

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-60234-CR-ZLOCH/SNOW

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KARIN MARSHALL,

Defendant.

MEMORANDUM IN AID OF SENTENCING

The Defendant, Karin Marshall, through counsel, respectfully files the following memorandum to assist the Court at sentencing:

The Court's duty at sentencing is to impose a reasonable sentence, after considering both the Sentencing Guidelines (including any applicable departures) and the other factors set forth in 18 U.S.C. § 3553. The other principal factors listed in § 3553 are, in sum, the nature and circumstances of the offense and the history and characteristics of the offender; and the need to impose a sentence that reflects the seriousness of the offense, promotes respect for the law, provides just punishment, provides adequate deterrence and protects the public.

A. History and Characteristics of the Offender.

Both the Presentence Investigation Report and Karin Marshall's letter to the Court (attached) reflect a childhood that was far from perfect. Karin's parents divorced when she was seven years old. After the divorce, Karin lived with her mother until her mother's drug use and other problems led DCF to remove Karin from her mother's custody. She was raised by her father and stepmother

until the age of 18, when she went out on her own. As an adult, she endured one bad marriage and another abusive relationship before marrying her current husband, Ernest Bowman. While her background has been far from idyllic, Karin herself is the first to tell the Court her upbringing in no way excuses her actions or lessens her guilt. As she writes in her letter to the Court, “There isn’t a day that goes by that I don’t wish I could go back in time and make different choices. There is no excuse for my actions, I take full responsibility for everything I have done.” (See attached letter.)

While Karin recognizes that she cannot change the past, there is abundant reason for optimism in Karin’s future. Subsequent to her 2005 termination at Global (and the termination of the offense conduct), Karin made a clean break with her past and embarked on a new life path. She became active in the Church of Jesus Christ of Latter-day Saints, and in early 2006, she met her current husband, Ernest Bowman (they married in 2007). As related in Karin’s letter, together they “have grown spiritually and emotionally. We have worked hard to bring our family closer and teach our children about life and help them to make good decisions and always think about the consequences to their choices. I am a better mother, wife, friend, and woman as a whole now.”

Attached to this pleading are numerous letters written on Karin’s behalf, attesting to her integrity, her generosity to others, her faith, and above all, her commitment to her family and her church community. These letters come from family, clergy, friends and coworkers who have all taken pen to paper to attest to their ongoing support of Karin Marshall, despite her current difficulties.

Karin’s husband, Ernest Bowman, describes Karin as bringing “tremendous light to my world and everyone she comes in contact with.” She is a person who “persistently gives of herself to not only her children, but also her family and friends amidst the turmoil” of her current situation. Ernest

believes that his wife “has found light in her life and matured into a loving mother, wife, woman, and citizen of our community.” Karin’s oldest child, 12-year old Vanessa, has also written to express her love for her mother and her belief that her mother “is a different person than from a couple years back.” Both husband and daughter recognize that Karin must be punished, but they join in asking the Court for leniency.

These are just a few of the letters written in support of Karin Marshall. Also attached are numerous letters from members of Karin’s church (including the former President of the Pompano Beach Stake of the Church of Jesus Christ of Latter-day Saints, and the Bishop of her Ward), former employers and co-workers, from her father and step-mother, and a number of other friends and others whose lives Karin has touched. We hope the Court will take the time to read each one of these letters. They uniformly describe a warm, thoughtful generous woman, a woman of integrity, and above all a devoted wife and mother. They describe a woman who cares not only for her own family, but who is very active with her church and community, including serving as a teacher in the church Primary organization (serving children ages 3 - 12) and as a Den Leader in the Cub Scouts. Each of these individuals knows what Karin has done wrong in the past, and this knowledge has not shaken their belief in Karin.

Representative of the letters from church members is the letter from Bishop R. Allen Evans. Bishop Evans writes: “Normally, I am the first person to advocate consequences for bad behavior; however, in Karin’s case I don’t think it is necessary. I have seen the sorrow she has carried for her action and have watched her serve God by serving others. I have seen a penitent woman humble herself before a court willing to accept whatever sentence is given. Your Honor, I have never before addressed this court and would not do so now if I thought Karin was a threat or of potential harm to

any person. However, I have seen her heart in action and am certain she is not. I confidently pledge my support in asking that you be lenient in the sentencing of Karin Marshall.”

Karin Marshall has broken the law, and she knows that she cannot change that. But people do change. This outpouring of support from the people who know Karin best leads to one inescapable conclusion – that the future is a better place with Karin a part of it.

For all of these reasons, we respectfully ask the Court to consider varying from the advisory guidelines calculated in this case, and to impose a reasonable sentence below that range.

Respectfully submitted,

KATHLEEN M. WILLIAMS
FEDERAL PUBLIC DEFENDER

By: s/Patrick M. Hunt
Patrick M. Hunt
Assistant Federal Public Defender
Florida Bar No. 571962
One E. Broward Boulevard
Suite 1100
Fort Lauderdale, Florida 33301
(954) 356-7436
(954) 356-7556 (fax)
Patrick.Hunt@fd.org

CERTIFICATE OF SERVICE

I HEREBY certify that on March 20, 2009, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/Patrick M. Hunt

Patrick M. Hunt

SERVICE LIST

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United States District Court, Southern District of Florida

Patrick M. Hunt, Esquire
Patrick.Hunt@fd.org
Federal Public Defender's Office
1 E. Broward Blvd.
Suite 1100
Fort Lauderdale, Florida 33301
Telephone: (954) 356-7436
Facsimile: (954) 356-7556
Attorney for Karin Marshall
[Service via CM/ECF]

Marc S. Anton, Esquire
Marc.Anton@usdoj.gov
United States Attorney's Office
500 E. Broward Blvd.
7th Floor
Fort Lauderdale, Florida 33301
Telephone: (954) 356-7255
Facsimile: (954) 356-7336
Attorney for United States of America
[Service via CM/ECF]

Mr. John Carozza
United States Probation Office
299 East Broward Blvd.
Room 409
Fort Lauderdale, Florida 33301
Telephone: (954) 769-5503
Facsimile: (954) 769-5566
[Service via Interagency Mail]