

DISTRICT COURT OF THE UNITED STATES  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

UNITED STATES OF AMERICA

v.

**TERRY SHAWN PETRILL**

Criminal No: 4:19-CR-00951-RBH

**GOVERNMENT'S SENTENCING  
MEMORANDUM**

The United States of America presents the following information in preparation for the sentencing hearing scheduled for September 1, 2020, as to the above-captioned Defendant. There are no objections to the Presentence Report. As set forth below, the relevant factors contained in 18 U.S.C. § 3553(a) are appropriately reflected by the 24-30 month guideline range calculated by the U.S. Probation Office and the Defendant should be sentenced accordingly.

**I. THE OFFENSE CONDUCT – THEFT OF FEDERAL PROGRAM FUNDS**

Petrill was the IT Security Director for Horry County, South Carolina. Beginning on June 11, 2015, through August 23, 2018, Petrill ordered forty-one Cisco 3850 switches that were to be installed on the Horry County network. When the switches would arrive, Petrill would maintain custody of the switches and advised that he would handle the installation. Through investigation, agents were able to determine that Petrill did not install the switches on the network and instead sold them to third parties and kept the proceeds for himself. Petrill sold nine of the switches on Ebay and the remainder were not located. Petrill is being held accountable for a \$345,265.57 loss incurred by Horry County.

**II. PROCEDURAL POSTURE – PLEAD GUILTY TO INFORMATION**

On January 6, 2020, the Defendant entered a plea of guilty to Count 1 of the Information pursuant to a written plea agreement. Count 1 charges that between on or about June 2015 and

August 2018, in the District of South Carolina, the defendant, Terry Shawn Petrill, being an agent of Horry County, said Horry County receiving in each fiscal year from 2015 through 2018 benefits in excess of \$10,000, under various Federal programs providing grants and assistance, for each fiscal year from 2015 through 2018 stole property worth at least \$5,000 under the care, custody, and control of Horry County; all in violation of Title 18, United States Code, Section 666.

### **III. CRIMINAL HISTORY – CH I**

The Defendant had no criminal history at the time of his arrest for the instant offense and has a criminal history score of 0 (CH I).

The Defendant has had the benefit of a pretrial bond and the Government is not aware of any violations thereof. Accordingly, the Government is not opposed to allowing the Defendant to self-report to the BOP at the discretion of the Court.

### **IV. SENTENCING GUIDELINES – 24-30 MONTHS & \$345,265.57 RESTITUTION**

As set forth in the Presentence Report, the United States Sentencing Commission Guideline for a violation of 18 U.S.C. § 666 is found in U.S.S.G. § 2B1.1(a)(2) and calls for a base offense level of 6. Petrill is being held accountable for \$345,265.57 (between \$250,000 and \$550,000), so twelve (12) levels are added pursuant to U.S.S.G. § 2B1.1(b)(1)(G). Additionally, Petrill used his position as IT Security Director to order equipment and convert to his own personal gain, so under U.S.S.G. § 3B1.3, the offense level is increased two (2) levels since he abused a position of public or private trust, or used a special skill, in a manner that significantly facilitated the commission or concealment of the offense. After a 3-level reduction for acceptance, Petrill's TOL is 17. A TOL 17 and CH I results in a guideline range of 24-30 months, with a maximum statutory term of imprisonment of 10 years. The Court may impose a term of supervised release of not more than three years pursuant to 18 U.S.C. § 3583(b)(2).

The United States filed a Preliminary Order of Forfeiture for a money judgment on January 9, 2020, and will move to incorporate this into the judgement.

**V. ANALYSIS OF 3553(a) FACTORS**

The relevant factors contained in 18 U.S.C. § 3553(a) are appropriately reflected by the guideline sentence calculated by the U.S. Probation Office. The nature and circumstances of the offense are serious. The Defendant stole more than one quarter million dollars' worth of computer equipment from Horry County and sold this equipment to third parties for his own financial gain. Moreover, he did so after having been employed there for many years and having gained the trust of those with whom he worked. Such a breach of the public's trust is especially significant in light of the critical role technology and its infrastructure play in the operation of government and to the critical public services it provides. To date, the Defendant has not made any payments toward the restitution he owes to Horry County. A 24- to 30-month sentence is appropriate to reflect the seriousness of this offense, to promote respect for the law, and to provide just punishment for the offense. Further, this sentence is called for to afford adequate deterrence to such criminal conduct, to protect the public from further crimes of the Defendant, and to provide the Defendant with any needed services.

The Government notes that the Defendant has fully accepted responsibility for his actions and confessed his activity in a manner to attempt to assist authorities. The undersigned and the case agent met with the Defendant and found him to be candid and forthright regarding his criminal activity. Nonetheless, it appears the Defendant acted alone in his crime, and he was unable to provide any other actionable information to aid the Government as to other matters. Accordingly, the Government is not in a position to seek a departure pursuant to U.S.S.G. § 5K1.1.

**VI. CONCLUSION**

For these reasons, in addition to those that will be stated on the record at the hearing, the Defendant should be sentenced within the guideline range calculated by U.S. Probation, 24-30 months incarceration, with an appropriate term of supervised release to follow. He should also be ordered to pay \$345,265.57 in restitution to Horry County.

Respectfully submitted,

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UNITED STATES ATTORNEY

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Florence, SC