

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	Case No. 24-00029-07-CR-W-BP
	)	
JEFFERY CHILLIS, II	)	
	)	
Defendant.	)	

DEFENDANT’S SENTENCING MEMORANDUM

On November 21, 2024, Jeffery Chillis, II, Defendant, pled guilty to Conspiracy to Commit Wire Fraud, a Class C Felony. The final Presentence Report (PSR) reflects a guideline range based upon a total offense level of 9 and a criminal history category of I. Thus, resulting in a guideline imprisonment range of 4 to 10 months. Defendant is set for sentencing on April 14, 2025. Defendant has an outstanding objection to not receiving “acceptance of responsibility” that could further reduce his guideline exposure.

The Defendant will be requesting this Court grant a downward departure, or a variance, based on the combination of § 3553 factors as outlined in this memorandum. Defendant has remained in custody since February 27, 2025. As of the sentencing date on April 14, 2025, he will have been in custody for 46 days. Defendant is requesting time served with probation. The Government is also requesting time served with probation.

As this Court is aware, in *United States v. Booker*, 125 S.Ct. 738 (2005), the Supreme Court held that the mandatory guideline system created by the Sentencing Reform Act of 1984 (SRA) was unconstitutional. While the SRA still requires a court to give “respectful consideration” to the Guidelines, “*Booker* permits the court to tailor the sentence in light of other

statutory concerns as well.” *Kimbrough v. United States*, 128 S.Ct. 558, 570 (2007) (citing *Booker*, 125 S.Ct. at 757) (*See also Gall v. United States*, 128 S.Ct. 586, 594 (2007)).

I. The § 3553(a) Sentencing Mandate

After *Booker*, federal sentencing is vastly different. Treating the Guidelines as advisory requires that a court consider the guideline range calculation as merely one of many factors in determining a sentence no greater than necessary to achieve the goals of sentencing set forth in 18 U.S.C. § 3553(a)(2). *See Gall v. United States*, 128 S.Ct. 586 n.6 (2007); *Kimbrough v. United States*, 128 S.Ct. 558, 570 (2007). The overriding principle and basic mandate of the statute requires district courts to impose a sentence "sufficient, but not greater than necessary," to achieve the four purposes of sentencing set forth in Section 3553(a)(2): (a) retribution; (b) deterrence; (c) incapacitation; and (d) rehabilitation.

A. The Guidelines and Other Factors Courts Must Consider in Determining a Punishment that Fulfills the Sentencing Mandate under § 3553(a)(2).

In determining the sentence minimally sufficient to comply with the Section 3553(a)(2) purposes of sentencing, the court must consider several factors listed in Section 3553(a), including:

- (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 advisory guideline range;
- (5) any pertinent policy statements issued by the Sentencing Commission;
- (6) the need to avoid unwarranted sentence disparities; and
- (7) the need to provide restitution to any victims of the offense.

18 .S.C. § 3553(a) (2018).

Defendant's History and Characteristics

Jeffery Chillis, II, is 31 years old and was born in St. Louis, Missouri. Shortly after his birth, his mother and father moved the family to Kansas City, Missouri. After living in Kansas City, Missouri, for eight years, his family moved to Liberty, Missouri and then shortly after to Columbia, Missouri, before settling down in Corpus Christi, Texas. He has lived in Corpus Christi, Texas, for the majority of his life, aside from attending college in Houston, Texas, from 2011 to 2013. He has five siblings, two of whom also live in Corpus Christi, Texas, and one who lives in Dallas, Texas. His mother is currently battling pancreatic cancer and she is undergoing outpatient treatment. His father is an amputee and requires the use of a wheelchair to get around. He has previously maintained employment as a cook for various restaurants in the state of Texas and since 2022, he has also operated a food truck to supplement his income, providing additional financial support to himself and his family.

Remorsefulness

The Defendant is deeply remorseful for his conduct in this case and will address the Court during the sentencing hearing. He understands the wrongs he has committed in this case and has a sincere desire to leave a better mark on society. Defendant has agreed to pay restitution in the amount of \$20,833. He is eager to pay off the restitution amount, return to work, return to his family, and is fully committed to becoming a productive member of society.

Remorse is a factor the Court is encouraged to consider. *United States v. Fagan*, 162 F.3d 1280, 1284-85 (10th Cir. 1998). Under the old departure analysis, "[b]ecause remorse is not a prohibited factor, but a factor already considered in the Sentencing Guidelines, a sentencing court may depart downward if it finds that remorse is present to an exceptional degree." *Id.* Now that the Guidelines are merely advisory, the fact of a defendant's remorse is certainly relevant under § 3553(a). These factors have renewed relevance after *Booker*.

WHEREFORE, Defendant requests this Court consider all § 3553 factors outlined above in fashioning a sentence that is sufficient, but not greater than necessary to achieve the goals of sentencing. The Defendant and the Government are jointly requesting a sentence of time served with probation.

Respectfully submitted,

/s/ Patrick J. O'Connor

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of April, 2025, a true copy of the foregoing document was filed utilizing this Court's ECF system, and that a copy of the foregoing document was then served via this Court's system for electronic distribution to all counsel and parties of record.

/s/ Patrick J. O'Connor