

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 22-cr-10272-IT
)	
JALONNI SHABAZZ,)	
a/k/a JALONNI TUCKER,)	
Defendant.)	

GOVERNMENT’S SENTENCING MEMORANDUM

I. BACKGROUND

In the early afternoon of May 2, 2022, defendant Jalonni Shabazz, a/k/a Jalonni Tucker, robbed a TD Bank in Cambridge, of \$2,200 and then fled on foot. He committed this bank robbery only 10 days after absconding from a Residential Reentry Center (“RRC”) where he was to serve the balance of his incarcerative sentence for two prior federal bank robbery convictions. *See* PSR ¶40.¹ His criminal conduct is serious and warrants a significant sentence.

On October 6, 2022, a one-count indictment was returned charging the defendant with Bank Robbery, in violation of 18 U.S.C. § 2113(a).² On August 2, 2023, the defendant pled guilty to the charge in the indictment. Sentencing has been scheduled for December 6, 2023. In the Presentence Report (“PSR”), U.S. Probation calculated the defendant’s total offense level as follows: per U.S.S.G. §2B3.1(a), a base offense level (“BOL”) of 20; and, per U.S.S.G.

¹ The court has scheduled a final supervised release hearing in that case for December 6, 2023. It is the undersigned’s understanding that should the Court find the defendant in violation of his terms of supervised release, U.S. Probation’s recommendation is for a period of 24 months in custody, minus any time already served, concurrent with the sentence imposed in the instant case, with no supervised release to follow. *See* docket #16-cr-10304-IT. *See* PSR ¶40. The government concurs with that proposed recommendation.

² The indictment also contains a Forfeiture Allegation pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 28 U.S.C. § 2461(c).

§2B3.1(b)(1), an additional 2 level increase because the property of a financial institute was taken. This results in an adjusted offense level of 22. *See* PSR ¶24. With a three level reduction for acceptance of responsibility, pursuant to U.S.S.G. § 3E1.1, U.S. Probation calculated the defendant's total offense level ("TOL") to be 19. *See* PSR ¶¶ 19-28. Per the PSR, the defendant's criminal convictions result in a subtotal criminal history score of 16. *See* PSR ¶42. The defendant committed the instant offense while under a criminal justice sentence for prior federal convictions of Bank Robbery and therefore, one additional point is added resulting in a total criminal history score of 17, which establishes a criminal history category ("CHC") of VI. *See* PSR ¶40, 42-44. A TOL of 17 and a CHC of VI results in an advisory guideline sentencing range ("GSR") of 63-78 months.³ *See* PSR ¶85. The statutory maximum term of imprisonment is 20 years. *See* PSR ¶84.

The government recommends a sentence of 78 months in this case which represents the high-end of the advisory guidelines sentencing range. The government also recommends a period of 3 years of supervised release, restitution in the amount of \$2,200, a \$100 mandatory special assessment, and forfeiture.⁴ The government contends this sentence is warranted for several reasons: the nature and circumstances of this crime; the fact that the defendant was under the federal criminal justice system for two prior bank robbery convictions, escaped custody, was found in violation of his terms of supervised release in that case, and thereafter, absconded from

³ Per the Judiciary Sentencing Information ("JSIN") outlined in the PSR, during the last five fiscal years, of the defendants convicted of this crime, with a total offense level of 19 and a CHC of VI, the average length of imprisonment was 59 months the median length of imprisonment was 63 months. *See* PSR ¶98.

⁴ As it relates to the supervised release petition for the defendant's prior bank robbery convictions, the government recommends the sentence proposed by U.S. Probation.

the RRC in that prior federal case less than 2 weeks before committing the instant bank robbery; the defendant's history and characteristics, which include a lengthy criminal record consisting of multiple convictions for serious and violent crimes; the real danger posed to the community by individuals who rob banks, and the need to protect the public; and specific and general deterrence.

II. 18 U.S.C. § 3553(a) FACTORS

1. Nature of the Offense

The government argues that in calculating the sentence, the Court should consider the seriousness of the offense. *See* 18 U.S.C. § 3553(a)(requiring assessment of the nature and circumstances of a defendant's offense). Bank Robbery is a serious offense and should not be minimized. On May 2, 2022, at approximately 12:49 pm, the defendant robbed the TD Bank located at 1270 Massachusetts Avenue in Cambridge. *See* PSR ¶7. He entered the bank, walked up to the victim teller's counter, and handed her a note which read as follows: "All of the money - No Dye packs - or alarms." The victim teller, who pretended to be unable to read the note, asked the defendant if he would like to make a deposit and he told the victim teller "this is a robbery honey." The victim teller complied with the defendant's demands and proceeded to hand over U.S. currency bills containing a GPS tracker. The defendant manipulated the cash and placed the GPS tracker back onto the teller's counter and told the victim teller "Honey, I told you no bait money" and demanded more money. The victim teller complied with his demand and handed the defendant another stack of money from her cash drawer. The defendant robbed the bank of \$2,200 in cash and then fled on foot in the direction of Plympton Street. *Id.*

A short time later, law enforcement responded to the TD Bank and interviewed the bank

employees. *See* PSR ¶9. The victim teller provided a physical and clothing description of the robber, including that the robber wore a blue had with the letter “B” on it. TD Bank surveillance footage from the time of the robbery captures the robber. *Id.* That same day, authorities also searched the surrounding area of the bank and recovered a blue baseball hat with the letter “B” on it that was found on the ground a short distance from the TD Bank. *See* PSR ¶10. The hat appeared consistent with the hat worn by the robber, later determined to be the defendant. *Id.* Authorities submitted the blue baseball hat to the Massachusetts State Police Crime Lab who confirmed that the DNA profile obtained from the baseball hat is linked to the defendant’s DNA profile. *See* PSR ¶11.

Law enforcement also obtained video surveillance footage from different cameras at nearby businesses during the approximate time frame of the robbery. Some of the video footage captures the defendant just prior to the robbery, including entering the bank, while other footage captures him in the area of the bank shortly after the robbery. *See* PSR ¶11.

In connection with this investigation, law enforcement also located a Facebook account for the defendant under the profile name of Lonnie Ali. *See* PSR ¶12. The Facebook profile link lists the defendant’s name of jalonni.shabazz and his Facebook account contains several images of the defendant, including a photo of him depicting a left arm bicep tattoo and having platinum blond hair, as well as a camouflage garment article of clothing worn around his neck, that all appear similar to the tattoo, the clothing worn around the neck, and the hair color of the person who robbed the TD Bank on May 2, 2022. *Id.*

On May 26, 2022, defendant was arrested on a warrant issued for violation of his supervised release for the unrelated prior federal bank robbery convictions referenced above (*see*

case no. 16-cr-10304-IT). *See* PSR ¶40. On that same date, law enforcement interviewed the defendant at the courthouse. Post-*Miranda*, he stated, among other things, that he never had the intention to harm anyone. *Id.*

2. The defendant's criminal history and characteristics

While the seriousness of the offense is a significant factor the government has considered in fashioning its recommendation, the defendant's criminal history is of equal import. The defendant is currently 41 years old with a criminal record that spans 24 years, which is replete with a host of convictions, including for the same crime that he awaits sentencing before this Honorable Court. The PSR determined that the defendant accumulated a total criminal history score of 17, resulting in a CHC of VI. *See* PSR at ¶43-44. The defendant's criminal record dates back to 1999 when he was only 17 years old. He has been convicted of a significant number of crimes, including two prior Bank Robbery convictions (from a single charged case), as well as convictions for Armed Robbery(2007: 5 years imprisonment), Unarmed Robbery, Intimidation of a Witness, and Threats (2013: 4 year to 4 year and 1 day committed sentence); Threats (2009: 30 days imprisonment); Larceny from a Person (2006: 18 months imprisonment with 6 months to serve with the balance suspended for two years); Larceny >\$250, Uttering, Forgery, Receiving Stolen Property (2007: 1 year imprisonment); and Assault and Battery with Dangerous Weapon (2001: probation for 6 months). *See* PSR at ¶¶32-41. As stated above, this is not his first robbery conviction. In 2007, he was charged in state superior court of armed robbery of a bank. *See* PSR ¶37. In 2012, he was convicted of unarmed robbery at a Red Roof Inn. *See* PSR ¶39. Thereafter, in 2016, at the age of 34, the defendant was convicted in federal court of 2 counts of Bank Robbery. *See* Docket # 16-CRT-10304 and *see* PSR ¶40. In that

case, on July 18, 2017, was sentenced to 54 months followed by 3 years of supervised release for those two bank robbery convictions.⁵ *See* PSR ¶ 40. Yet, now the defendant asks the Court to impose a sentence that is even lower than his prior federal sentence of 54 months.

At his sentencing hearing in that prior federal bank robbery case, the defendant informed the Court that he “will do very well while incarcerated.” *See* sentencing transcript for docket no. 16-cr-10304-LTS, ECF No. 49 at pp. 30. He also informed the Court of the following: “And I also believe, with an effective treatment plan and working collaboratively with the probation department, I believe that I would obtain sobriety and be on the road to proper sobriety.” *Id.* at p. 31. He indicated his future plans including him working with probation. *Id.* at p. 32. Yet, his actions of absconding from a RRC and from violating his terms of supervised release, and committed a new bank robbery while under that criminal justice system demonstrate a complete lack of working collaboratively with U.S. Probation or abiding by his conditions of supervised release. At that sentencing, the defendant informed the Court that he was “going to demand a change from myself.” *Id.* at p. 32. He admitted to the Court that in that case, he “made poor decisions and they harmed people. Today I choose to make better choices.” *Id.* He went on to state that he is going to adopt a lifelong commitment to the victims, his family and the community. *Id.* Yet, he did not follow that commitment or change his behavior. Instead, he reverted to the same criminal behavior of robbing another bank, and by doing so, victimized another bank employee.

In that same prior bank robbery case, on November 5, 2020, he was released to home

⁵ Per the sentencing transcript from that case, Defendant faced an advisory guidelines sentence of 77-96 months in that case (TOL21/CHC VI). *See* docket # 16-cr-10304-LTS at ECF No. 49, at pp. 8-9.

confinement but thereafter, on January 11, 2021 he escaped from custody. *See* PSR ¶¶40. Three days later on January 14, 2021, he was returned to custody. On April 30, 2021, he was released from custody. *Id.* On January 13, 2022, he was found in violation of supervised release and received a period of imprisonment until February 4, 2022, followed by 33 months of supervised release. Then, on April 22, 2022, he absconded from the Residential Reentry Center (“RRC”).
Id.

Less than two weeks after he absconded from the RRC, the defendant committed the instant bank robbery. In addition to violating his terms of supervised release, the defendant has also been found in violation of his terms of probation on other cases. *See* PSR ¶¶35, 39, 40. Yet, he asks this Court to impose a sentence that is even lower than the sentence he received for his prior federal bank robbery convictions. The government suggests that would neither serve to protect the public, nor would it send a deterrent message to the defendant or to other similarly situated defendants. As illustrated by his lengthy and serious criminal history, the defendant has demonstrated a repeated penchant for committing serious and violent offenses for more than 24 years and has committed a new crime of bank robbery while under the criminal justice system, and after being convicted of the same offense previously both in state court and in federal court.

3. Specific and General Deterrence

The Court should also consider specific and general deterrence in this case. *See* 18 U.S.C. § 3553(a)(2)(B),(C) (the district court may impose a sentence “to afford adequate deterrence to criminal conduct” and “to protect the public from further crimes of the defendant). Here, the defendant has been involved with the judicial system since the age of 17 in 1999 and has previously received significant committed sentences. Yet, he has escaped from custody,

absconded from a residential reentry center, violated his terms and conditions of probation and supervised release, and has demonstrated disrespect for the law and for Court orders, and importantly, continues to commit serious crimes. Clearly, specific deterrence is a factor to be considered in this case.

The government asserts that the its recommended sentence of 78 months is an appropriate significant sentence which will communicate to the defendant that he must stop committing crimes. General deterrence is an equally important consideration as well. Such a sentence will send a message to similarly situated individuals who have committed a litany of serious crimes, that if they continue their criminal conduct and are convicted in federal court, they too will face significant sentences.

III. CONDITIONS OF SUPERVISED RELEASE

The government also recommends the maximum term of three-years of supervised release. The government suggests this will allow U.S. Probation to closely monitor the defendant for a 3 year period of time after he completes his committed sentence to again assist with his re-integration into society and, this time, will hopefully increase the likelihood that he will not re-offend again. The government is aware of the information outlined in the PSR relative to, among other things, the defendant's horrific childhood, his medical history, as well as his significant history substance abuse and his interest in continuing his mental health counseling which he believes that co-occurring mental health and substance abuse treatment may benefit him, his sporadic work history, and his completion of parts one and two of the District of Massachusetts' Restorative Justice ("RJ") Program in April 2022. *See* PSR ¶¶50-79. However, even completing two parts program of the RJ program did not deter the defendant

because less than a month after completing those parts, he robbed another bank. The government asks that mental health treatment and substance abuse treatment be imposed during the period of supervised release and that he also seek and maintain employment throughout the pendency of his supervised release. The government argues these conditions are appropriate.

IV. CONCLUSION

In light of the above, the government recommends the imposition of 78 months incarceration, followed by three years of supervised release with the special conditions of supervised release recommended herein, \$2,200 in restitution, a \$100 special assessment, and forfeiture. The government argues that the proposed sentence properly takes into account and balances the various 18 U.S.C. § 3553 factors, as discussed above and that it is a sufficient, but not greater than necessary, sentence that complies with the dictates of that provision. This sentence is an appropriate one that the government urges this Court to adopt.

Respectfully submitted,

JOSHUA S. LEVY
ACTING UNITED STATES ATTORNEY

By: /s/ Suzanne Sullivan Jacobus
Suzanne Sullivan Jacobus
Assistant U.S. Attorney

Dated: November 29, 2023

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Suzanne Sullivan Jacobus
Suzanne Sullivan Jacobus
Assistant U.S. Attorney