

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

UNITED STATES OF AMERICA §
§
VS. § **Criminal No. 1:21CR356-001**
§ **(Judge Emmet G. Sullivan)**
KEVIN SAM BLAKELY

DEFENDANT'S SENTENCING MEMORANDUM and
MOTION FOR A VARIANCE PURSUANT TO 18 U.S.C. §3553

Kevin Sam Blakely is a 56 year old. He was raised by wonderful parents in Torrance, California in the "projects". He grew up in a very poor neighborhood. His father was a painter and his mother is disabled by polio. His father passed away over 30 years ago. Kevin is currently the primary caretaker of his 86 year old mother. Defendant has been married since 1999 and they have three adult children.

Kevin suffers because of bad judgement and ignorance. Kevin has learned a valuable lesson in that he will never put himself in this position again. Kevin does not have the same ambitions he had when he was arrested. He has worked well with the pretrial officers assigned to him. Every aspect

of his life has been put on hold while he has awaited sentencing. He has been very open, candid and honest with the Government. Kevin was honest about his offense conduct immediately. Kevin's acknowledgment - and acceptance of - responsibility for his crime is evidence by more than the fact that he pled guilty almost immediately. Significantly more telling is that in the intervening months is that Kevin - through his conduct and actions - has changed his life.

While the preceding consideration should undoubtedly be addressed in sentencing argument, counsel respectfully submits that a variance is well justified when Kevin's case is viewed through the prism of the Section 3553(a) considerations. The Government argues in her sentencing memorandum facts and circumstances way outside the misdemeanor Kevin pled guilty to before this Court contrary to *Apprendi*. A guideline sentence in this case does not apply, as this is a "Petty Offense". Counsel - with all due deference to this Court - submits that there simply exists no good or fair justification

by which to demand Kevin's imprisonment which the Government asks for 4 months. He has tremendous support from his family and in the community where he has worked for many years.

While not wishing to minimize the seriousness of Kevin's offense conduct, counsel respectfully suggests that with this federal misdemeanor conviction, Kevin will suffer - in conjunction with the numerous and *significant* restraints of a term of home confinement - amply suffice to satisfy the mandates of Section 3553(a) without depriving Kevin by the relationship through which he defines himself; that of being a forever changed man.

Because of *Booker and Gall*, this Court has the authority to do what is just and right in Kevin's case. He has been honest and truthful with this Court and respectfully urges this Court to order a term of home confinement for this misdemeanor because of the history and unusual circumstances of Kevin Sam Blakely.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing motion was ECF delivered to AUSA Anita Eve and probation on April 14, 2022.



William D. Cox III