

THE STORY BEHIND THE ALLOCUTION PLEADING

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Assistant Federal Defender
Western District of Oklahoma*

After *Booker*, this allocution pleading, in various stages of development has been used in numerous sentencing. Depending on the circumstances of the case, it is sometimes filed as a Combined Sentencing Memorandum and Allocution Statement. For example, counsel may need to address Sentencing Guidelines offense level computations, Sentencing Guidelines departures, criminal history, Non-Guidelines departures (variances), etc.

The Allocution Statement consists of a set of questions to elicit the defendant's thoughts regarding the sentencing process and sentencing factors. The defendant is given the list of questions at the time counsel and the defendant review the initial draft of the Presentence Investigation Report. Counsel asks the defendant to answer the questions for the sentencing judge. The defendant is instructed to return the answers to counsel in two weeks.

The Allocution Statement answer sheet is almost always in the defendant's handwriting. This is partly because in many cases the defendant is detained pending sentencing without access to a typewriter or computer. Furthermore, handwriting tends to tell more about the individual. Here is an example of handwritten versus typed. The question is: *Why are you a better person now?*

First the typed:

Because other than this court I'm not looking over my shoulder and I feel real good about myself. As being a good example for all my kids and living right and working and being drug free. I just feel a lot better about myself and studying the Bible again that the number one reason I feel real good about myself and why I'm a better person today and will keep trying to get better.

Now, the handwritten:

Because other than this court I'm not looking
over my ~~shoulder~~ shoulder and I feel real good about
my self as being a good example for ~~all~~ all
my kids by living right and working and
being drug free I just feel a lot better about
my self and studying the Bible again
that the number one reason I feel real good
is ~~about~~ about my self and why I'm a
better person today and will keep trying
to get better

There may be times a handwritten statement is not practical. For example, one defendant, while on pre-trial release, was involved in an accident in which he lost a finger and severely damaged other fingers and both hands. It was impracticable to have him write the statement, as his penmanship was illegible.

Most allocution statements are one to three pages in length. Some, like the first example, are rather lengthy. Again, counsel's familiarity with sentencing judge assists in tailoring the allocution statement. If the sentencing judge enjoys brevity, instruct the client to keep it brief.

Answering these questions for the sentencing Judge makes the defendant think about the sentencing process and provides insight that would never be reflected in the Presentence Investigation Report.

Counsel must make sure the defendant has not written something that ought not be written; *i.e.* denial of responsibility, inappropriate minimalization, etc.. Counsel's familiarity with the sentencing judge assists in tailoring the allocution statement.

Additional questions have are being contemplated, such as other departure factors, including encouraged, discouraged and maybe even prohibited factors. A Spanish language questionnaire in the works.

Defendants have been receptive to the practice. Only one defendant has declined to answer the questionnaire. Recently, another assistant federal defender was given a completed questionnaire just moments before a sentencing. That defendant had gotten it from another defendant in the detention center. The assistant presented it to the Court and impacted the sentencing.

The allocution statement also keeps the defendant from freezing up and saying nothing when the judge asks if they have something to say.

A brief note regarding the examples:

1. The first pleading is the simplified Allocution Statement.
2. The second example is a redacted Sentencing Memorandum and Allocution Statement of a defendant charged with escape from a halfway house.

IN THE UNITED STATES DISTRICT COURT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-0000
)	
ABOUT TOBE SENTENCED,)	
)	
Defendant.)	

ALLOCUTION STATEMENT

Rule 32(i)(4) of the FEDERAL RULES OF CRIMINAL PROCEDURE permits a defendant the opportunity to speak or present any information to mitigate the sentence. Counsel for About Tobe Sentenced, gave *him/her* a list of questions relating to reasons *he/she* should be given leniency. The Allocution Statement is provided for the Court’s consideration in determining what type and length of sentence is sufficient, but not greater than necessary, to comply with the statutory directives set forth in Title 18, United States Code, § 3553(a).

About Tobe Sentenced’s verbatim handwritten (or typed) Allocution Statement addresses the following Section 3553(a) factors:

What are your best accomplishments?¹

¹ the nature and circumstances of the offense and the history and characteristics of the defendant [18 U.S.C. § 3553(a)(1)].

What are your best attributes?¹

What have you done that you are most proud of?¹

What are your short term goals?¹

What are your long term goals?¹

Why are you a better person now?¹

How does giving you leniency reflect the seriousness of your offense?²

How would leniency promote your respect for the law?²

How will giving you leniency promote other people's respect for the law?²

What is a just punishment for your offense and why?²

Will giving you leniency cause other people not to break the law as you did?³

Why will giving you leniency protect the public from further crimes by you?⁴

Do you need educational or vocational training? How would leniency provide you educational or vocational training?⁵

² the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense [18 U.S.C. § 3553(a)(2)(A)].

³ to afford adequate deterrence to criminal conduct [18 U.S.C. § 3553(a)(2)(B)].

⁴ to protect the public from further crimes of the defendant [18 U.S.C. §3553(a)(2)(C)].

⁵ to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner [18 U.S.C. §3553(a)(2)(D)].

Do you need medical care? How would leniency provide you with medical care?¹

What, if anything, would you say to your family?

What, if anything would you say to your victims?

Why should the Judge give YOU a break?

Respectfully submitted,

s/ Defense Counsel

DEFENSE COUNSEL

Attorney for Defendant, About To Be Sentenced

OFFICE OF THE FEDERAL PUBLIC DEFENDER

Address, City, State ZIP

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CERTIFICATE OF SERVICE

 X I hereby certify that on Monday, April 24, 2006, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Prosecutor, Assistant United States Attorney

_____ I hereby certify that on _____, I served the attached document by _____ on the following, who are not registered participants of the ECF System:

s/ Defense Counsel

DEFENSE COUNSEL

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF**

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Case No. CR-00-00

DEFENDANT,)

Defendant.)

**SENTENCING MEMORANDUM AND
MOTION FOR DOWNWARD DEPARTURE
OR VARIANCE**

ASSISTANT FEDERAL PUBLIC DEFENDER
Bar Number:
OFFICE OF THE FEDERAL PUBLIC DEFENDER

Telephone:
Facsimile:
E-Mail:
COUNSEL FOR DEFENDANT

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I. PRELIMINARY STATEMENT.

Mr. _____ files the following Sentencing Memorandum and Motion for Downward Departure or Variance setting forth all factors the Court may consider in determining what type and length of sentence is sufficient, but not greater than necessary, to comply with the statutory directives set forth in Title 18, United States Code, § 3553(a).

II. SENTENCING UNDER *BOOKER*.

On January 12, 2005, the Supreme Court ruled that its Sixth Amendment holding in *Blakely v. Washington*, 124 S. Ct. 2531 (2004) and *Apprendi v. New Jersey*, 530 U.S. 466 (2000) applies to the Federal Sentencing Guidelines. *United States v. Booker*, 125 S. Ct. 738, 756 (2005). Accordingly, the Court made the Guidelines effectively advisory.” *Id.* at 757.

Instead of being bound by the Sentencing Guidelines, the Sentencing Reform Act, as revised by *Booker*,

requires a sentencing court to consider Guidelines ranges, see 18 U.S.C.A. § 3553(a)(4) (Supp. 2004), but it permits the court to tailor the sentence in light of other statutory concerns as well, see § 3553(a).

Booker, 125 S. Ct. at 757. Thus, under *Booker*, sentencing courts must treat the guidelines as just one of a number of sentencing factors set forth in Title 18, United States Code, § 3553(a).

The primary directive in Section 3553(a) is for sentencing courts to “impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph 2.” Title 18, United States Code, § 3553(a)(2) states that such purposes are:

- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
- (B) to afford adequate deterrence to criminal conduct;
- (C) to protect the public from further crimes of the defendant; and
- (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

In determining the minimally sufficient sentence, § 3553(a) further directs sentencing courts to consider the following factors:

- 1) “the nature and circumstances of the offense and the history and characteristics of the defendant” (Title 18, United States Code, § 3553(a)(1);
- 2) “the kinds of sentences available” (Title 18, United States Code, § 3553(a)(3);
- 3) “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct” (Title 18, United States Code, § 3553(a)(6); and
- 4) “the need to provide restitution to any victims of the offense.” (Title 18, United States Code, § 3553(a)(7).

Other statutory sections also give the district court direction in sentencing. Under Title 18, United States Code, § 3582, imposition of a term of imprisonment is

subject to the following limitation: in determining whether and to what extent imprisonment is appropriate based on the Section 3553(a) factors, the judge is required to “recogniz[e] that imprisonment is *not* an appropriate means of promoting correction and rehabilitation” (emphasis added).

Under Title 18, United States Code, § 3661, “*no limitation* shall be placed on the information concerning the background, character, and conduct of [the defendant] which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence” (emphasis added). This statutory language certainly overrides the (now-advisory) policy statements in Part H of the sentencing guidelines, which list as “not ordinarily relevant” to sentencing a variety of factors such as the defendant’s age, educational and vocational skills, mental and emotional conditions, drug or alcohol dependence, and lack of guidance as a youth.

The directives of *Booker* and § 3553(a) make clear that courts may no longer uncritically apply the guidelines. Such an approach would be inconsistent with the holdings of the merits majority in *Booker*, rejecting mandatory guideline sentences based on judicial fact-finding, and the remedial majority in *Booker*, directing courts to consider all of the § 3353(a) factors, many of which the guidelines either reject or ignore.

Justice Scalia explains the point well in his dissent from *Booker's* remedial

holding:

Thus, logic compels the conclusion that the sentencing judge, after considering the recited factors (including the guidelines), has full discretion, as full as what he possessed before the Act was passed, to sentence anywhere within the statutory range. If the majority thought otherwise – if it thought the Guidelines not only had to be ‘considered’ (as the amputated statute requires) but had generally to be followed – its opinion would surely say so.

Booker, 125 S. Ct. at 791 (Scalia, J., dissenting in part). Likewise, if the remedial majority thought the guidelines had to be given “heavy weight,” its opinion would have said so. The remedial majority clearly understood that giving any special weight to the guideline range relative to the other Section 3553(a) factors would violate the Sixth Amendment.

In sum, in every case, a sentencing court must now consider all of the § 3553(a) factors, not just the guidelines, in determining a sentence that is sufficient but not greater than necessary to meet the goals of sentencing. And where the guidelines conflict with other sentencing factors set forth in § 3553(a), these statutory sentencing factors should generally trump the guidelines.

III. APPLICATION OF THE STATUTORY SENTENCING FACTORS TO THE FACTS OF THIS CASE.

In the present case, the following factors must be considered when determining what type and length of sentence is sufficient, but not greater than necessary, to satisfy the purposes of sentencing:

1. The Nature and Circumstances of the Offense and the History and Characteristics of the Offender

(a) Nature and Circumstances of Offense

The offense of conviction is escape. Mr. _____ walked away from the Oklahoma City Halfway House. He had been there about two weeks. Mr. _____ was looking for employment. Mr. _____ yearned for the companionship and support of his family rather than the wrong influences that came with being around residents of the Halfway House. Mr. _____ may explain at sentencing, controlled substances are readily available at the Halfway House. Mr. _____ partook. Paranoia overtook reason and Mr. _____ left the Halfway House. Mr. _____ was arrested a day later.

(b) *History and Characteristics of the Defendant*

The Presentence Investigation Report provides much detail regarding Mr. _____ history and personal characteristics. Mr. _____'s allocution statements provide additional insight.

2. *The Need for the Sentence Imposed To Promote Certain Statutory Objectives:*

(A) *to reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense*

Mr. _____ acknowledges the seriousness of his offense. Mr. _____ concedes that he must be punished. The time he has spent in the County Jail is punishment. He will have to return to the custody of the Bureau of Prisons to complete the sentence he would have otherwise served in the Halfway House and he will have to serve the sentence imposed in the instant case consecutively. Mr. _____ asks only that the punishment imposed be the type and length of sentence sufficient, but not greater than necessary, to comply with the statutory directives set forth in Title 18, United States Code, § 3553(a).

(B) to afford adequate deterrence to criminal conduct

Mr. _____ agrees with the proposition that punishing him is an appropriate vehicle for deterring criminal conduct, his own as well as the criminal conduct of others. His allocution statements are indicative of his desire and intent to be law-abiding.

(C) to protect the public from further crimes of the defendant

Mr. _____ promises this Court and the public that he intends to be law-abiding. He intends to avail himself to drug counseling upon release to avoid relapse.

(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner

Mr. _____ participated in the Bureau of Prisons drug treatment program. He stayed drug free throughout his incarceration. He acknowledges his need for educational and vocational training as well as further substance abuse treatment and counseling.

3. *The Kinds of Sentences Available*

In *Booker*, the Supreme Court severed and excised Title 18, United States Code, § 3553(b), the portion of the federal sentencing statute that made it mandatory for courts to sentence within a particular sentencing guidelines range. *Booker*, 125 S. Ct. at 756. This renders the sentencing guidelines advisory. *Id.*

Statutorily, Mr. _____ is eligible for probation because the instant offense is one for which probation has not been expressly precluded by statute pursuant Title 18, United States Code, § 3561(c)(1).

4. *The Sentencing Range Established by the Sentencing Commission*

Mr. _____ has not objected to the sentencing range set forth in the Presentence Investigation Report. The Presentence Investigation Report correctly states the application of the sentencing guidelines. Where the District Court correctly determines the relevant Guidelines range and sentences the defendant to a term of imprisonment within that range, then the sentence is entitled to a rebuttable presumption of reasonableness. *See United States v. Kristl*, 437 F.3d 1050 (10th Cir. 2006). Mr. _____ seeks to rebut the presumption that the range set forth in the Presentence Investigation Report is reasonable.

In *Kristl*, the Tenth Circuit stated, that in light of the Guidelines' purpose of promoting uniformity in sentencing so as to prevent vastly divergent sentences for offenders with similar criminal histories and offenses, district courts are to continue to consider the Guidelines after *Booker* and a sentence that is properly calculated under the Guidelines is entitled to a rebuttable presumption of reasonableness. It is a deferential standard that either the defendant or the government may rebut by demonstrating that the sentence is unreasonable when viewed against the other factors delineated in § 3553(a).

5. *Pertinent Policy Statements*

Policy Statements are found throughout the United States Sentencing Guidelines. As applicable to non-organizational defendants, the Policy Statements are found in Chapter One¹, Chapter 4², Chapter 5³, Chapter 6⁴ and Chapter 7⁵.

¹ See: USSG, CHAPTER ONE, PART A - INTRODUCTION: The Basic Approach and The Guidelines Resolution of Major Issues; USSG PART B - GENERAL APPLICATION PRINCIPLES: USSG § 1B1.10 - Reduction in Term of Imprisonment as a Result of Amended Guideline Range, USSG § 1B1.11 - Use of Guidelines Manual in Effect on Date of Sentencing and USSG § 1B1.12 - Persons Sentenced Under the Federal Juvenile Delinquency Act.

² See: USSG § 4A1.3 - Departures Based on Inadequacy of Criminal History Category.

³ See: USSG § 5E1.5 - Costs of Prosecution, USSG § 5F1.7 - Shock Incarceration Program, USSG PART H - SPECIFIC OFFENDER CHARACTERISTICS, USSG CHAPTER FIVE, PART J - RELIEF FROM

The catch-all provision in USSG § 5K2.0 authorizes this Court generally to depart downward on grounds not specifically mentioned in the Guidelines, any time there exists a mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission. *Koon v. United States*, 518 U.S. 81, 108-109 (1996). USSG § 5K2.0 (“Circumstances that may warrant departure from the guidelines pursuant to this provision cannot, by their very nature, be comprehensively listed and analyzed in advance.”)

In addition to this catch-all provision, the Guidelines list numerous bases for departure in USSG § 5K2 (Other Grounds for Departure). Of these, approximately two-thirds address upward departures; only one-third discuss downward departures.

In addition to the enumerated grounds for departure, there are several Specific Offender Characteristics, which may be considered in determining whether a sentence should be outside the applicable guideline range. These factors include age; education and vocational skills; mental and emotional conditions; physical condition

DISABILITY PERTAINING TO CONVICTED PERSONS FROM HOLDING CERTAIN POSITIONS and USSG CHAPTER FIVE, PART K - DEPARTURES.

⁴ See: USSG CHAPTER SIX, PART A - SENTENCING PROCEDURES and USSG CHAPTER SIX, PART B - PLEA AGREEMENTS.

⁵ See: USSG CHAPTER SEVEN, PART B - PROBATION AND SUPERVISED RELEASE VIOLATIONS.

or appearance; employment record; family ties and responsibilities; role in the offense; criminal history; dependence upon criminal activity for a livelihood; military, civic, charitable, or public service; employment-related contributions; and, record of prior good works. *Koon* made it clear that this is not a comprehensive list.

Prior to *Booker*, consideration of some factors were discouraged. Some were prohibited specifically, *eg.*, race, sex, national origin, creed, religion, and socio-economic status; lack of guidance as a youth and similar circumstances; and post-sentencing rehabilitation. The continued viability of those discouragements and prohibitions is called into question by *Booker*. The degree of departure from the applicable guidelines range is reviewed for unreasonableness. *Compare* Title 18, United States Code, §3742 (e)(3)(C) (*pre-Booker* standard) with *Booker* (replacing Title 18, United States Code, § 3742(e) with “unreasonableness” review of all sentences).

Furthermore, the Administrative Office of United States Courts has amended form AO 245B - (rev. 6/05) Criminal Judgment - Attachment - Statement of Reasons. The amended form specifically recognizes all the departures authorized by the advisory sentencing guidelines as well as all of the section 3553(a) reasons for sentences outside the advisory guideline system.

Mr. _____ identifies the following as factors the Court may consider in determining what type and length of sentence is sufficient, but not greater than necessary, to comply with the statutory directives set forth in Title 18, United States Code, § 3553(a):

Lack of education and vocational skills;

family ties and responsibilities;

the advisory guidelines are “greater than necessary” or too draconian, and the purpose of sentencing is satisfied by a sentence below the guidelines;

super acceptance of responsibility;

early decision to plead guilty;

nature and circumstances of the offense;

post-offense remorse;

unwarranted disparity;

to provide on-going substance abuse treatment;

to substitute community confinement for prison;

post-offense rehabilitation; and

the totality of the circumstances.

6. *The Need To Avoid Unwarranted Disparities Among Defendants With Similar Records Who Have Been Found Guilty of Similar Conduct*

Mr. _____ contends there may be sentencing disparities. Title 18, United States Code, § 3553(a)(6) does not proscribe all disparities, only unwarranted ones. Mr. _____ contends the totality of factors and circumstances in his case warrant leniency.

7. *The Need to Provide Restitution to Any Victims of the Offense*

There is no restitution due.

IV. THE SENTENCING TABLE FAILS TO TAKE INTO ACCOUNT THE BROAD ARRAY OF STATUTORY SENTENCING PURPOSES AND FACTORS.

While inviting sentences that are greater than necessary to reflect the seriousness of the offense and promoting sentencing disparities, the Sentencing Table ignores and undermines other statutory sentencing purposes and factors altogether. Congress intended that sentencing turn not only on the details of the offense but also on a wide array of other factors, ranging from the “history and characteristics of the defendant” to the need to provide “adequate deterrence” and “to protect the public . . .” See Title 18, United States Code, § 3553(a); see also *United States v. Ranum*, 353 F. Supp.2d 984, 985-86 (E.D.Wisc., Jan. 19, 2005)(“[T]he factors set forth in § 3553(a) [fall] into three general categories: the nature of the offense, the history and character of the defendant, and the needs of the public and the victims of the

offense.”). Nothing in the sentencing statute suggests that Congress intended judges to neglect these myriad factors for the sake of one factor alone. In fact, the range of relevant statutory factors makes clear just the opposite. Thus, district judges should not allow the Sentencing Table to divert attention from other important statutory sentencing factors.

V. ALLOCUTION.

Rule 32(i)(4) of the FEDERAL RULES OF CRIMINAL PROCEDURE permits a defendant the opportunity to speak or present any information to mitigate the sentence. Counsel for Mr. _____, gave him a list of questions relating to reasons he should be given leniency. The Allocution Statement is provided for the Court’s consideration in determining what type and length of sentence is sufficient, but not greater than necessary, to comply with the statutory directives set forth in Title 18, United States Code, § 3553(a).

Mr. _____’s verbatim handwritten Allocution Statement addresses the following Section 3553(a) factors:

What are your best accomplishments?⁶

What are your best attributes?⁶

⁶ the nature and circumstances of the offense and the history and characteristics of the defendant [18 U.S.C. § 3553(a)(1)].

What have you done that you are most proud of?⁶

What are your short term goals?⁶

What are your long term goals?⁶

Why are you a better person now?⁶

How does giving you leniency reflect the seriousness of your offense?⁷

How would leniency promote your respect for the law?⁷

What is a just punishment for your offense and why?⁷

Will giving you leniency cause other people not to break the law as you did?⁸

Why will giving you leniency protect the public from further crimes by you?⁹

Do you need educational or vocational training? How would leniency provide you educational or vocational training?¹⁰

What, if anything, would you say to your family?

Why should the Judge give YOU a break?

⁷ the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense [18 U.S.C. § 3553(a)(2)(A)].

⁸ to afford adequate deterrence to criminal conduct [18 U.S.C. § 3553(a)(2)(B)].

⁹ to protect the public from further crimes of the defendant [18 U.S.C. §3553(a)(2)(C)].

¹⁰ to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner [18 U.S.C. §3553(a)(2)(D)].

VI. “STATEMENT OF REASONS PURSUANT TO TITLE 18, UNITED STATES CODE, § 3553(C)” FOR A SENTENCE BELOW THE GUIDELINE RANGE.

A Statement of Reasons pursuant Title 18, United States Code, § 3553(c), is still required even after *Booker*. It must be specific, in writing, and included in the judgment and commitment order (except for information received *in camera*). The statement should be a concise and enumerated list of the reasons that explains why a sentence below the guideline range is warranted.

VII. CONCLUSION

For the foregoing reasons, _____ respectfully submits that a sentence of one year probation, consecutive to the two years supervised release imposed in CR-00-00, is sufficient, but not greater than necessary, to comply with the statutory directives set forth in Title 18, United States Code, § 3553(a).

Respectfully submitted,

ASSISTANT FEDERAL PUBLIC DEFENDER

Bar Number:

OFFICE OF THE FEDERAL PUBLIC DEFENDER

Telephone:

Facsimile:

E-Mail:

Counsel for DEFENDANT

CERTIFICATE OF SERVICE

 X I hereby certify that on Monday, April 24, 2006, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Assistant United States Attorney

_____ I hereby certify that on _____, I served the attached document by _____ on the following, who are not registered participants of the ECF System:

 s/
Assistant Federal Defender

- 1) What are your best accomplishments?
 - Being sober over a year, completing my drug class in prison,
- 2) What are your best attributes?
 - Caring, People Person, Good work ethics, determination
- 3) What have you done that you are most proud of?
 - I was proud of myself for working on a job longer than two months. I set a goal to work my second job ever for six months, but it turned out to be nine months.
- 4) What are your short term goals?
 - To achieve my G.E.D. within the next year. I would also like to enroll in a small college to take up Business, and Real estate classes. Plus seek help with my drug, and anger problem as well as my higher power.
- 5) What are your long term goals?
 - Having my G.E.D. while working toward a degree in something major. Plus living a life with sobriety. Raise me a family and introduce my kids into a life I never had. Also having a relationship with my higher power.

6) Why are you a better person now?

- After being incarcerated for almost 2 years now I realize what I had taken for granted. Because this is just as hard on my family as it is for me. I guess it took this situation to happen again for me to open my eyes and get myself together before it's too late for me.

7) How does giving you leniency reflect the seriousness of your offense?

- My time is reflective of the seriousness of my offense, leniency reflects your ability to see the person behind the paper.

8) How would leniency promote your respect for the law?

- It would show me that the law system is capable of seeing all aspects of the crime and the people involved. I was a kid who got out of hand and made the biggest mistakes in my life, but not dangerous or criminally minded. I realize you can get punished for breaking the law and if shown leniency I will have the up most respect for the law for being able to see I do have something to offer. I can still be successful if giving the chance to.

9) What is a Just Punishment for your offense and why?

- I think by me sitting in this County was a big Punishment. Because I still had 5 months left on my sentence and could have just got a Violation and sent back to Prison. I don't feel that I should be sentenced to any more time, yes I made a really big mistake and realize the seriousness of my decision, Plus I don't want to spend the best years of my life behind bars.

10) Will giving you leniency cause other people not to break the law as you did?

- yes, because all my friends, family, and acquaintance see how serious the law is about the rules and the consequences it can impose on you if given the opportunity.

11) Why will giving you leniency protect the public from further crimes by you?

- The sooner I can get out the sooner I can get my life together so that the public can be shown that they need no protection when it comes to me. I also feel that I can live and act civil like your average citizen.

12) Do you need educational or vocational training?
How would leniency provide you educational or vocational training?

- Yes, I still need to get my G.E.D. and will work on that regardless of what happens or where I'll be incarcerated or in the streets. Because that's something I'm going to accomplish for myself. See leniency would help to provide the option to finish my education, because I would be doing it in the right place to help me be successful.

13) What, if anything, would you say to your family?

- That I'm sorry for taking even my family for granted and putting myself in this situation again and not finishing it the first go around. I'd tell them that I will make up for this time I have been away from them and let them know that I'd spend the rest of my life behind bars if it would take away the pain of ever having to go through this again with me. Plus I promise this will be the last time we have to be apart from each other anymore.

14) Why Should the Judge give you a BREAK?

- Because I really didn't have the chance to try and make it in the real world.

I was only out for two weeks and came back to jail with a new Escape case. I

feel like a loser to the one's who had faith in me and supported me while incarcerated

the last time. Their willing to help in any way they can for me to stop using drugs.

Plus I'm willing to participate in any program to deal with my substance abuse problem. I

also feel like sending me back to prison doesn't really help. yes, I know their's consequences

that I've got to face for my mistake I made and I'm ready to get it over with.

So I can get back out to my family and love one's who need me out there. I have

two little brother's who looks up at me as a roll model, I would like to try

and help them before its to late. Because I wouldn't wish this type of punishment

on anybody, and if I can help a person from going threw this situation I will.

See I look at this as a blessing for me and a second chance to be successful

the right way. Because I've only let my mother and family down once again

and this is hard on them as it is for me.

15) I do realize that their going threw this with me. That's another streets Im putting on my mother for my mess up. It's really a trip because my mother drove me to Prison on Oct. 4, 2004 to turn myself in. Plus she also came and got me from Prison on Dec. 24, 2005 to make sure I made it to the halfway house safe with out an Escape. But I let her down and still haven't been man enough to talk to her and tell her Im sorry for the stupid choice I made that day. See Im willing to make a chance for the best of me, but most of all my family. I just pray and hope that you give me a Break when that time comes. Plus I would like the chance to prove to the law and everyone else I have learn from my mistake, and I do want to be someone in life not just an inmate to the system. I feel by me only being 20 years old I still have a chance to learn and grow. So no matter what happens one of my goals are to be successful with in the next 10 years. Yes, I can only live and learn from my mistakes and I know for a fact how to make this one again. So if you can Mrs. Vicki Miles-LaGrange would you give me a Break, and another chance to work toward being successful in the world. Thanks