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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

8 United States of America,
9
10 Plaintiff,

11 v.

12 Jarrett B. Maupin, II,
13 Defendant.

CR 09-0052-PHX-DGC

GOVERNMENT'S DISPOSITION
RECOMMENDATION
MEMORANDUM

14 The United States, by and through undersigned counsel, respectfully requests that this
15 Court adopt the recommendation of the United States Probation Office and sentence defendant
16 to six months in custody and 36 months of Supervised Release.

17 I. Defendant's Disposition Memorandum is Inaccurate.

18 A. Defendant did not disclose his felony conviction on his application for employment
19 with the Microsoft Store. On December 3, 2009, United States Probation Officer ("USPO")
20 Michael Watts, spoke to Robert Losh of Global Security for Microsoft. Mr. Losh informed
21 USPO Watts that defendant did not disclose this information.

22 B. Defendant claims that USPO Watts assailed him for not making "any" restitution
23 payments. (Defendant's Disposition Memorandum, Page 3, Line 8.) In fact, the Disposition
24 Memorandum filed by USPO Watts, fairly characterizes the payments made as "minimal", a fact
25 supported by the restitution payment ledger attached by USPO Watts.

26 C. Defendant's claims that his felony conviction was well known by his employer, First
27 Congregational Church, is belied by the fact that his immediate supervisor at the church told
28 USPO Watts that he was not aware of defendant's conviction.

1 D. Defendant's wife was illegally present in the United States at the time of defendant's
2 original imposition of sentence in this case. USPO Watts became aware of that fact through
3 confirmation with Immigration and Customs Enforcement ("ICE") employees after his
4 suspicions were aroused by defendant's statement that he was unaware of his wife's status in the
5 United States.

6 As it is a violation of the terms of probation to associate with individuals who are in
7 violation of the law, USPO Watts informed defendant of such. USPO Watts warned defendant
8 about the ramifications of continuing to reside with his wife and attempted to give him options
9 to remedy the situation—from obtaining legal status to disassociating with his wife—to no avail.
10 When defendant continued to reside with his wife who was illegally present in the United States,
11 USPO Watts gave defendant a written directive pursuant to the policy of his office. Defendant
12 refused to sign the directive. Shortly thereafter, USPO Watts was made aware from ICE that
13 defendant's wife had finally obtained legal status.

14 II. Sentencing Recommendation

15 Defendant was convicted of the crime of False Statements to a Federal Agency after he
16 lied to Federal Bureau of Investigation ("FBI") Agents on multiple occasions. He lied to agents
17 before a polygraph test, during the polygraph test and after the failed test. As part of his plea
18 agreement, defendant agreed to make restitution to victims who had lost money as a result of
19 deceptions and fraud perpetrated by defendant as set forth in the Presentence Report.

20 Defendant's performance on probation, and his explanation of his performance on
21 probation, are nothing more than a continuation of his predilection for lying and half-truths.
22 Defendant has not made an attempt to fully comply with the terms of probation. Rather, he has
23 given a bare minimum effort with the intention of satisfying his probation officer so he can be
24 left alone to perpetrate additional frauds.

25 Indicative of this, is the fact that during his time on probation, defendant had to forego
26 a portion of his salary from an employer who alleged that defendant stole money. Additionally,
27 as USPO Watts set forth in both the Revocation Petition and the Disposition Memorandum,
28 defendant appears to have been grooming yet another victim who is anticipating a large

1 monetary payment. While that issue is now disputed by defendant and the putative victim (Ms.
2 Fernandez), it was clear to USPO Watts and his supervisor, that Maupin was less than
3 forthcoming about his relationship with Ms. Fernandez, and less than forthcoming with her about
4 his past conviction. Fortunately, the instant case may have prevented victimization of Ms.
5 Fernandez. Nevertheless, defendant's actions in this incident are not in compliance with the
6 spirit of the terms of probation and are not the actions of an individual seeking to move forward
7 and live a law-abiding life.

8 For these reasons, and the others stated in the Disposition Report, it is urged that the
9 Court follow the recommendations as set forth in the Disposition Report and sentence defendant
10 to six months in custody and 36 months of supervised release.

11 Respectfully submitted this 10th day of November, 2011

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14 s/Rachel C. Hernandez

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18 CERTIFICATE OF SERVICE

19 I hereby certify that on this date, I electronically transmitted this document to the Clerk's
20 Office via the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to the
following CM/ECF registrants:

21 David L. Lockhart
Counsel for Defendant

22 I certify on that on this date, I transmitted this document via email to:

23 Michael Watts
24 US Probation Office