

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
WILLIAM GRIFIN, JR.,)
)
Defendant.)

DEFENDANT’S SENTENCING MEMORANDUM

I. Introduction

In expectation of a Motion filed under United States Sentencing Guideline Section 5K1.1, Defendant William Griffin (Bill), will request that a sentence of 70 months be imposed on April 15, 2015.

II. Criminal History

Bill’s criminal history will get this Honorable Court’s attention. In criminal defense vernacular, Bill would be defined as a “mope.” Pages 11 through 23 show an individual who trouble seems to find or who seems to find trouble. To try and put a clever “spin” on Bill’s criminal history would ultimately do more harm than good.

But, as the probation officer pointed out:

“In this case, the defendant received two criminal history points for two separate convictions in which he received a sentence of 118 days in custody on the same date. The offenses involved allowing vicious dogs to run at large (ordinance violation) and unlawful use of registration (traffic), and it appears that the sentences were imposed after the defendant failed to appear in court on multiple offenses, some of which were dismissed. Whether his criminal history category of V over-represents his criminal history is a matter for the Court to review.”

Exhibit A is the docket for the Bill's charge of allowing a "vicious dog to run at large" which is a violation of Belleville ordinance 13-1-3 which is attached hereto and marked as Exhibit C.

A person convicted of this ordinance violation is subject to the penalties found in ordinance section 13-1-12 which states (Exhibit D):

"...any person violating any provision of this Chapter may be prosecuted and found guilty of a misdemeanor, punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) and not more than Seven Hundred Fifty Dollars (\$750.00), and relinquishment of ownership of the involved animal(s)."

An ordinance violation like the one in paragraph 72 is not a criminal charge. It is a petty offense. Petty offenses do not entitle a Defendant like Bill to an attorney. Because the penalties of the ordinance violation does not call for jail time any jail sentence would technically be an illegal sentence.

On August 12, 2005, Bill had several charges pending against him. Exhibit B is the docket sheet for what transpired regarding his unlawful use of registration. On August 12, 2005, Bill appeared in "cop out" court to plead "guilty" in order to be released from jail. This Honorable Court has experience as a public defender in St. Clair County and has also handled ordinance violations. Hopefully, this background will enable it to understand that the two convictions contained in paragraphs 73 and 74 do not adequately represent 4 criminal history points.

Even though Bill is "technically" a criminal history category V, as the PSR points out, the fact that Bill received 4 criminal history points for pleading guilty on the same day to two minor offenses is something which should be considered by this Honorable Court when determining what sentence to impose. Removing two of these points would make Bill a criminal history category IV instead of a criminal history category V.

A criminal history category IV, which is what the parties envisioned in the Plea Agreement combined with a total offense level 26 results in an Advisory Guideline range of 92-115 months. The parties envisioned an Advisory Guideline sentence of 100-125 months, so a 100 month sentence would be a mid-range sentence.

III. The Offense

Bank robbery “getaway drivers” for the most part believe that since they are not *actively* participating in the bank robbery that they are somehow shielded from the true harm that occurs to the victims. They believe that the “real” perpetrators are those robbing the bank.

Bank tellers are underpaid and overworked. They are generally pleasant people who enjoy interacting with the public. Even though they know of the possibility of being robbed exists, the last thing they expect is to in fact be robbed.

Here, the robbery was brutal. For a mere \$10,000 the tellers were threatened at gunpoint, assaulted and humiliated by Bill’s co-conspirators. Bill was not aware of what was going on inside of the bank.

When his co-conspirators ran out of the bank, they entered the car and Bill took off. The vehicle was soon spotted by law enforcement and a high speed chase ensued. Even though there was a high speed chase, fortunately, no one was injured including law enforcement or innocent citizens.

Because of his actions, the parties believe Bill should receive a sentence of a little over 8 years.

IV. Cooperation

Bill’s cooperation will be addressed in greater detail at his Sentencing on March 5, 2015. Needless to say though, a Motion filed under United States Sentencing Guideline Section 5K1.1 is an indication from the Government as to the speed, quality and quantity of Bill’s cooperation.

Bill told the Government everything he knew about this crime including its planning and execution. Bill also told the Government about other crimes. Bill was absolutely honest and straightforward when he spoke to law enforcement and he believes that because of his assistance, law enforcement was able to solve other crimes as well as prevent others.

Bill will request that this Honorable Court depart downward to 70 months which would be a 33% reduction from a 100 month advisory Guideline sentence.

V. Bill Griffin

Everything about Bill's criminal history and the crime paint a bleak picture. As with most things in life, things written on paper only give a two dimensional view of something or as here, someone. This two dimensional portrait of Bill does not show the intelligent, caring, kind person that he truly is.

Bill is exceptionally bright and well-spoken. He is truly sorry and repentant for the crime he committed and the harm he caused. At Sentencing, Bill will be able to address his remorse.

Part C "Offender Characteristics" section of the PSR show an individual who was raised "right." It shows someone who works hard to support his family but who is weighed down by debt. Very rare is the criminal defendant with so many run-ins with the law who is as gainfully employed as Bill. But, in all likelihood, because of Bill's criminal history, he was never able to seek a job which paid much more than minimum wage.

VI. 18 U.S.C. Section 3553

When requesting a variance, it is important to go through each and every part of 18 U.S.C. Section 3553 to show why the requested sentence is appropriate.

In the rare case like this one, where a 5K1.1 Motion is expected to be filed, the need to lean on 3553 factors is lessened.

At Sentencing, this Honorable Court always mentions that whatever sentence it imposes must to reflect the seriousness of the offense and provide just punishment for the offense.

Here, Bill should start at a mid-range Advisory Guideline sentence of 100 months. Because the crime is one of violence, Bill will not be eligible for a camp in the Bureau of Prisons system. This in and of itself is a punishment, especially for a cooperating witness.

VII. Conclusion

It is Bill's hope that this Honorable Court will find that his cooperation was timely, complete and helpful and reduce his sentence to 70 months on April 15, 2015.

WILLIAM GRIFIN, JR.

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