

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 2:21-cr-107-SPC-MRM

EDRICA WATSON

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SECOND SENTENCING MEMORANDUM

Edrica Watson, through counsel, in the wake of an original Sentencing Memorandum filed on June 8, 2022, as Doc. 44 and a July 15, 2022, Amended Final Presentence Report filed as Doc. 50, now hereby files this Second Sentencing Memorandum in further support of a sentence sufficient but not greater than necessary to achieve the goals of sentencing.

Annexed hereto as “***Exhibit A***,” is a July 21, 2022, objection letter to the Amended Final Presentence Report. As there was no initial disclosure of the Amended Final Presentence Report, for the reasons fully presented in “***Exhibit A***” the July 21 objection serves as the only vehicle with any ability to secure Ms. Watson’s due process rights and Fed. R. Crim. Pro. 32(e)(2) & 32(f) rights.

Part (1)(A) of the original sentencing memorandum is founded on the statement in PSR ¶ 98 that L.P. “was influential to her,” notes at page 3 of Doc. 44 that “L.P. contaminated her life for over three decades” but that -- at page 6 of Doc. 44 -- “[a]lthough L.P. was exploitative and inconsistent, Ms. Watson was not: as presented [earlier], because whatever loot L.P. deemed adequate to provide

Edrica Watson went precisely for a residential down payment, none of that loot was expended and all of it was recovered.” (footnote deleted).

Item A of “**Exhibit A**” not only reinforces and expands this component of Part (1)(A), but also brings to light how inclusion of the new documents/old information in the Amended PSR now requires consideration of a fact also known by the parties at the time of the final PSR but not included in that document: that \$3,336 more than the total proceeds of \$41,664 were re-captured by federal agents in between Ms. Watson’s arrest on this Court’s warrant and Ms. Watson’s presentation to this Court for initial appearance.

While Part (1)(B) of the original sentencing memorandum picks up on PSR ¶ 23 that Ms. Watson’s cooperation with authorities was immediate, the transcription of Ms. Watson’s interview located in Part A of “**Exhibit A**” necessitated by the discussion of new documents/old information in the Amended PSR not only underscores Ms. Watson’s transparency and credibility, but also provides information previously unacknowledged in any version of the PSR that the agents questioning Ms. Watson (i) already knew about L.P., (ii) referred to L.P. as “a salesman” who presented an opportunity to Ms. Watson and – in that capacity – (iii) “sold” to Ms. Watson “that benefit of receiving what I guess could be perceived as almost free money.” More than ever, and precisely as Ms. Watson stated at pages 22-23 of her original sentencing memorandum, L.P. – the unindicted participant in this offense:

has been a pollutant in Ms. Watson's life since she was nine years old. At page 16 of [the original sentencing memorandum], Ms. Louis wonders why Ms. Watson 'always seemed unable or unwilling to stand up to him.' While it is surely possible that Ms. Watson's would have committed some criminal offense at some time in her life, it is surely impossible that Ms. Watson would not have and could not have committed this offense but for the noxious presence of L.P. Unquestionably, mental-health treatment available through the Office of Probation while on supervised release would benefit Ms. Watson. (emphasis in original).

Although untimely -- see page 2 of "**Exhibit A**" -- the footing for the accentuation of the final PSR appearing in the Amended PSR engendered by the new documents/old information merely highlights and broadens the toxicity of L.P. in the life of Edrica Watson.

Part II of Ms. Watson's original sentencing memorandum is unaltered by the content of the Amended PSR as well as the information defense counsel would have provided to the Office of Probation to include in the Amended PSR had defense counsel been provided any opportunity to do so. See Footnotes 1 & 11 of "**Exhibit A**" and their accompanying text.

For purposes of clarity, the entirety of Ms. Watson's original sentencing memorandum is respectfully incorporated herein.

For these reasons, Ms. Watson now redoubles her position that a downward variance comports with all of the factors at 18 U.S.C. § 3553(a) and respectfully asks this Court to consider a sentence of time-served to be followed by a term of supervised release.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 21st day of July 2022, a true copy of the foregoing was electronically filed and served electronically to Jesus Casas, Office of the United States Attorney, 2110 First Street, Fort Myers, Florida.

/s/ James Lappan
James Lappan, Esq.
Assistant Federal Defender