

APPENDIX A

Fictitious Sample Pre-Sentence Report

(Fictitious Information for Illustration Purposes Only)

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

UNITED STATES OF AMERICA)	
)	
vs.)	PRESENTENCE INVESTIGATION REPORT
)	
)	Docket No.: 2:18CR0973-1 (YNH)
WILLIAM BOLTON)	
)	

Prepared for: The Honorable (Your Name Here)
United States District Judge

Prepared by: Emily Probation
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Sentence Date: December 12, 2023

Offense: **Count 1:**
Bank Robbery
18 U.S.C. § 2113(a)
Not more than 20 years imprisonment
\$250,000 fine (Class C Felony)

Date of Arrest: July 1, 2023

Release Status: Order of detention entered on July 3, 2023

Detainers: None

Date Report Prepared: 10/18/2023

Date Report Revised: 11/15/2023

Identifying Data:

Date of Birth:	January 1, 1959
Age:	64
Race:	Black or African American
Hispanic Origin:	Non-Hispanic
Sex:	Male
Height:	5'9"
Weight:	165 lbs.
Eye Color:	Brown
Hair Color:	Black/Grey
SSN#:	---
FBI#:	---
USM#:	---
State ID#:	MA---
Driver Lic. #:	None
ICE#:	Not Applicable
PACTS#:	---
Education:	Completed Eleventh Grade (no GED)
Dependents:	Two
Citizenship:	United States
Place of Birth:	Boston, MA
Identifying Marks:	Tattoos: "mother" with a heart on right bicep; jaguar on left forearm
Legal Address:	1313 South Market Street Boston, MA 02109
Residence Address:	Detained, MCC
Aliases:	James Bolton Jimmy Bolton

Restrictions on Use and Redisclosure of Presentence Investigation Report. Disclosure of this presentence investigation report to the Federal Bureau of Prisons and redisclosure by the Bureau of Prisons is authorized by the United States District Court solely to assist administering the offender's prison sentence (i.e., classification, designation, programming, sentence calculation, pre-release planning, escape apprehension, prison disturbance response, sentence commutation, or pardon) and other limited purposes, including deportation proceedings and federal investigations directly related to terrorist activities. If this presentence investigation report is redisclosed by the Federal Bureau of Prisons upon completion of its sentence administration function, the report must be returned to the Federal Bureau of Prisons or destroyed. It is the policy of the federal judiciary and the Department of Justice that that further redisclosure of the presentence investigation report is prohibited without the consent of the sentencing judge.

PART A. THE OFFENSE

Charge(s) and Conviction(s)

1. On July 1, 2013, a Criminal Complaint was filed charging William Bolton with Bank Robbery in violation of 18 U.S.C. § 2113(a). He was arrested several days later, made his initial appearance, and was detained pending appointment of counsel and a detention hearing. After a detention hearing held on July 3, 2023, Bolton was ordered detained pending trial.
2. On July 15, 2023, a one-count Indictment was returned charging William Bolton with Bank Robbery in violation of 18 U.S.C. § 2113(a).
3. On August 15, 2023, Bolton pled guilty. There is no plea agreement.

Co-Defendants

4. None

Related Cases

5. None

The Offense Conduct

6. The following statement of the offense was compiled by reference to the United States Attorney's Office file, police reports, and witness statements.
7. On June 30, 2023, William Bolton entered the Santander Bank at 123 Main Street, Boston, MA. Bolton approached the teller and handed him a deposit slip with the words "robbery," "have gun, will shoot," and "no dye pack." The teller placed money from his drawer into a bag, along with a GPS tracking device, and handed it to the defendant. The teller slipped the note into his drawer before it could be retrieved by Bolton. The defendant fled the bank.
8. Following the robbery, the teller was interviewed. He described the suspect as an older black male, under six feet tall, average build, wearing blue latex gloves and a baseball cap. A post-robbery audit determined that the defendant had taken \$2,129 in United States currency.
9. Bank surveillance cameras operating on the date of the robbery captured images of the suspect entering the bank, interacting with the teller, and then exiting the bank. The suspect's face was hidden by a baseball cap. Surveillance video showed a black Ford Taurus parked behind the bank and a man matching the description of the suspect jumping in and driving off.
10. The GPS tracker activated automatically once Bolton exited the bank. The bank manager immediately contacted police and provided a description of the suspect's clothing. Law enforcement began broadcasting the description and the real-time tracking data to patrol units in the area. Within 30 minutes of the robbery, officers located a vehicle matching the

description provided by the bank. The vehicle was unoccupied.

11. Officers ran the license plate, which came back as registered to William Bolton. The car was parked outside of an apartment building that matched Bolton's last known address, approximately one mile from the bank. A criminal record check revealed that Bolton had a prior federal conviction for a counterfeiting offense.
12. Surveillance was established outside of Bolton's apartment building while detectives drafted a search warrant for the apartment.
13. After watching the area for 45 minutes, a man matching Bolton's description walked up the street toward the apartment building. The plainclothes officers approached Bolton and asked to talk with him. Bolton said he was coming back from visiting a friend. Bolton appeared dazed and sluggish and his speech was slurred. Officers asked the defendant if he was in possession of anything illegal. Bolton did not respond. Officers gestured toward the Ford Taurus parked outside the apartment building and asked if the vehicle belonged to him. Bolton stared at the car for a long period of time and was unresponsive. Bolton began to fall to the ground. Officers assisted him in walking toward the apartment building, sat him against a wall, and called for emergency personnel.
14. Paramedics arrived within minutes and administered naloxone, an opioid antagonist. Bolton was transported by ambulance to Massachusetts General Hospital. Detectives reviewed an inventory of Bolton's belongings maintained by the hospital. The inventory listed \$620 in cash, a Western Union receipt, and three baggies. Two baggies contained about 1/20 of a gram of heroin and one baggie containing suspected heroin residue. Officers examined the cash and determined the serial numbers matched those of the stolen bills from the bank.

The Arrest and Post-Arrest Statement of William Bolton

15. Based on the above, a criminal complaint and arrest warrant were issued for Bolton on July 1, 2023. The defendant was arrested in the hospital and placed under guard. Detectives interviewed Bolton once doctors advised he was lucid and no longer under the influence of heroin.
16. After being advised of his rights, Bolton made a written statement in which he admitted that he robbed the bank and that he wrote the note the officers retrieved from the teller. The defendant explained that he needed money to satisfy debts. Bolton said he had agreed to sell small amounts of heroin for the dealer who had supplied him over the past several months. However, instead of selling the heroin he used it, and now owed the dealer for the street value of the heroin, roughly \$750. Bolton said he was surprised that the teller handed over more than \$2,000. Bolton said he discovered the GPS tracking device when took the cash out of the bag. He said he threw the tracker in a trash can on the corner after parking his car. Bolton said he went directly to Western Union to send money to his wife for the support of their child, then went to his dealer intending to pay his drug debt and walk away. Instead, he paid his debt and purchased several baggies of heroin for his own use.

Victim Impact

17. The government has identified Santander Bank and the individual teller as victims of this offense. Victim letters have been sent and no responses have been received to date. Santander Bank suffered a loss of \$2,129.

Adjustment for Obstruction of Justice

18. The probation officer has no information indicating the defendant impeded or obstructed justice.

Adjustment for Acceptance of Responsibility

19. The defendant admitted involvement in the instant offense and is being granted a two-level reduction for acceptance of responsibility under USSG § 3E1.1(a) and, if applicable, a one-level reduction under USSG § 3E1.1(b).

Offense Level Computation

20. The 2023 Guidelines Manual, incorporating all guideline amendments, was used to determine the defendant's offense level. USSG §1B1.11.

Count 1: Bank Robbery

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|-----|--|------------------|
| 21. | Base Offense Level: The guideline for an offense under 18 U.S.C. § 2113 is USSG §2B3.1 which provides for a base offense level of 20. USSG §2B3.1(a). | <u>20</u> |
| 22. | Specific Offense Characteristic: The property of a financial institution was taken. The offense level is increased by two. USSG § 2B3.1(b)(1). | <u>+2</u> |
| 23. | Specific Offense Characteristic: During the robbery, Bolton handed a note to the bank teller which stated, in part, "have gun, will shoot." This conduct would normally warrant a five-level increase. However, no firearm was recovered. A two-level increase under USSG § 2B3.1(b)(2)(F) is warranted because a threat of death was made. | <u>+2</u> |
| 24. | Victim Related Adjustment: None | <u>0</u> |
| 25. | Adjustment for Role in the Offense: None | <u>0</u> |
| 26. | Adjustment for Obstruction of Justice: None | <u>0</u> |
| 27. | Adjusted Offense Level (Subtotal): | <u>24</u> |
| 28. | Acceptance of Responsibility: The defendant has clearly demonstrated acceptance of responsibility for the offense. Accordingly, the offense level is decreased by two. USSG §3E1.1(a). | <u>-2</u> |

29. **Acceptance of Responsibility:** The attorney for the government agrees that the defendant timely notified authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparation for trial and permitting the Court to allocate its resources efficiently. The government intends to move the Court to grant the additional one-level reduction pursuant to §3E1.1(b). Accordingly, the offense level is decreased by one additional level.

-1

30. Total Offense Level:

21

PART B. THE DEFENDANT'S CRIMINAL HISTORY

Juvenile Adjudication(s)

31. Family members interviewed for this report indicated that Bolton has a history of shoplifting as a juvenile. However, this officer could not corroborate this information as any juvenile records were either sealed or destroyed due to age.

Adult Criminal Conviction(s)

	<u>Date of Arrest</u>	<u>Conviction/Court</u>	<u>Date Sentence Imposed/Disposition</u>	<u>Guideline/Points</u>
32.	05/01/1977 (Age 18)	Unlawful Possession of Marijuana Brockton District Court	08/15/1977: Guilty plea, filed with consent of defendant	4A1.2(e)(3) 0

The defendant was in possession of marijuana, a Class D controlled substance.

33.	06/01/1980 (Age 21)	Larceny of Property \$250 or Less Brockton Municipal Court	10/23/1980: Guilty plea, 2-5 yrs. Imprisonment 06/10/1981: Paroled 12/24/1981: Parole Revoked, 6 months' imprisonment, released at expiration	4A1.2(e)(3) 0
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The defendant was represented by counsel. Court documents reflect that the offense occurred at New Brunswick Mall in Boston, Massachusetts. According to the application for complaint, the defendant was arrested after being observed stealing a purse from an

unknown person's shopping bag. The defendant was arrested after a brief foot chase. A small black purse was recovered from Bolton's person.

Institutional Adjustment: Records from the Massachusetts Department of Corrections indicate that the defendant was released on parole. He was returned to state custody for a parole violation. He remained in state custody until walking away from Brooke House (a correctional residential placement). He was returned to a higher level of custody upon voluntary surrender and was released upon the expiration of his sentence. During the defendant's period of state custody, he incurred several disciplinary reports related to use of controlled substances.

34.	09/15/1997 (Age 38)	Possession of Marijuana	02/12/1998: Guilty, \$100 fine	4A1.2(e)(3)
		Driving Without a License	\$50 fine	0
	Boston Municipal Court			

The defendant waived representation by counsel. A Massachusetts State Police incident report indicates that at approximately 11:15 a.m. on Columbus Road in Newton, police pulled Bolton over for failure to signal a lane change. Bolton produced a Massachusetts identification card and no license. The trooper smelled marijuana and asked Bolton and the female passenger whether they had been smoking marijuana and whether there was any marijuana in the vehicle. The defendant responded "no," but the trooper recovered a small clear plastic bag containing less than one ounce of marijuana from the vehicle.

35.	02/16/2017 (Age 58)	Uttering a Counterfeit Instrument and Attempt to Utter a Counterfeit Instrument. US District Court, District of Massachusetts	06/23/2017: Guilty plea, time served, 3 years supervised release, \$251 restitution, \$100 Special Assessment 09/17/2018: Supervised release revoked. 3 months' custody, credit for time served, no TSR to follow	4A1.1(b)	2
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The defendant was represented by counsel. An Indictment charged Bolton with one count of uttering a counterfeit instrument. The following facts were summarized in the Presentence Report:

On January 3, 2017, at approximately 12:03 p.m., the defendant entered a Quick Stop at 123 Main Street in Boston, Massachusetts. He attempted to pay for several small items

with a \$100 bill. The store clerk submitted the bill to standard verification procedures and found that the bill was counterfeit. After the clerk refused to return the bill, Bolton became agitated. The clerk returned the bill and told Bolton not to come back to the store.

Bolton left without further incident. The clerk printed the stores' surveillance camera photo and posted it behind the counter with a notation not to sell to the person in the picture because of his attempt to pass a counterfeit \$100 bill.

Several days later, Bolton entered the same store in the early evening hours. He attempted to purchase a bottle of iced tea with a \$100 bill. The clerk recognized Bolton from the photo posted behind the counter. The clerk accepted the bill and Bolton left without incident. The clerk reported the incident to police.

In the following weeks, several stores in the area reported receiving counterfeit bills in \$100 and \$50 denominations, some involving a black male fitting Bolton's description. Eventually Bolton was arrested after attempting to pass a counterfeit \$50 bill at another convenience store.

Upon arrest, Bolton gave a statement detailing how he obtained the counterfeit bills. Although Bolton was the single defendant charged in his Indictment, the previous PSR notes the existence of a related case, U.S. v. Rick Jones. Bolton named Jones as the source of the counterfeit currency and agreed to cooperate with authorities. Bolton was scheduled to testify at Jones's trial; however, on the eve of trial, Jones pleaded guilty to conspiracy to manufacture and conspiracy to utter counterfeit instruments. Jones was sentenced to 46 months' imprisonment.

Bolton's adjustment to supervision was mixed. During the first year Bolton consistently attended drug treatment and timely submitted to urinalysis. However, he violated supervised release during the second year by missing several drug treatment appointments. After several missed appointments, Bolton tested positive for cocaine. The Court sentenced Bolton to three months' incarceration with credit for time served and no supervision to follow.

36.	12/20/2019 (Age 60)	Shoplifting under \$100 Brockton District Court	01/05/2020: Guilty plea, 4A1.1(c) 1 year unsupervised probation, \$35 to victim witness fund	1
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The defendant was represented by counsel. Bolton attempted to leave a K-Mart Store in Brockton, Massachusetts, without paying for two men's shirts valued at \$29.68.

Criminal History Computation

37. The criminal convictions above result in a subtotal criminal history score of three.
38. The total criminal history score is 3. According to the sentencing table in USSG Chapter 5, Part A, a criminal history score of 3 establishes a criminal history category of II.

Other Criminal Conduct

39. None

Pending Charges

40. None

Other Arrests

41. According to the defendant's sister, Mary Bolton, the defendant has a juvenile history of shoplifting starting at age 13. The probation officer was unable to obtain juvenile records due to age.
42. Bolton has an additional adult arrest for loitering and resisting arrest without violence. The charges were nolle prossed.

PART C. OFFENDER CHARACTERISTICS

43. The information in this section was reported by the defendant. This information was corroborated by Bolton's sister, Mary Bolton-Clark, and is consistent with information contained in Bolton's previous presentence report prepared in 2017.

Personal and Family Data

44. William Bolton was born January 1, 1959, in Boston, Massachusetts, to the union of George and Francine Bolton. The youngest of three children, Bolton was raised alongside his siblings and maternal half-brother. The defendant was raised in Brockton, Massachusetts, by his mother and father, although his father was often out of town due to work. Bolton's father died of heat stroke while working on a construction project in Louisiana when the defendant was 12 years old. Bolton's mother never remarried. Bolton's mother died from breast cancer when the defendant was 16 years old. At that time, he moved in with his older sister, Mary Bolton, who provided much of the information provided in this section.
45. Bolton reported that his mother worked several jobs to keep things afloat and received a death benefit from the construction company after his father's death. The defendant noted that despite her financial struggles, his mother always "made things work." He said there is no family history of financial hardship.
46. The defendant's mother used physical discipline, which may have included the occasional use of objects, including a belt. Bolton said he does not consider this to have been abusive. Bolton reported no history of sexual abuse, and no childhood exposure to domestic violence.
47. The defendant stated that his mother frequently consumed alcohol, however, he is uncertain if her alcohol use influenced her parenting. He suspected she was a "functioning alcoholic." Bolton did not recall being exposed to substance abuse.

48. The defendant's older sister, Mary Bolton-Clark, is 69 and a retired psychiatric nurse. She has five adult children. In addition to corroborating the defendant's account of his upbringing, Mary Bolton added that in hindsight, her brother showed signs of depression as a young boy. Bolton had a hard time in school and did not seem to be academically inclined. Starting at age 9, Bolton would sometimes talk about killing himself, but at the time, she did not understand the significance of those statements. She would try to cheer him up by making him laugh. Mary does not believe their mother knew of or understood Bolton's low moods, and Mary did not talk with her or any adult about her brother's problems as, "it would have been too much" for their mother to handle. Mary described their mother as a functioning alcoholic who was under tremendous stress raising the children while their father often worked for long periods out of state. After their father died while working in another state, the stress increased. When their mother died of breast cancer, Bolton moved in with Mary, who was then working her way through nursing school. Mary Bolton did what she could to ensure that her brother went to school, but she had a full schedule with school and work and could not keep up. William could not seem to stay focused on school and dropped out before he could graduate. Mary helped him get various odd jobs such as on the janitorial staff at the hospital, hoping he would work his way up, but William seemed to lack interest and would end up quitting or being fired. Mary believes her brother has lived with depression for years without treatment, and that his condition worsened considerably after their mother's passing. Furthermore, William has never been tested for learning disabilities, but Mary suspects that may have played a role in his disinterest in school.
49. Bolton's maternal half-brother, Michael Zaks, worked as a security guard at Boston Logan Airport and died five years ago at age 65 of an aneurism.
50. Bolton's brother Samuel Bolton, age 65, resides in Boston, Massachusetts, and worked for the Brockton Public Schools until his recent retirement.
51. Bolton's brother Maxwell, age 62, resides in Boston and works for the Massachusetts Bay Transportation Authority as a train operator.
52. The defendant married Susan MacDonald in 1999 in Brockton, Massachusetts. He met his wife while she was a resident of a shelter where he worked. Though they are legally married, they have not lived together since 2010, when MacDonald returned to New Hampshire to become her mother's caretaker. She and Bolton talk weekly, but she is unable to visit due to a lack of transportation. The probation officer awaits a return phone call from MacDonald.
53. Ms. MacDonald had three children from previous relationships. Bolton reports he is closer to Ms. MacDonald's children than his own. Robert MacDonald, age 24, is the youngest of Ms. MacDonald's children. Robert has significant physical and cognitive limitations and is unable to live independently. Robert lives with Ms. MacDonald and her mother in New Hampshire. Bolton financially supports both Ms. MacDonald and her son.
54. The defendant has two biological children. Roger Bolton, age 43, was born to the defendant's union with Sarah Smith. The defendant had a limited role in raising Roger and

said that he was too young to be a good father. He believes Roger is in Massachusetts but has not had contact with him in many years.

55. Marcus Bolton, age 41, was also born to the defendant's union with Sarah Smith. The defendant notes that he was able to carve out a relationship with Marcus after Bolton's 2017 conviction for counterfeiting, but he does not believe his efforts were successful. Bolton does not know where Marcus lives currently but believes he may still live in Massachusetts. Bolton's prior presentence report indicates that Marcus Bolton has a criminal record for grand theft and firearms possession.
56. Prior to his arrest for the instant offense, the defendant was living at 1905 Columbus Avenue, Boston, Massachusetts, with Ted Bolder and Joseph Green. Prior to that, and after his release from federal custody on the counterfeiting offense, Bolton was living in Boston, Massachusetts, with his niece.

Physical Condition

57. The defendant is pre-diabetic. He is not currently receiving treatment for this condition, though he believes it is worsening. The defendant notes that he has a heart murmur.
58. Bolton was recently hospitalized in connection with his arrest for the instant offense. He has no allergies, no dietary restrictions, and no physical limitations. He was a smoker but underwent smoking cessation treatment with his sister's help immediately before being arrested on the instant offense.

Mental and Emotional Health

59. According to the prior presentence report, the defendant underwent a forensic psychiatric evaluation with Martin Johnson, MD. Dr. Johnson indicated that the defendant has "significant cognitive impairments, including problems with attention, concentration, and both short-term and long-term memory." Dr. Johnson advised in his report that these cognitive and memory problems can occur with continuous, heavy drug abuse, but he could not rule out a pre-existing organic condition that would have been exacerbated by drug use. Dr. Johnson noted the possibility of anxiety and depression coexisting with Bolton's drug abuse problems.
60. While on supervised release, the defendant appears to have received treatment for co- occurring disorders through the Massachusetts General Hospital in Boston, Massachusetts, though it is unclear if he was ever given any diagnosis.
61. The defendant notes that before the offense, he met every two weeks with the psychiatric unit at the Massachusetts General Hospital where he had been diagnosed with Bi-Polar Disorder, Anxiety, and Depression. Verification from the Massachusetts General Hospital has been requested. In the past, Bolton has been prescribed psychotropic medication by his primary care physician but stopped taking it as he did not like how it made him feel. He cannot recall what he took. While in custody on the instant offense, he has been given a mood stabilizer but cannot recall its name.

62. The defendant notes that he suffers from panic attacks, especially when he is in a closed environment.
63. The defendant claims he has no history of suicide attempts or ideation, however, as noted above, his sister Mary Bolton reported otherwise. Bolton has no known history of gang involvement or gambling. He relies on his sister, his wife, and his extended family for support. He believes that he needs ongoing mental health treatment, and notes that when he is released from custody, he will not repeat the same mistakes he made before. Bolton noted that he does not respond well to stress. He said that prior to his arrest, he did not properly identify when he was become stressed with life's responsibilities. Instead of turning to his family, he turned to drugs and negative behaviors.

Substance Abuse

64. The defendant has a lifelong history of poly-substance abuse and said that his drug of choice is heroin. The prior presentence report identifies cocaine as the most problematic drug for him. He began using substances as a teenager, including marijuana, cocaine, and crack cocaine. He reported a period of sobriety when he first began living with his older sister at age 16, but he soon turned back to marijuana and crack cocaine once he figured out how to hide his use from his sister. The first time he injected heroin, he loved it, and he began using the substance as often as he could get it. At the height of his use, he was using \$200 worth of heroin per day. He said he has never used any other opiates and has no history of overdose.
65. According to the prior presentence report, the defendant continued his drug use when incarcerated and under community supervision. He reported periods of bingeing on cocaine and heroin and sometimes smoking crack cocaine continuously for 24 hours. A historic account of the defendant's treatment is laid out in the prior presentence report. Bolton participated in limited drug treatment while incarcerated and received drug treatment upon his return to the community. Though he initially struggled with treatment, including being discharged from aftercare services because he did not believe he needed them, he eventually recommitted to treatment. The defendant participated in the problem-solving court, CARE, in the District of Massachusetts, and was referred to the HCRC Boston Outpatient Program for substance abuse treatment.
66. The defendant progressed satisfactorily through the CARE program for a period of time. However, the defendant notes that during that time, he successfully avoided drugs by drinking to deal with "life's pressures" because he was not being tested for alcohol. He eventually stopped attending meetings and tested positive for cocaine, resulting in his supervised release being revoked. After he was released from his revocation sentence, Bolton sought treatment on his own and obtained suboxone from a clinic. Once he started suboxone, he stopped using illegal drugs. Bolton reports that he mistakenly believed he could stop the suboxone and remain clean on his own. Instead, he started using heroin again and ran up a debt with his supplier. Bolton understands that financial issues are a trigger for him and notes that there were mounting financial pressures including an eviction notice.
67. When the defendant is released from custody, he would like to enter a structured substance abuse treatment program.

68. Although final determination of qualification for the BOP's 500-Hour Residential Drug Abuse Program (RDAP) is made by the Bureau of Prisons, the defendant has expressed an interest in participating in the program.

Educational, Vocational and Special Skills

69. The defendant dropped out of the Champion High School in Brockton, Massachusetts, in grade 11. Records from the Bureau of Prisons indicate that the defendant worked toward, but never obtained, his GED.
70. The defendant is a skilled painter and at one point, was OSHA certified. He has no other specialized training or skills and holds no professional licenses. He has no military history.

Employment Record

71. The defendant worked full-time for Amherst Place, a wet shelter at 56 Kings Street, Boston, MA. He earned \$10 per hour. He was terminated after having been involved in a relationship with MacDonald, who was a resident of the shelter (and whom he eventually married).
72. The defendant worked full-time at Bettys Place Inc., a homeless shelter for women and children. He earned \$12 per hour. This employment was verified in connection with his term of supervised release.
73. The defendant worked full-time in the maintenance department at Brigham and Women's Hospital. Bolton was laid off in 2020 due to downsizing.
74. Bolton reports that since losing his job in 2020, he has worked odd jobs and has subcontracted as a handyman and painter.

Financial Condition: Ability to Pay

75. The following information regarding the defendant's financial status was obtained from the sworn financial statement and supporting documentation submitted by the defendant, as well as information derived from any one or more of the following sources: a credit report; an ACCURINT database check; court records; and public records. Unless otherwise noted, reported assets, liabilities, income, and expenses have been verified.

Net Worth Analysis

76. The defendant has no assets. His prison earnings were used to pay restitution on his previous offenses. He has no known liabilities.

Cash Flow Analysis

77. The defendant has no monthly cash income or expenses due to his detention in this case.

PART D. SENTENCING OPTIONS

Custody

78. **Statutory Provisions:** The maximum term of imprisonment is 20 years. 18 U.S.C. § 2113.
79. **Guideline Provisions:** Based upon a total offense level of 21 and a criminal history category of II, the guideline imprisonment range is **41** to **51** months.

Supervised Release

80. **Statutory Provisions:** The Court may impose a term of supervised release of not more than three years. 18 U.S.C. § 3583(b)(2).
81. **Guideline Provisions:** Since the offense is a Class C Felony, the guideline range for a term of supervised release is one to three years. USSG §5D1.2(a)(2).

Probation

82. **Statutory Provisions:** The defendant is eligible for not less than one nor more than five years' probation because the offense is a Class C Felony. 18 U.S.C. § 3561(c)(1).
83. **Guideline Provisions:** Since the applicable guideline range is in Zone D of the Sentencing Table, the defendant is ineligible for probation. USSG §5B1.1, comment. (n.2).

Fines and Special Assessment

84. **Statutory Provisions:** The maximum fine is \$250,000. 18 U.S.C. §3571(b).
85. A special assessment of \$100 is mandatory. 18 U.S.C. § 3013.
86. **Guideline Provisions:** The fine range for this offense is from \$15,000 to \$150,000. USSG §5E1.2(c)(3). The defendant does not appear to have the ability to pay a fine.

Restitution

88. **Statutory Provisions:** Per 18 U.S.C. § 3663A, effective April 24, 1996, the Court shall order restitution when sentencing a defendant convicted of a crime of violence, an offense against property, or an offense relating to tampering of consumer products. Per 18 U.S.C. § 3664(f)(1)(A), in each order of restitution, the Court shall order restitution to each victim in the full amount of each victim's losses as determined by the Court without consideration of the economic circumstances of the defendant.
89. In this case, restitution in the amount of \$2,129 is owed to Santander Bank. The restitution address has been requested from the government and will be added to the report when received.
90. **Guideline Provisions:** In accordance with the provisions of U.S.S.G. § 5E1.1, the Court shall enter a restitution order, if such an order is authorized under 18 U.S.C. § § 3663- 3664.

PART E. FACTORS THAT MAY WARRANT DEPARTURE

91. The probation officer has not identified any factors that would warrant a departure from the applicable sentencing guideline range.

PART F. FACTORS THAT MAY WARRANT A SENTENCE OUTSIDE OF THE ADVISORY GUIDELINE SYSTEM

92. Presentation of information in this section does not constitute a recommendation by the Probation Office for a sentence outside of the applicable advisory guideline range.

93. Pursuant to 18 U.S.C. § 3553(a)(1) through (7), the following factors are to be considered in imposing a sentence: the nature and circumstances of the offense and the history and characteristics of the defendant; the need for the sentence imposed to satisfy the statutory purposes of sentencing; the kinds of sentences available; the applicable guidelines; pertinent Sentencing Commission policy statements; the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and the need to provide restitution. Available information concerning these factors is contained throughout the presentence report.

Respectfully Submitted,

Emily Probation
U.S. Probation Officer

/s/ Timothy Probation

Timothy Probation
Supervising U.S. Probation Office

Approved:

/s/

Rose Probation
Chief U.S. Probation Office

APPENDIX B

Sample Criminal History Section of Pre-Sentence Report

(Fictitious Information for Illustration Purposes Only)

Appendix B: Fictitious PSR (Part B: The Defendant's Criminal History)

PART B. THE DEFENDANT'S CRIMINAL HISTORY

Juvenile Adjudication(s)

	<u>Date of Referral</u>	<u>Charge/Court</u>	<u>Date Sentence Imposed/Disposition</u>	<u>Guideline</u>	<u>Points</u>
30.	11/21/1973 (Age 13)	Unruly Behavior; Rustle County Juvenile Court, Case No. 2015JD247; Columbus, AL.	01/18/1974: 6 – 12 months custody, probation, and \$25 fine	4A1.2(e)	0
<p>Attorney representation is unknown. According to the Rustle County Complaint, from September 27, 1973, through November 21, 1973, the defendant did not subject himself to the reasonable control of his parents.</p>					
31.	09/24/1975 (Age 15)	Breaking and Entering (2 counts); Rustle County Juvenile Court, Case No. 2055JD147; Columbus, AL.	<p>11/04/1975: 6 months custody on each count o run consecutively, \$50 fine.</p> <p>03/30/1976: Paroled.</p> <p>05/12/1976: Defendant declared parole violator (Case No. 1212JS324) for leaving his home on 05/08/1976, and not returning.</p> <p>05/22/1976: 90 days custody with credit for time served and the balance of time suspended and placed on Community Intervention and Monitoring Program for 90 days.</p>	4A1.1(b)	2

The defendant was represented by counsel. The defendant was observed entering a private residence in Rustle, Indiana, through a window with an accomplice. Upon arriving at the residence, police ordered both suspects out of the house. The defendant attempted to flee, but he was apprehended as he exited through a window.

Adult Criminal Conviction(s)

	<u>Date of Arrest</u>	<u>Conviction/Court</u>	<u>Date Sentence Imposed/Disposition</u>	<u>Guideline</u>	<u>Points</u>
32.	05/01/1977 (Age 18)	Unlawful Possession of Marijuana Brockton District Court; Brockton, MA	08/15/1977: Guilty plea, filed with consent of Defendant	4A1.2(e)(3)	0

The defendant was in possession of marijuana, a Class D controlled substance.

33.	06/01/1980 (Age 21)	Larceny of Property \$250 or Less Brockton Municipal Court; Brockton, MA	10/23/1980: Guilty plea, 2-5 yrs. Imprisonment 06/10/1981: Paroled 12/24/1981: Parole Revoked, 6 months' imprisonment, released at expiration	4A1.2(e)(3)	0
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The defendant was represented by counsel. Court documents reflect that the offense occurred at New Brunswick Mall in Boston, Massachusetts. According to the application for complaint, the defendant was arrested after being observed stealing a purse from an unknown person's shopping bag. The defendant was arrested after a brief foot chase. A small black purse was recovered from Bolton's person.

Institutional Adjustment: Records from the Massachusetts Department of Corrections indicate that the defendant was released on parole. He was returned to state custody for a parole violation. He remained in state custody until walking away from Brooke House (a correctional residential placement). He was returned to a higher level of custody upon voluntary surrender and was released upon the expiration of his sentence. During the defendant's period of state

custody, he incurred several disciplinary reports related to use of controlled substances.

34.	09/15/1997 (Age 38)	Possession of Marijuana	02/12/1998: Guilty, \$100 fine \$50 fine Driving Without a License Boston Municipal Court; Boston, MA	4A1.2(e)(3)	0
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The defendant waived representation by counsel. A Massachusetts State Police incident report indicates that at approximately 11:15 a.m. on Columbus Road in Newton, police pulled Bolton over for failure to signal a lane change. Bolton produced a Massachusetts identification card and no license. The trooper smelled marijuana and asked Bolton and the female passenger whether they had been smoking marijuana and whether there was any marijuana in the vehicle. The defendant responded "no," but the trooper recovered a small clear plastic bag containing less than one ounce of marijuana from the vehicle.

35.	02/16/2014 (Age 55)	Uttering a Counterfeit Instrument and Attempt to Utter a Counterfeit Instrument. US District Court, District of Massachusetts; Boston, MA	06/23/2014: Guilty plea, time served, 3 years supervised release, \$251 restitution, \$100 Special Assessment 09/17/2015: Supervised release revoked. 3 months' custody, credit for time served, no TSR to follow	4A1.1(b)	2
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The defendant was represented by counsel. An Indictment charged Bolton with one count of uttering a counterfeit instrument. The following facts were summarized in the Presentence Report:

On January 3, 2014, at approximately 12:03 p.m., the defendant entered a Quick Stop at 123 Main Street in Boston, Massachusetts. He attempted to pay for several small items with a \$100 bill. The store clerk submitted the bill to standard verification procedures and found that the bill was counterfeit. After the clerk refused to return the bill, Bolton became agitated. The clerk returned the bill and told Bolton not to come back to the store.

Bolton left without further incident. The clerk printed the stores' surveillance camera photo and posted it behind the counter with a notation not to sell to the person in the picture because of his attempt to pass a counterfeit \$100 bill.

Several days later, Bolton entered the same store in the early evening hours. He attempted to purchase a bottle of iced tea with a \$100 bill. The clerk recognized Bolton from the photo posted behind the counter. The clerk accepted the bill and Bolton left without incident. The clerk reported the incident to police.

In the following weeks, several stores in the area reported receiving counterfeit bills in \$100 and \$50 denominations, some involving a black male fitting Bolton's description. Eventually Bolton was arrested after attempting to pass a counterfeit \$50 bill at another convenience store.

Upon arrest, Bolton gave a statement detailing how he obtained the counterfeit bills. Although Bolton was the single defendant charged in his Indictment, the previous PSR notes the existence of a related case, U.S. v. Rick Jones. Bolton named Jones as the source of the counterfeit currency and agreed to cooperate with authorities. Bolton was scheduled to testify at Jones's trial; however, on the eve of trial, Jones pleaded guilty to conspiracy to manufacture and conspiracy to utter counterfeit instruments. Jones was sentenced to 46 months' imprisonment.

Bolton's adjustment to supervision was mixed. During the first year Bolton consistently attended drug treatment and timely submitted to urinalysis. However, he violated supervised release during the second year by missing several drug treatment appointments. After several missed appointments, Bolton tested positive for cocaine. The Court sentenced Bolton to three months' incarceration with credit for time served and no supervision to follow.

36.	12/20/2016 (Age 57)	Shoplifting under \$100 Brockton District Court; Brockton, MA	01/05/2017: Guilty plea, 1 year unsupervised probation, \$35 to victim witness fund	4A1.1(c)	1
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The defendant was represented by counsel. Bolton attempted to leave a K-Mart Store in Brockton, Massachusetts, without paying for two men's shirts valued at \$29.68.

Criminal History Computation

37. The criminal convictions above result in a subtotal criminal history score of three.
38. The total criminal history score is five. According to the sentencing table in USSG Chapter 5, Part A, a criminal history score of five establishes a criminal history category of three.

Other Criminal Conduct

39. None

Pending Charges

40. None

Other Arrests

41. According to the defendant's sister, Mary Bolton, the defendant has a juvenile history of shoplifting starting at age 13. The probation officer was unable to obtain juvenile records due to age.
42. Bolton has an additional adult arrest for loitering and resisting arrest without violence. The charges were nolle prossed.