

**IN THE UNITED STATES DISTRICT COURT  
THE \_\_\_\_\_ DISTRICT OF \_\_\_\_\_**

**UNITED STATES OF AMERICA, )**

)

*Plaintiff,* )

)

v. )

Case No. CR-15-0000

)

**ABOUT TOBE SENTENCED,** )

)

*Defendant.* )

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**NOTICE OF FILING ALLOCUTION STATEMENTS**

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Rule 32(i)(4) of the FEDERAL RULES OF CRIMINAL PROCEDURE permits a defendant the opportunity to speak in mitigation of the sentence and present *any* information to mitigate the sentence. ABOUT TOBE SENTENCED was given a set of questions relating to the sentencing factors and reasons why *he/she* believes leniency may or should be afforded to *him/her*. ABOUT TOBE SENTENCED has answered those questions and *his/her* answers are attached hereto as *Attachment 1*. The following materials are 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:

1. What are your best accomplishments? What have you done that you are really proud of? What have you done that other people and/or your family are proud of?<sup>1</sup>
2. What are your best attributes? What are your best characteristics? What are the best things about you as a person?<sup>1</sup>
3. What are your short term goals? If you go to prison, what are your plans? And if you do not go to prison, what are your immediate plans? What do you want to accomplish first?<sup>1</sup>
4. What are your long term goals? How do you see yourself in a year or five years or ten or twenty?<sup>1</sup>
5. Are you a better person now? Why? What are you doing to improve yourself now and in the future?<sup>1</sup>
6. Breaking any law is serious – some more serious than others. The Judge must consider the seriousness of your offense in determining your sentence. How serious do you consider your offense? How would a sentence less than

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

what is suggested in your Presentence Investigation Report reflect the seriousness of your offense?<sup>2</sup>

7. Making you respect the law is a factor for the Judge to consider in determining your sentence. Did you respect the law before you were charged with this offense? Do you respect the law now? What type or length of sentence is needed to promote your respect or make you show more respect for the law in the future?<sup>2</sup>
8. The Judge will consider how the sentence you receive will promote other people's respect for the law. What type or length of sentence is needed to promote or show other people the importance of respecting the law?<sup>2</sup>
9. What is a just punishment for your offense and why?<sup>2</sup>
10. You broke the law! The Judge may be concerned that you will break laws in the future. The Judge will consider how the sentence you receive will deter or keep you from committing crimes in the future. The Judge will also consider the need to protect the public from further crimes you may commit. Why should the Judge believe you are not a threat or risk? What type or length

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<sup>2</sup> 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)].

of sentence is necessary to deter or keep you from committing crimes in the future and to protect the public?<sup>3</sup>

11. Do you need educational or vocational training? What type or length of sentence is sufficient but not greater than necessary to provide you with needed educational or vocational training?<sup>4</sup>
12. Do you need medical care? How would a sentence less than what is suggested in your Presentence Investigation Report provide you with needed medical care in the most effective manner?<sup>1</sup>
13. How will your sentence affect your family? What, if anything, would you say to your family?<sup>1</sup>
14. What, if anything would you say to your victims?
15. What makes you or your case any different from defendants like you and cases like yours? Why should the Judge give YOU a break?

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<sup>3</sup> to protect the public from further crimes of the defendant [18 U.S.C. §3553(a)(2)(C)].

<sup>4</sup> 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)].

Respectfully submitted,

*s/ Defense Counsel*

DEFENSE COUNSEL

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CERTIFICATE OF SERVICE

  X   I hereby certify that on Monday, July 20, 2015, 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