

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	Criminal No. <u>20-cr-20090-MSN</u>
Plaintiff,)	
)	
vs.)	
)	
SHANE SONDERMAN,)	
)	
Defendant.)	

POSITION OF THE UNITED STATES AS TO SENTENCING

Comes now the United States Attorney for the Western District of Tennessee, by and through his duly authorized Assistant, and takes the following position regarding the sentencing in the instant case.

Recommendation

In accordance with the plea agreement entered into between the defendant and the United States, the government will recommend a sentence at the low end of the advisory guideline range, which the government anticipates will be approximately sixty (60) months. (Record Entry (RE) 55, Presentence Report (PSR), PageID 146, para. 90.)

Acceptance of Responsibility

The presentence report does not recommend a reduction in offense level pursuant to U.S. Sentencing Guideline § 3E1.1 for acceptance of responsibility. *Id.* at para. 47. The government

concur.

At the time the defendant entered his plea of guilty, the United States was prepared to recommend that the defendant receive a two-point reduction in his offense level for acceptance of responsibility and at sentencing, move for a third one-point deduction in his offense level. (RE-45, Plea Agreement, PageID 103, para. 9.) However, that position was subject to the defendant's continued good behavior and demonstration that he was ready to admit his wrongdoing and accept the consequences of his actions. *Id.* Unfortunately, the defendant decided post-plea to once again conspire with others to harass people online in order to obtain control of their social media handles—behavior that not only contradicts “acceptance of responsibility” but also violated the conditions of defendant's bond. (RE-13, Amended Conditions of Release, PageID 40.) At sentencing, the government will present witness testimony in support of its position. The testimony should last no longer than 15 to 20 minutes.

Additional Witness Testimony

At sentencing, the United States anticipates that it will present testimony from two to three witnesses regarding the events that took place on April 27, 2020 and underlie the charge to which defendant pled guilty. The factual details are only known to those who suffered as a result of the events and hearing some of the details will assist this Court in understanding the full ramifications of the defendant's actions. The government anticipates the testimony will take approximately 30 to 45 minutes.

Victim Impact Statements

The government also anticipates that approximately three individuals who suffered the consequences of defendant's actions will want to address the Court through victim impact

statements.

Public Accommodation

The United States anticipates that there *may* be some public interest in the outcome of the instant case and that it is possible that members of the public and media may seek to attend the proceedings. In light of the current COVID-19 restrictions on occupancy in each courtroom, the government respectfully suggests that preparations be made to accommodate those who may attend by preparing an overflow location, such as a conference room or other courtroom that is not in use, in which the proceedings could be simultaneously viewed (but not recorded) via video-conferencing with the supervision of courtroom security.

Respectfully submitted,

JOSEPH C. MURPHY, JR.
Acting United States Attorney

By: /s/ Debra L. Ireland
Assistant United States Attorney

CERTIFICATE OF SERVICE

I, Debra L. Ireland, Assistant United States Attorney, do hereby certify that a copy of the foregoing Motion was forwarded by electronic means, via the Court's Electronic Filing System, to Steffen G. Schreiner, Esq., Attorney for Defendant.

This 2nd Day of July, 2021.

/s/ Debra L. Ireland
Assistant United States Attorney