

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

VS.

RASHONDA GOLDEN,
Defendant.

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NO. 24-00029-04-CR-W-BP

DEFENDANT’S SENTENCING MEMORANDUM

COMES NOW the Defendant, Rashonda Golden, by and through her counsel, and hereby submits her Sentencing Memorandum in the above-referenced case. Sentencing is presently scheduled for March 6, 2025, at 11:00 a.m. Ms. Golden is asking that the Court sentence her to a term of probation.

I. PROCEDURAL HISTORY

The Defendant, Rashonda Golden, was arrested on the instant case and granted pretrial release pending disposition. Ms. Golden thereafter pled guilty to one count of Conspiracy to Commit Wire Fraud carrying a sentencing range of 0 to 20 years. Ms. Golden pled with a written plea agreement and there are no objections to the PSR. Ms. Golden is now ready for sentencing.

II. ADVISORY GUIDELINE RANGE

Consistent with the Eighth Circuit directive that an advisory guideline range must first be calculated, the Defendant refers the Court to the PSR which calculated a sentencing range set forth below:

BOL 9, Category I 4 to 10 months

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It should be noted that Ms. Golden falls into Zone B of the Sentencing Table.

III. 3553(a) FACTORS/SENTENCING GUIDELINE CONSIDERATIONS

a. 3553(a) Factors

Pursuant to Section 3553(a), quoted in pertinent part, this Court shall consider the following factors:

- (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 sentences and the sentencing range established for [the offense];
- ...
- (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.

Recommended Sentence

In keeping with the foregoing factors and as argued below, Ms. Golden requests that the Court sentence her to a term probation. Ms. Golden was one of a handful of people who the main conspirators utilized to make and file false tax refund claims. Ms. Golden was involved in two transactions. Ms. Golden alerted the government early that she would be pleading and was one of the first in the case to accept responsibility – Ms. Golden lives on the West Coast and her financial situation limited her ability to make arrangements to get back to Kansas City and get her plea done but she was eventually able to facilitate the trip both financially and with help for care of her minor child while she was away. Ms. Golden has no criminal history and has been completely compliant with the terms of her pretrial release during the pendency of the case. Ms.

Golden recognizes that she voluntarily took part in the conspiracy and knew the illegality of her conduct.

Ms. Golden is ashamed and anxious to put this matter behind him. Ms. Golden is a single mother who is solely responsible for the care and support of her minor child. She is gainfully employed and capable of repaying the amount of restitution in the case during the course of probation, should probation be granted. The two transactions were done long-distance and Ms. Golden was not present for those transactions. The only thing that differentiates her from others similarly situated in her case is that the conspiracy leader submitted two applications for her instead of one resulting in slightly higher loss being attributed to Ms. Golden from other similarly-situated defendants. Ms. Golden certainly expended no more effort in the offense than others similarly situated and only benefited marginally more given that the main conspirator took a large portion of the proceeds. Nevertheless, Ms. Golden accepts her part in the conspiracy and is not attempting to diminish responsibility for her overall actions. Indeed, at her age and with the education and opportunity in her background, she is among a few in the case who will be hit hardest by her felony conviction itself. In short, a sentence of incarceration is not necessary to punish Ms. Golden. There are alternatives, including the felony conviction itself and all that a felony conviction entails, to incarceration that will adequately address Ms. Golden's criminal behavior, provide just punishment and deter Ms. Golden from such behavior in the future.

IV. CONCLUSION

Based upon the foregoing, Ms. Golden requests that this Honorable Court impose a sentence consistent with the suggestions contained in this Memorandum and specifically a sentence of a reasonable term of probation and for any other relief deemed proper by the Court.

Respectfully submitted,

/S/ DAVID A. KELLY

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CERTIFICATE REGARDING SERVICE

I hereby certify that it is my belief and understanding that counsel for plaintiff as well as all counsel for all co-defendants are participants in the Court's CM/ECF program and that separate service of the foregoing document is not required beyond the Notification of Electronic Filing to be forwarded upon the filing of the foregoing document. Copies of each document have been provided to opposing counsel via email as well.

/s/ David A. Kelly

David A. Kelly, Attorney for Defendant