

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA)

vs.)

Steven Doe)

) **PRESENTENCE INVESTIGATION REPORT**

) **Docket No.: 0207 1:14CR00446-001**

Prepared for: The Honorable Joan M. Azrack
United States District Judge

Prepared by: United States Probation Officer
347-534-XXXX

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Sentence Date: To Be Determined

Offense: **Count 1:**
FELON IN POSSESSION OF A WEAPON
18 U.S.C. §§ 922(g)(1) and 924(a)(2)
0 years to 10 years imprisonment/\$250,000.00 fine
(Class C Felony)

Arrest Date: 8/3/2015

Release Status: The defendant was released on a \$100,000 Personal Recognizance Bond on August 3, 2015.

Detainers: None

Other Defendants: None

Date Report Prepared: November 18, 2016

Identifying Data:

Date of Birth: March 2, 1978
Age: 38
Race: White
Hispanic Origin: Non-Hispanic
Sex: Male

SSN#: 012-34-xxxx
FBI#: 123456xxxxx
USM#: 12345-053
State ID#: 0987654A
PACTS#: 123456

Education: Master of Library Science (MLS)
Degree

Dependents: 2
Citizenship: U.S. Citizen
Country of Birth: United States
Place of Birth: New York, NY

Legal Address: 75 Clinton Street, Apt. 4F
Brooklyn, New York 11201
(718) 555-3939

Residence Address: 75 Clinton Street, Apt. 4F
Brooklyn, New York 11201
(718) 555-3939

Alias(es): None.

Alternate IDs: None.

Restrictions on Use and Redislosure of Presentence Investigation Report. Disclosure of this presentence investigation report to the Federal Bureau of Prisons and redislosure 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 redislosed 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 further redislosure 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 January 18, 2016, the defendant pled guilty before Magistrate Judge A. Simon Chrein to a single-count indictment, which charges that on July 31, 2015, the defendant, having previously been convicted of a felony offense, was found in possession of a firearm, namely a .40 caliber Taurus semi-automatic pistol, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).
2. To date, according to his Pretrial Services Officer, the defendant has been compliant with his terms of Pretrial Supervision.

The Offense Conduct

3. On July 31, 2015, New York City Police Department (NYPD) officers responded to a call at a residence in Brooklyn, New York. Upon arriving at the scene, officers observed the defendant and David Etienne shooting at one another. A weapon was recovered from Etienne and another weapon, a .40 caliber Taurus semi-automatic pistol, was recovered from the street nearby. The defendant evaded officers and was not apprehended at that time. It is noted that neither the defendant nor Etienne suffered any injuries as a result of the shooting. Etienne was prosecuted locally.
4. On August 3, 2015, the defendant was arrested on unrelated charges and was identified by one of the NYPD officers present on July 31, 2015, as the individual involved in the shooting with David Etienne. The defendant made post arrest statements admitting to possessing the .40 caliber Taurus semi-automatic pistol recovered on July 31, 2015, in order to protect his drug trafficking enterprise. He also admitted to firing shots at David Etienne on that same night. A search by the NYPD of the defendant's criminal history revealed that on March 9, 2010, the defendant was convicted in Kings County Supreme Court, in Brooklyn, New York, of Assault with Intent to Cause Physical Injury, a Class D Felony, and was sentenced to one year custody. As a result, the case was transferred to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The investigation of the instant offense revealed that the firearm had been previously stolen and manufactured outside the State of New York, but no further information could be provided. As the firearm was stolen, an enhancement is warranted per USSG §2K2.1(b)(4)(A). According to the case agent, information was received from a confidential informant, subsequent to the defendant's guilty plea, that the defendant is known to be involved in trafficking an unknown amount of cocaine. As there is preponderance of evidence that the defendant possessed a firearm in connection with his drug trafficking enterprise, another felony offense, an enhancement is warranted per USSG §2K2.1(b)(6)(B).

Adjustment for Obstruction of Justice

5. The probation department has no information indicating that the defendant impeded or obstructed justice.

Adjustment for Acceptance of Responsibility

6. The defendant pled guilty, and the Government informed that their office maintains that the guilty plea was entered in a timely fashion. During the defendant's presentence interview, the defendant admitted to Probation that he became involved in the instant offense as retaliation against Etienne, who the defendant believes was responsible for his brother's fatal overdose. The defendant admitted to his wrongdoing and expressed awareness that he was not authorized to carry a firearm. Based on the defendant's statement and guilty plea, which spared the Court and the Government the burden of preparing for trial, a reduction for acceptance of responsibility is warranted. USSG §3E1.1(a) and (b).

Offense Level Computation

7. **Base Offense Level:** The guideline for 18 U.S.C. § 922(g)(1) offenses is USSG §2K2.1(a)(4)(A), which provides a base offense level of 20 if the defendant committed the instant offense subsequent to sustaining one felony conviction of either a crime of violence or a controlled substance offense. Specifically, in this case, the defendant sustained a conviction for Assault with Intent to Cause Physical Injury, which comprises a crime of violence as defined in USSG §4B1.2(a)(1). As such, the base offense level is 20. **20**
8. **Specific Offense Characteristics:** As the firearm was stolen, a 2-level increase is warranted, per USSG §2K2.1(b)(4)(A). **+2**
- Specific Offense Characteristics:** As the firearm was used in connection with another felony offense, a 4-level increase is warranted, per USSG §2K2.1(b)(6)(B). **+4**
9. **Victim Related Adjustment:** None. **0**
10. **Adjustment for Role in the Offense:** None. **0**
11. **Adjustment for Obstruction of Justice:** None. **0**
12. **Adjusted Offense Level (Subtotal):** **26**
13. **Chapter Four Enhancement:** None. **0**
14. **Acceptance of Responsibility:** The defendant has demonstrated acceptance of responsibility for the offense. Accordingly, the offense level is decreased by two levels. USSG §3E1.1(a). **-3**
15. **Total Offense Level:** **23**

PART B. THE DEFENDANT'S CRIMINAL HISTORY

Juvenile Adjudication(s)

16. None.

Adult Criminal Conviction(s)

	<u>Date of Arrest</u>	<u>Conviction/Court</u>	<u>Date Sentence Imposed/Disposition</u>	<u>Guideline</u>	<u>Pts</u>
17.	08/20/2009 (Age 31)	Assault with Intent to Cause Physical Injury/ Kings County Supreme Court Brooklyn, NY	02/06/2010 1 Year Custody Order of Protection (1 Year)	4A1.1(b) 4A1.2(e)(2)	2

According to the New York City Police Department's (NYPD) arrest record, on August 20, 2009, the defendant, with a named co-defendant, assaulted another individual with a plastic milk crate, by punching and kicking the victim about the body. The defendant also stabbed the victim in the arm with an icepick. Local court records confirmed the above disposition. Custodial records have not been received as of this writing.

Criminal History Computation

18. The criminal convictions above result in a total criminal history score of two. The total criminal history score is two. According to the sentencing table in USSG Chapter 5, Part A, a criminal history score of two establishes a criminal history category of II.

Other Criminal Conduct

19. None.

Pending Charges

	<u>Date of Arrest</u>	<u>Charge</u>	<u>Agency</u>	<u>Disposition</u>
20.	01/03/2011 (Age 32)	Criminal Possession of Marijuana - 4 th Degree (two counts)/ Dkt. #: 2011KN000090	Kings County Criminal Court, Brooklyn, NY	Pending

According to Kings County Criminal Court records, the defendant and an accomplice were allegedly observed throwing an object in the street and fled the premises. The informant approached the defendant and allegedly recovered plastic baggies containing more than two ounces of marijuana from the defendant's person. Another plastic baggie was recovered from the street containing more than two ounces of marijuana.

Other Arrests

21. On August 3, 2015, the defendant was arrested by NYPD on unknown charges. Subsequently, one of the NYPD officers, who observed the shooting that led to the underlying offense, identified the defendant as one of the shooters. He was later writted into federal custody. Details surrounding this arrest are unknown as of this writing.

PART C. OFFENDER CHARACTERISTICS

22. The following information was provided by the defendant during the presentence interview and was corroborated by the defendant's mother, Susan Goodson, during a telephone interview, unless otherwise noted. As of this writing, documentation corroborating the defendant's personal history has not been received.

Personal and Family Data

23. The defendant reported that he was born "John Doe" on March 2, 1978, to the marital union of Alvin Doe (deceased) and Susan (nee) Doe (age 67) in New York, New York. Correspondence from New York County verifies the date and place of birth and the parents' names. The defendant's father passed away in 1991 from a brain aneurysm. At that time, the defendant was approximately 13 years old. The defendant reports being raised in a middle-income household. His father was employed as a computer analyst and his mother was employed as a teacher. The defendant's mother is currently retired. She was previously diagnosed with Hodgkin's Disease, a form of lymphoma, but is currently in remission. The defendant's mother later married Charles Goodson (age 68) in 1994. Mr. Goodson is employed as a part-time financial analyst, after retiring from the financial analyst business that he founded.
24. The defendant has four full siblings from his parent's marriage. Robert Doe (age 41) resides in Rockville, Maryland. He currently works for the Financial Industry Regulatory Authority (FINRA) as a facilities manager, overseeing the maintenance of the facility he is employed at and is married with three children. He was previously diagnosed with thyroid cancer in approximately 2011 and is currently in remission. Anna Doe (age 39) resides in Reading, Pennsylvania. She is currently employed as a high school Chinese teacher and is married with twin daughters. Frances Doe (age 39) is the twin to Anna Steiner and resides in Evanston, Illinois. She is employed as a day care center administrator. She is married with five children. Jonathan Doe (deceased) is the defendant's twin brother, who succumbed to a drug overdose in 2009 at age 31. The defendant reported that he and Jonathan used drugs together. Jonathan was single at the time of his death but had one child.
25. Prior to their marriage, the defendant's parents were each previously married to other spouses resulting in one child each from these relationships. The defendant has one half-sister, Joanna Smithson (age 47), from his mother's previous marriage to an unnamed individual. The defendant's maternal half-sister, Joanna Smithson, resides in Forest Hills, New York, and is a homemaker. The defendant could not recall the employment of her estranged husband. She is currently seeking unemployment compensation benefits due to her pending divorce and has three children. Michael Doe (age 45) is the defendant's half-

brother from his father's prior marriage. Michael currently resides in Los Angeles, California, is employed as a physical therapist, and has one child. As previously reported, the defendant's mother married Charles Goodson in 1994. Together, they adopted two twin girls, Dina Doe (age 21) who is a college student at the University of Georgia, located in Athens, Georgia, and Dora Doe (age 21) who is a college student at New York University, located in New York, New York. Dora Doe suffers from cystic fibrosis. The defendant claims to have a good relationship with all of his siblings, with the exception of his maternal half-sister Joanna, who is estranged from the family due to her divorce, and is closest with Robert and Michael.

26. While the defendant reported his childhood financial circumstances as middle-income, after the mother's marriage to the step-father, their financial situation improved to that of being an upper-middle-income family. When questioned as to whether or not the defendant was exposed any form of abuse as a child, the defendant reported that Joanna Smithson's father sexually abused his sister, Anna Doe, when she was approximately 6 years old. The defendant and his mother did not discuss specific details. The defendant further reported that while his mother did not report the incident to authorities, from that point forward, the defendant's mother demanded that he be accompanied by another adult when visiting the half-sister. After a short while, the maternal half-sister's father appeared increasingly infrequently until he stopped seeing the maternal half-sister altogether.
27. The defendant was married at age 18, in 1996, to Angela (nee) Lido (age 38). She and the defendant were in a consensual relationship for approximately three to four years prior to their marriage and were married at the Queens County Courthouse, located in Kew Gardens, New York. The defendant and his former wife married due to the birth of their daughter, Adeline Doe (now deceased). Adeline reportedly died at the age of 1 in 1998 from botulism poisoning. The defendant reports that after their daughter died, his former wife attempted suicide by trying to jump off the roof of Montefiore Hospital in the Bronx, New York, where Adeline had been treated. She and the defendant ultimately divorced in 2001 and he has not had contact with her since. Verification of their marriage and divorce is currently pending.
28. In 2002, the defendant married Emily (nee) Larson (age 37) in Ketchikan, Alaska. They received their marriage certificate from the Town of Hempstead and verification of same is currently pending. They defendant and his wife have two children, Samuel Doe (age 9) and Jasmine Doe (age 6). At present, the defendant and his wife are estranged. The defendant's estranged wife and children are currently residing in New York, New York, with her brother. The defendant's son, Samuel Doe, is currently suffering from behavioral issues at school and is receiving counseling for same. The defendant's daughter suffers from Pervasive Developmental Disorder-Not Otherwise Specified (PDD-NOS) and receives counseling at school as a means of support as well as for social skill building. She also attends speech classes to address her speech deficiencies and occupational therapy to assist with her fine motor skills. She also attends physical therapy to address her gross motor skill deficiencies. The defendant reports that he and his estranged wife are currently co-parenting. At this time, they have not filed for divorce nor have they legally separated. Due to their estrangement, the defendant requested that she not be contacted for corroborative purposes, a request honored by the Probation Department. The defendant is

currently unemployed but receives help from his mother and step-father to provide financial support for his children. A specific monetary amount of financial support was not provided by the defendant or his mother.

Physical Condition

29. When the defendant was approximately three years old, he was hospitalized for pneumonia but was unable to recall any specific details. A few years later, when the defendant was approximately seven years old, he had his appendix removed at Queens General Hospital, located in Jamaica, New York.
30. When the defendant was 19 years of age, while attending the University of Florida, in Gainesville, Florida, he was involved in a serious motor vehicle accident. As a result, he underwent an emergency splenectomy (removal of the spleen) at the University of Florida Medical Center. He reported no residual effects from this surgery. In approximately 2006, the defendant was involved in a motor vehicle accident, wherein he suffered a whiplash injury and attended physical therapy at North Shore University Hospital, located in Manhasset, New York, for approximately three months thereafter.
31. The defendant was shot in the leg in 2010 as a result of a feud with a rival drug dealer who had an affiliation with the Bloods gang. The defendant reported that he was treated at Bellevue Hospital, located in New York, New York, where the bullet was removed and he attended physical therapy. Verification from the associated medical facilities at which the defendant was treated has not yet been received.
32. As corroborated by the defendant's mother, the defendant currently suffers from high blood pressure and takes Atenolol, which is used to treat high blood pressure (hypertension). Verification from the defendant's physician, Dr. Josiah Smith, is pending at this time; the defendant has not provided a prescription despite being requested to do so.

Mental and Emotional Health

33. The defendant reported no emotional or mental health problems or treatment at any time in his life. This was corroborated by his mother. However, he reports that while in college, he was held hostage along with several classmates by a mentally ill individual toting a firearm, which was discharged during the incident. Although no one was hurt, the defendant reports he spoke with his local rabbi as a means to cope with the emotional stress from the incident. This incident was corroborated with the defendant's mother during a telephone interview.

Substance Abuse

34. When the defendant was approximately 12 years old, he smoked marijuana for the first time. While in college, the defendant reported using marijuana on a daily basis and began

distributing marijuana in order to finance his habit. On one occasion, he smoked marijuana laced with "dust" (phencyclidine, otherwise known as PCP or angel dust) but reports he did not like its effects. The defendant also reported using hashish on a few occasions in college. One he married, the defendant reported he stopped using marijuana on a daily basis and used marijuana "occasionally" until his arrest for the instant offense.

35. At the age of 15, the defendant reported drinking alcohol for the first time. The defendant did not report an alcohol abuse problem and imbibes alcohol during infrequent social gatherings at present. However, the defendant reported that he consumed alcohol to the point of inebriation while in college during weekend social gatherings.
36. At the age of 18, the defendant reported using cocaine for the first time. He reported he used cocaine on the weekends or at social gatherings and stopped using when his brother, Jonathan Guttman, passed away from a drug overdose.
37. Between the ages of 21 and 25, the defendant reports using ecstasy on a weekly basis when he would socialize at clubs with friends.
38. The defendant reported using heroin in college on a few occasions but had a bad reaction to it and ceased using the drug. At the age of 19, while at a Native American retreat, the defendant experimented with peyote during a sweat lodge ritual.
39. The defendant reported that after his brother, Jonathan Doe, succumbed to a drug overdose, he stopped using drugs, with the exception of marijuana, because he was "scared". The defendant reportedly financed his drug use through periods of employment. For periods of unemployment, the defendant financed his drug use through dealing marijuana. Notably, the defendant's substance abuse history has contributed to his involvement in the instant offense and pending case and has also led to the defendant's estrangement from his wife. The defendant denies attending any substance abuse treatment programs and opted not to attend any programs at his family's suggestion when his brother, Jonathan Doe, succumbed to his overdose. The defendant's mother corroborated the defendant's substance abuse history, specifically with regard to the defendant's history of using marijuana.

Educational, Vocational and Special Skills

40. From 2009 to 2011, the defendant attended St. John's University, located in Queens, New York, and obtained his Master of Library Science (MLS) Degree. He graduated with a 3.7 grade point average (GPA) and reports his mother and step-father financed his tuition so he could complete his degree in a more timely manner.
41. The defendant attended the University of Florida from 1996 through 1999, where he majored in anthropology and sociology (combined department). He graduated in 1999 with a Bachelor of Arts (BA) Degree, with a 3.4 GPA. He graduated in three years with a 3.4 GPA.

42. The defendant attended Stuyvesant High School in New York, New York, from approximately 1992 through 1996. The defendant reportedly graduated in 1996. The defendant took several college Advanced Placement (AP) courses, which allowed him to graduate from the University of Florida in three years.
43. As of this writing, verification responses from each school have not been received. However, the defendant's mother was able to corroborate the defendant's education history in full.

Employment Record

44. The defendant's mother corroborated the defendant's employment history in full.

	<u>Start Date</u>	<u>End Date</u>	<u>Employer</u>	<u>Gross/Other Monthly Income</u>	<u>Position</u>
45.	As of this writing, the defendant is unemployed and is receiving New York State unemployment compensation, earning approximately \$1,620 each month.				
45.	2011	August 2016	ENT (Ear, Nose, and Throat) Associates, Brooklyn, New York	\$15/Hour	Record Keeper/ Researcher

The defendant reported employment at this location, a medical office, where he maintained and researched office patient records. According to the defendant, his estranged wife was also an employee at this location and she secured this employment position for him. Due to her resignation, the defendant's position was terminated.

46.	2004	2008	Charles Goodson Financial Planning LLC, New York, New York	\$45,000 to \$50,000 yearly	Financial Analyst
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The defendant reported that he was employed for his step-father as a financial analyst but was terminated when he was arrested in 2009.

47.	1999	2004	HSBC Bank, Queens, New York	\$45,000 yearly	Bank Teller/ Assistant Manager
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When the defendant was hired in 1999, he worked as a bank teller, earning \$21,000 in gross annual wages. Due to his successful performance in that capacity, the defendant also became responsible for recording keeping and accounting for the bank branch. The defendant was later promoted to an Assistant Manager. The defendant left this position to work for his step-father's financial firm.

48. Prior to 1999, the defendant worked as a camp counselor during the summers of 1994 through 1998, at Miss Sue's, located in Plainview, New York.

Financial Condition: Ability to Pay

49. The defendant completed and signed a Personal Financial Statement, reporting the following personal and business financial information. He did not provide corroborating documentation.

Assets

Residence	Co-op Apartment	\$500,000
Personal Savings Account	Santander Bank	\$1,600
Joint Checking Account	TD Bank	\$750
Money Market Account	TD Bank	\$11,000
Roth Individualized Retirement Account (IRA)	Neuberger Berman	\$250,000
Stock	Facebook/90 Shares	\$4,500
Vehicle	2016 Subaru Forrester	\$21,000
Jewelry	Rolex Watch	\$5,000
Legal Settlement	From a 2006 Car Accident	\$5,000

Total Assets **\$798,850**

The defendant advised that he has a safety deposit box at Santander Bank. He reported that the safety deposit box contains a pair of pearls, belonging to his estranged wife, and is unsure of the exact value. The defendant also a report that his step-father, Charles Goodson, controls a trust fund account for the defendant and the defendant is unsure of the exact value. The defendant estimates the value to be approximately \$100,000.

Liabilities

Mortgage Loan	Co-op Apartment	\$350,000
Vehicle Loan	2016 Subaru Forrester	\$18,000
Credit Card	American Express	\$2,500

Total Liabilities **\$370,500**

Total Net Worth **\$428,350**

Monthly Income

Unemployment Compensation \$1,620

46. As of this writing, the defendant has not provided a detailed list of his monthly expenses.
47. Based on the defendant's financial profile, he appears able to pay a fine.

PART D. SENTENCING OPTIONS**Custody**

48. **Statutory Provisions:** The maximum term of imprisonment is 10 years. 18 U.S.C. § 924(a)(2).
49. **Guideline Provisions:** Based on a total offense level of 23 and a criminal history category of II, the guideline imprisonment range is 51 months to 63 months.

Supervised Release

50. **Statutory Provisions:** The Court may impose a term of supervised release of not more than three years. 18 U.S.C. § 3583(b)(2).
51. **Guideline Provisions:** Since the offense is a Class C Felony, the guideline range for a term of supervised release is 1 to 3 years. USSG § 5D1.2(a).

Probation

52. **Statutory Provisions:** Because Count 1 is a Class C Felony, the defendant is eligible for not less than one nor more than five years probation. 18 U.S.C. § 3561(c)(1). One of the following must be imposed as a condition of probation unless extraordinary circumstances exist: a fine, restitution, or community service. 18 U.S.C. § 3563(a)(2).
53. **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

54. **Statutory Provisions:** The maximum fine is \$250,000. 18 U.S.C. § 3571(b).
55. A special assessment of \$100 is mandatory. 18 U.S.C. § 3013.
56. **Guideline Provisions:** The fine range for this offense is from \$10,000 to \$100,000. USSG §§ 5E1.2(c)(3) and 5E1.2(h)(1).

Collateral Consequences of a Felony Conviction

57. As a result of a felony conviction, defendants face a potentially broad range of collateral consequences. Numerous federal and state laws place various restrictions on defendants, many of which attach automatically upon conviction. Some of these collateral consequences include the denial of government benefits, ineligibility for public housing, suspension of student loans, revocation or suspension of driver's licenses, and the inability to enlist in the military, to serve on a jury, or to vote. The potential collateral consequences of a felony conviction are numerous and circumstance-specific. For further guidance, please see the American Bar Association's website at www.abacollateralconsequences.org.

PART E. FACTORS THAT MAY WARRANT DEPARTURE

58. 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

59. None.

RESPECTFULLY SUBMITTED:

EILEEN KELLY
CHIEF U.S. PROBATION OFFICER

Prepared by:

U.S. Probation Officer
347-534-3541

Approved by:

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