

1 NICOLA T. HANNA
United States Attorney
2 LAWRENCE S. MIDDLETON
Assistant United States Attorney
3 Chief, Criminal Division
WILLIAM M. ROLLINS (Cal. Bar No. 287007)
4 Assistant United States Attorney
General Crimes Section
5 1500 United States Courthouse
312 North Spring Street
6 Los Angeles, California 90012
Telephone: (213) 894-7407
7 Facsimile: (213) 894-0141
E-mail: william.rollins@usdoj.gov

8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 RODNEY MICHAEL HASKINS,

16 Defendant.

No. 17-CR-00125-JAK

GOVERNMENT'S SENTENCING POSITION

Hearing Date: September 6, 2018
Hearing Time: 8:30 a.m.
Location: Courtroom of the
Hon. John A.
Kronstadt

17
18
19
20 Plaintiff United States of America, by and through its counsel
21 of record, the United States Attorney for the Central District of
22 California and Assistant United States Attorney William M. Rollins,
23 hereby files its sentencing position with respect to defendant RODNEY
24 MICHAEL HASKINS.

25 //
26 //
27 //
28 //

1 This sentencing position is based upon the attached memorandum
2 of points and authorities, the files and records in this case, and
3 such further evidence and argument as the Court may permit.

4 Dated: August 28, 2018

Respectfully submitted,

5 NICOLA T. HANNA
United States Attorney

6 LAWRENCE S. MIDDLETON
7 Assistant United States Attorney
8 Chief, Criminal Division

9 /s/ William M. Rollins
10 WILLIAM M. ROLLINS
Assistant United States Attorney

11 Attorneys for Plaintiff
12 UNITED STATES OF AMERICA
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

On January 18, 2018, defendant RODNEY MICHAEL HASKINS ("defendant") pled guilty to Count Two of the Indictment in United States v. Haskins, CR 17-00125-JAK, charging him with possession with intent to distribute at least 50 grams of methamphetamine, that is, approximately 110.72 grams of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii). Pursuant to a written plea agreement, the government has agreed to dismiss Count One of the Indictment, which charged defendant with possession with intent to distribute at least 5 grams of methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii).

On April 15, 2018, the United States Probation Office ("USPO") disclosed its Presentence Investigation Report ("PSR") and a Sentencing Recommendation letter. The USPO calculated a total offense level of 34 and a criminal history Category of VI, resulting in a Sentencing Guidelines range of 262 to 327 months' imprisonment. In its recommendation letter, the USPO recommended a significant downward variance and total term of imprisonment of 120 months.

The government concurs with the USPO's calculation of defendant's offense level, criminal history category, and Sentencing Guidelines range. Taking into account the sentencing factors enumerated in 18 U.S.C. § 3553(a), the government agrees that a downward variance is warranted and recommends a term of imprisonment of 151 months. The government also recommends a term of five years' supervised release and the payment of a \$100 special assessment.

1 **II. FACTUAL BACKGROUND**

2 This case arises out of defendant's sale of methamphetamine to a
3 Confidential Informant ("CI") in August and September of 2016. (PSR
4 ¶¶ 8-10.) On August 25, 2016, defendant and the CI discussed the
5 sale of one ounce of methamphetamine at defendant's home. (Id.)
6 Defendant retrieved a bag containing 28.52 grams of 95% pure
7 methamphetamine from his nightstand drawer and provided it to the CI
8 in exchange for \$300. (Id.) On September 28, 2016, defendant once
9 again sold the CI methamphetamine. (Id.) This time, defendant and
10 the CI met in a Walmart parking lot, where the CI purchased 111.84
11 grams of 99% pure methamphetamine from defendant in exchange for
12 \$1,250. (Id.)

13 On June 29, 2017, law enforcement executed a search warrant at
14 defendant's residence, which he shared with a roommate. (PSR ¶ 11.)
15 During the search, law enforcement recovered 11 methamphetamine
16 pipes, syringes, drugs, and a digital scale. (Id.) In one of the
17 bedrooms, law enforcement found \$1,129 in cash and a .12-gauge
18 shotgun near the bed. (Id.)

19 Defendant has several prior felony convictions, including a 2002
20 conviction for possession of a controlled substance for sale in
21 violation of Cal. Health & Saf. § 11378; a 2005 conviction for
22 possession of a controlled substance for sale in violation of Cal.
23 Health & Saf. § 11379(a); and a 2010 conviction for inflicting
24 corporal injury on a spouse or cohabitant in violation of Cal. Pen.
25 Code § 273.5(a). (PSR ¶¶ 37-51.) Both of defendant's prior drug
26 felonies involved methamphetamine. (PSR ¶¶ 43-45.)

27 At the time of defendant's felony domestic violence crime, he
28 was 43 years old. (PSR ¶ 46.) Defendant threw a wooden desk at the

1 victim as she attempted to leave his house after an argument. (Id.)
2 The desk broke, and defendant and the victim fell to the floor.
3 (Id.) Defendant held the victim by the arms and slammed her body
4 into the floor; he also held her by the hair and slammed her head
5 into the floor. (Id.)

6 When deputies responded to the scene, they found the victim
7 sitting in her car. (Id.) The victim had scratches on her chest and
8 feet, and bruises and scratches on her arms. (Id.) She was bleeding
9 from her feet and was transported to the hospital. (Id.)

10 **III. THE PRESENTENCE INVESTIGATION REPORT**

11 Based on the above facts, and because the instant offense is a
12 felony drug trafficking offense that follows a prior drug trafficking
13 crime (H&S § 11378) and a crime of violence (CPC § 273.5(a)), the
14 USPO determined that defendant is a Career Offender under U.S.S.G. §
15 4B1.1(b)(1). (PSR ¶¶ 43, 46, 48.) Indeed, defendant and the
16 government have agreed in the plea agreement that the Career Offender
17 enhancement applies in this case. (Dkt. 36 at 6-7.) Accordingly,
18 the USPO calculated defendant's total offense level - with a three-
19 level reduction for acceptance of responsibility - as 34. (PSR ¶ 32.)

20 In light of the Career Offender enhancement, the USPO also
21 determined that defendant's criminal history category is VI. (PSR
22 ¶ 89.) Because defendant's total offense level is 34 and defendant's
23 criminal history category is six, the USPO determined that the
24 applicable Guidelines range is 262 to 327 months' imprisonment, five
25 years-to-life of supervised release, and a fine of \$35,000 to
26 \$1,000,000. (PSR ¶¶ 88-100.) The USPO recommended a downward
27 variance of 142 months and a total term of imprisonment of 120
28 months. (See USPO Rec. Ltr.; PSR ¶ 104.) Defendant filed his

1 sentencing memorandum on August 23, 2018, asking that the Court
2 impose a custodial sentence of no greater than 120 months.¹ (Dkt.
3 46.)

4 **IV. A SENTENCE OF 151 MONTHS IS APPROPRIATE UNDER THE § 3553(A)**
5 **FACTORS**

6 The government respectfully requests that the Court adopt the
7 PSR's factual findings and Guidelines calculations. Additionally,
8 while the government agrees that a downward variance is warranted,
9 the government recommends that the Court sentence defendant to 151
10 months' imprisonment (rather than the mandatory minimum 120 month
11 term of imprisonment recommended by the USPO), followed by five years
12 of supervised release, and the payment of a \$100 special assessment.
13 The government agrees with the PSR's determination of the offense
14 level and the applicable Guidelines range.

15 In terms of the nature and circumstances of the offense, see 18
16 U.S.C. § 3553(a)(1), defendant engaged in a transaction to distribute
17 111.84 grams of methamphetamine at a level of 99% purity from a Wal-
18 Mart parking lot in Riverside County on September 28, 2016. (PSR
19 ¶ 10.) Defendant received \$1,250 in cash in exchange for the
20 methamphetamine. (PSR ¶ 10.) The month before the September 28
21 deal, defendant sold about 28 grams of methamphetamine to the CI for
22 \$300 on August 25, 2016. (PSR ¶ 9.) Moreover, during a search of
23 defendant's apartment several months after the sale, law enforcement
24 recovered a digital scale, \$1,129 in cash, and 11 methamphetamine
25 pipes, all of which indicates that defendant was engaged in a pattern

26
27 ¹ The government apologizes to the Court for its belated sentencing
28 position; defendant's August 23 sentencing memorandum and exhibits
were relevant to the government's recommendation of a downward
variance in this case, which was internally approved on August 28.
Defense counsel indicated she did not object to a belated filing.

1 of methamphetamine dealing. (PSR ¶ 11.) The distribution of
2 methamphetamine represents a significant threat to public safety that
3 warrants a serious punishment.

4 Defendant also has a lengthy criminal history. (PSR ¶¶ 37-51.)
5 His prior felonies include possession of controlled substance, drug
6 sales, domestic violence, and battery of an officer. He also has
7 prior convictions for disorderly conduct, driving with a suspended
8 license, driving while intoxicated, failure to appear, and drug
9 possession. Clearly, none of defendant's prior convictions or
10 periods of incarceration deterred him from committing the instant
11 offense, which once again involved methamphetamine. Furthermore,
12 defendant was convicted of a serious domestic violence felony - a
13 crime that required the victim to be transported to the hospital -
14 just eight years ago, when he was 43 years old. (PSR ¶ 46.)

15 There are, however, certain factors that weigh in favor of a
16 below-Guidelines sentence in this particular case. First, as the
17 USPO points out, even the mandatory minimum 10-year term of
18 imprisonment in this case would double the longest sentence that
19 defendant has ever received. (See USPO Rec. Ltr.; PSR ¶ 45.) A ten-
20 year federal sentence would also likely triple the longest amount of
21 time that defendant has actually served behind bars. (PSR ¶ 45.) In
22 addition, the government agrees that many of defendant's prior
23 offenses appear driven by his addiction to methamphetamine, which
24 defendant began using at the age of 18. As defendant notes, eight of
25 his ten convictions are for drug possession or drug sales. (PSR ¶¶
26 37-39, 41, 42 (noting methamphetamine), 43 (same), 44, 45 (same).)
27 While drug abuse is ordinarily not a reason for a downward departure,
28 U.S.S.G. § 5H1.4, the government nevertheless recognizes that

1 defendant's criminal history is, in this case, consistent with a
2 serious addiction to methamphetamine and likely contributed to his
3 criminal behavior.

4 Given that section 3553(a)(2) requires the Court to consider the
5 need for the sentence to reflect the seriousness of the offense, to
6 promote respect for the law, to provide just punishment for the
7 offense, to afford adequate deterrence to criminal conduct, to
8 protect the public from further crimes of defendant, and to provide
9 defendant with needed educational or vocational training, medical
10 care, or other correctional treatment in the most effective manner,
11 the government recommends a below-Guidelines sentence of 151 months.
12 Defendant committed a serious drug trafficking offense involving a
13 substantial quantity of narcotics, and he is a Career Offender. That
14 said, a low-end Guidelines sentence of 262 months (nearly 22 years'
15 imprisonment) may be greater than necessary to deter defendant from
16 committing future crimes or to protect the public given defendant's
17 age and prior terms of incarceration. Instead, the government
18 believes that a 151-month sentence would sufficiently provide both
19 specific and general deterrence while protecting the public, and it
20 would take into account the nature of the current crime, the length
21 of defendant's prior sentences, the seriousness and recentness of his
22 prior convictions, as well as the unique aspects of defendant's
23 background that likely contributed to the instant offense.

24 Finally, section 3553(a)(6) requires the Court to minimize
25 sentencing disparity among similarly-situated defendants. Using the
26 Sentencing Guidelines and the 3553(a) factors to sentence defendant
27 in light of his unique background - both of which weigh in favor of a
28 below-Guidelines sentence in this case - accomplishes this goal.

1 **V. CONCLUSION**

2 In sum, a term of imprisonment of 151 months would be
3 "sufficient, but not greater than necessary, to comply with the
4 purposes enumerated in 18 U.S.C. § 3553(a)(2)." 18 U.S.C. § 3553(a).
5 A mandatory special assessment of \$100 and a five-year period of
6 supervised release, with the conditions of supervised release
7 recommended by the Probation Officer, is similarly warranted under 21
8 U.S.C. § 841(b)(1)(A), 18 U.S.C. §§ 3583(c) and (d).

9
10 Dated: August 28, 2018

Respectfully submitted,

11 NICOLA T. HANNA
12 United States Attorney

13 LAWRENCE S. MIDDLETON
14 Assistant United States Attorney
Chief, Criminal Division

15 /s/ William M. Rollins
16 WILLIAM M. ROLLINS
Assistant United States Attorney

17 Attorneys for Plaintiff
18 UNITED STATES OF AMERICA
19
20
21
22
23
24
25
26
27
28