UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:23-CR-94-D-1

UNITED STATES OF AMERICA v. DONTRELL RAYSHARE BARNES	SENTENCING MEMORANDUM (UNDER SEAL)

COMES NOW, Dontrell Rayshare Barnes, by and through undersigned counsel, who respectfully submits this memorandum to aid the Court's sentencing determination. Mr. Barnes is the product of a financially strained, single-parent upbringing who has committed himself to legitimate, gainful employment throughout his adult life. He requests that the Court issue the lowest Guideline sentence available—a sentence of probation with a condition requiring home detention for a period of eight months.

Such a sentence is "sufficient, but not greater than necessary to comply with the purposes" of sentencing set forth in 18 U.S.C. § 3553(a). *See United States v. Tucker*, 473 F.3d 556, 561 (4th Cir. 2007). First, the appropriately-calculated Guidelines range is eight-to-fourteen months, in Zone B of the Guidelines Manual's Sentencing Table. While the United States Probation Office calculated a higher Guidelines range, it erred in applying a two-level enhancement for offenses involving conduct described in 18 U.S.C. § 1040. Second, Mr. Barnes's history and characteristics are mitigating factors that the Court should consider in fashioning an appropriate sentence. Third, the nature and circumstances of the offense, and particularly Mr. Barnes's role in the offense, suggest that his punishment should be less than that of other individuals sentenced by the Court for similar frauds.

I. The Presentence Investigation Report erroneously includes a two-level enhancement for offenses involving conduct described in 18 U.S.C. § 1040. The correct Guidelines Range is eight-to-fourteen months.

At Paragraph 43, the Probation Office increased the offense level by two levels by including the enhancement referenced at USSG §2B1.1(b)(12), stating that "the offense involved conduct described in 18 U.S.C. § 1040." DE 71 (PSR) at 10, ¶ 43. However, the offense did not involve conduct described in that statute. The Court should not apply the enhancement for two reasons. First, Mr. Barnes's conduct does not fall within the ambit of the enhancement—put another way, he did not violate 18 U.S.C. § 1040. Second, the Court should not apply the enhancement as a matter of equity.

a. Mr. Barnes did not violate 18 U.S.C. § 1040.

Section 1040 criminalizes fraud in connection with Stafford Act major disaster declarations made pursuant to 42 U.S.C. § 5170 or Stafford Act emergency declarations made pursuant to 42 U.S.C. § 5191. 18 U.S.C. § 1040(a). Specifically, the fraud must involve a "benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with" such a major disaster declaration or emergency declaration. *Id.* On March 13, 2020, then-President Trump sent a letter to the Acting Homeland Security Secretary, the Treasury Secretary, the Health and Human Services Secretary, and the Administrator of the Federal Emergency Management Agency in which the President determined "under Section 501(b) of the Stafford Act, that an emergency exists nationwide." Letter from President Donald J. Trump to Department Heads (Mar. 13, 2020), https://trumpwhitehouse.archives.gov/wp-content/uploads/2020/03/LetterFromThePresident.pdf (attached and referred to hereinafter as Exhibit A). That determination of a national emergency authorized the Federal Emergency Management Agency (FEMA) to provide "assistance pursuant to section 502 and 503 of the Stafford Act for emergency protective measures not authorized under other Federal statutes." *Id. See also* Elizabeth Webster, Erica Lee, William Painter, Cong. Rsch.

Serv., R46326, Stafford Act Declarations for COVID-19 FAQ (2020) (Exhibit B) ("Specifically, the Stafford Act emergency declaration authorized one form of Federal Emergency Management Agency (FEMA) assistance: Public Assistance emergency protective measures (as authorized under Stafford Act Section 502).").

By contrast, Mr. Barnes has been convicted of a fraud offense involving a loan issued through the Paycheck Protection Program (PPP). PSR at 4 ¶ 11. After his mother began communicating with Edward Whitaker, Mr. Barnes assisted his mother in fraudulently obtaining a loan through Mr. Whitaker. PSR at 4-5 ¶¶ 11-12. The loan was not issued through FEMA and was not authorized by the Stafford Act. Instead, the PPP was administered by the Small Business Administration and authorized by Congress in March 2020 when it passed the Coronavirus Aid, Relief, Economic Security (CARES) Act. PSR at 4 ¶ 9. As a result, the benefit received by Mr. Barnes was not "authorized, transported, transmitted, transferred, disbursed, or paid in connection with" the President's March 13, 2020 declaration of a national emergency under the Stafford Act. *See* 18 U.S.C. § 1040 (defining requirements for a violation of the statute). Instead, the benefit was authorized by an act of Congress.

The government may argue that the phrase "paid in connection with" is broad enough to encompass the offense conduct at issue in this case. However, that interpretation changes both the statute's meaning and leads to absurd results. Significantly, Congress did not choose to tie the benefit to a *disaster* or *emergency*, which would have brought within the statute's ambit any fraud related to the relevant disaster so long as it met the statute's other requirements. Instead, only fraudulent activity "involving any benefit . . . paid in connection with a major disaster *declaration* . . . or an emergency *declaration*" qualifies for punishment. 18 U.S.C. § 1040(a) (emphasis added). This is important because the government's interpretation would re-write the statute. If, as the government may suggest, any fraud connected to the *COVID-19 emergency* qualifies for punishment under the statute, then the statute would read differently. It would criminalize frauds involving any benefit paid in connection "with a major disaster that has been declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act" or paid in connection with "an emergency that has been declared under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act." But that is not what the statute says. As the statute is actually written, a fraudulently-obtained benefit must be "authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster *declaration* . . . or an emergency *declaration*" under the Stafford Act. *Id.* (emphasis added). This means that, for example, fraudulently-obtained benefits paid out through the FEMA that have been authorized by the President's declaration of a Stafford Act emergency could result in criminal liability under Section 1040. However, because the statute is limited to benefits flowing from a Stafford Act declaration, other fraudulently-obtained benefits are punishable by other statutes, not this one.

To illustrate the point, imagine a public high school that, during the midst of the COVID-19 pandemic decides to distribute collected N-95 masks to healthcare workers. An individual in the community, not a healthcare worker, lies and says that they should receive a mask, and they do. That person has received a benefit: they obtained a "thing of value" from an "other entity," if not a local government. *See* 18 U.S.C. § 1040(c). They have both falsified a material fact and made a materially false statement. *See* 18 U.S.C. § 1040(a). The only remaining question, is whether the benefit has been transferred or disbursed "in connection with" a Stafford Act declaration. *See* 18 U.S.C. § 1040(a). Under the government's interpretation, that person can be imprisoned for up to thirty years under Section 1040. While the example is, admittedly, far-fetched, it demonstrates why Congress tied the benefit to the *declaration* and not to the disaster or emergency—it was specifically targeting aid programs flowing from Stafford Act declarations, not all aid programs tied to any important disaster or emergency.

b. The Court should not apply the enhancement found at USSG §2B1.1(b)(12) as a matter of equity.

Of course, ultimately the Guidelines are advisory and the Court maintains discretion to issue the sentence that it believes is appropriate. In this case, applying the enhancement is not appropriate. Mr. Barnes has a co-defendant in this case—his mother, Monica Barnes. The Court sentenced her on July 28, 2023 to 12 months and 1 day of imprisonment. While undersigned counsel does not have access to her presentence investigation report, he did observe her sentencing proceeding. The Section 1040 enhancement was not applied to her Guideline calculation, and there was no suggestion at her hearing that the offense conduct at issue qualified for the enhancement.

One of the factors that the Court must consider in imposing a sentence is "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." 18 U.S.C. § 3553(a)(6). In this case, Mr. Barnes and his mother are both placed in Criminal History Category I. While Mr. Barnes and his mother were involved in the same fraud, his role was lesser—Mr. Barnes and the government have agreed that, based upon the available evidence, Mr. Barnes should receive a downward adjustment of his offense level for a mitigating role in the offense. PSR at 3 ¶ 3; *see also* PSR at 4 ¶ 11 (stating that Mr. Barnes "assisted Monica Barnes" and that the company was "owned by Monica Barnes"), *id.* at 5 ¶ 12 (stating that Whitaker and Coleman applied for a PPP loan on behalf of Monica Barnes), *id.* at 5 ¶ 12 (stating that the application containing false statements was emailed to Monica Barnes for review and signature, and that she signed and returned the fraudulent application). Mr. Barnes was involved in the fraud—that is why he has pleaded guilty and will be sentenced. However, there is no evidence upon which the Court can determine that the enhancement is appropriately applied to

Mr. Barnes when it was not applied to his more culpable co-defendant. For that reason, if the Court determines that the offense conduct is "close enough" that applying the enhancement would be appropriate, it is not appropriate to do so in this case.

For these reasons, the Court should grant Mr. Barnes's first objection. The correctly-calculated Guidelines Range is 8 to 14 months, in Zone B of the Sentencing Table. *See* PSR at 14-15 ¶ 1.

II. Dontrell Barnes's history and characteristics favor the lowest Guidelines sentence available.

The U.S. Supreme Court has outlined the sentencing process as follows: "the sentencing court must *first* calculate the Guidelines range, and *then* consider what sentence is appropriate for the individual defendant in light of the statutory sentencing factors, 18 U.S.C. § 3553(a) explaining any variance from the former with reference to the latter." *Nelson v. United States*, 555 U.S. 350, 351 (2009) (emphasis added). After considering the § 3553(a) factors, the Court must make an "individualized assessment" and craft a sentence which is "sufficient, but not greater than necessary." *Gall v. United States*, 552 U.S. 38, 50 (2007); 18 U.S.C. § 3553(a).

Although the Guidelines do not ordinarily take into account factors such as "age, education, . . . employment history, . . . [and] family ties," the sentencing court may do so in order to impose a just sentence that fulfills the purposes of § 3553(a). *Rita v. United States*, 551 U.S. 338, 364 (Stevens, J., concurring). Applying these factors to Mr. Barnes's case, a sentence of 8 months' imprisonment is greater than necessary to achieve the goals of sentencing.

A. History and Characteristics

Since birth, Dontrell Barnes has strived to make his way in his hometown of Wilson, North Carolina. Although his mom, a single mother, had a normal pregnancy, there were complications with his birth: Dontrell recounts being "stillborn" and premature when he made his way into the world. His mother's doctor did not give up on him, and he survived. Since then, and ever since he can remember, it was just Dontrell and his mom. The two have always lived together, shared a close bond, and relied heavily on each other.

Although Dontrell knew his father, Moses Speight, a mortician by trade, his father did not provide financial or much of any emotional support during his childhood. Dontrell recalls his father was often too busy running after women to spend time with him or his second wife, Dail. Dontrell noted, "Not growing up having my father around was the worst because I think every male born into the world should have their father around because there are things that mom just can't teach." Dontrell had a better relationship with his stepmom, a pastor at Abundant Life Church in Wilson; as a child he spent time with Dail, who showed him affection and would take him school shopping. After he became an adult, while Dontrell noted his father did provide more support, not growing up with a strong father's presence was particularly difficult for him.

With a two-family household, Dontrell became close with his aunt and uncles, and his cousins, who became like brothers and sisters. Dontrell and his cousins spent nearly every weekend of their childhood and adolescence together, they took family trips to the beach and music parks, and they leaned on each other similar to Dontrell and his mom.

While his childhood was mostly positive, Dontrell recalls regularly facing challenges. Early on, Dontrell was a "headache" for his mom when he was in school. He was held back in kindergarten, and as he progressed through first, second, and third grade, he was always in trouble for disturbing class. Dontrell recalls he was evaluated and diagnosed with attention deficit disorder, but his uncle, who was close to his mom, spoke out and convinced his mom to forego medication because of side effects. By fourth grade, Dontrell slowly began to regain some focus to concentrate on school and eventually began making good grades. Around this same time, Dontrell recalls experiencing several years of tough financial times with his mother.

When he was around nine years old, Dontrell's mother began struggling with medical issues such that she could not work full time. Eventually, his mother's situation and pain became such that she ended up on disability, with limited driving abilities. When their small family could no longer afford their apartment, they moved in with Aunt Ruby. Extremely private, Dontrell and his mom kept their financial straits to themselves while they lived with Ruby for a few years. Dontrell recalls trying to be the strong one who put on a cheerful face and encouraged his mom by telling her he "knew things would get back to normal soon." Dontrell recalls their finances became desperate at times when they were unable to afford necessities like food and clothing, but Dontrell's mother always made sure he had something to eat, even if she did not, and he, with the help of friends made do with what he had in his closet. Dontrell admits it was hard to see all his cousins get gifts on Christmas and birthdays, but he knew his mother loved and wanted the best for him, so he always put on a positive face. He learned how to set aside everything else to survive. By the time he was a teenager, Dontrell's mom's health stabilized and with physical therapy and other medical intervention, she returned full time to work.

As he matured, Dontrell found a passion for music at school and church. He became a member of his high school's Honors Chorus (he toured during competitions), played trombone in the band, played baseball, and ran cross country. On weekends he volunteered with his church choirs at Browns Chapel Freewill Baptist Church and Jackson Chapel First Missionary Baptist Church, eventually taking on the position of Browns Chapel's choir director when he was only a teenager. Dontrell often visited Greenville to watch East Carolina University's college gospel choir. As a teenager, he also took on part-time work at a grocery store and at Wilson Fire and Rescue as a fire hydrant maintenance mechanic.

After graduating from high school, Dontrell wanted to do so much with his interests in music and business. He went to North Wake Technical Community College, taking IT and business classes. Dontrell continued to work, and also discovered an interest in law enforcement. He wanted to obtain a position with the N.C. State Highway Patrol. Ultimately, however, he left that path because his mother did not approve of him being a law enforcement officer. Dontrell ended up working at IBM for several years before layoffs during 2016 had him reconsider his interest in law enforcement. A maternal sister was a deputy with the Wilson County Sheriff's Department—after discussing his interest with her, Dontrell obtained a position there as a detention officer and, after certification, eventually as a transportation officer.

Dontrell did not stop at one job. Both then and now, he turned his volunteer work with churches into a part-time position as the minister of music at Jackson Chapel, and he contracted with Carron's Funeral Home to perform funeral music programs. He was also invited to, and accepted, a volunteer position on the Executive Board of the EDDY Awards, which he continues to hold today[1].

It was in early 2021 when Dontrell's loyalty to his family ended up destroying his dream of remaining a law enforcement officer. In May 2021, one of Dontrell's cousins, whom he considered a brother, gave him an envelope to give to another cousin, who was in Wilson County custody. The envelope contained contraband. To this day, Dontrell regrets providing the envelope to his incarcerated cousin. This led not only to his being fired from the Wilson County Sheriff's

[1] "The EDDY Awards is the only national televised award show for independent artist[s] to be broadcast on Impact Television Network. This award show merges both the inspirational (secular) and gospel community artist, [which]gives the highest honors within the independent music industry." *See* The EDDY Awards, *About Us*, available at: https://www.theeddyawards.com/about-us (last visited 7/3/2023).

Office, but his only conviction. It was around the same time, while Dontrell was watching his mom's catering business struggling in 2021, that he assisted her with submitting paperwork for a COVID-19 PPP loan. Once again, Dontrell has found his liberty and livelihood threatened based on a decision he made to help a close family member.

Dontrell was instilled with loyalty for, and to his family, and particularly his mother. With no father figure in his immediate family, Dontrell at times tried to be a partner to his mother by helping contribute to family finances, protecting his mother's privacy when she was out of work, and doing what he could to both help and encourage his family. Dontrell has learned the hard way that while families can support and help each other, there are times when independent assessment of a situation is important. His judgment in two family situations has shaken him, and while he is still loyal to his family, he now knows he must be his own guide for making the right choices.

Studies show the "absence of the father is the single most important cause of poverty [and] [] crime."[2] In particular, a son who is "abandoned by his father is deprived of a deep sense of personal security." Here, Dontrell deeply felt the effect of his father's absence when he was a child. Although his mother did her best to obtain a degree and solid employment, her medical issues resulted in years where they were unable to afford necessities. During this time, his mother struggled to afford food. Whether out of a sense of shame or a desire for privacy, she hid their situation from friends and other family. Along the way, Dontrell grew to feel compelled to take on a greater role by protecting his mother–from helping to hide their financial insecurity during his childhood to taking on employment and financial paperwork to lessen his mother's burdens. He

---

[2] Fagan, Patrick, *The Real Root Causes of Violent Crime: The Breakdown of Marriage, Family, and Community*, The Heritage Foundation (Mar. 17, 1995) (available at: https://www.heritage.org/crime-and-justice/report/the-real-root-causes-violent-crime-the-breakdown-marriage-family-and) (last visited 7/4/2023)(hereinafter "*The Real Root Causes of Violent Crime*").

also recognized the need for multiple skill sets so he would never be in this situation when he was an adult.

With absentee fathers come abandoned mothers, resulting in single-parent fatigue, "less parent availability" for children,[3] and poverty[4]. Poverty leads to parental stress, which "can spark even more challenges and adverse outcomes among the children involved."[5] For example, children from single-parent households tend to engage in high-risk behaviors compared to those raised by married couples.[6] Adverse childhood experiences (ACEs) such as poverty and parental separation "can cause 'toxic stress,' which can lead to lasting, deleterious disruptions in a child's physical and mental health, education and other life outcomes."[7] In fact, "[t]he more ACEs a child experiences, the greater the risk of harmful effects, regardless of family structure."[8]

The lack of a father figure and lasting adverse effects of financial insecurity from his mother's illness resulted in an inability to make rational, well-reasoned decisions. For example, Dontrell's relationship with his mother and her family led to an desire to do anything for them, including small acts that he rationalized as helping them, whether not initially pursuing a job with the Highway Patrol or doing favors for family, which ultimately amounted to criminal acts adversely affecting his livelihood and liberty.

That said, Dontrell also gained a positive sense of responsibility with employment and skills to make a livable wage. Dontrell began working as a teenager and has been continuously employed since then to contribute to his and his mother's household. His employment history as

---

[3] *Id.*
[4] Annie E. Casey Foundation, *Child Well-Being in Single-Parent Families* (June 23, 2023) (available at: https://www.aecf.org/blog/child-well-being-in-single-parent-families) (last visited 7/4/2023) (hereinafter "*Child Well-Being in Single-Parent Families*").
[5] *Id.*
[6] *Id.*
[7] *Id.*
[8] *Id.*

well as his commitment to taking responsibility for his conduct has led him to begin making amends for his actions by paying towards his restitution in this matter. Moreover, since he was a teen, Dontrell has given back to his community through his love of music, by giving his time and talents to his church and the independent music community through his work at the EDDY Awards. In sum, the lack of a parental figure in childhood, childhood financial stressors, and his positive sense of employment and responsibility are factors that favor a consideration in the Court's sentencing determination.

B. Reduced Risk of Recidivism

Dontrell Barnes possesses characteristics that reduce his risk for recidivism – education, minimal criminal history, and stable employment. First, Dontrell graduated from high school and has completed college course work; he is also a certified medical transporter.[9] U.S. Sentencing Commission studies have shown that the higher the education level, the lower an individual's recidivism risk.[10] Next, Dontrell has minimal criminal history and is in the lowest Criminal History Category, which correlates to lowered recidivism risk.[11] Those with lower criminal history points and category have a lesser likelihood of recidivism; with only one point in Criminal History Category I, Dontrell has one of the lowest risks for recidivism.[12] Finally, Dontrell's positive and consistent employment history demonstrates a low risk of recidivism.[13] Dontrell works full-time

---

[9] *See* Presentence Report ("PSR") ¶ 33.

[10] *See* U.S. Sentencing Commission, *Recidivism Among Federal Offenders: A Comprehensive Overview* (Mar. 2016) at p. 23, available at: https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2016/recidivism_overview.pdf (last visited 7/5/2023) (hereinafter "*Recidivism Among Federal Offenders*"); and *Measuring Recidivism: The Criminal History Computation of the Federal Sentencing Guidelines*, May 2004, at p. 12 and Exhibit 10, available at: https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2004/200405_Recidivism_Criminal_History.pdf (last visited 7/5/2023)(hereinafter "*Measuring Recidivism*").

[11] *See Recidivism Among Federal Offenders*, at p. 18-19.

[12] *See Recidivism Among Federal Offenders*, at p. 18 (finding rearrest rates for those with 0 criminal history points at 30.2% and with 1 criminal history point at 46.9%); *see also Measuring Recidivism*, at p. 6 and Exhibit 2, (noting "offenders in CHC I have a substantially lower risk of recidivating within two years (138%) than do offenders in CHC VI (55.2%)").

[13] *Measuring Recidivism*, at p. 12, Exhibit 10; *see also* PSR ¶¶ 34-38.

with H2GO, a medical transportation contract company. Dontrell also works part-time for Jackson Chapel First Missionary Baptist Church (in Wilson), where he is the minister of the music department. Further, he contracts with Carron's Funeral Home (also in Wilson) to prepare and perform music programs for its scheduled funeral services. The Commission found offenders with stable employment prior to their instant offense to be less likely to recidivate than those who are unemployed.[14]

In examining Dontrell's history and characteristics, undersigned also encourages this Court to examine his positive performance on pretrial release and actions after receiving a target letter. He made an unprotected statement, sought counsel, and signed a plea agreement to a criminal information. Moreover, it is undersigned's understanding that Dontrell has complied with all terms of his pretrial release conditions and been placed on low-intensity supervision as a result of his positive performance. In sum, Dontrell Barnes's adverse child experiences, employment status, and low risk for recidivism warrant the Court's consideration.

III. The nature and circumstances of the offense warrant a more lenient sentence.

After years of watching his mother's joy for cooking, in June 2019, Dontrell and his mom started a catering business. They memorialized the business after his maternal grandmother, Minnie "Bunchie" Barnes, who was "famous" for her banana pudding cups: Minnie's Banana Cups and Catering. Minnie's offered soul and seafood, and of course, their specialty baked banana pudding cups. They advertised through their website and by word of mouth, serving community centers, emergency health services, and those at the Vidant Health Plex. Although his mother was the primary business owner who cooked and handled business matters, Dontrell helped by meeting with clients, helping managing staff and inventory, and invoicing.

[14] *Id.*

By 2020, COVID had begun to erode the economy. Dontrell and his mom began hearing about COVID-based loans for small businesses from the news and the local business community. With hopes of a small loan to keep his mom's small business up and running with business expenses and payroll, Dontrell initiated applications on the Small Business Administration website. The applications were not accepted, and he suspected he may not have entered something correctly, that it was because of the time in business, or for some other business financial reason.

A year or more later, Dontrell's mom was introduced to a "businessman" offering assistance and expertise in obtaining small business loans. After having previous applications rejected, this offer was appealing, and she agreed. Dontrell's mom asked him to help by submitting the documents the preparer requested; before long, they had secured the loan that allowed them to pay employees and put money back into their business. Along the way, Dontrell admits that he was involved in a wrongful undertaking—the recognized that the amount they received and gave to the loan initiator did not seem right, and he wrote checks to employees that were for more than those employees normally received. But he went forward to help his mom. Dontrell deeply regrets his conduct and knows that he must atone for his misdeeds and make better choices in the future.

Here, Dontrell and his mother owned a legitimate small business that was created strictly for the purpose of catering in Eastern North Carolina. They had employees, customers, and they were proud of their catering company. It was this type of small business that was targeted for the Paycheck Protection Program ("PPP"). Although likely eligible to receive loan funds from the PPP program to help with their payroll and business expenses, Minnie's was not able to secure a loan on its own. It was only after Dontrell's mom was approached and "assisted" with PPP paperwork that the company was able to secure a PPP loan. Dontrell acknowledges this was a serious offense, and he has already begun making amends by gathering money to contribute towards restitution while on pretrial release. These circumstances warrant consideration by the Court.

Accordingly, Dontrell Barnes is asking for a last chance to show this court he can make better decisions and right his wrongs.

CONCLUSION

For the foregoing reasons, Dontrell Barnes respectfully requests this Court impose a sentence of five years of probation with a condition requiring home detention for a period of eight months. The requested sentence is "sufficient, but not greater than necessary" to achieve the § 3553(a) goals of sentencing in this matter. It acknowledges Mr. Barnes's guilt, but balances that guilt with his mitigating role, the need for Mr. Barnes to continue working to pay the restitution that he and his mother owe, his history and characteristics, and the fact that his mother has already gone to prison for this offense. Mr. Barnes also asks that the Court consider the character letters that he has attached to this filing as Exhibits C and D, each from a person who knows him in a professional context.

Respectfully requested this 21st day of February, 2024.

G. ALAN DUBOIS
Federal Public Defender

/s/ Jean-Paul E. Jacquet-Freese
JEAN-PAUL E. JACQUET-FREESE
Assistant Federal Public Defender
Attorney for Defendant
Office of the Federal Public Defender
150 Fayetteville Street, Suite 450
Raleigh, North Carolina 27601
Telephone: 919-856-4236
Fax: 919-856-4477
E-mail: Jean-Paul_Jacquet-Freese@fd.org
NC State Bar No. 57581
DC Bar No. 1619210
LR 57.1 Counsel Appointed

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon:

DAVID BERAKA
Assistant United States Attorney
150 Fayetteville Street, Suite 2100
Raleigh, NC 27601

by electronically filing the foregoing with the Clerk of Court on February 21, 2024, using the CM/ECF system, which will send notification of such filing to the above and/or by email.

This the 21st day of February, 2024.