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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>JORGE GERMAN AGLONY,</p> <p>Defendant - Appellant.</p>

No. 09-50484

D.C. No. 5:08-cr-00225-VAP

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Virginia A. Phillips, District Judge, Presiding

Submitted March 8, 2011**

Before: FARRIS, LEAVY, and BYBEE, Circuit Judges.

Jorge German Aglony appeals from the 240-month sentence imposed following his guilty-plea conviction for receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252A(a)(2) and 2252A(a)(5)(B). We

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Aglony contends that his sentence was excessive and unreasonable, in that it failed to give due consideration to his history of emotional and mental trauma, drug addiction, and mental, emotional, and physical abuse. He also points out that he was almost fifty-one at the time of sentencing and that he will most likely be deported to Chile following his release.

The record reflects that the trial court considered all of the mitigating evidence presented but concluded that other factors, including the need to protect the public, carried greater weight. In view of the totality of the circumstances, the sentence imposed was substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc).

AFFIRMED.