

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA,**

**v.**

**SCOTT J. BLOCH**

**Defendant.**

**Criminal No. 1:13-cr-00005-RLW**

**DEFENDANT'S MEMORANDUM IN AID OF SENTENCING**

Defendant Scott J. Bloch, by his attorneys, submits this Memorandum for the Court's consideration in advance of sentencing in this matter scheduled for May 13, 2013. For the reasons set forth below, we respectfully request that the Court sentence Mr. Bloch to a term of probation for one year, a fine of \$5,000, and 100 hours of community service.

**DISCUSSION**

The Defendant adopts and incorporates the procedural and factual background as set forth in the Presentence Investigation Report [see Dkt. No. 9 at 3-5], and will not restate those facts here.

Mr. Bloch pleaded guilty on February 12, 2013 to a single count of Misdemeanor Injury to or Depredation to Government Property, in violation of 18 U.S.C. § 1361. By agreeing to plead guilty to this charge, Mr. Bloch has acknowledged his wrongdoing and demonstrated his acceptance of responsibility.

Mr. Bloch is a U.S. citizen. He is the father of seven children. His wife does not work outside the home. Other than his involvement in the present matter, Mr. Bloch has led an exemplary life. This case marks an unfortunate aberration for Mr. Bloch. Mr. Bloch has served with distinction in a variety of capacities which promoted the public interest, including as an employee of the United States Department of Justice, as the head of the Office of Special Counsel, and as a member of the Kansas Board of Discipline and Chair of the Douglas County

Bar Grievance Committee. He also taught as an adjunct faculty member for five years at the University of Kansas School of Law.

Throughout his life, Mr. Bloch has been passionate about helping those who are less fortunate. A few examples of Mr. Bloch's continuing devotion to such volunteer service include his work in soup kitchens, his assistance to community and faith-based efforts to combat homelessness, and his support for initiatives to help address the epidemic of autism that has touched so many lives. Indeed, Mr. Bloch's lifetime of good works are further demonstrated by the outpouring of support he has received from a diverse cross-section of the community, including letters from family, friends, former colleagues, members of his church, and a whistleblower whom he aided. For the Court's convenience, we have attached a compendium of all of the letters supporting Mr. Bloch hereto as Exhibit A.<sup>1</sup>

We respectfully submit that Mr. Bloch should be sentenced to a term of probation for one year, a \$5,000 fine, and 100 hours of community service. Indeed, with respect to the fine amount, we note that the U.S. Probation Office concluded that no fine is appropriate in this matter. See PSR at ¶ 75. Collectively, the sentence we propose herein will impose a significant hardship on Mr. Bloch, and adequately serve the dual purpose of penalizing Mr. Bloch and deterring future conduct by others. Mr. Bloch's guilty plea was a public event that was noted by the media and will forever follow him in his affairs in the future. These collateral consequences form a supplemental aspect of the punishment Mr. Bloch will face, and also serve as an additional deterrent against others who would consider engaging in similar conduct in the future.

Mr. Bloch has incurred substantial expenses because of the charge and will continue to do so into the future. The financial hardship on his family has already been significant. We respectfully submit that a fine of \$5,000 — which is near the mid-point of the range of potential fines — most appropriately fits the guidelines, recommendations and circumstances of Mr. Bloch and his family.

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<sup>1</sup> The letters contained in Exhibit A were originally in connection with the prior proceeding before Magistrate Robinson. See generally United States v. Bloch, No. 1:10-mj-00215-DAR.

Overall, our sentencing recommendation significantly comports with the interests of justice. With respect to the fine amount, we submit that a \$5,000 fine represents an amount in the middle of the potential range and is appropriate given the collateral consequences which Mr. Bloch is facing and will continue to face. With respect to the number of community service hours, we believe that an order requiring 100 hours of community service would represent a substantial imposition and would be commensurate with his offense. Moreover, we note that Mr. Bloch already performs a substantial amount of community service, and thus, we believe that any community service order should take into account (and credit) the community service he is currently performing, and will continue to pursue of his own free accord.

Lastly, we respectfully request that the Court consider the tortuous legal odyssey Mr. Bloch has navigated in any sentence it imposes. Put simply, he has been attempting to resolve this matter for nearly four years. While Mr. Bloch has never wavered in his acceptance of the fact that his conduct was wrong, circumstances beyond his control—which could not have been anticipated by him, his attorneys, or the Government—resulted in his attempted resolution being delayed by more than three years. Accordingly, he has had to endure the stresses, both personal and financial, of his conduct for far longer than should have been required. He has paid a far higher price personally and financially than any misdemeanor defendant could ever expect, and he has done so with grace, humility, and a continued earnest willingness to resolve this matter in spite of the difficulties the unique procedural history of this case has produced.

### **CONCLUSION**

In light of the foregoing, Mr. Bloch requests that the Court impose a sentence of one year of probation, be ordered to pay a \$5,000 fine, and be required to serve 100 hours of community service.

Dated: April 29, 2013

Respectfully Submitted,

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