

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

DOCKET NO. 23-20295-Cr-ALTONAGA/DAMIAN

UNITED STATES OF AMERICA)

vs.)

ARASHIO HARRIS)

Defendant.)
_____)

**DEFENDANT’S SENTENCING MEMORANDUM IN SUPPORT OF MOTION FOR
DOWNWARD VARIANCE FROM THE UNITED STATES SENTENCING
GUIDELINES AND RECOMMENDED SENTENCE**

By and through his counsel of record, Arashio Harris (“Arashio”) respectfully submits the following sentencing memorandum for this Court’s consideration prior to the imposition of sentence herein. Mr. Harris submits this memorandum in order to provide information to assist the Court with fashioning a sentence that is “sufficient but not greater than necessary” to achieve the statutory purposes of punishment and a just sentence. Mr. Harris also respectfully requests the Court to consider the multiple factors pursuant to 18 USC §3553(a)(1)-(7) that would warrant a variance and a sentence below the guidelines range.

ANALYSIS OF STATUTORY FACTORS AS APPLIED TO THIS CASE

OVERVIEW

Arashio Harris is a 49-year-old devoted husband and father, who has never had prior contact with the criminal arena. He’s been married to his wife Nikesha Harris for 17 years and has been with her for 25.5 years. He adores all three of his children- his son Keandre, who is 26 years old, son Annais, 24-years-old and his daughter Antanesha, 22-years-old. He has never been to a night club and has never had a sip of an alcoholic beverage. Also, he has never tried an illegal drug. He

is currently in trucking school to earn his CDL license. He needs income for his family and is eager to continue to be an honorable provider for them.

DEDICATION TO COMMUNITY SERVICE

Arashio has dedicated his life to community service. He volunteers at the food bank every Tuesday and Thursday, from 8am-2pm, distributing food to the community. Additionally, he started a non-profit organization called "Wisdom Seekers International Young Entrepreneurs Initiative," to provide the youth in the South Dade area with alternatives to gang inductions, drug dealing, theft, prostitution, and gun violence. He grants the youth he serves "the grace to dream, the wisdom of productive elders to structure that dream, and the vision and achievable pathway to accomplish it as a reachable goal." He passionately assists the youth he serves to recognize their potential utilizing the talents or interests they possess. Additionally, they are taught self-care and how to dress for success. Additionally, he arranges for "haircut days" where he and others use their clippers and cut hair. Because Arashio believes that "people act how they feel," he teaches them the "HARRIS 5": (1) GOD FIRST, THEN FAMILY 2) EDUCATION 3) NO KIDS OUT OF WED LOCK, BECAUSE ITS HARDER TO ATTAIN WEALTH AND TO DATE AND MARRY THE PERSON THAT YOU REALLY WANT LATER IN LIFE 4) GOOD CREDIT, DONT LIVE LIFE WITHOUT IT OR YOU WILL PAY FOR IT...LITERALLY 5) NO CRIMINAL RECORD. With his brother's assistance, he teaches them real world conflict resolution. They are provided options to help de-escalate gun violence. Arashio and his brother have personally prevented over three dozen murders, or attempts, through this non-profit. Utilizing his vast experience as a Correctional Sergeant for twenty years, he is able to paint a picture with words so that the youth he serves understands that jail is not the place for them.

Furthermore, Arashio has organized and funded turkey drives for many years in his community. Additionally, he and his brother recently submitted a proposal to Commissioner Keonne McGhee, which has been approved and will be funded to help prevent youth violence and death on a greater scale in South Miami Dade County. He expects that his initiative will create greater community outreach with the residents of the community. Arashio is very trusted by them

because he has resided there for the past twenty years and has assisted them while many have gone through the toughest times of their lives and the lives of their children.

Also, every week, he visits elderly family members to assist them with household chores, like taking out their garbage. He also provides them with stimulating communication to keep up their cognitive abilities.

FAITH

Arashio attends Great Grace Church, in Wynwood, every Sunday from 9am-2:00pm, and also, every Tuesday evening from 6:30pm-11:00pm. Additionally, every Thursday afternoon, he hosts “Cell Church,” where he prays with those who call in.

HEALTH ISSUES

Arashio suffers from a number of health issues. He was recently told by his doctor that he is “the poster child for the morbidly obese African American male.” Because of his severe sleep apnea, he is unable to sleep without his CPAP machine. Additionally, he has to take eight medications daily, including an injection and a blood sugar scanner in his left arm. He’s currently teaching an Eventbrite class where he is chronicling his health journey.

Also, his wife suffers from debilitating fibroids, what she calls “the tingles”. She has been to several hospitals where physicians have been unable to definitively diagnose her. She suffers daily, feeling that her skin, limbs, and back are on fire (or as if electricity is running through her body). His wife rarely has any breaks from her discomfort. While she’s suffering, she is bedridden and unable to care for herself. She’s been missing work, leaving her husband Arashio to care for her. Their children are in college and/or not at home during the day so they are unable to assist.

OTHER FACTORS

The arrest and indictment of Mr. Harris will adequately deter any future criminal conduct, pursuant to 18 U.S.C. §3553(a)(2)(B). As part of this plea, Mr. Harris agreed to give up his career and never work for Corrections again. He had served for over 20 years and was a sergeant at the time of his arrest. Mr. Harris did everything in his power to live his life in a productive manner and give back to his community. A lengthy jail sentence is not necessary in this case and would not further the statutory goals of sentencing.

Furthermore, any time that Mr. Harris will receive will require him to be in protective custody as a result of his twenty-year employment with Corrections. Because he will be required to be isolated for his protection, the time that he serves will be more challenging for him than for someone serving it in the general population.

Additionally, a lengthy prison term isn't necessary to protect the public from future crimes, pursuant to 18 U.S.C. § 3553(a)(2)(C). Mr. Harris does not present a risk of recidivism. His age, track record of improving himself, supportive family, and employment history show there is an extremely low risk that he will repeat the conduct that led to his arrest. Mr. Harris took full responsibility for his actions.

The Court should consider alternative sentences available other than a prison term (see 18 U.S.C. §3553(a)(4)) The Court could impose a sentence of probation and/or 12 months home confinement with work restrictions, along with numerous community service hours to reach a just sentence.

VI. CONCLUSION

Mr. Harris respectfully requests that this Court sentence him to a period of 12 months home confinement along with significant community service and other non-prison sanctions that this Court deems appropriate.

WHEREFORE, based upon the above and foregoing the Defendant respectfully requests this Court to grant the instant motion.

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed this 18th day of October, 2023.

Respectfully submitted,
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