

**UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

-against-

BILLY RIBEIRO ANDERSON,

Defendant.

18-CR-00596-LTS-1

**DEFENDANT'S
SENTENCING
MEMORANDUM;
EXHIBITS**

REDACTED

**DATE: February 26, 2019
TIME: 11:00 A.M.
COURT: Courtroom 17C
Hon. Laura T. Swain**

Defendant Billy Anderson, by and through his undersigned attorney, Stanley I. Greenberg, hereby files his Sentencing Memorandum, including documents as indicated herein.

Dated: February 10, 2019

Respectfully submitted,

s/Stanley I. Greenberg
Stanley I. Greenberg
Attorney for Defendant
BILLY RIBEIRO ANDERSON

SENTENCING MEMORANDUM

We are confident this Court is fully familiar with all federal sentencing legalities and requirements. We shall therefore forego the obligatory boilerplate found in documents such as this flowing from 18 U.S.C. § 3553, the U.S. Sentencing Commission Guidelines and Commentary, *Booker v. U.S.* and its progeny; and get to the point. The point is that this Defendant is deserving of a non-custodial sentence (perhaps with a period of home confinement). His technical knowledge and skills appear ready-made for public service, such as teaching in a community service setting.

Here is the Reader's Digest version: Mr. Anderson is a first time, non-violent offender who has a good record as an otherwise law-abiding citizen who is well-regarded and well-respected in his community. He voluntarily stopped the offensive conduct long before he was arrested. Indeed, he hired undersigned counsel long before his arrest to contact the government in order to accept responsibility and face the music. See PO Sentence Recommendation, p. 29 at 4th ¶; and Exhibit B, attached.

The offense conduct did not involve physical harm or physical loss to the victims. It is true that he caused a "loss" in the sense that costs were incurred to remedy the computer defect that allowed him to hack the sites in the first place. Still, he did not steal property from any person or agency. That is, we submit, an

important distinction in evaluating both the impact of a crime and the nature of how egregious it may or may not have been. This is not to minimize his conduct in any way, but to accurately describe the extent and type of “loss.”

Mr. Anderson has continuing health issues which are likely to be exacerbated in prison, as further discussed below. We understand that the BOP is “capable” of treating health problems. However, that does not assure that an inmate will necessarily get the treatment actually required; nor does it assure he/she will necessarily get it in a timely fashion. Bitter experience has shown that medical decisions in the BOP are not always directed by medical staff; rather, they are dictated by correctional staff, so medical necessities do not always get the first priority.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] ¹

He has been free on bail, supervised by PSA, for approximately 9 months now and has been in full compliance. He was been working to support himself and his family and demonstrated an ability to perform lawfully and responsibly. This is an important predictor of what the Court can expect in the future, thereby lessening the need for incarceration.

Letters—Exhibit A

Attached as Exhibit A is a letter of allocution from Mr. Anderson, and character reference letters from the following people:

1. Billy Anderson – Allocution Letter;
2. Suely Anderson – wife;
3. Edward B. Shin – Brother in law;
4. Joon Kim – Brother in law;
5. Regina Roberts – Mother;
6. Gary Roberts – Stepfather;
7. Julie Chu- Sister in law; and
8. Akiko Gooden – family friend.

¹ [REDACTED]
[REDACTED]

Information From Counsel—Exhibit B

We have previously referenced the fact that Mr. Anderson attempted to confront these allegations long before his arrest in December, 2016 through undersigned counsel. PO Sentencing Recommendation, p. 29, at 4th ¶. Attached as **Exhibit B** is the Email from Stanley I. Greenberg setting forth the underlying facts, to include documentary exhibits. This is a copy of an email sent to PO Johnny Kim on November 6, 2019, along with attached exhibits.

CONCLUSION

Wherefore, for the foregoing reasons it is urged that the Court impose a non-prison sentence, which may include a period of home detention. This would allow Mr. Anderson to continue to support his family while paying his debt to society.²

Dated: February 10, 2019

Respectfully submitted,

s/Stanley I. Greenberg
Stanley I. Greenberg
Attorney for Defendant
BILLY RIBEIRO ANDERSON

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² ¶ 118 of the PSR notes that credit card payments appear to exceed the monthly cash flow. This is explained by the fact that the Andersons sometimes purchase items for relatives who lack credit using the Anderson credit card. The relatives then reimburse them.