# UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA

### UNITED STATES OF AMERICA

v.

#### SENTENCING MINUTES

Case No. 1:19CR309

□ Defendant advised of appeal rights.

#### SCOTT BUCHANAN MACKENZIE

Time Called: 9:22 a.m. HONORABLE LIAM O'GRADY presiding Proceeding Held: February 21, 2020 Time Concluded: 10:41 a.m. Deputy Clerk: Amanda Court Reporter: Contractor – Janice Salas **Appearances:** John Taddei, William Gullotta, Kimberly Pedersen UNITED STATES OF AMERICA by: SCOTT MACKENZIE in person and by: Andrea Moseley INTERPRETER: None ☐ Interpreter Sworn ☐ The parties have no objections to the factual ☐ The parties have no objections to the application of the guidelines in the PSR statements in the PSR ○ Objections/corrections to factual statements in PSR ☑ Objections/corrections to application of guidelines by □ Plaintiff ⊠ Defendant by □ Plaintiff ⊠ Defendant ⊠ The government presents sentencing argument: ⊠ The defendant presents sentencing argument: Requests no more than 6 months. Recommends 30 months.  $\boxtimes$  The court imposes sentence. □ Defendant exercises right of allocution.

#### **SENTENCING GUIDELINES:**

Offense Level: 19 Criminal History: I

Imprisonment Range: 30-37 months Supervised Release Range: 1-3 years Fine Range: \$10,000.00 - \$100,000.00

☐ The government dismisses count(s) \_\_\_\_\_.

Restitution: \$172,200.00

SA: \$100.00

- Ms. Moseley presents argument on enhancements and factual information in the PSR.
- Court finds that defendant was in a position of trust and the enhancement does apply as well as the sophisticated means enhancement.
- Court finds the enhancement for number of victims applies.
- Ms. Moseley requests a role reduction. Government objects.
- Court does not think role reduction is appropriate and does not modify the PSR.

SENTENCE IMPOS	ED:				
Imprisonment:	Months and 1 day as to Count(s)  Months as to Count(s)			of the Information. of the	
TOTAL TERM	1 OF IMPRISC	ONMENT IMPOSED:	12 months a	and 1 day.	
<b>Probation:</b>	Ye	Years as to Count(s)		of the	
Supervised Release:	Two Years as to Count(s) Years as to Count(s)		One	of the Information. of the	
MONETARY PENA	LTIES				
<b>Special Assessment:</b>	\$_100.00	\$ 100.00 due immediately			
Fine:	\$	⊠ fine wai	⊠ fine waived		
<b>Restitution:</b>	\$ 172,200.00 □ determination deferred				
JOINT AND SEVER	AL PAYMEN	VTS			
☐ Fine and/or ☐ Rest☐ Repayment of Buy	· · · · · · · · · · · · · · · · · · ·				
FORFEITURE	,				
	ted upon convi	ction or by order of the	e court shall	be included in the criminal judgment.	
RECOMMENDATIO	ONS				
		dant's placement at FC ndant's participation		nd au of Prisons' 500-hour drug treatment	
CUSTODY					
☐ The defendant is re	emanded to the	custody of the U.S. M		ce. d by the Bureau of Prisons as notified by	

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## CONDITIONS OF SUPERVISED RELEASE/PROBATION

Special Conditions								
П	Drug Testing – Special Condition	П	Home Confinement for days					
	Drug Testing – Standard Condition		Home Confinement with Alcohol Testing for					
	Drug Testing – Waived		days					
$\boxtimes$	Monthly Restitution Payment: \$ 200.00		Community Correctional Center: days					
	Monthly Fine Payment: \$		Residential Re-Entry Center: days					
	Repay Buy Money – Total: \$		Cooperate with Bureau of Immigration/Customs					
	Repay Buy Money: \$/month		Cooperate with IRS					
	No New Lines of Credit		Cooperate with Child Support					
$\boxtimes$	Financial Disclosure		Participate in mental health treatment program					
	Submit to search by USPO		Participate in sex offender assessment/treatment					
	No tavern employment or patronization		Waive confidentiality – sex offender treatment					
	No employment with fiduciary responsibilities		No sexually-explicit materials w/minors					
	No gambling		☐ No possession/viewing of pornography or erotica					
	No transfer of assets in excess of \$500.00		☐ Obtain GED or HSED					
	No possession/use of computer – on-line access		☐ No contact – unrelated children under 18					
	No possession/use of data encryption/erasure		No contact with victim(s)					
	Provide computer passwords and logons		No contact with gang members					
	Consent to computer searches		Perform community service: hours					
$\boxtimes$	Apply all monies to court-ordered financial obligations	$\boxtimes$	Not participate as a treasurer					