

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

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

HARRESCIA HOPKINS,)

Defendant.)

CASE NO.: 1:22-cr-00284-SEG-CMS-1

DEFENDANT’S SENTENCING MEMORANDUM

COMES NOW, Defendant **HARRESCIA HOPKINS**, by and through her undersigned counsel, and respectfully asks this Court to consider the information contained in this Memorandum when determining her sentence. Ms. Hopkins submits that upon a review of the sentencing factors contained in 18 U.S.C. § 3553(a), this Court should sentence her to a non-custodial sentence. In support of this sentence, Ms. Hopkins shows as follows:

I. The Nature and Circumstances of the Offense

Ms. Hopkins acknowledges that her offense conduct in this case is serious and that she, in a moment of great anxiety and weakness, submitted and received two paycheck protection program (PPP) loans from the government. However, Ms. Hopkins only came to be investigated by the government because of allegations made against her while she was employed as a Corrections Officer for the Bureau of Prisons (BOP). Ms. Hopkins has repeatedly and consistently denied these allegations and she has not been charged with any

offenses related to this alleged conduct. Further, not only would Ms. Hopkins's finances not have been investigated by the government had these false allegations not been levelled against her, she likely would not have been prosecuted by the US Attorney's Office in this District based on her PPP loan applications because the loss amount in this case is well-below the fraud loss amount threshold for cases typically brought by the government in this District.

Ms. Hopkins raises these arguments not to downplay the severity of or her responsibility for the conduct in the filing of these PPP loan applications, but rather to highlight that similarly situated defendants are not being prosecuted for this conduct. Ironically, it is her commitment to public service, by first working with the Fulton County Sheriff's Office and then BOP, that has led to her prosecution in this case. Given that similarly situated defendants are not suffering similar consequences to Ms. Hopkins, she submits that a non-custodial sentence is appropriate in this case. Ms. Hopkins will forever suffer the collateral consequences of being a convicted felon, including the loss of her employment and the likely ending of her dream of becoming a lawyer and eventually a federal Judge. Considering these collateral consequences, any additional incarceration is unnecessary and overly harsh.

Further, Ms. Hopkins notes that her loss amount falls just barely above the \$40,000 threshold for a six-level enhancement under the guidelines. Indeed, were her loss amount to be limited to just the amounts she received from these loans, this amount would fall under \$40,000 and she would only receive a four-level enhancement. Therefore, her guideline level overstates the severity of her conduct in this case and a non-custodial sentence is appropriate

for Ms. Hopkins.

II. Ms. Hopkins's History and Characteristics

Ms. Hopkins is a thirty-four-year-old woman with no prior criminal history. Despite a childhood marred by sexual, physical, and emotional abuse, Ms. Hopkins graduated high school, college, and graduate school. Ms. Hopkins has degrees in criminal justice and a master's degree in public administration. She received these degrees while working full-time jobs to help support her family. Ms. Hopkins became a law enforcement officer with the hopes of eventually becoming a lawyer and a federal Judge. The attached character letters attest to Ms. Hopkins commitment to her community and its support of her. *See* Character Letters, attached hereto as Exhibit A. It is clear to all who know her that Ms. Hopkins is extremely remorseful and that she is no danger to reoffend. Despite the severe mental and emotional stress she has been under prior to and during the pendency of this case, Ms. Hopkins has continued to work while on pretrial release and she is committed to remaining employed so that she can work towards paying back her restitution obligation in this case. Incarcerating Ms. Hopkins at this time will only further limit her ability to obtain and maintain employment, thereby making it more difficult for her to pay this money back.

Therefore, given her lack of criminal history, her commitment to public service, and her support in the community, a non-custodial sentence is reasonable for Ms. Hopkins.

WHEREFORE, for the foregoing reasons, as well as additional arguments that Ms. Hopkins will make at her sentencing hearing, Ms. Hopkins respectfully requests a non-custodial sentence in her case.

This, the 15th day of March, 2023.

Respectfully submitted,

s/ Benjamin Black Alper

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CERTIFICATE OF COMPLIANCE

This is to certify that to the best of my knowledge this document has been prepared with one of the font and point selections approved by the Court in LR 5.1B, pursuant to LR 7. Specifically, the above-mentioned document has been prepared using Times New Roman font, 14 point.

This, the 15th day of March, 2023.

Respectfully submitted,

s/ Benjamin Black Alper

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the above date, I electronically filed this document with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

Respectfully submitted,

s/ Benjamin Black Alper

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