

Date: January 03, 2023

Honorable PK Holmes III

Judge Isaac C. Parker Federal Building

30 So. 6th Street, Room 317

Fort Smith, AR 72901

Your Honor

Please find attached Document #297 from the Jon Woods' case that was before Honorable Judge Timothy Brooks in 2018.

I urge you to please read the Section: Findings on the Matter of Agent Cessario's laptop, located on pages 36-46.

Judge Brooks refers to the personal and medical reasons that former Agent Robert Cessario used as his reasons for destroying his laptop. Judge Brooks stated that he does not find his testimony credible. You will see the many times that former Agent Cessario lied to the court about his reasons. Judge Brooks found none of his reasons credible. The Judge went on to talk about what might have been on the laptop. We didn't know then, but we do know now, that former Agent Cessario stated in his August 17, 2022 plea agreement that he destroyed his laptop so that it could not be used in the Jon Woods trial.

Please take a look at the second attachment. This is Robert Cessario's Plea Agreement. Cessario plainly states in the Factual Basis section #5 that "I erased the contents of the computer hard drive knowing that the Court had ordered that the computer be surrendered for a forensic examination. I did so with the intention of making the contents of the computer hard drive unavailable for forensic examination. At the time I knew that the contents of the computer hard drive were relevant to an official proceeding, that is, Cause No. 5:17-CR-50010, United States v. Woods, et al. I corruptly performed, and had performed the erasures with the intent to impair the integrity and availability of the computer hard drive and its contents for use in that official proceeding." In other words, he destroyed the hard drive so its contents could not be used in the Woods trial. He didn't plead to destruction due to personal and family information being on the computer. He plead to destroying it because he didn't want it used in the Woods trial.

Now I ask that you look at the third attachment, the Sentencing Memorandum from the U S Attorney's office. They state on Page 2, "the government has no evidence suggesting that the defendant had any reason for wiping the hard drive other than his expressed one, which was to remove sensitive personal and family information on the computer." The US Attorney's office is using reasons that Judge Brooks said in 2018 were not credible. And they are using reasons that

former Agent Cessario did not use in his Plea Agreement. Again, he was clear that he destroyed the laptop so it could not be used in the Woods trial.

I ask you to please review these three documents before you sentence Robert Cessario.

In summary, Judge Brooks found Cessario's "personal and family" reasons not credible. Robert Cessario's own Plea Agreement states plainly that he destroyed his laptop so it could not be used in the Woods' trial. Yet the U S Attorney's office is still clinging to the "personal and family " reasoning. They are not compatible.

Respectfully submitted,

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