

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,)	
Plaintiff)	
)	
v.)	Crim. Case No. 08 -35(AK)
)	Honorable Magistrate Judge Alan Kay
)	
SCOTT A. BENNETT,)	
Defendant)	

DEFENDANT’S MEMORANDUM IN AID OF SENTENCING

COMES NOW, Scott A. Bennett, through counsel, Jeffrey B. O’Toole, and respectfully submits the following Memorandum in Aid of the Sentencing. This case is scheduled before this Court on August 22, 2008 for a plea of guilty and sentencing with respect to a plea agreement with the United States for Mr. Bennett. Mr. Bennett has agreed to plead guilty to one count of being an aider and abetter to Attempted Improper Entry by an Alien, 8 U.S.C. Section 1324 (a) and 18 U.S.C. Section 2, by criminal information. The United States has agreed not to pursue any other charge the might have been applicable. The United States has agreed not to oppose a sentence of unsupervised probation in this case.

I. INTRODUCTION

At the outset Mr. Victor respectfully urges the Court to know that he understands and accepts fully that his conduct was criminal and that nothing contained in this Memorandum is intended by him to reduce how seriously the Court must view this matter. If acceptance of responsibility is the first step toward rehabilitation, Mr. Bennett has taken that first significant step. He offers this Memorandum to the Court to provide an understanding of the offense and of Mr. Bennett. Finally, while Mr. Bennett realizes that this court is under no obligation to follow

the recommended sentencing in this case, it is his hope that Your Honor will sentence him to a period of probation without incarceration and direct the imposition of unsupervised probation which would permit him to continue his employment until such time that he joins the United States Army for which his application is nearing its final processing stage. We understand that Ms. Renee Donoho, of the U.S. Probation office has informed the Court that pursuant to USSG Section 1B1.9 the sentencing guidelines do not apply to any count of conviction that is a Class B or Class C misdemeanor or an infraction.

II. FACTUAL BACKGROUND

This case has been pending and been the subject of discussions between the parties for quite a while. As the United States points out in its Statement of Offense, in December, 2006 Mr. Bennett was an employee of the United States at the U.S. Health and Human Services (HHS) and, without relation to HHS, was involved in a private non-profit organization called The Ronald Reagan Public Policy Institute. Through a website for this organization, he became acquainted on line with an individual from South Africa named Ms. Kaleigh Pretorius. At that time Ms. Pretorius attempted to obtain a visa to travel to the United States and her first interview in the process was unsuccessful. Mr. Bennett volunteered to help Ms Pretorius and in the process of his assistance, Mr. Bennett contacted individuals in the Department of State. In his enthusiastic effort to help Ms. Pretorius, he made statements there that were exaggerations to the point of being demonstrably false and form the basis of this criminal case.

At this time Mr. Bennett has left the employ of the United States and is an associate in the Global PSYOP division of the consulting firm of Booz, Allen and Hamilton in McLean, Virginia. His application is pending and nearing the final stages of completion to join the United States Army as an officer where it is contemplated that he will serve in either Afghanistan or

Iraq.

III. LEGAL ARGUMENT

Classically, we view sentencing to serve four purposes in the criminal system: punishment, rehabilitation, protection of the community and deterrence. It is, of course, the Court's role to decide how to apply these concepts to each case. We respectfully urge the Court to find that, with respect to punishment, it comes in many different and real forms. Without complaining or trying to sound the victim, as nothing could be further from the fact, Scott Bennett has been and will continue to be punished, no matter how this court resolves this case today. At a minimum, he will have a United States Federal District Court criminal record which will be with him from this time on.

With respect to protection of the community, we urge the Court to find that this conduct by Scott Bennett was an aberration and that the imposition of supervised probation is unnecessary.

Finally, with respect to rehabilitation, in order to gauge his prospect for successful rehabilitation. We offer that his complete and sincere acceptance of responsibility for his criminal conduct is the first real step in the right direction. He has chosen as a new career path to join the Army where he will be able to serve the United States. The best he can tell this Court, and he will address the Court at sentencing, is that he will work hard at rehabilitation and at the task of making the United States and those who know him proud of him.

CONCLUSION

We respectfully ask the Court to order a period of probation and that the probation be unsupervised so that he can continue his employment and continue to pursue his plans to join the United States Army where it is contemplated that he will serve in the Middle East. While the

United States does not join this request, it has authorized counsel to state that it will not oppose this request.

Respectfully submitted,

/s/ Jeffrey B. O'Toole

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Certificate of Service

This is to certify that a copy of the foregoing Memorandum in Aid of Sentencing was mailed, postage prepaid, and email, this 21st day of August, 2008 to Rhonda Campbell, Esq. AUSA, 555 4th Street, NW, Washington, DC, 20001, counsel for the United States.

/s/ Jeffrey B. O'Toole

Jeffrey B. O'Toole