

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

UNITED STATES OF AMERICA

v.

JENNIFER CORINNE SCOGGINS

)
)
)
)
)

No. 5:23-cr-87-MHH-HNJ

**SENTENCING MEMORANDUM AND
MOTION FOR DOWNWARD VARIANCE**

Ms. Jennifer Scoggins, through counsel, submits this sentencing memorandum and motion for a downward variance for the Court's consideration. Ms. Scoggins' guidelines range is 21 to 27 months. For the reasons that follow, Ms. Scoggins respectfully submits that a sentence of no more than 12 months and one day is sufficient, but not greater than necessary, to achieve the purposes of sentencing in this case.

BACKGROUND

Childhood was anything but a carefree experience for Ms. Scoggins. Her father, David, was absent from her life for most of her childhood, having separated from her mother when Ms. Scoggins was just a year old. Her mother, Rhonda, retained custody of Ms. Scoggins and her two sisters, Kristy and Tabetha, after their father left, but struggled to care for them due to her own severe mental health issues. As a result, Ms. Scoggins was shuffled between different family members throughout the first thirteen years of her life, never really having a steady place to call "home." (*See* Exh. A, attached, letter from Kristy Mercier).

Though she stayed most frequently with her grandmother, Gale, Ms. Scoggins was often under the care and supervision of her mother's sisters. Unfortunately, she found no solace or comfort in her aunts' company, only criticism, degradation, and pain. (*Id.*; *see also* PSR ¶ 49). The abuse, both physical and emotional, that she suffered at the hands of her aunts went on for years and had a profound impact on her. Ms. Scoggins' older sister, Kristy, describes her as a quiet, grief-stricken

child who struggled to communicate and connect with others due to her near-constant and overwhelming fears and worries. (Exh. A).

When the abuse finally came to light, Ms. Scoggins was sent to live with her father and his new family in Tuscaloosa. Though her father was able to provide a more stable home life than she'd experienced to that point, the initial adjustment was difficult for Ms. Scoggins. Moving to a new city and integrating into a new family dynamic was frightening and stressful, especially given the limited contact Ms. Scoggins had had with her father up to that point in her life. She also continued to struggle with lasting anxiety and depression, issues that continue to plague her to this day.

In her early 20s, Ms. Scoggins married her husband, John, and began trying to start a family of her own. Becoming a mother was deeply important to Ms. Scoggins, but for the first several years of their marriage, she and her husband struggled with infertility and were unable to conceive. The repeated cycle of hope and disappointment during that time was extremely painful for Ms. Scoggins, but it made the joy of finally becoming pregnant, first with her oldest daughter, S.S., and a few years later with her younger daughter, K.S., all the more precious.

From the moment they were born, Ms. Scoggins has been devoted to her daughters' happiness and wellbeing. Having lacked a strong and loving bond with her own mother, Ms. Scoggins has always been determined to provide a safe, stable, and nurturing home life for her children. (*See* Exh. A (describing Ms. Scoggins' relationship with her daughters as "deeply attached and loving"); *see also* Exh. B, attached, letter from Madison DeCoux (describing Ms. Scoggins, who is her aunt, as "one of the best [mothers] I've ever met"); Exh. C, attached, letter from Tabetha Ruby (describing Ms. Scoggins as "a dedicated mother" who has "a love for family that [is] never wavering")). Ms. Scoggins has also extended that love and devotion to other children in her life, serving as a foster parent for several years, and taking in her two nieces when her younger sister, Tabetha, fell on hard times. (*See* Exhs. A, B & C).

Those closest to Ms. Scoggins describe her as a deeply compassionate person, with a generous heart and an unfailingly positive outlook. Her older sister, Kristy, describes Ms. Scoggins as someone who “sees the world through a unique lens, always striving to understand others and refusing to focus on their flaws,” and whose “ability to empathize and withhold judgment is truly remarkable.” (Exh. A). Her niece, Madison, notes that Ms. Scoggins has been a strong role model for her throughout her life “because of her soul and her heart,” and has always provided a safe place to land when her own mother was struggling. (Exh. B).

Even her most recent employer took special note of Ms. Scoggins’ giving nature. (*See* Exh. D, attached, letter from Amanda Brown). From May to November 2023, Ms. Scoggins worked as a certified nursing assistant (CNA) at South Hampton Nursing and Rehabilitation Center, assisting nursing staff in caring for elderly patients and individuals recovering from injury or illness. Her supervisor, Amanda Brown, describes Ms. Scoggins as “an exemplary employee in every sense of the word”—someone who “consistently went above and beyond, not only for the company but also for the well-being of the residents.” (*Id.*). Ms. Brown further notes that Ms. Scoggins “is a shy and gentle soul, whose honest compassion and care for the residents were truly indescribable,” and who demonstrated “nothing but kindness, hard work, mentorship, faith, love for her children, and friendship towards everyone she encountered” during her time at South Hampton. (*Id.*).

Ms. Scoggins found great fulfillment in serving others as a CNA and was disappointed when her involvement in the instant case ultimately led to her termination. (*See id.*; *see also* Exh A). She has continued to seek solace in giving back to her community since leaving South Hampton by volunteering and participating in various programs through her church. Helping others has helped Ms. Scoggins to find peace within herself. It is her sincere hope that she will have the opportunity to put her experiences to good use and continue on a path of service to others.

ARGUMENT

A sentence of no more than 12 months and one day is sufficient, but not greater than necessary, to achieve the goals of sentencing in this case. Specifically, such a sentence would adequately account for the nature, circumstances, and seriousness of the offense, and the need to provide just punishment, while also taking into consideration Ms. Scoggins' personal history, characteristics, and family circumstances. 18 U.S.C. § 3553(a)(1), (2)(A).

During the COVID-19 pandemic, Ms. Scoggins and her husband submitted several fraudulent small business loan applications through the Small Business Administration's Paycheck Protection Program and used the funds they received for personal and family expenses. Ms. Scoggins understands the gravity of their actions and accepts full responsibility for her choices. She has long suffered from deep-seated and persistent feelings of anxiety, worry, and fear stemming from the abuse and instability she experienced during her childhood. The onset of the pandemic greatly exacerbated those anxieties, and Ms. Scoggins became deeply afraid and desperate to secure the safety and wellbeing of her family through those uncertain times. While Ms. Scoggins' fears in no way serve to excuse her actions, they do help to explain why someone who had always been "a rule follower" would act in a way so inconsistent with her character. (*See* Exh. A).

Prior to the instant case, Ms. Scoggins had never sustained a criminal conviction of any kind, nor had she ever been arrested for a criminal offense. Her conviction in this case will make her a felon. She will face a number of collateral consequences as a result of that status, including some she has already begun to experience. After entering her guilty plea in this case in November 2023, Ms. Scoggins' CNA license was suspended and, as a result, she was let go from her job at South Hampton. Though expected, the loss of that career opportunity was disappointing for Ms. Scoggins, as she took great pride in her work and found comfort in caring for others. Because of her conviction in this case, however, it is unlikely Ms. Scoggins will be able to return to a position in the medical field. Her

opportunities in other fields will likewise be more limited than those available to non-felons, and Ms. Scoggins will have to contend with such limitations for the rest of her life. Despite those difficulties, Ms. Scoggins maintains a positive outlook for her future. Her time on bond in this case has prompted her to reflect on the decisions and experiences that led her here and to find new purpose in her life. A sentence of no more than 12 months and one day would appropriately reflect the seriousness of Ms. Scoggins' offense conduct, the circumstances that motivated her poor decisionmaking, her lack of prior criminal history, and her demonstrated ability to conform her conduct to the law while on bond. *See* 18 U.S.C. § 3553(a)(1), (2)(A)-(C).

Ms. Scoggins' is deeply remorseful for the poor choices she made in this case. She especially regrets the impact that her and her husband's actions have had and will continue to have on their two daughters. Having felt abandoned by her own mother throughout her childhood, nothing has been more difficult for Ms. Scoggins than knowing that her bad decisions may soon cause her children to experience those same feelings. Throughout these proceedings, her primary focus and concern has been minimizing any possible disruption to her daughters' lives and preparing them for the possible outcomes. Should both she and her husband receive custodial sentences, Ms. Scoggins requests that she be permitted to serve her term of incarceration first and that her husband be given an extended reporting date, so that their daughters will not have to experience the upheaval of being shuffled between relatives' homes or into the foster care system.

CONCLUSION

Ms. Scoggins stands ready to face the consequences of her actions in this case. For the reasons outlined above, she humbly submits that a sentence of no more than 12 months and one day is sufficient to account for the nature, circumstances, and seriousness of her crimes, while also taking into consideration her personal history and characteristics and family circumstances.

Respectfully submitted,

KEVIN L. BUTLER
Federal Public Defender
Northern District of Alabama

/s/ Courtney Murtha
COURTNEY MURTHA
Assistant Federal Public Defender
505 20th Street North, Suite 1425
Birmingham, Alabama 35203
(205) 208-7170
courtney_murtha@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2024, I electronically filed the foregoing via this Court's CM/ECF system, which will send notice of such filing to all counsel of record.

Respectfully submitted,

/s/ Courtney Murtha
COURTNEY MURTHA
Assistant Federal Public Defender