

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) **Docket No. 0101 1:19-cr-10459-RWZ**
)
 SHAUN HARRISON)
)
 Defendant.)

SHAUN HARRISON'S SENTENCING MEMORANDUM

Defendant Shaun Harrison (Harrison), through counsel Robert L. Peabody, Esq. of Husch Blackwell LLP, One Beacon St., Suite 1320, Boston, MA, 02108, respectfully submits this Memorandum in advance of his May 4, 2023 Sentencing.

Introduction

Harrison, respectfully, asks the Court to adopt the advisory Sentencing Guideline **Level 36/CHC I** or a sentencing range of **188 to 235** months.¹ Harrison pleaded guilty on August 9, 2022 to Count One of the Indictment charging him with Conspiring to Conduct Enterprise Affairs Through a Pattern of Racketeering Activity; that is, engaging in a racketeering conspiracy, in violation of 18 U.S.C. § 1962 (d). *Presentence Report (PSR) at ¶1 and 5.*

The parties reached a Plea Agreement, dated August 3, 2022, in which the government agreed to recommend a sentence of **218 months**, in accordance with Fed. R. Crim P. 11 (c) (1) (C), or C-plea, following Harrison's guilty plea to Count One of the Indictment. *PSR at ¶2.* Harrison agreed to plead guilty and concurs with the recommended sentence of **218 months**. *PSR*

¹ Harrison has no record of arrests or criminal convictions during his lifetime other than his arrest in this matter by detectives with the Boston Police on March 5, 2015. *PSR at ¶4; ¶¶101-104.*

at ¶2. The parties further stipulated to 36 months of supervised release, no fine as Harrison has no assets to pay a fine, and a mandatory special assessment of \$100.² *PSR at ¶2.*

The Plea Agreement provides Base Offense **Level 33** because Harrison's offense would have constituted first-degree murder. *PSR at ¶75.* Harrison lured the victim to a location in Roxbury on 3/2/15 intending to murder him. However, the victim survived the shooting and, later, testified against Harrison at his 2018 Superior Court trial. *See U.S.S.G. §2A2.1 (a) (1).* *PSR at ¶75.* Harrison earns a **4 level** increase to his Base Offense Level because the victim suffered a life threatening injury to wit: a bullet wound to the head. *See U.S.S.G. §2A2.1 (b) (1) (A).* *PSR at ¶76.* Harrison earns a further **2 level** increase to his Base Offense Level because he knew that the victim was "vulnerable"; meaning that the victim was a minor and a former student of Harrison at English High School. *See U.S.S.G. §2A2.1 (b) (1) (A).* *PSR at ¶77.* Finally, Harrison has accepted responsibility for his conduct and earns a **3 level** reduction to his guideline calculation. *See U.S.S.G. §3E1.1(a) and (b).* *PSR at ¶¶93, 94.* As such, the government and Harrison have calculated his Adjusted Offense Level as **36/CHC I** or a sentence of **218 months**.³ *PSR at ¶95; ¶129 and ¶130.*

Harrison's incarceration in state custody to date

Harrison was convicted of armed assault with intent to murder by a Suffolk County jury and sentenced in Suffolk Superior Court on 6/1/2018 to a term of 18-20 years in state prison. (Harrison's projected parole eligibility date is March 5, 2033; his projected "wrap" date is March 5, 2035.) When imposing sentence in this case, the Court must account for Harrison's **98 months** already served in state custody following his 3/5/2015 arrest for the identical criminal

² A copy of the parties 8/8/22 Plea Agreement is attached as **Exhibit A**.

³ United States Probation Officer Lucian Sousa calculation of Harrison's advisory guideline range is consistent with the parties' calculation -- **Level 36/CHC I** or a sentence of **218 months**. *PSR at ¶129.*

conduct charged in Count One of this Indictment. *PSR at ¶129*. The parties anticipated this eventuality in Para. 5 (Agreed Disposition) of the 8/3/22 Plea Agreement:

The parties agree that...pursuant to USSG §5G1.3 (b) (1) (Imposition of a Sentence on a Defendant Subject to Undischarged Term of Imprisonment), the Court shall adjust the sentence in this case for the period of time already served. The parties agree that the Defendant entered state custody March 4, 2015, which is the date of his arrest in relation to the case indicted and prosecuted as Suffolk Superior Court Docket No. 1584CR10325, and that is the effective date of this sentence....The parties further agree, pursuant to USSG §5G1.3 (b) (2), that the sentence in this case shall be ordered to run concurrently to the remainder of the sentence in Suffolk Superior Court Docket No. 1584CR10325. (emphasis supplied)

*8/9/22 Plea Agreement, Para. 5.*⁴

Currently, Harrison is serving his sentence at MCI Norfolk, 2 Clark St., P.O. Box 43, Norfolk, MA 02056. A copy of the Inmate Sentence Listing (ISL), W111395; Harrison, Shaun O, 8/5/22, referencing Harrison's projected parole/release dates is attached as **Exhibit B**. *PSR at ¶98*.

Harrison Background

Parents and siblings

Harrison was born June 9, 1959 in Boston, MA. *PSR at ¶106*. Harrison was the son of James and Bernice Harrison. Both parents are deceased. *PSR at ¶106*. The Harrisons raised their children in the Roxbury section of Boston and both parents worked full time. Harrison was the sixth child of the Harrison's eight (8) children. James Harrison worked delivering ice and coal to customers in metropolitan Boston while his mother, Bernice, worked as a shoemaker at a

⁴ Further to USSG §5G1.3 (b) (1) and (2), BOP's Sentence Computation Manual clearly explains how inmate sentences are to be computed and what, if any, jail credit is eligible to be awarded/included towards service of the federal sentence. In sum, any time spent in official detention, not credited towards another sentence, and served after the date of the federal offense is to be credited towards the federal sentence. *See Sentence Computation Manual, BOP Program Statement 5880.28, dated July 19, 1999*. In other words, the time Harrison has spent in state custody following his 3/5/15 arrest is to be credited towards his federal sentence because his criminal conduct underlies both state and federal offenses.

Boston-based shoe factory. *PSR at ¶106*. Although Harrison’s parents made enough money to cover rent, food, and support their children, the family’s assets were modest. *PSR at ¶106*.

Harrison had a long and close relationship with his mother – he referred to her as his “best friend.” *PSR at ¶106*. Harrison’s relationship with his father was also close although James Harrison’s bouts of excessive drinking often lead to verbal abuse directed at Harrison and his older siblings. Miraculously, following a confrontation between a 17 year old Harrison and his father about his father’s drinking and abusive treatment of the family, James Harrison stopped drinking altogether leading to a more stable and peaceful home environment. *PSR at ¶106*.

Throughout his childhood, Harrison had close relationships with his seven (7) siblings. *PSR at ¶107*. Following Harrison’s arrest and incarceration in this case, Harrison has maintained close contact with two older siblings, Jimmy Harrison and Katherine Harrison, and two younger siblings, Gina Harrison and Tony Harrison. *PSR at ¶107*. Sister Katherine Harrison has stood by her brother throughout his current ordeal and will attend Harrison’s May 4, 2023 sentencing. A copy of Katherine Harrison’s letter of support is attached as **Exhibit C**.

High School and College education

Harrison attended Boston Public schools and was enrolled at Boston English High School through the 11th grade until he left school to work full time. *PSR at ¶119*. Aware that a high school diploma was necessary for career advancement, Harrison secured his GED certificate in 1982 from Boston State College located at the time on Huntington Avenue in Roxbury. *PSR at ¶119*. Later, Harrison enrolled at Fisher College on Beacon Street in Boston and earned his associate’s degree in criminal justice in 2003. A copy of Harrison’s Fisher College Diploma is attached as **Exhibit D**. In 2006, Harrison graduated from Springfield College with a Bachelor of

Science degree. A copy of Harrison’s Springfield College Diploma is attached as **Exhibit E**.
PSR at ¶119

In addition to Harrison’s formal academic degrees, he also earned certifications in CPR in 2004, “peer mediation” through the *Brookline Community Health Center* in 2006, and as a trainer in conflict resolution through the *Four Corners Neighborhood Association* in Dorchester.
PSR at ¶120.

Religious training

Harrison attended Catholic church services with his family when he was young. *PSR at ¶108.* As Harrison grew up his strong religious interests led him to attend other churches/denominations; for example, the Episcopal Church where he attended services and different religious gatherings. In his late teens, however, Harrison joined the Pentecostal Church in Boston and participated in its intensive Bible studies programs. At 18, Harrison joined the Mt. Calvary Baptist Church in Dorchester where he expanded his religious studies and was, eventually, ordained as a Youth Pastor. In subsequent years, Harrison served as a minister with the Jesus Helps Baptist Church in Roxbury preaching the Gospel on Sundays and at other times counseling participants battling substance abuse, mental health, and other issues.

“Rev” as Harrison has been referred to for many years, continues his pastoral work as an inmate at MCI Norfolk leading informal groups of fellow inmates in prayer and reflection. Harrison joined other inmates at MCI Cedar Junction in completing two Bible studies curriculums. *PSR at ¶108.*

Volunteer work

Harrison’s work history represents a lot of hard work and a tradition of devoted service to his neighborhood and community. Central to Harrison’s working life – yet, tragically, ironic to

Harrison's current plight -- has been a history of community outreach and service to troubled inner-city youths and families suffering personal losses from violence. Over a thirty (30) year span, Harrison served as a volunteer member of many, different community organizations in Roxbury and Dorchester. For example, Harrison joined up with *Operation Men in Black* (OMB); an organization of clergy who patrolled high crime Boston neighborhoods at night confronting gang members and working directly to diffuse street violence. OMB also raised funds to support families suffering losses resulting from inner-city and related gang violence. Harrison joined BPD's *Community Policing Advisory Board* in the B3 precinct (Mattapan/Dorchester) working with other community leaders to stem neighborhood violence. Harrison was also a participating member of *Operation Home Front*; a collaborative BPD gang unit, clergy, and city probation effort to meet with middle school and high school students with truancy issues, gang associations, and exposure to drugs and weapons in their schools. Perhaps, most significantly, Harrison played a visible role in the joint collaboration of the DA's Office, BPD, Probation, and school principals in *Operation Cease Fire*; a city-wide effort to confront gang leaders in face-to-face dialogues in court houses to address urban and gang violence.⁵ *PSR at ¶126.*

Formal employment

While Harrison was enrolled at Fisher College in the early 2000s through 2005, he worked with the City of Boston's Department of Youth Services as a counselor/administrator at the *Inner City Horizon Treatment* and *Hillside Treatments Centers*. *PSR at ¶125.* After earning his Bachelor's Degree from Springfield College in 2006, Harrison worked at the South Boston High School Complex until 2012 in a variety of capacities, including, Administrative Staff

⁵ On his own, Harrison started two outreach youth programs with churches he was associated with at the time – Youth in Crisis Ministry and Operation Go Gang. Both were non-profit organizations committed to working with “at risk” gang members and offering anger management, community service hours, and a book club.

Support, after-school detention coordinator, and, for a time, its Dean of Students. *PSR at ¶124.* Between 2005 and 2015, Harrison worked part-time as a case manager/supervisor at *Bird Street Community Center* in Uphams Corner and as a part-time member of the student support group at Boston Green Academy, a Charter School located in Brighton, MA. In 2014, Harrison worked for a year as a special needs teaching assistant at the Orchards Garden K-8 Pilot School in Roxbury. *PSR at ¶123.* In 2015, and prior to his arrest, Harrison served as a Prevention Counselor for troubled youths at English High School in Jamaica Plain. *PSR at ¶122.*

Marriage and children

Harrison married Lilian Marie Bullock in 1980. The couple are technically married but have been separated (amicably) since 2008. *PSR at ¶109.* Together, they raised eight (8) children; seven sons and one daughter. All his children (except son Joshua) are grown (ages 30 to 38) and are settled, employed, healthy, and live with their families in Massachusetts, Maine, or Florida.⁶ *PSR at ¶110.* This case and the intense media coverage since 2015 has strained Harrison's relationship with his children. *PSR at ¶110.* Fortunately, daughter Lishaunda remains in close contact with her father and acts as "mediator" or "go-between" for Harrison and his sons. Her selfless efforts have helped "defrost" tensions such that father and sons do correspond by letter and have occasional telephone conversations. *PSR at ¶110.* Needless to say, Harrison is hoping some members of his immediate family will attend his May 5th sentencing in addition to sister Katherine Harrison. *PSR at ¶124.*

Harrison's health

Harrison is a 63 year African-American male who suffers from a range of age-related, chronic health conditions that the Court should be aware of before imposing sentence in his case.

⁶ Son Joshua copes with various mental health issues but, nonetheless, is the father of two and lives and works in Fall River, MA.

Harrison suffers from *Type II* diabetes, hypertension, anemia, and SVT (tachycardia); a heart condition that involves an irregular/erratic heartbeat. In addition, Harrison has an arthritic neck and hip, rheumatoid arthritis in both knees, and suffers bouts of *sciatica* in his right hip. *PSR at ¶¶112-113*. During the pandemic, Harrison contracted Covid that caused internal bleeding and required seven (7) days of hospitalization and two blood transfusions. Fortunately, Harrison recovered but his convalescence was lengthy. *PSR at ¶114*.

Harrison is prescribed an extensive course of medications to treat and safely manage his diabetes, hypertension, arthritis, and cardiac issues. Harrison takes daily doses of insulin and metformin (diabetes), lisinopril (blood pressure), metoprolol (heart condition), asorbic acid (anemia), and loratadine for allergies. In addition, Harrison meets with a mental health therapist twice a month and also participates in a group meeting of fellow inmates bi-monthly to help him deal with anxiety and melancholy associated with the lengthy prison term he is serving. *PSR at ¶¶112-114*.

Harrison's incarceration and behavior

Harrison has been in state custody since 3/5/2015. During the previous eight (8) years, Harrison has been a model inmate and has not received a single disciplinary Report (DR). Harrison has also been fully engaged and productive as a prison inmate; both at MCI Cedar Junction and MCI Norfolk where he was transferred in August 2022. *PSR at ¶98*.

For the past four years, Harrison has worked weekdays in the MA License Plate shop, initially, at MCI Cedar Junction and, since last summer, at MCI Norfolk. Harrison earns \$33.00 weekly for working and uses the income to cover email, telephone, and his "canteen" expenses. *PSR at ¶98*. Harrison has also used earnings to pay for correspondence courses offered by *ACCI Life Skills*; an accredited provider of "cognitive life skills courses and programs" that help

inmates prepare to return to their community. To that end, Harrison has completed four (4) ACII programs while incarcerated at Cedar Junction and Norfolk. The programs include Anger Management, Personal Responsibility, Cognitive Awareness, and Restorative Justice Reading Circle. *PSR at ¶98*. ACII Life Skill Certificates of Achievement awarded to Harrison for these programs are attached as **Exhibit F**.⁷

Harrison's demonstrated commitment to leading an engaged and active life in prison is a compelling testament to his determination to finish his state and federal sentences successfully, to better himself in the process, and return to his community rehabilitated and having paid his debt to society,

Conclusion

For these reasons and other considerations, Harrison respectfully requests that the Court imposes a sentence of 218 months, three years supervised release, no fine, and a \$100 special assessment. Further, Harrison asks the Court to ensure that the sentence imposed is adjusted for

⁷ Harrison also successfully completed other certificate programs while at MCI Cedar Junction. These programs focused on such things as Coping Skills, Culinary Arts, and House of Healing. Since moving to MCI Norfolk, Harrison is an active, participatory member and sometime speaker at the Lifers Group, the Toastmasters, and Father's Group. Prison counselors have also asked him to speak at an upcoming Rehabilitative Justice retreat and at "Juneteenth" events on 6/129/23.

the **98 months** Harrison has already served in state custody and that his federal sentence run concurrently with the remainder of Harrison's state sentence.

Respectfully submitted,

SHAUN HARRISON

By his attorney,

/s/ **Robert L. Peabody**

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Dated: May 3, 2023

CERTIFICATE OF SERVICE

I, Robert L. Peabody, pursuant to LCvR 5.6 (*Service of Documents by Electronic Means*), hereby certify that a true copy of the above document was served on Assistant U. S. Attorney's Phillip Mallard by filing electronically using CM-ECF system this May 3, 2023.

/s/ **Robert L. Peabody**

Robert L. Peabody