

SENTENCING RECOMMENDATION

**United States District Court
Western District of Washington**

**United States v. Schuyler Barbeau
Docket No. 2:15CR00391RAJ-001**

TOTAL OFFENSE LEVEL: 16
CRIMINAL HISTORY CATEGORY: I

VOLUNTARY SURRENDER: Not applicable
APPEAL WAIVER: No

FOR COUNTS: 1 and 2 of the Superseding Indictment

	<u>Statutory Provisions</u>	<u>Guideline Provisions</u>	<u>Plea Agreement Provisions</u>	<u>Recommended Sentence</u>
CUSTODY:	Counts 1 and 2: Up to 10 years	21 to 27 months	Not Addressed	27 months
PROBATION:	Counts 1 and 2: 1 to 5 years	Not Eligible	Not Addressed	None
SUPERVISED RELEASE:	Counts 1 and 2: Up to 3 years	1 to 3 years	Not Addressed	3 years
FINE:	Count 1: \$10,000 Count 2: \$250,000	\$6,000 to \$60,000	Not Addressed	None
RESTITUTION:	N/A	N/A	N/A	N/A
SPECIAL ASSESSMENT:	\$200	\$200	Not Addressed	\$200

RECOMMENDATION:

It is respectfully recommended that sentence be imposed as follows:

As to Counts 1 and 2, the defendant shall be committed to the custody of the United States Bureau of Prisons for a term of 27 months.

Upon release from imprisonment, the defendant shall serve a three-year term of supervised release, subject to the standard conditions as well as following special conditions:

1. The defendant shall not be self-employed nor shall the defendant be employed by friends, relatives, associates or persons previously known to the defendant, unless approved by the U.S. Probation Officer. The defendant will not accept or begin employment without prior approval by the U.S. Probation Officer and employment shall be subject to continuous review and verification by the U.S. Probation Office. The defendant shall not work for cash and the defendant's employment shall provide regular pay stubs with the appropriate deductions for taxes.
2. The defendant shall provide the probation officer with access to any requested financial information including authorization to conduct credit checks and obtain copies of the defendant's federal income tax returns.
3. The defendant shall submit his or her person, property, house, residence, storage unit, vehicle, papers, computers (as defined in 18 U.S.C. §1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition.

The defendant shall pay a special assessment in the amount of \$200, which shall be due immediately.

The Court finds that the defendant does not have the ability to pay a fine.

JUSTIFICATION:

Schuyler Barbeau (age 31) is before the Court for sentencing following his conviction to offenses involving illegal firearm possession. In making a sentencing recommendation for the Court I have considered the advisory guidelines and the statutory sentencing factors at 18 U.S.C. §3553(a). A sentence of 27 months, followed by three years supervised release is recommended, with a focus on the following sentencing factors.

The Nature and Circumstance of the Offense, Promote Respect for the Law; Impose Just Punishment, Promote Deterrence:

The circumstances of the instant offense present aggravating factors to be considered. During 2015, the defendant came to the attention of authorities after receiving information that Mr. Barbeau possessed firearms while verbalizing violent statements towards law enforcement while involved with anti-government activities. The defendant voiced threats of killing law enforcement officers, and was actively seeking high powered assault rifles, specifically to be used for protection and against law enforcement if they sought to contact him.

The investigation revealed the defendant attempted to sell a short barreled rifle that was altered to fire as a machinegun. Mr. Barbeau did not have the weapon registered as such, making it illegal to possess.

The motivation behind the defendant's participation in firearms trafficking and firearm alteration activities makes his offense conduct extremely concerning. In the current climate in this country, law enforcement officers are under an increased threat of violence when aiming to protect the public, and too many have been killed innocently at the hands of those who should not be in possession of firearms. Therefore, protection of the community and respect for the law are paramount, and support a sentence at the high-end of the advisory guideline range.

The defendant did not assist law enforcement or enter a timely plea. The government prepared for trial and trial commenced; however, following the initial day of trial, the defendant entered a plea of guilty to both counts.

Personal History and Characteristics:

Mr. Barbeau experienced a stable and positive upbringing in Stanwood, Washington, free of any abuse or neglect. After high school graduation, he joined the United States Marines where he received extensive firearms training. Following his honorable discharge the defendant obtained a stable job with Boeing as a heavy structures mechanic. But after two years, Mr. Barbeau left his position with Boeing, whereupon his life took a different turn. The defendant found an interest in providing protection for various groups, including anti-government extremists. He developed a hate for law enforcement and a passion for firearms, a combination which led him down a precarious path.

The defendant has no issues with drug or alcohol abuse and appears mentally sound. He has the support of his family, who hopes that he returns to Western Washington to reside and look for stable employment. His family said they understand Mr. Barbeau is no longer allowed to possess firearms after sustaining this felony conviction.

FINAL ASSESSMENT:

The aggravating factors surrounding the facts of this case outweigh any mitigating factors in the defendant's personal history, and I contend a high-end guideline sentence is warranted. Following the sentence, a three-year period of supervised release is recommended. The conditions set forth above are based on either the nature of the offense or the defendant's personal history.

The fine is recommended to be waived as it does not appear he has the ability to pay a fine. In light of the defendant's time he has served in custody, he may conclude the remainder of his sentence at the Federal Detention Center, but if he has the ability for designation elsewhere, he would like to serve his sentence at a facility nearest to his family.

Respectfully Submitted,

APPROVED: