

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA, :  
 : CR22-000007 (TSC)  
 -v.- :  
 :  
 THOMAS UBERTO, :  
 :  
 Defendant. :  
-----X

**SUPPLEMENTAL SENTENCING MEMORANDUM  
FOR RECOMMENDATIONS TO THE BOP**

The defense is advocating for the imposition of a no-jail sentence while the government seeks a 14-day jail sentence. If, despite our arguments, the Court imposes a period of imprisonment, we respectfully ask the Court to recommend designation to surrender at USP Canaan Satellite Camp in Waymart, Pennsylvania.

We have learned that defendants who receive sentences of less than six months' imprisonment and who reside, like Thomas Uberto, in the Southern District of New York, are routinely designated to serve their sentences at the Metropolitan Detention Center Brooklyn ("MDC"). MDC is a high security detention center designed for inmates in the most serious cases, like those charged with murder and sex offenses. In contrast, Mr. Uberto has never been convicted of a crime before his guilty plea in the instant case to a petty offense and has no history of violence. He will qualify for placement in a minimum security facility but, unless the Court recommends such placement and

recommends Mr. Uberto not be placed at the MDC, we are informed he will probably be designated to serve the sentence at the MDC.

The conditions of confinement at MDC are onerous.<sup>1</sup> Public calls for reforms have been made and largely ignored.<sup>2</sup> Litigation over the conditions at MDC is ongoing in an Eastern District of New York case captioned *Federal Defenders of New York, Inc. v. Federal Bureau of Prisons, et al.*, 19 Civ. 660 (MKB). On the other hand, USP Canaan in Waymart, PA has a Satellite Camp for minimum security inmates and is located approximately 60 miles from Mr. Uberto's home in Mountain Dale, New York. In contrast, MDC is approximately 105 miles from his home.

If a term of imprisonment is imposed despite our arguments to the contrary, we ask the Court to recommend designation to USP Canaan Satellite Camp and in any event to recommend against placement at MDC Brooklyn.

Dated: January 30, 2023  
White Plains, New York

/s/ Richard D. Willstatter  
RICHARD D. WILLSTATTER (PHV)  
*Attorney for Thomas Uberto*

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<sup>1</sup> See NACDL Condemns Inhumane Conditions at the Metropolitan Detention Center in Brooklyn, [https://nacdl.org/newsrelease/010722\\_InhumaneConditionsMDC](https://nacdl.org/newsrelease/010722_InhumaneConditionsMDC)

<sup>2</sup> See *New York pols rally outside MDC-Brooklyn to demand federal oversight*, Eyewitness News, August 16, 2022, available at <https://abc7ny.com/mdc-brooklyn-detention-center-sunset-park-brooklyn/12130850/>

**CERTIFICATE OF SERVICE**

I hereby certify that the instant supplemental sentencing memorandum was served on all counsel of record on this 30th day of January 2023 via ECF.

/s/ Richard Willstatter (PHV)  
Richard D. Willstatter