

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA

V.

CASE NO. 1:20-CR-296-JPB-CMS

CHARLES HILL, IV

SENTENCING MEMORANDUM

The Defendant, Charles Hill, IV, by and through undersigned counsel, submits this Sentencing Memorandum in support of a reasonable sentence under 18 U.S.C. §3553(a). Mr. Hill has filed no objections to the PSR or the guideline range. Mr. Hill respectfully asks this Court to impose the sentence agreed upon by the parties. In support thereof, Mr. Hill shows the court the following:

PROCEDURAL POSTURE

Mr. Hill was named in a Sixty-One (61) count superseding indictment returned by the grand jury on July 13, 2021. Mr. Hill is charged in counts Twenty-Five (25), Twenty-Six (26), Fifty-Five (55) and Fifty-Six (56) of the indictment.

Pursuant to the above charges, Mr. Hill surrendered himself for arrest on July 19th, 2021. The defendant was released on a Ten Thousand Dollar unsecured bond.

Mr. Hill entered a plea pursuant to an agreement with the government to Count Twenty-Five, Conspiracy to Commit Wire Fraud.

The Defendant raises no issues related to the facts or sentencing guidelines in this case. The Defendant simply states that the facts and circumstances of the case and of the life of the Defendant supports the recommended sentence agreed to by the parties.

THE §3553 FACTORS SUPPORT A LESSER SENTENCE BASED ON
THE HISTORY OF THE DEFENDANT AND THE FACTS OF THE CASE

Federal law requires Courts to impose a sentence that is “sufficient, but *not greater than necessary*.” 18 U.S.C. §3553(a). (Emphasis added). Particularly, in instances such as this case, when imposing the sentencing guidelines will lead to an unreasonable sentence, the court has the authority to impose a sentence outside the guidelines, as long as it is reasonable. The sentencing guidelines, according to the Supreme Court, are merely “advisory,” and thus any calculation based upon those guidelines is not mandatory for the courts. *United States v. Booker*, 543 U.S. 220 (2005). While district courts must still consult the guidelines, they are only required to “take account of the guidelines together with other sentencing goals.” *Id.* at 261. (Emphasis added). The other sentencing goals, each of which must be evaluated individually in the sentencing analysis, are outlined in 18 U.S.C. 3553 (a) as follows:

1. The nature and circumstances of the offense and the history and characteristics of the defendant;
2. The need for the sentence imposed;
3. The kinds of sentences available;
4. The kinds of sentence and the sentencing range established by the Sentencing guidelines;
5. Any pertinent policy statement
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 of any victims of the offense. *See* 18 U.S.C. §3553(a).

The sentencing guidelines and its commentary are only two of those seven factors, roughly 28% of the total analysis. 18 U.S.C. § 3553(a)(4), (5). In the present case, the suggested guideline range is greater than necessary. A comprehensive analysis of Mr. Hill's case, whereby other factors are considered, should result in a reasonable sentence which is less than the guidelines suggest.

The Defendant Charles Hill, IV is 46 years old and a resident of the Northern District of Georgia. The defendant was reared in a stable family environment and has significant contacts with his family and they are supportive of him in the unfortunate chapter of his life.

He is currently married with three children, one of which tragically killed in a motorcycle accident in May of 2021, while attending the University of Tennessee. Two of his daughters are minors and lives with the defendant and his wife. He also has a stepson who lives in North Carolina.

Mr. Hill is a graduate of Morehouse College with a degree in Marketing. He has also attained a master's degree in Special Education from Grand Canyon University. He is employed full time with the Dekalb County School System.

Mr. Hill has a very rare autoimmune disease. Anti-Synthetase Syndrome causes the immune system to erroneously attack and destroy normal lung, muscle, joint and skin tissue. The disease is incurable and life-long. For Mr. Hill the disease has resulted in autoimmune Interstitial Lung Disease with permanent lung scarring and decreased lung function.

Mr. Hill is being treated at the Emory University School of Medicine for his disease. Dr. Prateek Gandiga has stated that it is his opinion "that even a limited period of time incarcerated in a prison environment would pose significant risk of permanent and potentially organ/life-threatening damage to Mr. Hill's health". Dr. Gandiga considers it essential that Mr. Hill continue to receive the treatments with his current subspecialty physicians to keep his disease under control.

It is also important to note that Mr. Hill has cooperated with the government prior to the indictment. Mr. Hill has been truthful and transparent with the government's inquiry and has provided all information requested. The defendant is remorseful and wants the opportunity to right his wrong.

CONCLUSION

Mr. accepts full responsibility for his actions in this case and will accepts the courts sentence. He ask this court to accept the sentence agreed upon by the parties in the plea agreement.

This 10th day of January 2022.

Respectfully submitted,

/s/Akil K. Secret

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing **SENTENCING MEMORANDUM** with the Clerk of Court for filing and uploading to the CM/ECF system, which will automatically send email notification of such filing to the following attorney of record:

Tal Chaiken, AUSA
United States Attorney's Office
75 Ted Turner Drive
Suite 600
Atlanta, GA 30303

This 10th day of December 2022.

Respectfully submitted,

/s/Akil K. Secret
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