

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :
VS. : NO. 3:06CR82 (JCH)
COREY NEWTON : NOVEMBER 22, 2006

DEFENDANT COREY NEWTON'S MEMORANDUM IN SUPPORT OF SENTENCING

I. Background

Corey Newton has pled guilty to one count of Conspiracy in violation of 18 U. S. C. §371. This statute carries a maximum penalty of five years and no minimum period of incarceration. The pre-sentence report has accurately calculated his guidelines and places him in Criminal History Category III and a total offense level of 8. Thus, his guideline range is six to twelve months of imprisonment and a fine range of \$1000 to \$10,000. Because this guideline calculation places him within Zone B of the Guideline Table, he is eligible for probation. Section 5C1.1(c)(3). But, additionally, because he is in Zone B, the minimum period of his guidelines must be satisfied with some type of alternative to confinement such as home detention. Id. Thus, if the Court does not vary or depart from the guideline range and decides to give Mr. Newton probation, it must give him at least six months of home detention. Id. The probationary period must be at least one year but not more than five years. Section 5B1.2.

II. Facts

Mr. Newton is a 37 year old male with no prior felony convictions and a minimal record that can best be described as domestic violence. While an employee of New

Haven Housing Authority, he and his co-defendant, Gregory Webb, formed a small construction company but utilized various other people as fronts for the company. By doing so, Messrs. Webb and Newton disguised their ownership of the company so as to obtain contracts from the New Haven Housing Authority. It would appear from the pre-sentence report and the investigation that the rehabilitation or construction work that Unlimited Horizons engaged in was done in a workmanlike and satisfactory manner and the only possible "victims" of the fraud were possibly other contractors who might have obtained the work had Mr. Newton been, in fact, disqualified because of his New Haven Housing Authority employment. This is a case where everyone agrees that there is no loss and the guidelines are calculated at the very lowest Base Offense Level of Six.

Although Mr. Newton's record is not unblemished, at 37 years old, he has never committed a crime anything like this. He appears to be, until this most recent incident, a man of moral rectitude and extreme honesty. The present incident seems to be an aberration for a man who never seems to have engaged in fraud, deceit, or manipulation. Although he does have arrests involving domestic disputes with the mother of his child, he has no arrests for theft, fraud, or anything of that nature. Weighing all the factors of 18 U. S. C. §3553(a), it appears that a sentence of probation with six months of home detention is "sufficient, but not greater than necessary, to comply with the purposes set forth in [18 U.S.C. §3553(a)(2)]".

As stated, the crime was of a serious nature and carries a maximum penalty of five years, but unlike drug distribution, there is no indication that crimes of this nature are very widespread and the collateral consequences of Mr. Newton's conviction and sentence will

adequately “reflect the seriousness of the offense”.

As previously stated, the sentence proposed will adequately deter others from engaging in this type of criminal conduct. 18 U. S. C. §3553(a)(2)(B). Unlike some other crimes carrying five year felonies, this crime will always carry automatic loss of employment for Mr. Newton and for anyone working for state or local government. That factor added to the humiliation of a conviction and the lifetime stigma of a felony record, will adequately deter others.

Because of Mr. Newton’s age and, as previously stated, his record of never having committed a crime of this nature, it is extremely unlikely that he will commit further crimes like this. Because he is no longer employed by the City of New Haven and can probably never obtain municipal or state employment again, the public is more than adequately protected.

If Mr. Newton does need additional training, 18 U. S. C. §3553(a)(2)(D), he certainly will not receive it with a relatively short sentence in the custody of the Bureau of Prisons. This court can impose probation for a number of years, and it can require, as a condition of probation, that he take courses in ethics or anger management.

The Court is also required to consider under the sentencing statute, “the kinds of sentences and the sentencing range...” established by the guidelines. Because Mr. Newton’s guidelines fall within Zone B, the court, fortunately, has a fairly extensive range of options. Should the Court require prison, it can provide that imprisonment to be home detention, but one month must be in a penal institution. As stated, in order that Mr. Newton not lose his job, it would be far more effective if the Court imposed the requested

sentence of probation with the condition of home confinement of at least six months.

The Court has two letters from Mr. Newton's sister and from his mother, both of whom give this Court great insight into the type of person who will appear before the Court on Monday. The letter from his sister shows that despite the fact the family grew up in an all white neighborhood and was subjected to racial discrimination, Mr. Newton "was always the voice of reason that told me [the sister] it was ok to be different". The extremely positive effect he had upon his sister, Jimmika Newton, is vividly described in her October 1, 2006, letter. Ms. Newton describes her brother as an extremely hard worker who stayed away from drugs, alcohol and all the other influences that affect many young minority people in the greater New Haven area. Furthermore, his sister points out that he was extremely proud of his job with the New Haven Housing Authority and, unfortunately, that job or one like it is now forever lost to Mr. Newton. The Court also has a letter from Mr. Newton's mother, Rev. Deborah Newton, dated September 30, 2006. She also reiterates that Mr. Newton was "always a hard worker". She also describes the punishment that Mr. Newton has already been subjected to because of his foolishness in submitting bids to New Haven Housing Authority. She states that Mr. Newton paid a big price for this; "by losing a job that he loved and was forced to dissolve a business that he thought would be the gateway of his career". She described how he has been blackballed by contractors and unable to secure work because of his conviction. Her remark that he has already "paid a huge price" is apropos and hopefully, will satisfy the court that he has already been adequately punished. Since the death of her husband, Mr. Newton's father, Mr. Newton "has been the glue to holding the family together. His being incarcerated will

be devastating to the entire family, especially his daughter, Coreynia”.

Most importantly, Mr. Newton’s lengthy letter to the Court, written solely by himself without any input from the undersigned, shows true remorse and regret for the actions he rather stupidly engaged in. He describes how his goal was always to become a responsible contractor and that now he has totally and probably forever lost that dream. The job that he had worked at over 15 years is also lost to him, and he has described also the emotional loss of his grandfather and his father in recent years. He explains the commission of the crime as leading from a burning desire to have his own contracting business and just naively going about it in a wrong and an illegal way.

III. Conclusion

_____ For all of the above reasons, the defendant respectfully requests that the Court find that a sentence of probation with a period of home detention, if the Court deems it necessary, is more than adequate to meet the sentencing goals of 18 U. S. C. §3553(a).

Respectfully submitted,

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CERTIFICATION

Pursuant to the Court's designation of this matter as an electronically filed case, and in accordance with the requirements for certification of service in such cases, the undersigned certifies that the foregoing document was filed electronically on this 22nd day of November 2006. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Richard S. Cramer