

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 08-51
) (ELECTRONICALLY FILED)
MARLIN SPROUTS)

GOVERNMENT'S MOTION FOR DOWNWARD
DEPARTURE PURSUANT TO §5K1.1 OF
THE UNITED STATES SENTENCING GUIDELINES

AND NOW, comes the United States of America, by and through Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Brendan T. Conway, Assistant United States Attorney for said district, and respectfully files the within Motion for a Downward Departure Pursuant to §5K1.1 of the United States Sentencing Guidelines, and states in support thereof the following:

1. This investigation involved a multi-million dollar mortgage fraud scheme run by Michael Pope, in which he recruited straw purchasers to purchase real estate at fraudulently elevated prices and apply for loans in which he and other members of the conspiracy submitted fraudulent loan applications that falsely represented the financial position of the straw purchasers.

2. Sprouts's role in the conspiracy was as straw purchaser.

3. At the time of his arrest, Sprouts admitted his involvement in the offense to law enforcement. Shortly thereafter, he agreed to plead guilty and cooperate in the investigation of

Pope. He was interviewed by law enforcement and he agreed to testify had Pope elected to go to trial.

4. Based in part on the threat of Sprouts testifying against him, Pope pleaded guilty to his role in the conspiracy.

5. Sprouts is scheduled to be sentenced on March 4, 2009.

6. Section 5K1.1 of the Sentencing Guidelines provides in part as follows:

Upon motion of the Government stating that the defendant has provided substantial assistance in the investigation or prosecution of another person who has committed an offense, the court may depart from the Guidelines.

7. Sprouts has provided substantial assistance to the government in its prosecution of Pope. The government is therefore filing this motion on behalf of Sprouts and pursuant to §5K1.1 of the Sentencing Guidelines.

8. The government's position is that the assistance provided by Sprouts as outlined above has satisfied the requirements of §5K1.1 of the Sentencing Guidelines. Accordingly, the filing of this motion permits the Court, at the time of the sentencing, to depart downward from the applicable guidelines range if the Court finds that such a departure is appropriate.

9. Pursuant to §5K1.1, the appropriate reduction in the sentence shall be determined by the Court based on a list of

factors. Although the government makes no specific recommendation as to the appropriate sentence, the government provides the following evaluation of the assistance provided by Sprouts with regard to the factors listed in §5K1.1:

a. Significance and Usefulness of Assistance:

Sprouts provided information of significant usefulness to the government in its prosecution of Pope. The willingness of Sprouts to testify against Pope had he elected to go to trial, led, in part, to Pope's decision to plead guilty.

b. Truthfulness, Completeness and Reliability:

In the government's view, Sprouts has provided truthful, complete, and reliable information during the course of his cooperation.

c. Nature and Extent of Defendant's Assistance:

The defendant's assistance consisted of providing information at the time of his initial arrest and in subsequent interviews, and standing ready to testify had Pope elected to go to trial.

d. Any Injury Suffered, or Any Danger or Risk of Injury:


The government is not aware of any actual injury suffered by Sprouts as a result of his cooperation, and the government views any risk of injury as remote.

e. Timeliness of the Assistance:

The defendant provided information only after his indictment and, therefore, the government does not view his cooperation as especially timely.

WHEREFORE, for the reasons set forth above, the government respectfully requests that the Court grant its Motion for a Downward Departure Pursuant to §5K1.1 of the Sentencing Guidelines and pursuant to 18 U.S.C. § 3553(e).

Respectfully submitted,



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