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2
3 **UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF COLUMBIA**

5
6 United States of America,) Criminal Action
7) No. 1:19-cr-00382-KBJ
8)
9 Plaintiff,)
10) **Plea and Sentencing**
11 vs.) (via Zoom)
12)
13 Ryan Cooper,) Washington, D.C.
14) **April 30, 2021**
15 Defendant.) Time: 2:30 p.m.

16
17 **Transcript of Plea and Sentencing (via Zoom)**
18 **Held Before**
19 **The Honorable Ketanji Brown Jackson (via Zoom)**
20 **United States District Judge**

21 A P P E A R A N C E S

22 For the Government: **Nicholas G. Miranda**
23 (via Zoom) UNITED STATES ATTORNEY'S OFFICE
24 FOR THE DISTRICT OF COLUMBIA
25 555 Fourth Street, Northwest
Washington, D.C. 20001

For the Defendant: **Jonathan Jeffress**
KAISER DILLON, PLLC
1099 14th Street, Suite 800 West
Washington, D.C. 20005

Also Present (via Zoom):
Kelli Willett, Probation Officer

Stenographic Official Court Reporter:
(via Zoom) Nancy J. Meyer
Registered Diplomate Reporter
Certified Realtime Reporter
333 Constitution Avenue, Northwest
Washington, D.C. 20001
202-354-3118

P R O C E E D I N G S

1
2 (REPORTER'S NOTE: This hearing was held during the
3 COVID-19 pandemic restrictions and is subject to the
4 limitations of technology associated with the use of
5 technology, including but not limited to telephone and video
6 signal interference, static, signal interruptions, and other
7 restrictions and limitations associated with remote court
8 reporting via telephone, speakerphone, and/or
9 videoconferencing.)

10
11 THE COURTROOM DEPUTY: Your Honor, this is Criminal
12 Case 19-382, United States of America v. Ryan Cooper.

13 Starting with government, I'm going to ask counsel to
14 please identify themselves for the record, as well as the
15 probation officer.

16 MR. MIRANDA: Good afternoon, Your Honor. Nicholas
17 Miranda for the United States.

18 THE COURT: Mr. Miranda.

19 Mr. Jeffress, I think you're still on mute.

20 MR. JEFFRESS: John Jeffress on behalf of Mr. Cooper,
21 Your Honor, who is present on the video.

22 THE COURT: Mr. Jeffress. I do see Mr. Cooper.

23 MR. JEFFRESS: Thank you.

24 THE COURT: And we have Ms. Willett as well.

25 THE PROBATION OFFICER: Good afternoon, Your Honor.

THE COURT: Good afternoon, on behalf of probation.

It's the Court's understanding that the purpose of
Mr. Cooper's virtual appearance in court here today is to enter
a plea of guilty and to be sentenced.

1 Mr. Jeffress; is that correct?

2 MR. JEFFRESS: Yes, that is, Your Honor.

3 THE COURT: All right. Before we proceed, I do need
4 to acknowledge that we are proceeding by videoconference
5 technology because we're only in Phase 2 of our plan for
6 reopening as a court, and we've been open for only limited
7 proceedings in light of the pandemic circumstances.

8 Chief Judge Beryl Howell has issued a standing order
9 that authorizes this Court to use videoconference technology
10 for certain proceedings during this phase of reopening with
11 consent from the defendant and when further delay would cause
12 serious harm to the interests of justice.

13 So let me start by confirming with Mr. Cooper that he
14 consents to proceed by videoconference today. Mr. Jeffress, is
15 that so.

16 Sorry. Again, you're on mute.

17 MR. JEFFRESS: That is correct, Your Honor. Yes.

18 THE COURT: All right. Thank you.

19 So this Court does find that it is in the interests of
20 justice to proceed with today's plea and sentencing hearing via
21 remote technology. The Court also finds that any further delay
22 would result in serious harm to the interests of the defendant
23 and the public.

24 So let me also just reiterate what you may have been
25 told previously by my clerk. I'm reminding everyone that

1 recording or rebroadcasting today's proceeding is prohibited,
2 and please do mute your devices when you are not speaking.

3 Mr. Cooper, let me start by explaining to you what is
4 going to happen. This hearing will proceed in two parts.
5 First, I'm going to review with you the terms of your plea
6 agreement to make sure that you understand the rights that
7 you're waiving, and I'll give you an opportunity to enter a
8 plea of guilty, if that's what you decide to do.

9 Second, we will proceed to the actual sentencing
10 hearing. If you decide to plead guilty, we've agreed to go
11 directly to sentencing, and I will explain each step of that
12 hearing before we begin it.

13 Do you have any questions at this point, sir?

14 THE DEFENDANT: No, Your Honor. Thank you.

15 THE COURT: All right. So before we proceed any
16 further, let me have -- Ms. Franklin, if you could please
17 administer the oath to the defendant.

18 THE COURTROOM DEPUTY: Mr. Cooper.

19 (Oath administered.)

20 THE DEFENDANT: I do, ma'am.

21 THE COURTROOM DEPUTY: Thank you, sir.

22 THE COURT: All right. Mr. Cooper, you are now under
23 oath. I must ask you certain questions in order to ensure that
24 you understand your rights and to ensure that this plea is
25 knowing and voluntary. Do you understand that if you do not

1 answer my questions truthfully, you could be prosecuted for
2 perjury or for making a false statement, and any false answers
3 you give here could be used against you in that prosecution?
4 Do you understand that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Mr. Cooper, the purpose of this plea
7 hearing this afternoon is for you to make a decision whether
8 you want to go to trial on the government's charges against you
9 or whether you want to enter a plea of guilty. In order to
10 make that very important decision, it is vital that you
11 understand everything that's going on here and everything that
12 I will be explaining to you. If you do not understand
13 something, please tell me, and I will try to explain it in a
14 different fashion, a clearer fashion, or I'll let you stop and
15 talk to your counsel. We can arrange that even through video
16 technology if you-all wanted to mute and call each other or
17 something of the sort.

18 All right. Do you understand?

19 THE DEFENDANT: I do, Your Honor.

20 THE COURT: I'm now going to ask you a series of
21 questions, and you will need to answer them truthfully as you
22 agreed to do when you took the oath.

23 What is your full name?

24 THE DEFENDANT: My name is Ryan Manning Cooper,
25 Your Honor.

1 THE COURT: And how old are you, Mr. Cooper?

2 THE DEFENDANT: I am 30 years of age, Your Honor.

3 THE COURT: And how far did you go in school?

4 THE DEFENDANT: The highest degree I achieved is
5 bachelor's, through the George Washington University, Your
6 Honor.

7 THE COURT: So you can read and write?

8 THE DEFENDANT: I can, Your Honor.

9 THE COURT: Where were you born, Mr. Cooper?

10 THE DEFENDANT: In Concord, New Hampshire,
11 Your Honor.

12 THE COURT: In the last 48 hours, have you taken any
13 alcohol or drugs or any medicine that could affect your ability
14 to understand what we're doing -- what you're doing here by
15 pleading guilty?

16 THE DEFENDANT: I had alcoholic beverages last
17 evening and a goodbye celebration with my friends, but it does
18 not impair my ability to understand these proceedings.

19 THE COURT: All right. Thank you.

20 Are you currently undergoing any treatment for any kind
21 of mental illness or emotional disturbance or addiction to
22 narcotic drugs of any kind?

23 THE DEFENDANT: Yes, Your Honor. I currently see two
24 therapists. One is a sex offense treatment provider,
25 Jean-André Constant, who has provided letters to the Court, as

1 well as Michael Giordano, who is a certified sex therapist and
2 LICSW, who I've been seeing for -- each for roughly two years.

3 THE COURT: All right. And does -- does this
4 treatment have any influence over or otherwise impact your
5 decision to plead guilty here today?

6 THE DEFENDANT: No, it has no bearing on my decision
7 today.

8 THE COURT: Are you completely satisfied with the
9 services of your lawyer, Mr. Cooper?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: And have you had enough time to talk with
12 your attorney and to discuss the charges and this plea offer
13 and whether or not you should accept it?

14 THE DEFENDANT: Yes, I have, Your Honor.

15 THE COURT: Have you received a copy of the criminal
16 information pending against you? Those are the written charges
17 that were made against you in this case.

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: And have you read those charges and fully
20 discussed them with your counsel?

21 THE DEFENDANT: I have, Your Honor.

22 THE COURT: Let me turn to counsel for both the
23 government and defense and ask if you have any question as to
24 the defendant's competence to plead guilty at this time.

25 Mr. Jeffress?

1 Sorry, sir. You're going to have to --

2 MR. JEFFRESS: No, Your Honor. Thank you.

3 THE COURT: All right. Mr. Miranda?

4 MR. MIRANDA: No, Your Honor.

5 THE COURT: Okay. Based on the answers that have
6 been provided here, I find that the defendant is fully
7 competent and capable of entering an informed plea.

8 Now, Mr. Cooper, I need to explain to you certain rights
9 that you have with respect to this matter, and I need to find
10 out whether you understand those rights. Please listen
11 carefully to my questions and be sure to let me know if there's
12 anything you do not understand. And, again, if we need to stop
13 and let you talk to your counsel, we can do that.

14 Under the terms of the plea agreement, you will plead
15 guilty to an information that charges you with one count of
16 distribution of child pornography in violation of 18 U.S.C.
17 § 2252(a)(2). Do you understand that you have the right to a
18 grand jury indictment? In other words, you've been charged
19 with a felony, and the government ordinarily would have to
20 convince 12 grand jurors that there is probable cause that this
21 crime was committed and that you committed it before the
22 government could proceed with its case. Do you understand that
23 you have the right to that sort of grand jury indictment?

24 THE DEFENDANT: Yes, I do understand that,
25 Your Honor.

1 THE COURT: And do you give up this right?

2 THE DEFENDANT: Yes, I do, Your Honor.

3 THE COURT: All right. I believe that you have
4 signed a waiver of indictment, which I have here before me, and
5 given your representation, I will sign the waiver of indictment
6 as well.

7 Mr. Cooper, before you plead guilty, you need to know
8 that you have the right to plead not guilty and to have a jury
9 trial in this case. That means that 12 citizens of the
10 District of Columbia would come into the courtroom, would
11 listen to the evidence that is presented, and would determine
12 your guilt or innocence based on that evidence. Do you
13 understand that you have a right to a jury trial?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: If you had a trial, you would have the
16 right to be represented by your lawyer at that trial and at
17 every other stage of these criminal proceedings; and, if
18 necessary, you'd have the right to have the Court appoint
19 counsel for you at no cost to you. Do you understand that?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: If you had a trial, you would have the
22 right through your lawyer to confront and cross-examine any
23 witnesses against you. Do you understand that?

24 THE DEFENDANT: I do, Your Honor.

25 THE COURT: If you had a trial, you would have the

1 right to present your own witnesses and the right to subpoena
2 them, to require them to testify in your defense. You would
3 also have the right to testify and present evidence on your own
4 behalf if you wanted to. Do you understand that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Do you also understand that you would not
7 have to testify or present any evidence at trial if you did not
8 want to because the defense cannot be forced to present
9 evidence in a criminal case, and the fact that you chose not to
10 testify or present evidence could not be used against you? Do
11 you understand that?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Do you understand that unless and until I
14 accept your guilty plea, you are presumed by the law to be
15 innocent because it is the government's burden to prove your
16 guilt beyond a reasonable doubt? And until it does, you cannot
17 be convicted; do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Do you understand that if you plead
20 guilty in this case and if I accept your guilty plea, you will
21 give up all of the rights that I just explained to you and
22 there will be no trial?

23 THE DEFENDANT: Yes, I understand, Your Honor.

24 THE COURT: Do you understand that if you went to
25 trial and if you were convicted, you would have a right to

1 appeal your conviction to the Court of Appeals and the right to
2 have a lawyer help you prepare that appeal?

3 THE DEFENDANT: Yes, I understand, Your Honor.

4 THE COURT: Do you understand that by pleading guilty
5 you are generally giving up your right to appeal your
6 conviction of guilt in this case?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Do you also understand that by pleading
9 guilty you're giving up your right to appeal the sentence you
10 receive, except under the limited circumstances outlined in
11 your plea agreement?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Excuse me. Your plea agreement expressly
14 reserves for you the right to appeal the sentence despite your
15 guilty plea to the extent that the Court sentences you above
16 the statutory maximum or guidelines range determined by the
17 Court and if you contend that there is ineffective assistance
18 of counsel. But that's it. You would only have the right to
19 appeal the sentence in those two circumstances because you are
20 agreeing not to raise other issues in this plea agreement. Do
21 you understand that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Do you also understand that by pleading
24 guilty you are giving up certain procedural challenges related
25 to your conviction? These are challenges that you might

1 otherwise be able to make down the line in subsequent
2 proceedings if your conviction is later vacated for some reason
3 or your guilty plea was withdrawn.

4 So, for example, in the plea agreement, you specifically
5 give up your ability to challenge venue, which is the place
6 that the government has chosen to bring this case, and it's the
7 District of Columbia. You give up your ability to raise the
8 defense of statute of limitations if your conviction is vacated
9 and the government seeks to prosecute you again at a later
10 date. And you also give up the protection against
11 self-incrimination and any limitations on the government's use
12 of statements that you may have made during plea negotiations
13 if your plea is ultimately withdrawn.

14 I want you to understand that by pleading guilty,
15 pursuant to this plea agreement, you are giving up your right
16 to raise these kinds of defenses and issues later on if
17 something happens to your plea or conviction. Do you
18 understand this?

19 THE DEFENDANT: Yes, I do, Your Honor.

20 THE COURT: All right. Mr. Cooper, ordinarily
21 defendants who wish to challenge their conviction and sentence
22 can file an appeal and can make arguments about defects in the
23 prosecution or sentence until the case has reached the end of
24 the appeals process. A defendant's conviction and sentence is
25 considered final when it's been fully appealed, but there are

1 also certain types of challenges that a defendant can
2 ordinarily bring after his or her conviction or sentence have
3 become final. These are called collateral attacks on the final
4 conviction of sentence, and they include habeas petitions.

5 Under this plea agreement, you're waiving your right to
6 bring collateral attacks on your conviction and sentence once
7 they have become final. Do you understand that you're giving
8 up the right to file a habeas petition or bring any other
9 collateral attack against your conviction or sentence at a
10 later date, except in certain circumstances listed in your
11 agreement?

12 I've looked at your agreement. It appears that you
13 would have the right to bring such a petition or motion to seek
14 to change the conviction or sentence in only three
15 circumstances: if that motion is based on newly discovered
16 evidence, if you claim that you've received ineffective
17 assistance of counsel, or if you file a motion for a
18 modification of the sentence brought under a statutory
19 provision that allows for such modifications. And that is
20 listed in your plea agreement.

21 Those are the only circumstances in which you can file a
22 collateral attack on your conviction or sentence. Do you
23 understand that?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Do you also understand that by pleading

1 guilty to a felony offense you may later be deprived of
2 valuable civil rights, such as the right to vote, the right to
3 hold public office, the right to serve on a jury, and the right
4 to possess any kind of firearm?

5 THE DEFENDANT: I do understand, Your Honor.

6 THE COURT: All right. Mr. Cooper, having discussed
7 these rights with you, do you still want to continue on the
8 path toward pleading guilty today, which would result in your
9 giving up the right to a trial and all of the rights I've just
10 explained that you would have if your case went to trial?

11 THE DEFENDANT: I do wish to proceed, Your Honor.

12 THE COURT: All right, sir. We will proceed.

13 Let me turn to Mr. Miranda. I'm going to ask you a
14 specific question about the plea negotiations in a minute; but,
15 first, if you would please state and describe the elements of
16 the charge to which the defendant will be pleading guilty.

17 MR. MIRANDA: Yes, Your Honor. Yes, Your Honor.

18 The -- the defendant will be pleading guilty to one count of
19 distribution of child pornography in violation of 18 U.S.C.
20 2252(a)(2). That offense has four elements. The first is that
21 the defendant knowingly distributed any visual depiction; the
22 second, that he did so using any means or facility of
23 interstate or foreign commerce or that has been shipped or
24 transported in or affecting interstate or foreign commerce by
25 any means, including by computer; the third is that the

1 production of such visual depiction involves the use of a minor
2 engaging in sexually explicit conduct; and fourth, that such
3 visual depiction is of that said conduct.

4 THE COURT: All right. Thank you.

5 Mr. Cooper, let me ask you if you understand the charge
6 against you in this case as the prosecutor has just described
7 it.

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: All right.

10 Mr. Miranda, let me just confirm that this plea
11 agreement reflects the only formal plea offer that was made to
12 the defendant in this case.

13 MR. MIRANDA: Yes, Your Honor.

14 THE COURT: All right.

15 Mr. Cooper, do you have a copy of the current plea
16 agreement?

17 THE DEFENDANT: Not in front of me, Your Honor. I
18 apologize.

19 THE COURT: That's all right. But have you read it?

20 THE DEFENDANT: Yes, I have, Your Honor.

21 THE COURT: And did you understand it?

22 THE DEFENDANT: I did, Your Honor.

23 THE COURT: And have you had enough time to talk to
24 your lawyer about it?

25 THE DEFENDANT: Yes, I have, Your Honor.

1 THE COURT: So you know that as part of the plea
2 agreement, your lawyer and the prosecutor have given me a
3 document called the statement of offense, which describes what
4 the government would be prepared to prove at trial about your
5 criminal conduct. Have you read that document and discussed it
6 fully with your lawyer?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Does the statement of offense truly and
9 accurately describe what you did in this case?

10 THE DEFENDANT: It does, Your Honor.

11 THE COURT: Did you, in fact, post images depicting
12 child pornography on your Tumblr blog?

13 THE DEFENDANT: Yes, I did, Your Honor.

14 THE COURT: Okay.

15 Mr. Jeffress, let me have you briefly summarize the
16 terms of the plea agreement.

17 MR. JEFFRESS: Yes, Your Honor. Under the plea
18 agreement, as Mr. Miranda stated, there's -- there's one count.
19 There will be no other charges against Mr. Cooper in connection
20 with the conduct described in the statement of offense.

21 There's a mandatory minimum sentence for distribution of
22 child pornography of 5 years. Maximum is life. The -- sorry.
23 And Mr. Cooper understands the guideline range, which I know
24 the Court will get to. I have reviewed that with him.

25 Mr. Cooper understands what Your Honor said about under

1 very limited circumstances -- except for very limited
2 circumstances, he's waiving his right to appeal.

3 Obviously, he's waiving his right to a trial and all
4 associated rights, including his right to cross-examine
5 witnesses, to either testify or to not testify under the
6 Fifth Amendment. I think those are the critical points,
7 Your Honor.

8 THE COURT: All right. And you've gone over it with
9 him --

10 MR. JEFFRESS: Yes, Your Honor.

11 THE COURT: -- the document?

12 MR. MIRANDA: Your Honor, I'm sorry. If I may
13 just -- I just wanted to make one correction for the record.
14 The maximum penalty for distribution of child pornography
15 statutorily is 20 years.

16 THE COURT: Twenty years. Thank you, Mr. Miranda.

17 And I will be going over those penalties, and in the
18 plea agreement, at least, the -- the estimated sentencing
19 guideline range is 151 months to 188 months, but there is a
20 statutory minimum penalty of 60 months, as Mr. Jeffress
21 indicated.

22 All right. Let me ask, Mr. Cooper, whether you have any
23 confusion or questions about the plea agreement.

24 THE DEFENDANT: No, I understand it completely,
25 Your Honor.

1 THE COURT: And, Mr. Jeffress, the consideration, I
2 guess, is the government's willingness to allocute -- to
3 capping its sentencing allocution. I believe there was a
4 provision about that in the plea agreement. Is that -- is that
5 your understanding?

6 MR. JEFFRESS: Yes, Your Honor.

7 THE COURT: Okay. Let me also ask about forfeiture.
8 Mr. Cooper, are you aware that there is a provision in the plea
9 agreement that relates to forfeiture, that you're agreeing to
10 forfeit the silver Apple MacBook Pro?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: All right. The Court accepts that this
13 plea agreement is of the type authorized by the Federal Rules
14 of Criminal Procedure and, in particular, Rule 11, insofar as
15 it specifies that the government will not bring other charges
16 and that the government will not ask for more punishment than
17 the bottom of the guidelines range.

18 Mr. Cooper, have you and your lawyer talked about
19 sentencing and about how the statutes and sentencing guidelines
20 may apply in your case?

21 THE DEFENDANT: We have, Your Honor.

22 THE COURT: Do you understand that if I accept your
23 guilty plea in this case, you could receive a maximum sentence
24 of up to -- of 20 years of imprisonment?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: It is important that you understand that
2 I can never sentence you to more than the statutory maximum
3 term of imprisonment. Are you aware that under the statutes
4 probation is not available for this offense?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Do you understand that there is a
7 statutory minimum sentence for a conviction under 18 U.S.C.
8 §2252(a)(2) and that that minimum sentence is 5 years or
9 60 months in prison? Do you understand that?

10 THE DEFENDANT: I understand that, Your Honor.

11 THE COURT: And this is a mandatory minimum sentence,
12 which means that the Court must sentence you to at least
13 5 years.

14 Do you also understand that you must be subjected to a
15 period of supervised release? That means that when you are
16 sent to prison, then upon your release, you would be under the
17 supervision of the probation office and expected to follow
18 certain conditions and rules that you'll have to comply with,
19 and if you violate any of those conditions, you could be sent
20 back to prison for an additional period of time? Do you
21 understand the concept of supervised release?

22 THE DEFENDANT: I do understand, Your Honor.

23 THE COURT: All right. Under the law, there are
24 minimum and maximum terms of supervised release. By statute,
25 the minimum is 5 years, and the maximum is life.

1 There's also a maximum fine in this -- applicable to
2 this conviction of \$250,000. Mr. Cooper, do you understand
3 that you will have to pay a special assessment of \$100 to the
4 Clerk of the Court?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Do you also understand that you'll be
7 required to register as a sex offender? I believe the statutes
8 require that you register for a minimum of 25 years and that
9 if you fail to comply with the registration requirements,
10 you could be prosecuted for a failure to register, which
11 carries a potential 10-year term of imprisonment. Are you
12 aware of that?

13 THE DEFENDANT: I'm aware of that, Your Honor.

14 THE COURT: I mentioned already that you are
15 consenting to forfeiture of property, and you had indicated
16 that you understand that you'll have to forfeit the silver
17 Apple MacBook Pro.

18 Let me ask about restitution. Do you understand as part
19 of your sentence the Court can order you to pay restitution to
20 any victim of your offense for any damage done as a result of
21 this crime?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Specifically, it appears -- and counsel
24 can correct me if I'm wrong -- that the Court has an obligation
25 to determine whether mandatory restitution applies in this case

1 and, if so, in what amount; is that correct?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: All right. So let me ask, Mr. Cooper, do
4 you understand that there may be a restitution order that
5 applies to the circumstances in this case?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Also, under the terms of the plea
8 agreement, in order to facilitate the collection of any
9 financial obligations, you expressly authorize the
10 United States Attorney's Office to obtain a credit report, to
11 evaluate your ability to meet any financial obligations, and
12 you certify -- or will have to certify that you have made no
13 transfer of assets or that you will not make any such transfer
14 until your financial obligations have been satisfied in full.
15 Are you aware of these requirements that you're agreeing to in
16 your plea agreement?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Are you also aware that under the terms
19 of the plea agreement, you're agreeing to provide certain
20 information to the government, including a completed financial
21 statement on a disclosure form that either has been or will be
22 provided to you and that any willful or -- willful falsehood on
23 that statement could be prosecuted as a separate crime? Do you
24 understand that?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Mr. Miranda, let me ask you about
2 restitution. In a case such as this, there are times in which
3 the government has already identified victims concerning the
4 child pornography. Is this one of those cases? Do you
5 anticipate that there will be potential identification?

6 MR. MIRANDA: So, yes, Your Honor. This is a case
7 where there have been particular victims identified through the
8 ordinary course; that is, through the submission of images to
9 the NCMEC, to the National Center for Missing and Exploited
10 Children. However, Your Honor, all of the children that we
11 were able to identify, in sending the victim letters to their
12 attorneys that were on record, we have not had any requests for
13 restitution from those attorneys.

14 So while there are identified victims, we have not had
15 restitution requests. So because we have not had restitution
16 requests, we are not seeking restitution at this time.

17 THE COURT: All right. So thank you. That was
18 helpful for the record.

19 So there's not a basis for the Court to issue such an
20 order at this time. Presumably if those circumstances change,
21 you'll be notifying both the Court and the defendant?

22 MR. MIRANDA: Of course.

23 THE COURT: All right.

24 Mr. Cooper, in determining your sentence with respect to
25 Count 1, the Court is obligated to calculate and consider the

1 applicable sentencing range recommended in the *Guidelines*
2 *Manual* for your offense and for a person who has a similar
3 criminal history. Imposing a sentence in accordance with the
4 *Guidelines Manual* is no longer mandatory, but the guidelines
5 must still be calculated and considered in every federal
6 criminal case.

7 Have you and your attorney talked specifically about the
8 federal sentencing guidelines and how they might apply in your
9 case?

10 THE DEFENDANT: Yes, we have, Your Honor.

11 THE COURT: The government and your attorney have
12 stated in the plea agreement what they estimate your guideline
13 range to be under the *Guidelines Manual*, and have you discussed
14 those particular estimations with your attorney?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Do you understand that the Court's
17 guideline calculation may lead to a sentencing range that is
18 different from these estimates?

19 THE DEFENDANT: I do, Your Honor.

20 THE COURT: Do you also understand that even after
21 the Court has calculated the guidelines and decided what the
22 advisory guideline range is, the Court will determine what the
23 sentence is going to be and it has the authority to impose a
24 sentence that is more severe or less severe than the sentence
25 recommended by the guidelines? Do you understand that?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Do you understand that you cannot
3 withdraw your guilty plea after sentencing simply because you
4 don't like or you disagree with the sentence that is ultimately
5 imposed in your case?

6 THE DEFENDANT: I do understand, Your Honor.

7 THE COURT: In determining the sentence to be
8 imposed, the Court must not only consult the guidelines, it is
9 also obligated to consider other sentencing factors Congress
10 has laid out in a statute that is found at Title 18 of the
11 United States Code §3553(a). This statute requires judges to
12 consider the nature and circumstances of the offense and the
13 history and characteristics of the defendant. Also, the Court
14 must consider the need for the sentence imposed to reflect
15 various purposes of punishment, such as the seriousness of the
16 offense, to promote respect for the law, to provide just
17 punishment for the offense, to afford adequate deterrence, to
18 protect the public, and so on.

19 Do you understand, Mr. Cooper, that this Court can and
20 must consider all of the factors in §3553(a) when it selects a
21 sentence?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Do you also understand that under some
24 circumstances the government may have the right to appeal any
25 sentence that the Court imposes if the government does not like

1 that sentence?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Do you understand that parole has been
4 abolished for federal charges; so that if you're sentenced to
5 prison, you will serve the sentence that the Court imposes with
6 a possible reduction for good time, but you would not be
7 released early on parole, as used to be the case?

8 THE DEFENDANT: That is understood, Your Honor.

9 THE COURT: I'm going to repeat one question,
10 Mr. Cooper, because it is -- it is very important. Do you
11 understand that if the sentence in this case ends up being more
12 severe than you expect, you will still be bound by your guilty
13 plea and will have no right to withdraw it?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: All right. My final set of questions in
16 the plea phase of this proceeding have to do with the
17 voluntariness of this plea. Mr. Cooper, has anyone forced,
18 threatened, or coerced you in any way into entering this plea
19 of guilty?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Has anyone, including your attorney, the
22 police, the prosecutor, or any other person you've come into
23 contact with since your arrest, promised or suggested to you
24 that merely because you're pleading guilty the Court will give
25 you a lighter sentence?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Do you understand that the agreement
3 reached in this case resulted from negotiations between your
4 attorney and the government's attorney?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Has anyone made any promises to you in
7 connection with your guilty plea other than those contained in
8 the plea letter or stated in open court here today?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: Other than what was stated in the plea
11 letter, has anyone made any promises to you as to what sentence
12 the Court might impose if it accepts your guilty plea?

13 THE DEFENDANT: I beg your pardon, Your Honor. Any
14 promises regarding sentences?

15 THE COURT: Correct.

16 THE DEFENDANT: No, no one has made any
17 representations of that nature, Your Honor.

18 THE COURT: All right. Mr. Cooper, are you entering
19 this plea of guilty voluntarily and of your own free will
20 because you are guilty and for no other reason?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Is there anything that you do not
23 understand about this proceeding or about your plea in this
24 case?

25 THE DEFENDANT: I understand everything completely.

1 Thank you, Your Honor.

2 THE COURT: Is there anything you want to ask me or
3 your lawyer before you enter your plea?

4 THE DEFENDANT: I have no questions at this time,
5 Your Honor.

6 THE COURT: So are you now ready to say whether you
7 want to plead guilty or go to trial on the charges in this
8 case?

9 THE DEFENDANT: I am prepared to plead guilty,
10 Your Honor.

11 THE COURT: And so that -- let me say it again in a
12 different way.

13 THE DEFENDANT: Sure.

14 THE COURT: What do you want to do, Mr. Cooper?

15 THE DEFENDANT: I would like to enter my plea, Your
16 Honor.

17 THE COURT: And you'd like to plead guilty?

18 THE DEFENDANT: Yes, I would like to plead guilty,
19 Your Honor.

20 THE COURT: All right. I am satisfied that the
21 defendant is fully competent and capable of entering an
22 informed plea, making a decision today that he understands the
23 nature of his -- of the charges and the consequences of this
24 plea, that the plea of guilty is knowing and voluntary, and
25 that he's acting of his own free will in pleading guilty. I'm

1 also satisfied that there's an adequate factual basis for each
2 of the essential elements of the offense in support of this
3 plea.

4 Therefore, the guilty plea is entered, and the defendant
5 is now adjudged guilty of the charged offense.

6 I will sign and date the waiver of trial by jury form,
7 which the defendant, defense counsel, and the Assistant
8 United States Attorney have already signed.

9 All right. We did discuss forfeiture. Mr. Cooper is
10 consenting to forfeiture of property.

11 Mr. Miranda, do I need to make any findings regarding
12 forfeiture --

13 THE DEFENDANT: Yes, Your Honor. Of course.

14 THE COURT: -- under these circumstances?

15 MR. MIRANDA: I don't believe so, Your Honor. The
16 statement of offense that he's agreed to explicitly states the
17 role of the forfeited -- the forfeited device that is the
18 computer in the commission of the offense. That is, the child
19 pornographic images were found on that computer. So I think
20 that should satisfy requirements.

21 THE COURT: All right. So I will leave it there.

22 So having accepted Mr. Cooper's plea of guilty regarding
23 one count of distribution of child pornography in violation of
24 18 U.S.C. § 2252(a)(2), we will now move on to sentencing.

25 The Court has received and reviewed various documents

1 that have been submitted by the probation office and counsel in
2 advance of the hearing. I reviewed the presentence report and
3 sentencing recommendation of the probation office, the
4 government's sentencing memoranda, and the defendant's
5 sentencing memorandum, which includes exhibits. It appears
6 that the parties have engaged in the process of reviewing and
7 revising the presentence report and that the final report is
8 complete.

9 Mr. Cooper, this portion of today's hearing will
10 essentially proceed in three steps. The first step is for the
11 Court to determine what sentencing guidelines and sentencing
12 range applies to your case, and I do this by looking at facts
13 in the record concerning criminal history and any mitigating or
14 aggravating factors that may warrant departure in the
15 sentencing *Guidelines Manual* after I've determined what the
16 base guideline offense is -- guideline range is.

17 The second step is to hear from the government, from any
18 victims, from your counsel, and from you, if you wish to be
19 heard, about the sentence in this case.

20 And the last step requires the Court to fashion a just
21 and fair sentence in light of the factors that are laid out in
22 the sentencing statute, 18 U.S.C. §3553(a). As part of this
23 last step, the Court will actually impose the sentence, along
24 with other required consequences of this federal offense.

25 Now, I lay out the steps as I have with you because I do

1 realize that it's sometimes hard for nonlawyers to follow some
2 of the more mechanical processes, procedures that we have to
3 follow at sentencing. But as you listen, it is important for
4 you, Mr. Cooper, to keep in mind why we are here at this moment
5 and the gravity of this situation.

6 You have committed and pled guilty to conduct that
7 constitutes a federal crime. Today's proceeding is a serious
8 matter because it is fundamentally about the consequences that
9 you will have to face as a result of your decision to engage in
10 criminal behavior in violation of federal law.

11 So let's begin with the first step. The final
12 presentence report was filed on May 12th, 2020. Let me just
13 double-check that date. Yes. And the probation office's
14 sentencing recommendation was also filed on May 12th, 2020.
15 Let me ask government counsel if the government has any
16 objection to any of the factual determinations that are laid
17 out in the presentence report?

18 MR. MIRANDA: No, Your Honor.

19 THE COURT: All right. Before I ask the same of the
20 defense, Mr. Cooper, let me ask you if you are still satisfied,
21 fully satisfied, with your attorney in this case.

22 THE DEFENDANT: I am, Your Honor.

23 THE COURT: And have you had enough time to talk with
24 him about the probation office's presentence report and the
25 papers that were filed by the government in connection with

1 this sentencing?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: All right. Mr. Jeffress, have you and
4 your client read and discussed the presentence report?

5 MR. JEFFRESS: Yes, Your Honor.

6 THE COURT: And are there any disputed issues of fact
7 concerning that report?

8 MR. JEFFRESS: None.

9 THE COURT: So hearing no objection, the Court will
10 accept the factual recitation in the presentence report
11 regarding the circumstances of the offense and the defendant's
12 history and characteristics. And, therefore, those facts, as
13 stated in the presentence report, will be the Court's findings
14 of fact for the purpose of this sentencing.

15 Now, let me just grab my *Guidelines Manual* -- excuse me.
16 The presentence report lays out the probation office's
17 calculation of the advisory guideline range, and that
18 calculation was done using the 2018 *Guidelines Manual*.

19 And it is as follows: Beginning with the guideline
20 offense level, the applicable guideline in this case is 2G2.2.
21 And it has a base offense level of 22 under the circumstances
22 presented in this case. According to the presentence report,
23 five specific offense characteristics apply: a 2-level
24 increase under 2G2.2(b)(2) because the material involved a
25 prepubescent minor under the age of 12 years; a 2-level

1 increase under 2G2.2(b)(3)(F) because the defendant knowingly
2 engaged in the distribution of child pornography; a 4-level
3 increase under 2G2.2(b)(4) because the defense -- excuse me --
4 the offense involved material portraying a sadistic or
5 masochistic conduct; a 2-level increase under §2G2.2(b)(6)
6 because the offense involved the use of a computer or an
7 interactive computer service for the possession, transmission,
8 receipt, or distribution of the material; and a 5-level
9 increase under 2G2.2(b)(7)(D) because the offense involved 600
10 or more images of child pornography.

11 The government has also represented that Mr. Cooper has
12 demonstrated acceptance of responsibility in a manner that
13 entitles him to a 2-level reduction under §3E1.1(a) and that he
14 timely notified the government of his intention to plead guilty
15 in a manner that entitles him to an additional 1-level
16 reduction under 3D1.1(b).

17 When I get to a discussion of variances, I will discuss
18 my policy disagreement with the guidelines concerning a couple
19 of these offense levels. This is sort of standard in my own
20 analysis of child pornography offenses. But prior to the
21 consideration of any departures or variances, it appears as
22 though Mr. Cooper's total offense level is 34.

23 At this point, is there any objections to the
24 calculation of the offense level?

25 MR. JEFFRESS: No, Your Honor.

1 MR. MIRANDA: No, Your Honor.

2 THE COURT: Sorry. Mr. Jeffress?

3 MR. JEFFRESS: No, Your Honor.

4 THE COURT: Mr. Miranda?

5 MR. MIRANDA: No, Your Honor.

6 THE COURT: Okay. Turning to the applicable criminal
7 history category. The presentence investigation has found that
8 Mr. Cooper has no prior convictions that receive any criminal
9 history points in the *Guidelines Manual*, and he, therefore, has
10 zero criminal history points. This puts him in Criminal
11 History Category I.

12 Are there any objections to the criminal history
13 calculation, Mr. Miranda?

14 MR. MIRANDA: No, Your Honor.

15 THE COURT: Mr. Jeffress?

16 MR. JEFFRESS: No, Your Honor. That's correct.

17 THE COURT: So given the criminal history of I and an
18 adjusted offense level of 34, we're beginning under the
19 guidelines with a range of 151 to 188 months of imprisonment.

20 Did I get that right, Mr. Miranda?

21 MR. MIRANDA: Yes, Your Honor.

22 THE COURT: And, Mr. Jeffress?

23 MR. JEFFRESS: We certainly agree.

24 THE COURT: All right. So that is the applicable
25 guideline range prior to departures and variances.

1 Now, the next step is for the Court to consider any
2 departures. The presentence report does not include any
3 departure grounds. Neither party appears to have mentioned
4 any, perhaps pursuant to the terms of the plea agreement. But
5 let me just give the parties a chance to address departures as
6 distinguished from variances.

7 Is there any basis for a departure that the parties wish
8 to assert?

9 Mr. Miranda?

10 MR. MIRANDA: No, Your Honor.

11 THE COURT: Mr. Jeffress?

12 MR. JEFFRESS: No, Your Honor.

13 THE COURT: Sorry?

14 MR. JEFFRESS: No, Your Honor.

15 THE COURT: No. Okay.

16 Section 3553 requires the Court to consider a variety of
17 factors, including the sentencing guidelines range, which I
18 have just discussed, and also the applicable penal statutes.
19 So at this point in my sentencing, I typically take a moment to
20 describe, generally, the applicable statutory and guideline
21 penalties for the offense of conviction.

22 As I advised you earlier, Mr. Cooper, the charge of
23 distribution of child pornography in violation of 18 U.S.C.
24 § 2252(a)(2) carries a statutory maximum penalty of 20 years of
25 imprisonment. It also carries a statutory mandatory minimum

1 sentence of 5 years of imprisonment. Mr. Cooper is not
2 eligible for probation under the applicable statutory
3 provisions and guidelines.

4 If a term of imprisonment is imposed, the statute
5 provides that Mr. Cooper faces a supervised release range
6 following imprisonment of at least 5 years, and under the
7 guidelines, that range is 5 years to life.

8 The statute of conviction sets a maximum fine of up to
9 \$250,000, while the guideline fine range is between \$35,000 and
10 \$350,000.

11 The defendant is also obligated to pay a \$100 special
12 assessment.

13 The statutory and guideline restitution provisions also
14 require defendants to pay restitution. We previously discussed
15 that at this point there is no restitution obligation because
16 no request has been submitted. The PSR states that any
17 restitution requests received will be filed with the Court by
18 the United States Attorney's Office under separate cover.

19 So let me ask the parties if I have stated accurately
20 the statutory guideline framework under which we are operating.

21 Mr. Miranda?

22 MR. MIRANDA: Yes, Your Honor.

23 THE COURT: Mr. Jeffress?

24 MR. JEFFRESS: Yes, Your Honor.

25 THE COURT: All right. So before I discuss the

1 sentencing factors that will bear on my final decision, we've
2 reached the stage in which the parties have the opportunity to
3 address the sentencing guideline calculation or the Court's
4 considerations under 3553(a).

5 So let me start with Mr. Miranda, to ask if the
6 government would like to speak about the application of the
7 factors or anything else at this point?

8 MR. MIRANDA: Yes, Your Honor. Just briefly.

9 THE COURT: You may begin.

10 MR. MIRANDA: Thank you, Your Honor.

11 I understand that Your Honor has received and has
12 reviewed the government's sentencing memorandum, and I will not
13 merely repeat what is already in that. I just wanted to
14 highlight a couple of things, briefly, and then explain the
15 particular sentence requested from the government.

16 First, as to the specific offense in this case,
17 Your Honor, it was not a one-time distribution. It was
18 multiple instances over a period of time. There were,
19 depending on how you consider or divide it, at least two
20 distinct periods of time of distribution using two different
21 Tumblr account names.

22 There were -- between those, there were approximately
23 between three- and four-dozen total images that were posted.
24 What is different, to some extent, from this -- in this case
25 from the prototypical case, Your Honor, is that these images

1 were not posted to an entirely private group or amongst other
2 people but, rather, broadly posted in an area in Tumblr, in
3 which they were, perhaps, broadly accessible to individuals,
4 including children, who could find it. And given the nature of
5 the offense and where they were posted, there is obviously no
6 way to determine how many people did see it or the nature of
7 the people who did see it, but it is not a closed universe, as
8 is often the case.

9 The second thing that I just wanted to highlight,
10 Your Honor, is that as stated in the statement of offense, that
11 when his device was -- his devices were found, including the
12 computer, within the computer and on an untitled folder were
13 many, many, many videos, and the nature of the videos is
14 described in the statement of offense, as well as in -- as well
15 as in the sentencing memorandum. However, the nature of these
16 videos went beyond mere child pornography. And I don't mean to
17 make light of the content of any child pornography, but rather
18 to say that the content of that -- of those videos is on the
19 more egregious or extreme spectrum of the child pornography
20 videos that are encountered in these cases.

21 THE COURT: All right. I'm sorry.

22 MR. MIRANDA: No, no, no. I was just going to say,
23 that's -- and so that is all that I wanted to highlight as
24 to -- as to the nature of the offense itself. I just wanted to
25 highlight a couple of things as to the particular sentence.

1 I'm sorry. Did Your Honor have a question?

2 THE COURT: I just had a question. So you say two
3 periods using two Tumblr accounts, but they were within a
4 matter of months, were they not? We're not talking about years
5 or anything?

6 MR. MIRANDA: No, no, no. We're not. We're not,
7 Your Honor. But I just -- but what I mean to say is that they
8 are two distinct periods. And I -- and I understand that he's
9 pleading guilty to -- to one offense, but there -- it would
10 support the charging of two distinct distribution of child
11 pornography offenses. It is not one continuing course of
12 conduct over a period of weeks. There were certainly -- not to
13 get into charging terms, but there was certainly a clear break
14 or fork in the road with a different account in a totally
15 distinct period of time that was some weeks later.

16 THE COURT: All right. Thank you.

17 MR. MIRANDA: And, Your Honor, just as to the
18 particular -- as to the particular requested offense --
19 allocution. And, Your Honor, in this case the government is
20 recommending a sentence of 72 months. As Your Honor is well
21 aware from our discussion, that is substantially below the low
22 end of the guideline -- of the applicable guideline range as
23 just determined by Your Honor.

24 The reason for the 72 months, as laid out in -- in
25 these -- in the sentencing memorandum is, first, Your Honor,

1 the -- the government believes that more than a mandatory
2 minimum sentence is warranted due to the distinct periods of
3 child pornography and the -- in particular, the nature of the
4 child pornography contained itself.

5 I understand from my experience before Your Honor,
6 Your Honor's objection -- policy objections to the -- to the
7 2G2.2 sentencing guidelines. And what I will say is, although
8 this was not the basis, is that if the -- if Your Honor were
9 simply to vary and to consider solely the -- solely the base
10 offense level of 22, as well as the particular egregious nature
11 of the -- of the videos themselves, that is the -- in
12 particular, the 4-point specific offense characteristic for the
13 containing of sadomasochistic or infant/toddler, Your Honor.

14 And to discount or to vary so as not to consider any
15 other of the potential specific offense characteristics so that
16 this -- in that circumstance, it would just be 22 plus 4 for
17 this sadomasochistic. So that would be 26. That would place
18 his guideline range at 63 to 78 months. And the government's
19 requested sentence of 72 months would be near the midpoint of
20 that range.

21 And with that, I would also say, Your Honor, so as --
22 with regard to the factor of not creating sentencing
23 disparities -- or at least attempting to be consistent with
24 that, Your Honor, the -- there -- it is always a little bit
25 difficult to find cases that are on all fours, as there are --

1 as these cases tend to be very fact-specific with regard to
2 number of images, nature of images, obviously criminal history,
3 and other factors.

4 However, I just would point out, Your Honor, that the --
5 the three most recent cases that I'm aware of -- that is,
6 *United States v. Bennett*, *United States v. McGarrah*,
7 *United States v. McCarty*. *United States v. Bennett* was a case
8 before Judge Sullivan. And these are all distribution or
9 receipt cases, Your Honor, without any hands-on, so to speak,
10 without any evidence of physical contact, without any evidence
11 of hands-on physical, sexual abuse. In the *United States v.*
12 *Bennett*, the defendant received a sentence of 71 months by
13 Judge Sullivan.

14 In *United States v. McGarrah*, the defendant received a
15 sentence of 72 months from Judge Bates, and in *United States v.*
16 *McCarty*, the sentence -- the defendant received a sentence of
17 88 months. I do want to point out, Your Honor, that
18 *United States v. McCarty* is a little -- is different due to the
19 criminal history of Mr. McCarty, so it is not directly
20 comparable. But the government --

21 THE COURT: Do you know if any of these defendants
22 had the kinds of mitigating mental health issues that are
23 arising in this case?

24 MR. MIRANDA: I -- all three of those happen to be my
25 cases, as is about 90 percent of the cases -- of these types of

1 cases in this jurisdiction are. I don't want to go into the
2 private mental health nature of them.

3 I -- I will say, Your Honor, that they are not the same.
4 But in each of those cases, as is common, there were mental
5 health considerations that were present and presented by
6 defense counsel, but they were not of the exact same nature as
7 in this case, Your Honor.

8 THE COURT: Thank you.

9 MR. MIRANDA: And with that, Your Honor, the
10 government just would rest on its written submission.

11 THE COURT: Thank you, Mr. Miranda.

12 Mr. Jeffress.

13 MR. JEFFRESS: Thank you, Your Honor.

14 Your Honor, at first I would like to introduce all the
15 supporters for -- of Mr. Cooper who are here virtually today on
16 the line. As Your Honor knows, we submitted 42 letters to
17 Your Honor as part of our sentencing memorandum and our other
18 submissions. I understand that 38 of Mr. Cooper's friends and
19 family are -- are on -- actually on the line today, right now,
20 listening to the sentencing. They're from all over the
21 country.

22 I think from the materials that we've submitted, that
23 Your Honor can see that Mr. Cooper -- it is very clear that --
24 that throughout his life, Mr. Cooper has met and touched the
25 lives of a lot of people. And our sentencing memo, I think,

1 spells that out, how he's done that with people, really, from
2 all walks of life and in all different phases of his life.

3 You know, from -- I think one of the examples that
4 particularly touched me was the busboy at Sequoia, when
5 Mr. Cooper was the assistant general manager there, who
6 suffered a workplace accident, and he only spoke Spanish.
7 Mr. Cooper went well above and beyond his duties to -- going to
8 the hospital and making sure that -- you know, the fact that
9 Mr. Cooper who speaks Spanish and is bilingual -- was able to
10 make sure that he was taken care of and that everything was
11 done for him. And, you know, this is somebody who really
12 wouldn't have had anybody there necessarily to fight for him.

13 But then it goes to people who have known Mr. Cooper for
14 his entire life, who he grew up with, who he went to high
15 school with. Many members of Mr. Cooper's family are on the
16 line today, including his grandmother.

17 You know, I've been working for Mr. Cooper for two years
18 now, and ever since -- I think the search warrant was -- was
19 executed in February of 2019. So I've gotten -- I've had the
20 pleasure of knowing him a lot less length of time than all the
21 people on the line today. But what I've seen and I think what
22 he's shown to the Court and to the government -- you know, he
23 personally met with Mr. -- Mr. Miranda's predecessor at the
24 office and other people there -- is that, you know, he is doing
25 everything he is -- possibly could do. I've never seen a

1 defendant do more to account for his conduct, to take
2 responsibility for it, and then, most importantly, I think to
3 make sure that nothing like this ever happens again.

4 And I -- I think what he has done has shown to the
5 Court -- so the Court can have a hundred percent certainty of
6 two things: And one is that this -- he will never appear in
7 front of a court again, at least not in any kind of bad context
8 like this; and the other is that 60 months is a more than
9 sufficient sentence to serve the goals of sentencing.

10 The offense -- the 3553 factors, you know, the offense
11 conduct is, of course, very serious, and no one knows that more
12 than Mr. Cooper. He did not only -- he did not -- he viewed
13 illegal images. He also, as Mr. Miranda noted, reposted the
14 images on Tumblr.

15 Now, the case does not involve any hands-on or travel or
16 any of the chats with other people about -- about these --
17 these types of activities. Even in terms of the images, it
18 does not involve the dark web. It does not involve a paid
19 website. It does not involve any kind of secret website or
20 membership website or anything like that. These were all
21 available images from the open internet and Mr. Cooper
22 reposted.

23 And then for that, his potential sentence, of course,
24 goes from probation -- being probation-eligible for possession
25 to the mandatory minimum of 5 years, which is a very serious

1 sentence.

2 I actually think what Mr. Miranda said about the fact
3 that these images were posted publicly where almost anyone can
4 see them, I think that cuts both ways. I think that it is, of
5 course, extremely irresponsible and extremely dangerous. But
6 on the other hand, I think it's a function of the mental health
7 issues that Mr. -- very serious mental health issues, which
8 we'll talk more about in a moment, which Mr. Cooper was
9 experiencing.

10 Nobody who was in their right mind, who was not in the
11 deep depression and suffering from the very serious mental
12 health issues that Mr. Cooper was experiencing at that time,
13 would do something like that. And I think if this would have
14 been conducted and engaged in secretly amongst a group of
15 people or something like that, I think the government actually
16 would be pointing at that as an exacerbating or aggravating
17 circumstance as a reason to impose a higher sentence.

18 Now, turning to the mitigating circumstances and
19 Mr. Cooper's positive characteristics. This case has as much
20 to say as, I think, any I've ever seen. Mr. Cooper is an
21 extremely bright, extremely industrious, and probably the, most
22 of all, extremely kind and extremely generous young man who has
23 been faced with a truly significant number of severe challenges
24 in what is still a very young life.

25 And I do want to thank the government and Mr. Miranda

1 for recognizing this because I think they do recognize this in
2 their sentencing recommendation, which is below the guidelines,
3 and I think -- also think Ms. Willett, the probation officer
4 who has looked at the totality of circumstances. Obviously
5 Ms. Willett is very experienced in these cases, as Mr. Miranda
6 is, and recognize that -- that, you know, there are many
7 mitigating circumstances here, and the probation office's
8 recommendation to the Court of a 60-month sentence.

9 And I think that -- also looking at the comparable
10 sentences, which Mr. Miranda referred to, I actually disagree.
11 I think the Court's colleagues in circumstances -- and this
12 Court, in similar circumstances where there are -- there is
13 conduct, there is distribution conduct, but there is also any
14 number of mitigating circumstances. And, again, I would submit
15 that this case has, more than any of those cases -- have
16 consistently given the mandatory minimum of 60 months. We've
17 cited all those cases in our memo, but I think the Court's
18 colleagues -- this is, I think, what -- this -- the judges on
19 this court have been doing in cases like this. And I don't
20 think there's much variation from that.

21 And I know that this Court has, I think, concurred
22 with -- with its judicial colleagues in the *Hess* case, the
23 *Brian Hess* case, which was very similar in terms of the number
24 of images and also resulted in -- and also -- it was also a
25 guidelines range of 151 to 188 months and also resulted in a

1 sentence -- mandatory minimum sentence of 60 months.

2 I -- I don't want to belabor the challenges that
3 Mr. Cooper has faced in terms of his mental health and the
4 victimization that he suffered, both in high school and in
5 college, because those things are terrible, and they're very
6 difficult to talk about. I know that Mr. Cooper -- I know the
7 Court has already read about them both, you know, in all the
8 expert reports that we submitted and the letters that we
9 submitted, and, of course, Mr. Cooper's letter and -- it was
10 addressed to the Court.

11 I -- I do think that the history of victimization and
12 the mental health aspects are the two explanatory factors for
13 this case. They're why Mr. Cooper is here today. I -- the --
14 I think the -- the -- this is a case where the reason that he
15 is here before is no longer in him. The causes of it are the
16 mental health piece and overcoming the trauma he suffered
17 himself, and he has made tremendous progress in the last two
18 years towards doing those things.

19 And the best part about this case, I think, for
20 everybody, including all of those on the phone line and for me
21 and for him, is that we don't have to worry so much about him,
22 because when he -- he will be fine. I don't think -- the more
23 problem is -- is that the people who love him and who are on
24 the line today are going to lose him for 4 years. Hopefully
25 they'll be able to stay as close -- or 4-plus, whatever the

1 Bureau of Prisons does if he gets the sentence we're
2 requesting. But that, you know, they will lose him for that
3 time. It will be hard to stay in touch, and so we just hope
4 that it goes as quickly as possible.

5 So I -- I want to finish, Your Honor, before Mr. Cooper
6 addresses the Court, with just one more thing. And -- and that
7 is the remorse. I've just never seen a person earnestly
8 wrestle with the harm that he caused more than Mr. Cooper has.
9 You know, what I want the Court to know is the honest and --
10 the self-examination he's engaged in is -- is not because -- I
11 know it's not because, you know, we told him to. It's not
12 because his -- his psychologist told him to. That -- I wish
13 that was the case. I wish we could tell somebody, you need to
14 go really think about what you did and -- and, you know, and --
15 and get to the right place, but it doesn't really work that
16 way.

17 The reason why Mr. Cooper has made so much progress is
18 because it's a natural outgrowth of who he is. He has honestly
19 and -- and, you know, very painfully reflected on what he has
20 done, and he has done -- and he has come to the exact right
21 conclusions about it. And that is why I'm a hundred percent
22 sure he will not be in this position again.

23 So with that, Your Honor, I know Mr. Cooper also wants
24 to address the Court.

25 THE COURT: Thank you, Mr. Jeffress.

1 Mr. Cooper, if you would like to say anything that you
2 would want the Court to consider before imposing sentence, now
3 would be the time.

4 THE DEFENDANT: Thank you, Your Honor, for affording
5 me the opportunity to address the Court today.

6 Candidly, I am wracked with guilt, shame, and so much
7 sorrow for the crime that I have committed. And I am so sorry
8 to the victims and survivors of the images and videos that I
9 possessed and reblogged on Tumblr because I participated in a
10 market that made the depictions of their abuse they suffered as
11 innocent children, essentially, permanently available so long
12 as they continue to be distributed.

13 If I could go back in time with that sort of
14 understanding and enlightenment that I have now and erase it
15 from history, know that I would do it in a second, but I can't.
16 And that's why I'm here today, to answer for my unlawful
17 conduct.

18 Before I continue, I would like to express my sincere
19 thanks to the law enforcement officials, as well as the
20 officers of the court who are involved in my case. I have been
21 treated with nothing but the utmost respect and dignity. And I
22 also want to express my sincere apologies to all of those
23 mentioned people as well, because they're only involved because
24 of my poor decision-making.

25 After two years of introspection, I no longer recognize

1 the 27-year-old Ryan who committed this offense. On the one
2 hand, that Ryan had a lot of doors opened for him. The sky was
3 the limit. He was working at one of the top data visualization
4 and analytics companies in the world who would've happily
5 retained him for life, and he they, but that's where the
6 positives end. That Ryan threw it all away.

7 Twenty-seven-year-old Ryan believed that no one loved
8 him, that affection was conditional. Twenty-seven-year-old
9 Ryan isolated himself as a consequence of trauma and
10 disbelieving who he could trust, and he did not seek or receive
11 adequate mental health care treatment. And 27-year-old Ryan
12 ultimately made an unthinkable aberrant decision to reblog
13 images of child abuse.

14 This Ryan, who addresses the Court today, now a month
15 into 30, is damaged and world-weary, are to be certain, but
16 also all the richer in different ways.

17 I now have the previously unfathomed appreciation of
18 what unconditional love means. The outpouring of support and
19 the number of people who have stood by my side, despite the
20 severity of my offense, have proven that I have never been
21 alone. I am and always have been surrounded by people who love
22 me. I have never been closer with my parents, my family, and
23 my friends than I have in these past two years. They truly
24 saved me. So thank you to all of them.

25 Excuse me.

1 It is unfortunate that this revelation about the true
2 strength of my support network was occasioned by a crime on my
3 part that will require me to leave them for years.

4 What is important to underscore here, Your Honor, is
5 that there is a community of loving people who will be
6 anxiously awaiting my release to help ensure that I emerge from
7 this to lead an upstanding life and that I never offend in any
8 manner again.

9 I highly request Your Honor's mercy in sentencing. I
10 have been living in agony since the execution of the search
11 warrant, anticipating being wrested from my loved ones every
12 day, almost as if it's this Groundhog Day of being two weeks
13 away from prison for two years, just living two weeks at a
14 time, not knowing what's going to happen.

15 And all I want to do is get back to my family and start
16 rebuilding my life as soon as I possibly can. I fear for my
17 very, very fragile mental health and the uncertain future that
18 awaits me. I do know the offense will mark me for the rest of
19 my life and foreclose upon many opportunities that nonfelons
20 enjoy; but I fully understand why this must be the case, why I
21 must rightfully be punished for the suffering I perpetuated
22 against survivors of sexual assault.

23 Thank you, again, Your Honor.

24 And once more, my sincerest and deepest apologies to
25 everyone affected by my poor decisions.

1 THE COURT: Thank you, Mr. Cooper.

2 The Court is ready to pronounce sentence in this case.

3 After calculating the sentencing guidelines and
4 departures and hearing the statements made by counsel and by
5 the defendant, the Court must now consider the relevant factors
6 set out by Congress in 18 U.S.C. §3553(a) in order to ensure
7 that it imposes a sentence that is sufficient but not greater
8 than necessary to comply with the purposes of sentencing.

9 These purposes include the need for the sentence imposed
10 to reflect the seriousness of the offense, to promote respect
11 for the law, and to provide just punishment for the offense.
12 The sentence should also deter criminal conduct, protect the
13 public from future crimes by a defendant, and promote
14 rehabilitation.

15 In addition to the guidelines and policy statements, the
16 Court must consider the nature and circumstances of the
17 offense, the history and characteristics of the defendant, the
18 types of sentences available, the need to avoid unwarranted
19 sentencing disparities among defendants with similar records
20 who have been found guilty of similar conduct, and the need to
21 provide restitution to any victims of an offense where
22 appropriate.

23 This Court has considered all of these factors when
24 deciding what the appropriate sentence is in this case, and in
25 accordance with my ordinary practice, I won't detail my

1 considerations with respect to each factor orally here this
2 afternoon.

3 But I do think it is important to make sure that the
4 Court says something for the record and for you, Mr. Cooper,
5 about the nature and circumstances of your offense, your
6 history and characteristics, and the need to avoid unwarranted
7 sentencing disparities.

8 With respect to the nature of the offense, I was
9 interested, very interested, in your statement because very
10 much in line with my considerations of similar defendants, I'm
11 always looking to make sure that defendants who have been
12 convicted of child pornography offenses realize and understand
13 that distribution of child pornography is an extremely serious
14 federal crime.

15 I read the letter that you wrote to the Court, and you
16 describe your conduct in that letter as, quote, loathsome,
17 end quote. You also acknowledge that you perpetuated harm
18 against the children depicted in the material that you
19 possessed and distributed, and you've repeated those statements
20 here in your statement this afternoon.

21 I also know from the letters that I received from your
22 friends and family that you have explained to many of them why
23 your conduct is so reprehensible, and I don't doubt the
24 sincerity of your statements, the fact that you now understand
25 what it is that you've done. But I just -- I just want to be

1 clear, for the record, because for people who aren't really
2 aware of this kind of criminal behavior, the idea that you
3 merely reblogged images on Tumblr, posting images that were
4 already there, as opposed to posting original content, may not
5 seem that serious. So just in case -- just in case there's any
6 doubt, Mr. Cooper, I want to be crystal clear that the
7 distribution of child pornography is a heinous offense, whether
8 a defendant posts child pornography to a website in the first
9 instance, or whether the defendant shares and further
10 distributes child pornography that someone else has posted.

11 Either way, the crime involves taking pictures or videos
12 depicting real children while those children are being sexually
13 abused, and then putting those pictures on the internet for
14 other people to see. According to the statement of offense,
15 your involvement with these images not only included sharing
16 approximately 45 pictures on the internet in the way that we've
17 been discussing, but it also appears that you yourself
18 possessed hundreds of images and videos, as Mr. Miranda
19 mentioned, of children in sexually compromised positions, and
20 some even included images involving children engaged in
21 sadomasochistic acts.

22 So as I mentioned, I always try to assess the extent to
23 which a defendant really understands, and I do believe that you
24 understand the seriousness of this conduct to some degree. Let
25 me just -- let me just point out a couple of things. I want to

1 make sure that you are aware that the children in those
2 pictures were not knowing and willing participants in the
3 degrading conduct that they -- that was depicted, but they were
4 being forced to commit unspeakable acts of sexual violence for
5 the pleasure of the person who was filming them, for the
6 gratification of sick people everywhere.

7 It's important that you understand that this is about
8 victimization of children. And I don't know if you've ever
9 heard what this crime does to those victims. I've heard those
10 stories, and I have to tell you, they are harrowing. Some of
11 the children who you saw in those pictures will never have
12 normal adult relationships. Some of them will turn to drugs
13 and prostitution and other dangerous conduct to try to deal
14 with the emotional pain that results from the torture that they
15 have experienced.

16 And even those who manage to lead a somewhat normal
17 adult life, sometimes say that they live in constant fear of
18 being recognized. Some victims are unable to go outside of
19 their homes because once those pictures are put on the
20 internet, they are there forever. And the people in them can't
21 do anything without worrying that every person that they meet
22 has seen them in their most vulnerable state at the most
23 horrible time in their lives.

24 Now, let me just say for the record that I realize that
25 there's nothing in this case that suggests that you had any

1 role in producing child pornography, but as you yourself
2 mentioned, that doesn't mean that this conduct isn't extremely
3 serious because the market for producing pictures of children
4 being molested and raped is driven by those who want to see
5 those pictures. If the lookers weren't there, if the interest
6 wasn't there, then there would be fewer child victims; which is
7 why I believe that Congress was motivated to make distribution
8 of child pornography a federal offense, and why Congress has
9 required judges to impose a statutory minimum penalty when that
10 offense is charged.

11 So the question for the Court in this case becomes how
12 to assess the seriousness of the offense for the purpose of the
13 sentence to be imposed as § 3553(a) requires.

14 First, let me talk a little bit about my considerations,
15 as a general matter. As you know, the sentencing guidelines
16 prescribe a much greater term of imprisonment than the 60-month
17 minimum term that appears in the applicable statute. Your
18 counsel has suggested that I discount, substantially, the
19 guideline assessment. This was in his sentencing memorandum
20 because the child pornography guideline is not the product of
21 the commission's empirical assessment and it includes and
22 emphasizes certain factors that have been widely criticized,
23 even by the Sentencing Commission itself.

24 I want you to know that this argument is made
25 consistently by defense counsel in these kinds of cases, and

1 there is an extent to which this Court agrees, and so I have
2 long considered it appropriate to make some adjustments to the
3 calculation as it relates to child pornography crimes. I've
4 stated in similar cases, and I'll say here again, that the
5 guideline factors are in many ways outdated and, in general,
6 they no longer adequately distinguish between more serious and
7 less serious child pornography distribution offenses.

8 So, for example, the guidelines include a 2-level
9 increase for use of a computer. And they also provide for a
10 substantial enhancement for the number of images that are
11 stored on the computer's hard drive. Whatever the state of the
12 law and technology at the time that the guidelines were first
13 adopted, in my view, neither of these circumstances are really
14 aggravating factors today.

15 A computer is at work with respect to nearly all
16 distribution offenses now. And it is so easy to receive and
17 possess and distribute child pornography electronically that
18 the number of images that -- and the use of an electronic
19 medium no longer signal an especially heinous or egregious
20 child pornography offense. And so I've taken that into
21 account, and like many other federal judges who have analyzed
22 this issue, I have decided to apply my general policy
23 disagreement with respect to those two enhancements, at least
24 that is the computers and the number of images. According to
25 the guideline calculation, there was a 2-level increase under

1 2G2.2(b) (6) for the computer, 5 levels for the images under
2 2G2.2(b) (7) (D).

3 And so consistent with my policy disagreement, I'm going
4 to exclude the 2 points for the computer use entirely, and I'm
5 going to impose only a slight increase, 2 levels, to account
6 for the size of your collection, rather than the 5 levels that
7 the guidelines prescribe. And I'm going to vary from the
8 guideline range to this extent to start, which is 5 levels off.
9 And I think just in terms of thinking about this, keeping --
10 keeping track of where I am, that means that the appropriate
11 starting point from my assessment after this variance is at a
12 level -- offense level 29 rather than 34, which is carrying a
13 guideline range of 87 to 108 months at this point.

14 Now, I do recognize Mr. Miranda's statements about the
15 distinct periods of time, the nature of the porn involved, and
16 whether or not that should be weighted heavily in this
17 assessment. I think that although there are two distinct
18 periods, as Mr. Miranda indicated, the defendant has pled
19 guilty to only one pursuant to the agreement of the parties and
20 the periods themselves, although distinct, happened within a
21 relatively short period of time over a single year.

22 So there's also evidence in the record that they may
23 well have been motivated by some mental health issues, which
24 we'll talk about in a moment. So I don't know that I'm -- I
25 agree that those are particular -- that that's a particularly

1 aggravating factor.

2 And I'm really reluctant to get into the nature of the
3 porn. I think that to a certain extent that's already been
4 taken into account in the guideline range, because there are
5 enhancements for things like sadomasochistic conduct. And it's
6 very difficult to assess how different Mr. Cooper's images are
7 than those of other similarly situated child pornography
8 defendants such that I -- without going into looking at them.
9 I'm not an expert. I don't know the difference, and the
10 guidelines really do that work in terms of determining what his
11 underlying guideline range is. So while I understand
12 Mr. Miranda's arguments in that regard, I don't find them
13 persuasive from the standpoint of characterizing this as an
14 especially egregious child pornography offense.

15 Let me turn to the history and characteristics of
16 Mr. Cooper. The probation office has found that you have no
17 prior criminal history, and that's actually not unusual for
18 this kind of crime. I am also aware that you yourself are a
19 victim of sexual abuse, that you struggle as well with a number
20 of mental health conditions; some of which, it appears, may
21 have even contributed to your decision to look at child
22 pornography in the first place.

23 I will also note that you appear to have taken
24 substantial steps toward rehabilitation since the date of your
25 arrest. You've been diligently pursuing mental health

1 treatment and sexual offender treatment. You've been a
2 productive member of society by volunteering with local
3 organizations. You've obtained gainful employment. And -- and
4 this is crucial -- you have expressed deep remorse for your
5 actions.

6 These are all mitigating factors that the Court has
7 taken into account. And I've also reviewed and considered the
8 unusual number of letters that have been submitted on your
9 behalf. Mr. Jeffress, I think one more came in, so I have
10 43 letters in total.

11 MR. JEFFRESS: Thank you.

12 THE COURT: And, Mr. Cooper, you have indicated that
13 you now realize how much support you have, and I have to tell
14 you from my experience, that that is actually true. I
15 appreciated getting the letters from your friends, from your
16 family; people who know a defendant can attest to their true
17 character, and your letters describe you, uniformly, as kind,
18 hard-working, dependable, loving. I have no reason to doubt
19 those representations, and you should be very proud of having
20 such a large and caring group of friends and family members.
21 And you have apparently expressed your remorse to them, and
22 you've been open and honest about your behavior. That's
23 important.

24 I hope that you will continue -- that you will continue
25 to be honest about your circumstances with these people moving

1 forward, because in addition to needing treatment, you're going
2 to need their help, not only during your period of
3 incarceration but afterwards when you return to the community.
4 There are going to be a lot of restrictions that the law places
5 on you because you are a convicted sex offender, and so you're
6 going to need the support of these people during this next
7 phase of your life and beyond.

8 Third, and finally, let me discuss the need to avoid
9 unwarranted sentencing disparities, which is a factor that is
10 often very important in my consideration as to how to sentence
11 a defendant. I have done some research. You heard the
12 attorneys on both sides talking about various cases. I
13 notified the parties prior to this sentencing that I was
14 looking into relevant statistics regarding how other defendants
15 who have been convicted of distribution of child pornography
16 have been sentenced, particularly in cases involving defendants
17 with the same offense level and criminal history score under
18 the guidelines.

19 The same offense level and criminal history score is a
20 way in which to identify actually similarly situated
21 defendants. I asked the United States Sentencing Commission to
22 provide that information, and that agency's data revealed,
23 first of all, that there are only four cases in the District of
24 Columbia in the years 2015 to 2019 that involve the same
25 guideline calculation, and only one of those defendants

1 received a sentence within the guideline range. All of the
2 others received a sentence below the guideline range, with the
3 average sentence being 66 months and the median sentence being
4 60 months.

5 Meanwhile, when I looked at the national statistics for
6 similarly situated defendants, it appears that only 15 percent
7 of defendants received a sentence within the guideline range,
8 while the vast majority received a below-guideline sentence.

9 Among the defendants nationwide who received a
10 below-guideline sentence on the basis of a downward variance as
11 opposed to a departure, the average sentences ranged from 84 to
12 92 months, depending upon whether the government had moved for
13 a variance, while the median sentence ranged from 81 to
14 88 months.

15 In addition to considering the statistics from the
16 Sentencing Commission, I also find it very important to look at
17 my own prior cases when analyzing potential sentencing
18 disparities. As Mr. Cooper's lawyers, Mr. Jeffress and others,
19 have noted in their sentencing memoranda, this case is quite
20 similar to that of Brian Hess. He was a defendant that I
21 sentenced. He had the same total offense level and criminal
22 history score as you do, Mr. Cooper, and he also pled guilty to
23 one count of distribution of child pornography. In Mr. Hess's
24 case, I determined that a sentence within the guideline range
25 would be greater than necessary to comply with the purposes of

1 punishment, and I ultimately sentenced Mr. Hess to 60 months of
2 imprisonment and 120 months of supervised release.

3 Now, in that case, it's important to note that the
4 parties had agreed that a 60-month sentence was appropriate
5 when they negotiated their plea deal; that's what they
6 indicated and -- in their allocation statements before the
7 Court. And that makes it somewhat different in this case
8 because the government here seeks a sentence higher than the
9 mandatory minimum. Namely, 72 months.

10 But as I've already indicated, I don't find persuasive
11 the government's arguments concerning why they think that this
12 is a particularly egregious child pornography offense, which
13 means I struggled to find a good reason to impose a sentence
14 that is more severe in this case than I did in Mr. Hess's case,
15 especially when Mr. Hess's overall actions and activities were
16 more severe than Mr. Cooper's. And you can pull the records in
17 that case, and I won't go into the reasons why, but there
18 were -- there were actions and activities on the part of the
19 defendant that were beyond just possession and distribution
20 and -- and the way in which they appear in this case.

21 Mr. Hess also lacked health-related mitigating
22 circumstances; the ones that Mr. Cooper clearly has. So I
23 think that the need to avoid unwarranted sentencing
24 disparities, especially with respect to sentences that I have
25 imposed, supports the imposition of a sentence that is no

1 greater here than the one that the Court imposed in that prior
2 case.

3 Consequently, taking into account the statements of
4 counsel and the defendant, the letters submitted, the probation
5 office's recommendation, the nature of this crime, and all of
6 the other 3553(a) factors, I do believe that a penalty of
7 60 months of imprisonment is sufficient but not greater than
8 necessary to reflect the seriousness of the instant offense, to
9 promote deterrence, to protect the public from future crimes
10 that may be committed by this defendant, and to avoid
11 unwarranted disparities among defendants convicted of similar
12 crimes.

13 Consistent with the term of supervised release that I
14 have imposed on prior defendants, the Court will impose a
15 period of 120 months of supervised release to permit this
16 defendant to rehabilitate himself and integrate himself fully
17 back into society.

18 Therefore, based on this Court's considerations of all
19 of the 3553(a) factors, I will now state the sentence to be
20 imposed.

21 Mr. Cooper, it is the judgment of the Court that you,
22 Ryan Cooper, are hereby committed to the custody of the
23 Bureau of Prisons for a term of 60 months on Count 1. You are
24 further sentenced to serve the term of 120 months of supervised
25 release on Count 1, and to pay a \$100 special assessment.

1 The Court finds that you do not have the ability to pay
2 a fine and, therefore, waives imposition of a fine in this
3 case. The special assessment is immediately payable to the
4 Clerk of the Court for the U.S. District Court for the District
5 of Columbia. Within 30 days of any change of address, you
6 shall notify the Clerk of Court of that change until such time
7 as the financial obligation is paid in full. The Court waives
8 any interest or penalties that may accrue on unpaid balances.

9 Within 72 hours of release from custody, you shall
10 report in person to the probation office in the district to
11 which you are released. While on supervision, you shall submit
12 to the connection -- excuse me -- to the collection of DNA; you
13 shall not possess a firearm or other dangerous weapon; you
14 shall not use or possess an illegal controlled substance; and
15 you shall not commit another federal, state, or local crime.

16 You shall also abide by the general conditions of
17 supervision adopted by the U.S. Probation Office, as well as
18 the following special conditions, which I will state and then
19 describe the reasons for, as the D.C. Circuit requires.

20 Substance abuse testing. You shall submit to substance
21 abuse testing as approved and directed by the probation office.
22 Given your history of drug use, this condition is the least
23 restrictive means necessary of ensuring that you remain
24 drug-free in the name of rehabilitation.

25 Mental health treatment. You shall participate in a

1 mental health treatment program which may include outpatient
2 counseling or residential placement as approved and directed by
3 the probation office. Given the connection between your mental
4 health issues and the crime for which you have been convicted,
5 this condition is the least restrictive means possible of
6 protecting the public from future offenses, deterring you from
7 committing future offenses, and ensuring that you remain in
8 good mental health in the name of rehabilitation.

9 Mental health medication. You shall take all mental
10 health medications that are prescribed by your treating
11 physician. Again, given the connection between your mental
12 health issues and the crime for which you have been convicted,
13 this condition is the least restrictive means possible of
14 protecting the public, deterring you, and ensuring that you
15 remain in good mental health.

16 Sex offender registration. You shall comply with the
17 sex offender registration requirements of convicted sex
18 offenders in any state or jurisdiction where you reside, are
19 employed, carry on a vocation, or are a student. Imposing
20 registration as a condition of supervised release is the least
21 restrictive means of protecting the public from further sex
22 crimes.

23 Contact restriction. Your contact with minors will be
24 restricted during the period of supervision. You shall have no
25 unsupervised contact with minors under the age of 18 of more

1 than momentary duration without the approval of your treatment
2 provider and the written consent of the U.S. Probation Office.
3 This restriction includes work in any facility for the care or
4 education of children and is the least restrictive means
5 necessary of protecting the public from future sex crimes
6 against minors, of deterring future offenses, and encouraging
7 registration.

8 Sex offender assessment and treatment. You shall
9 participate in a program of sex offender assessment and
10 treatment as directed by the United States Probation Office.
11 At the direction of the United States Probation Office, you
12 shall pay for all or a portion of any treatment program. You
13 shall waive your right of confidentiality in treatment and sign
14 any necessary releases for records imposed as a consequence of
15 this judgment to allow the United States Probation Office to
16 review your course of treatment and progress with treatment
17 providers. This condition is imposed because it is the least
18 restrictive means of providing you with treatment to
19 rehabilitate yourself so that you can move forward from the
20 underlying offense, and it will also deter future conduct
21 involving sex offenses.

22 Computer/internet search monitoring. You shall identify
23 all computer systems, internet-capable devices, and similar
24 memory and electronic devices to which you have access, and
25 permit the installation of a computer or internet-monitoring

1 program on any and all such devices. Given that you initiated
2 and planned the offense -- conviction online via a computer,
3 and in light of your uncharged relevant conduct, which includes
4 possession of child pornography, this is the least restrictive
5 means of protecting the public from future offenses, deterring
6 you from committing future offenses, and aiding in treating
7 your correctional needs.

8 Finally, computer search. You must submit your
9 computers as defined in 18 U.S.C. § 1030(e)(1) or other
10 electronic communications or storage devices or media to a
11 search. You must warn any other people who use these computers
12 or devices capable of accessing the internet that the devices
13 may be subject to searches pursuant to this condition. The
14 probation office -- officer may conduct a search pursuant to
15 this condition only when reasonable suspicion exists that there
16 is a violation of a condition of supervision and that the
17 computer or device contains evidence of this violation. Any
18 search will be conducted at a reasonable time and in a
19 reasonable manner.

20 The Court finds that this condition is reasonably
21 related to the nature and circumstances of your offense, the
22 need to deter criminal conduct, protection of the public, and
23 treatment of your correctional needs because the nature of your
24 offense indicates some degree of risk of recidivism and because
25 any repeated criminal conduct of this nature could well be

1 carried out on your computer.

2 The probation office shall release the presentence
3 investigation report to all appropriate agencies in order to
4 execute the sentence of the Court. Treatment agencies shall
5 return the presentence report to the probation office upon the
6 defendant's completion or termination from treatment.

7 Pursuant to your plea agreement, Mr. Cooper, and
8 Rule 32.2(a) of the Federal Rules of Criminal Procedure, you
9 are ordered to forfeit a silver Apple MacBook Pro as indicated
10 in your plea agreement.

11 Finally, Mr. Cooper, you have a right to appeal the
12 sentence imposed by this Court under the limited circumstances
13 laid out in your plea agreement. If you choose to appeal, you
14 must file an appeal within 14 days after the Court enters
15 judgment. If you are unable to afford the cost of an appeal,
16 you may request permission from the Court to file an appeal
17 without cost to you.

18 Let me ask counsel for both sides if there are any
19 objections to the sentence imposed that are not already noted
20 on the record.

21 Mr. Miranda?

22 MR. MIRANDA: No, Your Honor.

23 THE COURT: Mr. Jeffress?

24 MR. JEFFRESS: No, Your Honor. Thank you.

25 THE COURT: Okay. So that concludes the Court's

1 judgment in this case.

2 Let's turn to the matter of Mr. Cooper's surrender. The
3 Court must now decide whether to have Mr. Cooper detained today
4 or to allow him to self-surrender to D.C. jail on the next
5 business day. It is my understanding that the government and
6 the probation office do not object to self-surrender in this
7 case.

8 Can I just get confirmation of that position,
9 Mr. Miranda?

10 MR. MIRANDA: Yes, Your Honor. That is correct.

11 THE COURT: Ms. Willett?

12 THE PROBATION OFFICER: Yes, Your Honor.

13 THE COURT: All right. So we have no objection to
14 self-surrender. And based on my discussions, Mr. Cooper, with
15 your counsel and with the government, both today and
16 previously, I will allow you to self-surrender. You've been on
17 supervision. You will continue under those conditions until it
18 is time for you to report to jail.

19 And given the circumstances, I will include in my
20 judgment that you shall be ordered to surrender no later than
21 4:00 p.m. on this coming Monday, which is Monday, May 3rd. You
22 will go to the D.C. -- DOC Central Detention Facility, which is
23 located at 1901 D Street, Southeast. I will post a
24 self-surrender order to ECF this afternoon. That's our court
25 filing system. And your lawyers will need to then print it out

1 and make sure that you have a paper copy of that order when you
2 self-surrender. And when you report to jail, please be sure to
3 bring a copy of that order, your photo ID, and any necessary
4 medications. Other than that, please do not bring any personal
5 property. And you're going to report to the rear control tower
6 and inform DOC staff that you are there to self-surrender.

7 I am going to caution you now about your conduct while
8 you are still out on HISP, or high intensity supervision, prior
9 to your self-surrender. We're only talking about a couple days
10 here, but you are required to follow the conditions of release
11 as they have applied to your case and as the pretrial service
12 office has directed and will continue to direct.

13 If you violate any of the conditions, an arrest warrant
14 may issue and you may be detained for failing to comply with
15 the conditions of release prior to your voluntary surrender
16 date. Even more important, the penalties for failure to
17 surrender for service of the sentence in violation of 18 U.S.C.
18 3146(a)(2) are serious. Such a violation is a separate offense
19 for which you could be sentenced to a fine or imprisonment of
20 up to 10 years or both.

21 Is that clear, Mr. Cooper?

22 THE DEFENDANT: I needed to unmute myself. Yes, it
23 is clear, Your Honor. Thank you.

24 THE COURT: All right. Now, Mr. Jeffress, let me ask
25 you about ultimate recommendations for an incarceration

1 facility. As you're aware, the Court does not control where
2 Mr. Cooper serves his time, but I can request in the order -- I
3 can say that we would recommend a certain facility. So do you
4 have that information?

5 MR. JEFFRESS: Yes, Your Honor. I think what we're
6 told to do here is if the -- if Your Honor will do it, is
7 include a three -- three institutions in order of preference,
8 and Mr. Cooper has taken this very seriously and researched the
9 locations and also the availability of programming at these
10 places.

11 I think the number one recommendation for us would be
12 Fort -- I'm sorry. Not Fort -- Devens in Massachusetts, which
13 has various programs and is only about -- I think it's a half
14 hour to 45 minutes from Mr. Cooper's parents' home in
15 New England -- in New Hampshire. Number two would be
16 Petersburg, which I'm sure Your Honor is familiar with, in this
17 area. And then the third choice would be Danbury,
18 D-a-n-b-u-r-y. So that's --

19 THE COURT: All right.

20 MR. JEFFRESS: Your Honor, also, if it would be
21 possible, I think Your Honor referred to this, actually, in
22 Mr. Cooper's, you know, substance abuse and how that factored
23 into this case, and I think it's documented in the PSR, but
24 just so we can try to do everything we can, if Your Honor would
25 recommend in the judgment, the residential drug treatment

1 program, we would appreciate it.

2 THE COURT: All right. Let me ask Ms. Willett
3 whether probation believes that that recommendation is
4 justified based on her investigation of the facts and the PSR
5 in this case.

6 THE PROBATION OFFICER: Yes, Your Honor. I believe
7 that RDAP would be a beneficial program for Mr. Cooper. I also
8 would suggest that the nonresidential sex offender treatment
9 program is also available at Devens.

10 THE COURT: All right. I will recommend in order of
11 preference: Devens, Petersburg, and Danbury. And RDAP and
12 nonresidential sex offender treatment program.

13 MR. JEFFRESS: Your Honor, just one more thing, which
14 is: Michael Cooper has been the custodian for Mr. Cooper's
15 electronics and so forth, and he's been going there to put the
16 computer back. Mr. Cooper's lease is actually up this -- oh,
17 no -- this is -- is this an issue -- no, this is -- it's up
18 today.

19 THE DEFENDANT: (Nods head.)

20 MR. JEFFRESS: Okay. Mr. Cooper can stay at
21 Michael Cooper's place, who is already -- the Court's already
22 familiar with him, and he's been attesting to Mr. Cooper's
23 surrender of electronics every night and so forth. And
24 Mr. Cooper can stay with him until Monday, just so the --
25 everyone is on the same page about where he'll be.

1 THE COURT: All right. Ms. Willett, do you have any
2 objection to that?

3 THE PROBATION OFFICER: No objections, Your Honor.
4 But we would like for Mr. Cooper to provide his address to the
5 probation office.

6 THE COURT: Yes. All right. Provided that
7 Mr. Cooper is going to give the information for where he will
8 be residing between now and Monday, the Court will allow for
9 that -- I guess that's a change in the conditions of release.
10 And, again, Mr. Cooper, this is between now and Monday. And,
11 as of Monday, you will need to self-surrender in the way in
12 which I have instructed. Okay?

13 THE PROBATION OFFICER: Your Honor, my apologies,
14 again. Mr. Cooper should actually report that to the pretrial
15 office. I believe he's still subject to location monitoring
16 requirements with their office. So they'll need to know.

17 THE COURT: Pretrial?

18 THE PROBATION OFFICER: Yes. Yes, Your Honor.

19 THE COURT: Mr. Jeffress, you'll make sure that he's
20 getting that information to the right place. It is pretrial,
21 since he just pled guilty and was convicted right now. So he
22 is still under the conditions of pretrial --

23 MR. JEFFRESS: Absolutely.

24 THE COURT: -- between now and Monday.

25 MR. JEFFRESS: Thank you.

1 THE COURT: All right. Is there anything else that
2 we need to address in this matter this afternoon?

3 MR. JEFFRESS: No, Your Honor. Thank you.

4 THE COURT: Mr. Miranda?

5 MR. MIRANDA: No, Your Honor.

6 THE COURT: All right.

7 Mr. Cooper, I wish you the best of luck. Thank you.

8 THE DEFENDANT: Thank you, Your Honor.

9 (The proceedings concluded at 4:25 p.m.)

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CERTIFICATE OF OFFICIAL COURT REPORTER

I, Nancy J. Meyer, Registered Diplomate Reporter,
Certified Realtime Reporter, do hereby certify that the above
and foregoing constitutes a true and accurate transcript of my
stenograph notes and is a full, true, and complete transcript
of the proceedings to the best of my ability.

Dated this 22nd day of March, 2022.

/s/ Nancy J. Meyer
Nancy J. Meyer
Official Court Reporter
Registered Diplomate Reporter
Certified Realtime Reporter
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Washington, D.C. 20001