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Attorney for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Case No. CR 14 00226 EJL
vs.	)	SENTENCING MEMORANDUM
	)	
JASEN CRISP,	)	
	)	
Defendant.	)	
_____	)	

**18 U.S.C. § 3553 Factors**

A. § 3553 (a)(1) The Nature And Circumstances Of The Offense And The History And Characteristics Of The Defendant.

The Defendant Jasen Crisp is a defendant with unusual facts. Jasen’s case involves the importation of illegal narcotics. What’s unique is the way he obtained them. Jasen is computer savvy. He used the Internet to access a secret marketplace. He purchased illegal merchandise with an electronic currency. His anonymity was compromised when the post office intercepted his illegal parcels. A search of his residence uncovered MDMA or ecstasy delivered from overseas.

Jasen recognizes his conduct was both reckless and arrogant. He was reckless because he risked his good name and freedom by having an illegal narcotic delivered to

his home. He was arrogant because he believed he wouldn't be found out. He felt safer trading in the back alleys of the Internet than attempting to obtain drugs from an individual source. It required expertise and persistence to go online to get the drugs. Unfortunately, he didn't intuit the post office possessed both the competence and a desire to ferret out contraband.

Jasen's young life was a portrait of stability. He had some minor challenges. His parents experienced a rough period as a couple. He endured a move to another state. Overall, he was well looked after and loved. He did not immediately attend college following high school, but has some credits. He planned to enlist in the United States Coast Guard, but he was placed on a waiting list. His aim was to work with computers in the armed forces. Regardless, he maintained his keen interest in computer science. When he was finally accepted into the coast guard he was already employed in the private sector. He was making a competitive wage in his desired field, so he declined the opportunity to serve.

Jasen lost a profitable job as a consequence of his case. He obtained a new job quickly at significantly less pay. His girlfriend has stuck with him throughout this trouble. Together they have a plan to keep his home and pay the mortgage while he is incarcerated. They intend to be married after his legal issues are resolved.

Jasen will responsibly accept the consequences for his choices. His remorse seems genuine, as he has made zero excuses. It's human nature to feel singled out and to question the fairness of it all, but he never has. He is committed to moving forward and getting beyond his current predicament.

He was candid in his presentence interview. After the warrant was served he

admitted he momentarily contemplated suicide. He thought better of it when he considered other people in his life and the effect it could have on them. He quickly sought the advice of an attorney to help gauge the seriousness of his circumstance. While suicide was never something he would act on, it does show the immediate and appropriate remorse he had for his choices. Here was a young man contemplating all courses of action, reasonable or otherwise. He was anxious to regain his standing, but he recognized the longer road back to respectability was the best course.

Jasen has good support from his parents, girlfriend and friends. He realizes he screwed up his life, but he has rebound capacity. When he was asked how he would succeed after being convicted as a felon, he responded “self study”. Jasen understands his skills have economic value. He also recognizes he has the ability to increase his skill set if he is disciplined in his approach. I expect he will marshal his resources to guarantee a good future.

B. § 3553 (a)(2)(A) To Reflect The Seriousness Of The Offense, To Promote Respect For The Law, And To Provide Just Punishment For The Offense.

Jasen’s current Guideline Provision provides a total offense level of 12 and a criminal history category of 1. (P.S.R. Page 9, Paragraph 44) A sentence in this range is from a low-end sentence of ten (10) months to a high-end range sentence of sixteen (16) months. He is ineligible for probation because he is in Zone C of the Sentencing Table.

Jasen truthfully debriefed with law enforcement on January 16, 2015. He explained the uncommon means by which he was able to mail order drugs over the Internet. His PSR calculated a two (2) level sentence reduction. (P.S.R. Page 5, Paragraph 17) He believes he met the criteria for this reduction. He is appreciative for the adjustment. He recognizes the plea agreement and the probation officers

interpretation of the facts benefitted him. He is hopeful, but does not expect the government, to seek an additional one (1) level for substantial assistance. His plea agreement allows for 5K1.1 consideration.

Jasen argues his current range is more punitive than necessary to satisfy the goals of sentencing. He believes a sentence of probation is an appropriate sentence. He has zero criminal history. He was cooperative and respectful with law enforcement at the time the search warrant was served. He explained the sophisticated means by which he obtained the controlled substance. He has done what he could after the fact.

Jasen understands punishment is a natural consequence of his serious crime. He argues a variance would allow for probation and incarceration. A variance from the court, and/or counsel for the government moving for a departure, would make him eligible for probation, as he would be in Zone B. If he were granted probation the district court would have discretion in fashioning a set of conditions that would ensure the safety of the community. It would deter Jasen from future criminal conduct. He could continue his outpatient education already started. Furthermore, a variance of a level or two, would give Jasen an opportunity to maintain his home and possibly be eligible to keep his current employment.

RESPECTFULLY submitted this 30<sup>th</sup> day of January, 2015.

LAW OFFICES OF ELLSWORTH,  
KALLAS & DEFRANCO, P.L.L.C.k

By \_\_\_\_\_/s/\_\_\_\_\_  
John C. DeFranco,  
Attorney For Defendant

CERTIFICATE OF MAILING

I hereby certify that on this 30th day of January, 2015, a true and correct copy of the foregoing instrument was e-mailed and faxed to the following:

United States Probation & Pretrial Office  
**Ms. Naomi Morgan, USPO**  
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\_\_\_\_\_/s/\_\_\_\_\_  
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