

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA

CRIMINAL NO. 3:06CR82(JCH)

v.

COREY A. NEWTON

NOVEMBER 20, 2006

GOVERNMENT’S SENTENCING MEMORANDUM

Defendant Corey A. Newton is scheduled to be sentenced by this Court on November 27, 2006. On August 17, 2006, Newton pled guilty to one count of conspiring to make false statements in a matter within the jurisdiction of the Department of Housing and Urban Development (“HUD”) and to misapply money belonging to a local governmental entity (the Housing Authority of New Haven, or “HANH”) receiving federal funds, all in violation of Title 18 U.S.C. § 371. The government respectfully requests that the Court sentence Newton to a term of imprisonment with the guidelines range of 6 to 12 months.

I. The Offense Conduct & Guidelines Range

A. The Offense Conduct

The offense conduct is accurately summarized in the Presentence Report (“PSR”) at ¶¶ 6-29.

B. Sentencing Guidelines Range

The government and the defendant agreed in the plea agreement to an applicable guidelines range of 6-12 months of imprisonment, and a fine range of \$1,000 to \$10,000. PSR at ¶ 5. The PSR appears to agree with that guidelines calculation. PSR at ¶¶ 36-44, 74.

II. Discussion

Under 18 U.S.C. § 3553(a), the sentencing “court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection.” The statute then provides that “[t]he court, in determining the particular sentence to be imposed, shall consider”:

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed—
 - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - (B) to afford adequate deterrence to criminal conduct;
 - (C) to protect the public from further crimes of the defendant; and
 - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
- (3) the kinds of sentences available;
- (4) the kinds of sentence and the sentencing range established [in the Sentencing Guidelines];
- (5) any pertinent policy statement [issued by the Sentencing Commission];
- (6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and
- (7) the need to provide restitution to any victims of the offense.

18 U.S.C. § 3553(a).

Here, it is the government's position that the Court should sentence the defendant to a term of imprisonment of between 6 to 12 months. The defendant engaged in a fraud on his public employer, the Housing Authority, and attempted to obstruct justice after his fraud was under investigation by importuning Sarhanna Smith, Newton's former girlfriend and nominee owner of Unlimited Horizons, to lie to federal agents about Newton's involvement with the company. *See* PSR at ¶ 28. This conduct, when coupled with Newton's continued misrepresentations to this Court about the fraud he committed, calls for a period of incarceration, even if a short one.

In his letter to the Court, Newton refers to the conduct underlying his conviction as a mere "personnel matter," clearly showing that he does not fully accept the fact that his conduct was fraudulent and criminal in nature. *See* Letter, Corey A. Newton to Judge Janet Hall, dated Sept. 12, 2006, at 2 ("Newton Letter") (attached to the PSR).

More disturbingly, Newton claims that during the period in question he "worked during the day as employee and nights as a contractor." *Id.* The problem with that is that an internal investigation conducted by the Housing Authority showed that Newton and other Housing Authority employees accounted for their Housing Authority time with work on Unlimited Horizons projects. *See* Attached A (HANH memorandum setting forth findings) (USAO 2990-3000). In other words, Newton and others at the Housing Authority worked on Unlimited Horizons projects while they were on the clock – *i.e.*, being paid – by the Housing Authority with federal taxpayer money. Newton's assertion about working "nights" for Unlimited Horizons is also belied by the fact that the Housing Authority paid Newton large amounts of

overtime during the relevant time period – for example, approximately \$20,000 of overtime in 2002, far in excess of his budgeted salary.

Newton also claims in his letter that “[a]ll work was professionally completed.” The Housing Authority’s review of the work for which Newton’s company was paid tells another story. In addition to the fact that labor was billed to the Housing Authority on some Unlimited Horizons projects, materials were taken from Housing Authority warehouses on contracts for which the price the Housing Authority paid included material. Indeed, on one job, not only were materials provided to Unlimited Horizons when they should not have been, but Newton appears to have taken 9 hours of Housing Authority time to provide the materials to the contractor – *i.e.*, himself. *See* Attachment A, at page 7. Although some work does appear to have been completed, much of it appears to have been less than satisfactory, and some of the work appears never to have been done. *See* Attachment A.

Newton claims to the Court that he has “been a law abiding citizen all of my life.” Newton Letter at 1. He apparently does not believe that his numerous prior assault convictions for beating the mother of his child (and his resulting criminal history category of III) count against him on that score. *See* PSR at ¶¶ 45-49. And Newton’s lack of respect for the law is not limited to violence against women. Even *after* his fraudulent scheme had been detected and he had been fired by the Housing Authority, he not only applied for unemployment compensation, but blatantly and repeatedly lied about it under oath at an administrative unemployment hearing after the Housing Authority properly contested his right to benefits. When in this case agents attempted to arrest Newton, he fled, attempting to escape through the bathroom window of an eating establishment. Law abiding Corey Newton is not.

Newton's disregard for the law and the consequences of breaking it was again recently demonstrated when he directly disobeyed one of this Court's conditions of his release, namely, that he have "no direct or indirect contact with . . . Sarhanna Smith." *See* Doc. #7, 4/24/06 (condition 4(d)). On November 10, a lawyer for Ms. Smith, who is Newton's former girlfriend and whose statements about Newton's role in the offense were long ago turned over to the defense, informed the government that Newton has been harassing Ms. Smith for weeks by repeatedly calling her on the phone, driving by her house and on one occasion approaching her car when she was parked in it with her children inside. The government advised the U.S. Probation Office of the situation, and also advised Newton's lawyer that Newton had to cease attempting to make any contact with Ms. Smith immediately.

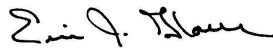
In short, Newton has little to no respect for the law, perhaps in part because he has never experienced any serious consequences as the result of breaking it. That should end with this case. A sentence of imprisonment is necessary not only for general deterrence in this case, but also specific deterrence. A sentence of imprisonment will make clear to Newton that his actions have real consequences, and that those consequences are not simply more convictions on his rap sheet and more time on probation.

Conclusion

For the foregoing reasons, the Government respectfully requests that the Court impose a sentence of imprisonment within the guidelines range of 6 to 12 months.

Respectfully submitted,

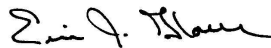
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CERTIFICATION

I hereby certify that on November 20, 2006, a copy of foregoing Government's Sentencing Memorandum was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

A handwritten signature in black ink, appearing to read "Eric J. Glover".

ERIC J. GLOVER
ASSISTANT U.S. ATTORNEY