

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BOSTON, MASSACHUSETTS**

UNITED STATES OF AMERICA)	
Plaintiff,)	
)	Criminal No. 23 CR 10077- ADB
)	
v.)	
)	
)	
MICHEAL WILKERSON)	
Defendant)	

MEMORANDUM IN AID OF SENTENCING

Now comes the Defendant in the above-entitled matter and requests that this Honorable Court sentence the Defendant to a period of incarceration of 18 months and a period of supervised release of one year. An incarcerated sentence of 18 months, under 18 U.S.C § 3553(a), is sufficient but not greater than necessary sufficient to comply with the purposes of sentencing to comply with the purposes of sentencing.

Personal History

Michael Dwayne Wilkerson, Jr., born on April 17, 2000, in the vibrant city of Boston, Massachusetts, is more than just a name in a court document. He represents a story, a narrative of struggles, aspirations, and a momentary lapse in judgment. He is a young man whose journey embodies resilience, familial bonds, and the pursuit of redemption. The foundation of Michael's upbringing lies in the marriage of Michael Wilkerson, Sr., and Shirette Quilter. Despite the eventual separation of his parents, Michael, along with his sisters Indigo and Kayla, was raised in a





household that, by all accounts, provided stability and support. Their parents, though strict, instilled in them the value of education and the importance of hard work. Through their guidance, Michael flourished not only academically but also athletically, excelling in sports like football, soccer, and baseball. It's crucial to highlight that Michael's childhood was devoid of any significant financial hardships. His parents ensured that their children's basic needs were met without relying on public

assistance. Moreover, there were no traces of abuse or substance-related issues within the household. This environment, coupled with his parents' emphasis on education, laid the groundwork for Michael's future endeavors.

As he navigated his teenage years, Michael found companionship in Sunsett Lee, a relationship that spanned seven years. Despite previous legal troubles involving Ms. Lee, Michael remained a constant source of support, both emotionally and financially, for her and her daughter Moni. His dedication to being a father figure to Moni, whose biological father is incarcerated, speaks volumes about his character and sense of responsibility. Education played a significant role in Michael's life, but it wasn't without its challenges. Despite his enrollment until the 12th grade at Madison Park Technical Vocational High School, he faced a setback when he dropped out due to depression stemming from a breakup with Ms. Lee a few months before the end of the year. However, instead of succumbing to despair, Michael chose to



focus on his emotional well-being and embarked on a journey toward personal growth and self-improvement.

Employment history provides insight into Michael's determination to secure a stable livelihood. From his tenure as a tire technician at Town Fair Tire to various other roles, Michael has displayed a strong work ethic despite facing obstacles such as transportation issues and workplace conflicts. His commitment to his craft is further evidenced by his side job of repairing cars for family and friends, showcasing his innate talent for mechanical work. Michael's aspirations extend beyond his current employment. With a certificate in Auto Collision and repair from Madison Park High School, he dreams of obtaining his auction license to refurbish older cars—a testament to his entrepreneurial spirit and passion for automotive restoration. His desire to eventually acquire a CDL license reflects a long-term goal of embarking on a career in long-haul trucking, traversing the vast landscapes of the United States.

However, amidst his journey towards self-improvement and career aspirations, Michael made a regrettable mistake. In early 2023, during a period of unemployment, he succumbed to temptation and utilized his 3D printer to manufacture "switches," an action that he deeply regrets. It's crucial to acknowledge that this lapse in judgment does not define Michael's character or negate the progress he has made in his personal and professional life. Upon his arrest he immediately spoke with law enforcement



acknowledging his error in judgement in making the plastic devices. After serving approximately 3 weeks in custody he was released and returned home to his family. He obtained fulltime

employment, and has been the same hard working, productive member of society that he has demonstrated himself to be.

GUIDELINE CALCULATION

After *United States v. Booker*, 543 U.S. 220, 262 (2005), the Sentencing Guidelines are advisory, and the sentencing court may not mechanically assume that the GSR frames the boundaries of a reasonable sentence in every case. *See Gall v. United States*, 128 S. Ct. 586, 596-597 (2007). The guidelines continue to serve as a “starting point” for analysis. *Gall*, 128 S. Ct. at 596. The pre-sentence report (PSR) determined that Mr. Wilkerson has one criminal history point and is therefore in Criminal History category I. The Probation department has properly calculated that the total offense level is 19. Furthermore, the Judicial Sentencing Information data indicates that the average sentence imposed was 22 months (25 months for those who did not receive a reduction under 5K1.1)

Sentencing Recommendation

18 U.S.C. § 3553(a) directs this Court to impose a sentence that is sufficient but not greater than necessary to comply with the purposes of sentencing which include:

1. the nature and circumstances of the offense and the history and characteristics of the defendant.
2. the need for the sentence imposed--
 - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense.
 - (B) to afford adequate deterrence to criminal conduct.
 - (C) to protect the public from further crimes of the defendant; and
 - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

Michael Wilkerson is a young man, who has spent his life working hard and trying to succeed. Wilkerson’s error in engaging in making and selling conversion switches will result in

the loss of his liberty, missing crucial time with his family, and the loneliness of being incarcerated outside of Massachusetts.

Wilkerson is a first-time offender with no prior convictions in the criminal justice system. A 2016 Sentencing Commission study determined that first-time offenders pose the lowest risk of recidivism. *U.S. Sent. Comm'n*, "Recidivism Among Federal Offenders: A Comprehensive Overview" (2016). As such, the Defendant requests a sentence of 18 months in the Federal Bureau of Prison, which will be followed by a period of supervised release of one year. This is a sufficient, but not greater than necessary, period of incarceration for Mr. Wilkerson. Over the last year on release, he has not only remained incident free, but also obtained and maintained fulltime employment. An 18-month period of incarceration is sufficient to punish him, but not completely derail his future.

CONCLUSION

The goal of sentencing is to determine a sentence that is sufficient, but not greater than necessary, to achieve the goals of sentencing set forth in 12 U.S.C. Sec. 3553 (2). In making a sentencing determination, the Court should analyze the totality of the circumstances, considering the specific circumstance of Wilkerson's case considering the sentence factors of Sec. 3553. The nature of the offenses, in this case, includes non-violent actions. The history and characteristics of the defendant are that of someone who has experienced financial instability, struggling to support himself, and has regrettably become involved with the creation of the plastic switches to ameliorate his hardships.

It's essential to approach Michael's case with empathy and understanding. He is not a hardened criminal but rather a young man who momentarily veered off course. With the unwavering support of his family, Michael is committed to atoning for his mistake and

rebuilding his life. The court to consider the entirety of Michael Wilkerson's circumstances—a narrative marked by resilience, determination, and a genuine desire for redemption. By granting leniency, we not only afford Michael the opportunity to rectify his mistake but also uphold the principles of justice tempered with compassion. Let us not define Michael by his transgression but by his capacity for growth and positive contribution to society.

Michael has demonstrated his sincere remorse for his conduct as well as his dedication to improve his life. The sentencing guideline range is unnecessarily long and is not necessary to either punish him or assure that he does not reoffend in the future. Accordingly, we request a sentence of eighteen months and a period of one year of supervised release.

Respectfully Submitted,
MICHEAL WILKERSON
By His Attorney,

/s/Eduardo Masferrer
Eduardo Masferrer, Esq.
B.B.O. # 644623
Masferrer & Associates, P.C.
45 Bromfield Street, Suite 500
Boston, MA 02108