

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CASE NO. 5:22-CR-50053-001

ROBERT CESSARIO

DEFENDANT

SENTENCING MEMORANDUM

Comes now the defendant, Robert Cessario, and submits this Sentencing Memorandum for consideration by the Court.

The defendant estimates that the sentencing hearing would not take greater than one (1) hour and the defendant does not plan to present any testimony at such hearing.

Robert Cessario, in this case, has entered a Plea Agreement under Rule 11(c) and, in accordance with that Plea Agreement, has entered his plea of guilty to a single charge of a violation of 18 U.S.C. § 1512(c)(1), (corrupt destruction of object in an official proceeding). The provisions of the Plea Agreement leave to the discretion of this Court the term of probation to be served by the defendant and the amount of fine to be levied against the defendant.

The defendant suggests that the appropriate term of probation in this case is for a period of one (1) year of unsupervised probation. In support of that suggestion, there is attached hereto as **Exhibit "A"** a series of awards and plaques commending the defendant for exemplary service in the Federal Bureau of Investigation.

Further, and perhaps more importantly, one of the 18 U.S.C. § 3553 factors to be considered in imposing a sentence is the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct. 18 U.S.C. A. § 3553(6). Attached hereto as **Exhibits "B"** and **"C"** is the docket sheet of the United States District Court for the

District of Columbia v. Kevin Clinesmith in which the defendant Clinesmith was sentenced to one (1) year probation for altering a certain email involved in an investigation into Russian interference with an election, and the article appearing in USA Today reporting on that case.

Further, attached as **Exhibits “D”** and **“E”** is a docket sheet from a State Court in Missouri in the case of State v. William Don Tisaby in which the defendant was charged with the misdemeanor offense of Tampering with Physical Evidence receiving a sentence of one (1) unsupervised probation which, itself, was suspended. Together with a newspaper report of those proceedings appearing in the Missouri Independent.

Both the Clinesmith and Tisaby cases involve conduct that is not only substantially similar with the conduct underlying this charge against Robert Cessario, but the conduct of each of these two (2) defendants appears to be almost exactly in line with the conduct of the defendant Cessario.

Respectfully submitted,
ROBERT CESSARIO

By: //s//John C. Everett
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CERTIFICATE OF SERVICE

I certify that on the 12th day of December, 2022, I caused this Sentencing Memorandum to be electronically filed with the Clerk of the Court, to be served by operation of the Court’s electronic system on the attorneys of record.

By: //s//John C. Everett