUEST TO
SEAL.

COMES NOW the United States of America, through its attorney, Alan D. Bersin United States Attorney, Southern District of California, by L. J. O'Neale, Assistant United States Attorney, and pursuant to Federal Rules of Criminal Procedure, Rule 35(b), respectfully moves the court to reduce the defendant's sentence for changed circumstances, as set forth below. This motion is based upon F.R. Crim. P., Rule 35(b), the attached memorandum of points and authorities, the attached affidavit of L. J. O'Neale, and the complete record of this case.

Because of the sensitive nature of the information contained herein, the United States also requests that the court order this motion to be kept as part of the record of this case, but be sealed until further order of the court.

DATED this 16th day of September, 1994.

Respectfully submitted,

ALAN D. BERSIN
United States Attorney
Southern District of California

L. J. O'NEALE
Assistant United States Attorney

On December 20, 1993, defendant Oscar Danilo Blandon was sentenced by this Court to a term of 43 months' imprisonment, to

be followed by 5 years' supervised release. The Court found that the defendant had no ability to pay a fine, but ordered him to pay a \$50 special assessment.

Federal Rules of Criminal Procedure, Rule 35(b), states, in pertinent part:

Reduction of Sentence for Changed Circumstances. The court, on motion of the Government made within one year after the imposition of the sentence, may reduce a sentence to reflect a defendant's subsequent, substantial assistance in the investigation of another person who has committed an offense, in accordance with the guidelines and policy statements issued by the Sentencing Commission pursuant to section 904 of Title 28, United States Code.... The court's authority to reduce a sentence under this subsection includes the authority to reduce such a sentence to a level below that established by statute as a minimum sentence.

For the reasons stated in the attached Affidavit of L. J. O'Neale, the United States respectfully prays that the court reduce the sentence imposed upon defendant Oscar Danilo Blandon

DATED this 16th day of September, 1994.

Respectfully submitted,

ALAN D. BERSIN
United States Attorney
Southern District of California

L. J. O'NEALE
Assistant United States Attorney
AFFIDAVIT OF L. J. O'NEALE

County of San Diego
State of California

L. J. O'Neale being first duly sworn, deposes and says as follows:

1. I am an Assistant United States Attorney of the Southern District of California, and am assigned to the prosecution of this case.
2. On August 12, 1994, Special Agent Charles E. Jones, Drug Enforcement Administration, provided us with a memorandum specifying the particular investigations in which Mr. Blandon has assisted the United States in the time period after the Court granted the Government's prior motion for a downward departure pursuant to Sentencing Guideline S5K1.1, and the nature and extent of his assistance. A copy of this memorandum is attached hereto as Exhibit "A," because Mr. Blandon's attorney has indicated that he does not need to know the details of Mr. Blandon's cooperation and assistance, the copy of this motion delivered to him does not contain this Exhibit.
3. I have spoken to an Assistant United States Attorney of the Northern District of California as to Mr. Blandon's assistance in a matter in that district. (This was not included in Agent

Jones' memo, because it was beyond his direct knowledge.) I was told that Mr. Blandon had testified before the Grand Jury, and had actively cooperated in the investigation of a significant well-established drug trafficking organization, that had been the target of unsuccessful investigation attempts for many years.

4. The consensus of opinion among investigators and prosecutors with whom I have spoken concerning Mr. Blandon is that he has been extraordinarily helpful, and that the potential for his further assistance once he is released from prison is even greater.

5. Agent Jones and Special Agent Robert Tallez, Immigration and Naturalization Service, inform me that Mr. Blandon wishes to work as cooperating person after release from prison. Each of these investigators is, in my opinion, a person with extensive experience and mature good judgment. Each of these investigators believes that Mr. Blandon has almost unlimited potential to assist the United States in the investigation of major drug trafficking organizations. Their desire, with which I concur, is to enlist Mr. Blandon as a full-time, paid, informant after his release from prison.

6. Mr. Blandon has been in custody since May 5, 1992. As of September 19, 1994, he will have served 28 1/2 months of the 48 month sentence imposed by the Court. I am respectfully requesting the Court to reduce the Mr. Blandon's sentence to the time served as of September 19, 1994. (In the normal course of things, Mr. Blandon would have received good time credits such that this reduction would reduce his sentence by approximately 12 months of time actually served.)

7. Because it would be difficult, if not impossible, to so use Mr. Blandon were he supervised by United States Probation on Supervised Release, I am also respectfully requesting that the Court order that Mr. Blandon's period of Supervised Release be eliminated (which I believe is permitted under Rule 35).

8. Because the matters contained herein and in the Motion to which this is attached are sensitive, and would endanger Mr. Blandon and his family if known, I am further respectfully requesting that the Government's Motion and all attending papers be sealed.

L. J. O'NEALE

Subscribed and sworn to before me
this 16th day of September, 1994.

DORIS L. GREENER
Notary Public
