

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
(CRIMINAL MATTER)

UNITED STATES OF AMERICA)
)
)
v.) Docket No.: 21cr450-RC-1
)
)
JONATHAN LAURENS)
Defendant)

DEFENDANT’S RESPONSE TO GOVERNMENT’S SENTENCING MEMORANDUM

COMES NOW the Defendant, JONATHAN LAURENS, by and through counsel, Dwight E. Crawley, and respectfully adopts, in its entirety, the sentencing recommendation filed by the United States Probation Office in docket entry #33. Moreover, the defendant maintains that the split sentence recommended by the government is not authorized by the United States Code.

Despite the government’s assertions, the United States Code does not permit a split sentence as it relates to petty offenses. In fact, United States Code § 3583 seems to prohibit such a sentence as it relates to petty offenses. Specifically, U.S.C. § 3583 (b)(3) states that after release from imprisonment, for a Class E felony, or for a misdemeanor (other than a petty offense), supervised release of not more than one year is authorized unless otherwise provided. Nowhere in U.S.C. § 3583 does it provide for supervised release after imprisonment for petty offenses. Surely if one cannot receive supervised release after imprisonment for a petty offense, he/she cannot be sentenced to probation after imprisonment. Moreover, subchapter D speaks to sentences involving imprisonment. It clearly states that a person convicted of a Class B misdemeanor can be sentenced to not more than six months of imprisonment. U.S.C. § 3581 (b)(7). U.S.C. § 3551 (b)(3) directs us to subchapter D when a term of imprisonment is ordered. It directs us to subchapter B when a

sentence of probation is ordered. It does not direct us to any provision that permits both.

U.S.C. § 3561 authorizes this court to order a period of probation in lieu of a sentence of imprisonment. Accordingly, as a condition of probation, this court can order a term of intermittent confinement not to exceed six months in total to be served over the first year of probation. U.S.C. § 3563 (b)(10). This represents a condition of probation and not a term of imprisonment followed by probation.

Respectfully submitted

JONATHAN LAURENS

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of June 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all attorneys of record.

/s/

Dwight E. Crawley