

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

UNITED STATES OF AMERICA : NO 1:21-CR-00516-001
:
:
v. : (HONORABLE DABNEY L. FRIEDRICH)
:
EDWARD MCALANIS : (ELECTRONICALLY FILED)

SENTENCING MEMORANDUM OF DEFENDANT, EDWARD MCALANIS

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I. INTRODUCTION

Edward McAlanis was born on January 7, 1980. He is married and lives with his wife and two minor children in Stevens, Lancaster County, Pennsylvania. He has an adult daughter from a previous relationship.

Mr. McAlanis graduated from Landsdale Catholic High School in 1998. In 2004 Mr. McAlanis earned a Bachelor of Science degree in biology from Temple University, Philadelphia, Pennsylvania.

Mr. McAlanis is a devoted and loving family man and a community minded person as evidenced by the testimonials submitted on his behalf. The following persons have submitted testimonials:

1. Matt Williams – Exhibit A
2. Thomas Cross – Exhibit B
3. Kurt Russell – Exhibit C
4. Stephen G. – Exhibit D
5. Lorenzo Bonura – Exhibit E
6. Dr. Paul Avandanian – Exhibit F
7. Jeff Livick – Exhibit G
8. Ronald A. Forsyth – Exhibit H
9. Chad Brown – Exhibit I
10. Christian Pasto – Exhibit J
11. Ed and Dee Doman – K

Mr. McAlanis now comes before the Court for sentencing on one count of Parading, Demonstrating, or Picketing in a Capitol Building. [40 U.S.C. Section 5104(e)(2)(G)]. For the reasons set forth in the Memorandum Mr. McAlanis respectfully submits that a term of probation would best effectuate the goals of sentencing.

II. SENTENCING GUIDELINES NOT APPLICABLE

The offense of which Mr. McAlanis is before the Court for sentencing is a Class B misdemeanor. The advisory guidelines do not apply to Class B misdemeanor offenses. U.S.S.G. Section 1B1.9.

III. FACTORS SET FORTH UNDER 18 U.S.C. SECTION 3553(a)

A. The nature and circumstances of the offense and history and characteristics of Mr. McAlanis call for a sentence of probation.

Mr. McAlanis does not wish to downplay the seriousness of the matter. However, the pre and post arrest history of Mr. McAlanis' involvement shows nothing short of a law abiding, honest, and community minded person.

The testimonials presented to the Court reflect the good characteristics of Mr. McAlanis. Matt Williams writes, "Eddy served his community on the Parks and Recreation Board and always prioritized what was best for others in the community."

Thomas Cross writes, "He is very active in our township/community, serving us for over 3 years. He started serving the Park & Rec board in 2019, then was nominated to the Park & Rec

board Chair in 2021 (NOTE – this is a non-paid position) where their agreed mission is to put children, families and community first. During his first year as chairman, he and his team were able to accomplish 4 big wins w/o a sitting township manager, Eddy having to do most of the heavy lifting. He and his team accomplished the following: 1) opened the township pool on time (which was a huge accomplishment), 2) Resurface a basketball court before the Memorial day, 3) Designed and managed the erection of a playground (involved local schools and community on what these children wanted) to a community whom was promised a playground 7+ years ago and 4) erected a beginner skate park involving local concrete company and alternative sporting organization.”

Kurt Russell writes, “Not only did Eddy build a playground for the community, he also teamed up with another community member to get a skatepark installed in another park. To do this, Eddy reached out to the local residents, this time using a poll asking what they would like to see most in their playground. When the results came back with a skate park, Eddy used his networking abilities to find a team to get this done in what I think would be record time.”

Scott G. writes, “Another year, Eddy decided to rent a ride-one aerator from a local rental company and aerate his yard for spring. He then went almost door to door to everyone in the neighborhood, asking them if they’d like their yard aerated too the same day he did his. I believe 10-12 of us took him up on his generous offer and he subsequently spent an entire Saturday afternoon making sure all of our yards were fit and ready for spring.”

Dr. Paul Avadonian writes, “He has served the underprivileged children in North Philadelphia, helping with elementary afterschool educational programs. He has been a part of teen ministries, leading in various capacities via the East Cocalico Park and Recreational Board. The Township is fortunate to have Edward involved due to his leadership qualities and

characteristics, his ethical nature, and his willingness to take on any role necessary to get the job done.”

Ronald A. Forsyth writes, “I have personally witnessed Eddie helping his neighbors by mowing their lawns and providing landscaping assistance because they were too busy or unable to complete the work themselves.”

B. A sentence of probation is sufficient to reflect the seriousness of the offense, promote respect for the law, and to provide just punishment for the offense.

In **Gall v. United States**, the Supreme Court found that the facts of that case provide support for the District Judge’s conclusion that “a sentence of imprisonment may work to promote not respect, but derision, of the law if the law is viewed as merely a means to dispense harsh punishment without taking into account real conduct circumstances involved in sentencing.” **Gall v. United States, 552 U.S. 38, 128 S.Ct. 586, 599 (2007)**. Mr. McAlanis respectfully submits that the same reasoning applies under the circumstances of this case.

C. A sentence of incarceration would effectively hinder Mr. McAlanis’ vocational training and would not provide any needed care or treatment.

Mr. McAlanis has no substance abuse issues and aside from some situational depression associated with the present legal matter and ADHD diagnosed as a child, he has no history of mental or emotional problems. However, Mr. McAlanis has maintained consistent employment, albeit on a part time basis since his arrest, and Mr. McAlanis’ family rely on his continued monetary support.

IV. CONCLUSION

For the foregoing reasons Mr. McAlanis respectfully submits that a term of probation

would most effectively achieve the goals of sentencing and a just result in this case. Therefore, Mr. McAlanis requests the Court sentence him accordingly.

Respectfully submitted,

SCARINGI LAW

Date: February 4, 2022

By: /s/ Frank C. Sluzis

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CERTIFICATE OF SERVICE

I hereby certify that on the date listed below, I electronically filed the foregoing Sentencing Memorandum with the Court using the CM/ECF system, which sent notification of such filing to the following person at the following email address:

Anita Eve, Esquire
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Date: February 4, 2022

/s/ Frank C. Sluzis, Esquire