

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 12-20751-CR-COOKE

UNITED STATES OF AMERICA
Plaintiff,

vs.

MYRIAM ACEVEDO,
Defendant.

_____ /

UNOPPOSED MOTION TO MODIFY CONDITIONS OF RELEASE TO
TEMPORARILY SUSPEND THE COLLECTION OF RESTITUTION FROM MS.
ACEVEDO'S SOCIAL SECURITY BENEFITS

Myriam Acevedo respectfully requests this court direct the United States Probation Office to suspend the collection of restitution from Ms. Acevedo's monthly social security benefits for a minimum of six months. In support, she states the following:

1. This court appointed undersigned counsel [DE 433] to assist Ms. Acevedo in litigating the return of property that was seized by the government at the time of Mr. Acevedo's arrest in 2012.¹
2. Ms. Acevedo completed her sentence and was released from custody October 23, 2018. She was then placed at the halfway house until May 31, 2019. Since

¹ Although there is no objection from the government regarding what should be returned, or that it should be returned, the matter is still unresolved. Counsel is waiting for the Asset Forfeiture division to provide the appropriate order lifting the freeze on the safe deposit box and allowing the bank to let Ms. Acevedo have access to it.

that time, she has been contributing toward the joint restitution that is owed jointly by her and the two co-defendants at a rate of \$100 per month. That money is withdrawn from her Social Security benefits. She is entitled to \$1400 per month but \$100 is withdrawn from the total.

3. She filed her taxes last year and this year and on both occasions, her return was seized to pay toward the restitution (\$1500 from 2018 tax return, \$358 from 2019 tax return). In short, she has not failed to contribute toward the restitution since released.
4. Since her Social Security benefits are not much, she supplements her income by working part-time at a retail clothing store. However, during the COVID-19 pandemic, she has lost the ability to supplement her income because the store has closed as per Florida and Miami-Dade County orders. She has no other income.
5. In addition, Ms. Acevedo still battles the symptoms of Crohn's disease for which she takes medication and requires Remicade infusions in order to reduce the symptoms of her illness. However, she does not qualify for Part B of the Medicare Program until July because she was at the half-way house through May, 2019 and the cut-off to apply for Plan B was March 2019. She was not informed by the staff at the half-way house that there was a deadline to apply for Plan B. As such, she must pay co-payments for her medication out of pocket but cannot receive the infusions at all because she cannot afford to see the Gastroenterologist without the Plan B.

6. Ms. Acevedo requests this court direct the U.S. Probation Office to inform the Social Security Department to suspend collection of the restitution for no less than six months to allow Ms. Acevedo to resume working to supplement the Social Security benefits and, to allow the Plan B portion of Medicare to apply so that she can avoid the co-payments and can see a gastroenterologist in order to resume the infusions she needs.
7. AUSA Drew Bradylyons authorized undersigned to advise the court the government does not oppose a sixth month suspension to Ms. Acevedo's restitution payments.

WHEREFORE, Myriam Acevedo respectfully requests this court direct the United States Probation Office to suspend the collection of restitution from Ms. Acevedo's monthly social security benefits for a minimum of six months.

RESPECTFULLY SUBMITTED,

s/Celeste Siblesz Higgins

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CERTIFICATE OF SERVICE

I HEREBY certify that on April 16, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing

document is being served this day on all counsel of record or *pro se* parties on the docket, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/Celeste Siblesz Higgins