

RE: SULLIVAN, Cyrus Andrew

Restitution

81. **Statutory Provisions:** The defendant is being sentenced under the Mandatory Victim's Restitution Act of 1996. 18 U.S.C. § 3663(a) requires the Court to order full restitution for defendants found guilty of a crime of violence, an offense against property, or crimes related to consumer product tampering. "Full" restitution orders must be entered without consideration of defendant's ability to pay. If the Court finds the defendant cannot pay restitution, the Court may order a schedule of nominal payments.
82. **Guideline Provisions:** Restitution shall be ordered. USSG § 5E1.1.
83. The victim in this matter is not requesting restitution.

**PART E FACTORS THAT MAY WARRANT DEPARTURE**

84. Defense counsel indicates that he will seek a downward departure and or variance due to the defendant's diminished capacity (USSG § 5K2.13) and the victim's wrongful conduct (USSG § 5K2.10).
85. Given that the instant offense involved a serious threat of violence, the Court may not depart for the defendant diminished capacity. USSG § 5K2.13. Further, given the defendant's persistent conduct, his reputation for violence as evidence by his criminal history, and the fact that the relevant conduct went on for many months, I do not believe that the victim's conduct in creating derogatory YouTube videos about the defendant, posting his personal information on the Internet, and making a false 9-1-1 report in any way diminish the defendant's culpability. They appear to be acts to which a reasonable person might resort under similar circumstances.

**PART F FACTORS THAT MAY WARRANT A SENTENCE OUTSIDE OF THE  
ADVISORY GUIDELINE SYSTEM UNDER 18 U.S.C. § 3553(a)**

86. Defense counsel indicates that he will seek a downward departure and or variance due to the defendant's diminished capacity (USSG § 5K2.13) and the victim's wrongful conduct (USSG § 5K2.10).
87. Given that the instant offense involved serious threat of violence, the Court may not depart for the defendant diminished capacity. USSG § 5K2.13. Further, given the defendant's persistent conduct, his reputation for violence as evidence by his criminal history, and the fact that the relevant conduct went on for many months, I do not believe that the victim's conduct in creating derogatory YouTube videos about the defendant, posting his personal information on the internet, and making a false 9-1-1 report in any way diminish the defendant's culpability. They appear to be acts to which a reasonable person might resort under similar circumstances.

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Respectfully Submitted,

Willie Blasher, Jr.  
Acting Chief U.S. Probation Officer

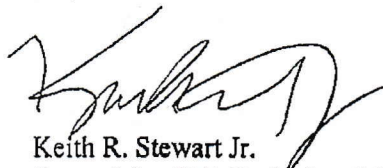


E. Frolichman

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By: Edie Frolichman  
U.S. Probation Officer

Approved:



Keith R. Stewart Jr.  
Supervising U.S. Probation Officer

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