

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, :  
Plaintiff, :  
v. : No. 21-CR-461 (RCL)  
Hon. Royce C. Lamberth  
DEVLYN THOMPSON, :  
Defendant. :

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**DEFENDANT’S REPLY**

Now comes the Defendant, Devlyn Thompson, by and through undersigned Counsel, Elizabeth Kelley, and submits a brief reply to the Government’s Supplemental Sentencing Memorandum.

1. Mr. Thompson’s letters to both the officer and the Court strongly indicate that he was being truthful during his examination with Dr. Sperry. Dr. Sperry does not quote Mr. Thompson mentioning his autism even one time. Moreover, Mr. Thompson makes no mention of his autism in either of the letters, nor attempts to deflect any of his behavior onto his autism. He takes full responsibility and shows considerable remorse. This is not a pattern consistent with someone who is malingering. Finally, a

- highly-credentialed, highly-experienced expert in autism like Dr. Sperry would have been able to detect malingering.
2. Devlyn's mother had no foreknowledge she would be administered the Vineland. She gave honest answers. She knows Devlyn better than anyone, and did not misrepresent anything. The Vineland is standardized and normed to measure daily living skills, communication and socialization abilities.
  3. The cases cited by the Government are inapplicable. *Zuk* is distinguishable because Mr. Zuk had a variety of issues including pedophilic disorder, sexual sadism disorder, fetishistic disorder, and ADHD, and mild autism was only one. *Dolehide* concerned mental illness. The other cases do not give sufficient reasons for why departures were affirmed or upheld.
  4. None of the BOP programs which the Government cites would be applicable to Mr. Thompson, address his autism, or would provide long-term, intensive therapy. Anger Management is only an 18- hour course. Basic Cognitive Skills is only a 24- hour course. The BRAVE program is only eligible for inmates 32 years and older who are serving a sentence of 60 months or more. The CHALLENGE program provides treatment to high security inmates with substance abuse problems and/or mental

illness. Criminal Thinking and Emotional Self-regulation are only 27 and 24 hours, respectively. Mental-Health Step Down is only open to inmates with serious mental illness and is only offered at two high-security prisons. The RESOLVE program only addresses trauma-related psychological disorders. Social Skills Training is intended for inmates with schizophrenia. However, the SKILLS program cited by the Government is the same program with Mr. Donson states is the only program which might be appropriate for Mr. Thompson.

Respectfully Submitted,

/s/Elizabeth Kelley  
ELIZABETH KELLEY  
(*pro hac vice*)  
ELIZABETH KELLEY, ATTORNEY AT LAW  
2425 E. 29th Ave., Ste. 10-B, #225  
Spokane, WA 99223  
(509)991-7058  
ZealousAdvocacy@aol.com

#### CERTIFICATE OF SERVICE

Elizabeth Kelley, Attorney at Law, hereby certifies that the foregoing was served in accordance with Fed.R.Crim.P.49, Fed.R.Civ.P.5, LR5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the District Court's system as to ECF filers.

/s/Elizabeth Kelley  
ELIZABETH KELLEY  
ELIZABETH KELLEY, ATTORNEY AT LAW  
2525 E. 29th Ave., Ste. 10-B, #225

Spokane, WA 99223  
(509)991-7058  
ZealousAdvocacy@aol.com