

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

UNITED STATES OF AMERICA,

vs.

CASE NO.: 4:22-cr-00032-MW

**FELICIA JACKSON STANLEY and
WILBERT JEAN STANLEY, III,
Defendant.**

FELICIA JACKSON-STANLEY'S SENTENCING MEMORANDUM

COMES NOW the Defendant, Felicia Jackson-Stanley, by and through the undersigned counsel and submits this Sentencing Memorandum and would state as follows:

- 1) In *United States v. Talley*, 431 F.3d 784 (11th Cir. 2005), the Eleventh Circuit adopted a two-step procedure that district courts should follow in imposing sentences after *United States v. Booker*, 543 U.S. 220, 125 S. Ct. 738, 160 L. Ed. 2d 621 (2005). First, the district court must consult the Guidelines and correctly calculate the range provided by the Guidelines. *Talley*, 431 F.3d at 786 (citation omitted). Second, the district court must consider several factors to determine a reasonable sentence: (1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) the need to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (3) the need for deterrence; (4) the need to protect the public; (5) the need to provide the defendant with needed educational or vocational training or medical care; (6) the kinds of sentences

- available; (7) the Sentencing Guidelines range; (8) pertinent policy statements of the Sentencing Commission; (9) the need to avoid unwanted sentencing disparities; and (10) the need to provide restitution to victims. *Id.* See also 18 U.S.C. § 3553(a).
- 2) *Booker* rendered the Sentencing Guidelines advisory, 543 U.S., at 245, 125 S. Ct. 738, 160 L. Ed. 2d 621, and it preserved a key role for the Sentencing Commission. *Kimbrough v. United States*, 552 U.S. ___, 128 S. Ct. 558, 169 L. Ed. 2d 481 (2007). The Commission's recommendation of a sentencing range will "reflect a rough approximation of sentences that might achieve § 3553(a)'s objectives." *Id. quoting Rita v. United States*, 551 U.S. ___, 127 S.Ct. 2456, 168 L. Ed. 2d 203. The sentencing judge, on the other hand, is "in a superior position to find facts and judge their import under § 3553(a) in each particular case." *Id. quoting Gall v. United States*, *ante* at ___, 128 S. Ct. 586, 169 L. Ed. 2d, at 458 (internal quotation marks omitted). A district court's decision to vary from the advisory Guidelines may attract greatest respect when the sentencing judge finds a particular case "outside the 'heartland' to which the Commission intends individual Guidelines to apply." *Id. quoting Rita v. United States*, 551 U.S.at ___, 127 S.Ct. 2456, 168 L. Ed. 2d 210.
- 3) Ms. Jackson-Stanley does not have "objections" to the Presentence Report (PSR) and Addendum to the Presentence Report. The matters Ms. Jackson-Stanley desires to bring to the Court's attention are several-fold. They are:
- a. **Early cooperation** – It is of some consequence that Ms. Jackson-Stanley cooperated with the government's investigation from an early point. The Stanley's residence had been searched pursuant to warrant and through counsel they (Ms. Jackson-Stanley as well as her husband) set a time to meet

and answer any questions from the government. Her cooperation was prior to the filing of a charging document. Ms. Jackson-Stanley was candid and forthright about her involvement in the conduct at issue. Her cooperation likely aided in the resolution of aspects of the investigation, and it may have aided the government in making decisions not to charge individuals. It is unknown if the government has filed charges against others where Ms. Jackson-Stanley's cooperation was of benefit.¹

- b. **Ms. Jackson-Stanley's Role in the Conspiracy** – The government's identification that Ms. Jackson-Stanley played a minor role as reflected in ¶42 Presentence Investigation Report is correct. She was candid with her acknowledgment to law enforcement during her debriefing. In that environment, she set forth that things did not start with bad intentions. She learned about the loans and loan process from her husband, Mr. Stanley. They both gained education via YouTube instructional videos. Ms. Jackson-Stanley realized the criminality of her conduct as things progressed. She withdrew from the majority, if not all, of the conduct because she realized the conduct to be wrong. There are circumstances where applications that she began and discontinued were amended or changed by Mr. Stanley.
- c. **The Stanley's Daughter** – The Stanley's daughter Giani is 10 years of age. Ms. Jackson-Stanley has become significantly involved in advocating for their

¹ So not to overstate Ms. Jackson-Stanley's cooperation, individuals identified as possible participants in the same or similar conduct were aided by the Stanleys. In other words, "John Doe" in North Carolina may have been an acquaintance of the Stanleys and one or both helped "John Doe" to process his loan application. "John Doe" may have received a financial benefit as a result. Whether that has been or will be prosecuted is a matter left to the government's discretion.

daughter. She has recently been diagnosed as having Attention Deficit Hyperactivity Disorder (ADHD). Ms. Jackson-Stanley has worked hard with the school system to establish a 504 plan for the child's needs. Giani has also been recently diagnosed as "pre-diabetic" and is taking prescription medication to address matters. This circumstance has created a measurable re-alignment of dietary habits and efforts to focus on Giani's wellbeing.

- d. **Family and Physical Health** – Ms. Jackson-Stanley has some physical and medical issues of her own, but her primary concern is for the health, safety and wellbeing of her immediate family. She is the care provider for her elderly parents. Her mother's condition continues to deteriorate. There is a family history of dementia and Ms. Stanley's mother is thought to be in the initial stages requiring additional care and oversight.
- e. **Ms. Jackson-Stanley's Charitable Work and Leadership** – Ms. Jackson-Stanley's work and dedication in Tallahassee's black women's business community is laudable. She enjoys the dynamic of groups of business professionals sharing their entrepreneurial spirits. The best way to describe Ms. Jackson-Stanley is that she is an advocate of and for the empowerment of women in business, and more specifically, black businesswomen.
- f. **Home Confinement/Incarceration** – First and foremost, the undersigned does not believe a prison sentence is necessary based on Ms. Jackson-Stanley's specific characteristics. Home confinement is an appropriate restriction on liberty that would be appropriate.

In the event the Court elects to incarcerate one or both of the Stanleys, the undersigned requests the Court consider staggering any incarceration so their 10 year old child is not without both parents.

WHEREFORE, Ms. Stanley respectfully requests that the Court consider the matters mentioned above in fashioning a fair and just sentence not less and not greater than the ends of justice require.

RESPECTFULLY SUBMITTED,

/s/ *ROBERT A. MORRIS*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by Electronic Mail to: justin.keen@usdoj.gov, Justin Keen, Assistant United States Attorney, United States Attorney's Office, 21 East Garden Street, Suite 400, Pensacola, FL 32502 at on this 1st day of May, 2023.

/s/ ROBERT A. MORRIS

ROBERT A. MORRIS, ESQUIRE