

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

|                                  |   |                                     |
|----------------------------------|---|-------------------------------------|
| <b>UNITED STATES OF AMERICA,</b> | ) | <b>CASE NO. 3:25-CR-1140-JFA</b>    |
|                                  | ) |                                     |
| <b>v.</b>                        | ) | <b>MOTION FOR DOWNWARD VARIANCE</b> |
|                                  | ) |                                     |
| <b>ANTHONY REESE,</b>            | ) |                                     |
|                                  | ) |                                     |
| <b>DEFENDANT.</b>                | ) |                                     |

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Over a decade has passed since Anthony Reese was last arrested and convicted of a felony offense. Since 2013, he has largely stayed out of legal troubles, only accruing some driving-related charges. Now, facing a brutal cross reference and accompanying state charges, Anthony Reese may very well spend the rest of life behind bars. The instant motion seeks to prevent death by incarceration.

In the same breath, the defense recognizes that this is an atypical 18 U.S.C. § 922(g) case. There are serious aggravating factors which impact this matter. However, if the cross reference is applied based upon the preponderance of the evidence standard, the statutory maximum of 180 months is more punishment than necessary for the federal offense of conviction when the 18 U.S.C. § 3553(a) factors are considered in their totality. Stated differently, the Guidelines are the starting point; they are not the end of the inquiry.

Accordingly, NOW COMES the Defendant, ANTHONY REESE, by and through his attorney, and respectfully moves this Honorable Court to impose a sentence below the recommended Guidelines range pursuant to United States v. Booker, 543 U.S. 220 (2005) and 18 U.S.C. § 3553(a).

## INTRODUCTION

According to the Presentence Investigation Report (“PSR”), Anthony’s total offense level is 42. PSR ¶ 65. His criminal history category is I. PSR, ¶ 78. Given that the statute to which Mr. Reese pled carries a maximum of fifteen years, this gives rise to an advisory Guideline range of 180 months’ imprisonment. PSR, ¶ 78. There is one outstanding objection filed by the defense related to ¶¶ 8-15, 18-20, 56, 57, 61, and 65.

Mr. Reese contends that a Guideline sentence is substantially greater than necessary to comply with the purposes of sentencing set forth in 18 U.S.C. § 3553(a). He asserts that the sentencing factors found in 18 U.S.C. § 3553(a) justify this Court in sentencing him to a term of imprisonment below the applicable Guidelines range.

## LEGAL STANDARDS

“As a matter of administration and to secure nationwide consistency,” correctly calculating the sentencing Guidelines range is the starting point of the federal sentencing process. Gall v. United States, 552 U.S. 38, 50 (2007). However, the Guidelines range is “one factor among several” to be considered in imposing an appropriate sentence under § 3553(a). Kimbrough v. United States, 552 U.S. 85, 90 (2007). The Court must “consider all the § 3553(a) factors” and “make an individualized assessment based on the facts presented.” Gall, 552 U.S. at 50. “It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue.” Koon v. United States, 518 U.S. 81, 113 (1996). Such consideration is necessary for the Court to fulfill its “overarching duty under § 3553(a) ‘to impose a sentence sufficient, but not greater than necessary[]’ to comply with the sentencing purposes set forth in § 3553(a)(2).” Pepper v. United States, 562 U.S. 476, 491 (2011).

## ANALYSIS

### I. THE HISTORY AND CHARACTERISTICS OF ANTHONY REESE JUSTIFY A SUBSTANTIAL VARIANCE.

Given the mandate of 18 U.S.C. § 3553(a), it is necessary for the Court to consider, among other factors, Mr. Reese's personal history and characteristics.

Judge Jed S. Rakoff forcefully and eloquently set forth the overriding importance of this consideration in sentencing when he wrote:

[S]urely, if ever a man is to receive credit for the good he has done, and his immediate misconduct assessed in the context of his overall life hitherto, it should be at the moment of his sentencing, when his very future hangs in the balance. This elementary principle of weighing the good with the bad, which is basic to all the great religions, moral philosophies, and systems of justice, was plainly part of what Congress had in mind when it directed courts to consider, as a necessary sentencing factor, the history and characteristics of the defendant.

United States v. Adelson, 441 F. Supp. 2d 506, 513-14 (S.D.N.Y. 2006) (Rakoff, J.), aff'd, in part, 237 F. Appx. 713 (2d Cir. 2007) and aff'd, 301 F. Appx. 93 (2d Cir. 2008). Mr. Reese's history and characteristics certainly justify this Honorable Court in imposing a sentence below the advisory guideline range.

Born in 1970, Anthony Reese is 56 years old. The average life expectancy for a male in the United States, according to the U.S. Centers for Disease Control, is 76.5 years old.<sup>1</sup> Based on this numerical mean, he has approximately 20 more years to live. However, incarceration can drastically affect both the quality and quantity of Mr. Reese's remaining years.

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<sup>1</sup> <https://www.cdc.gov/nchs/fastats/life-expectancy.htm> (last accessed September 16, 2026).

According to a 2020 study<sup>2</sup> entitled “The Consequences of Incarceration for Mortality in the United States,” there are significant direct effects of incarceration:

Previous research suggests that prison populations have characteristics that increase exposure to various health risks and mortality during the prison term served. Prisoners are often held in overcrowded and unsanitary conditions that are conducive to the spread of communicable diseases. This may account for the fact that incarcerated populations experience higher rates of infectious diseases (National Research Council, 2014). According to the Centers for Disease Control and Prevention, 2011, prevalence of syphilis, gonorrhea, and chlamydia are higher among inmates in correctional facilities than in the general population. These are all conditions that, in the absence of timely screening and adherence to treatment, may impair the health of individuals years after they leave the prison.

Similarly, prison environments expose individuals to both chronic and acute stress and promote unhealthy behaviors, trigger mental health problems and physical injury. This could explain drug abuse, depression, chronic anxiety, poor self-rated health, and plummeting life satisfaction. Additionally, extreme exposures, such as solitary confinement, increase the risk of fatal self-harm (e.g., hanging and ingesting poison).

As is the case of communicable diseases, unhealthy behaviors and ill-mental health may influence individuals not only during their prison term but could have strong lagged effects spread over an individual’s post prison adult life. The impact of communicable diseases, mental illness and unhealthy behaviors during life in prison and its post-release effects may become worse or better depending on the prison setting and, importantly, on whether or not it hosts routine access to prevention and treatment programs.

Located within the final section of the study was the following: “These mortality excesses translate into losses of life expectancy at age 45 of about 4-5 years or 13 percent of current US life expectancy at age 45.” Id. If you combine a potential fifteen-year sentence with 4-5 years’ reduction of life expectancy, the grim reality is that Mr. Reese may not see the outside world again.

This realization is made worse by the fact that the defendant’s father died in 1993, when Mr. Reese was just 23 years old. His mom passed soon thereafter, just three years later. Her

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<sup>2</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC7710643/pdf/nihms-1645870.pdf> (last accessed September 16, 2026)

gravestone is located in Lincoln Cemetery in Columbia. His father had health-related maladies, and his mom suffered from cancer. Mr. Reese was close with his maternal grandmother, Lola Bryson; she also passed away in the 1990's. Although his parents divorced when he was in middle school, he maintained a relationship with his father while living with his mother. Similarly, Mr. Reese maintains a positive relationship with his seven living siblings. Tragically, his eighth sibling was shot and killed on December 15, 1999. In 2007, two men were charged with various crimes leading to the death of Bobby Reese.<sup>3</sup> Mr. Anthony Reese described Bobby as his closest brother before he was murdered.

Beyond his parents and siblings, Mr. Reese is a father and grandfather. He has four children. Much like the rest of his family, Mr. Reese maintains a loving relationship with all of his children. He is a proud grandfather of five. He has fond memories of taking them to playgrounds, parks, trampoline parks, and the South Carolina State Fair. Prior to his incarceration, he loved watching his youngest child play football.

Mr. Reese grew up in a public housing development in Columbia called Jagger's Terrace. Growing up, he tutored other students in math and history. He recalls his grades, attendance, and behavior being respectable. He walked to school every day and played three sports: basketball, baseball, and football. There was always an adult in the house when he returned home from school.

Right before he turned 20, he enlisted in the United States Army. He served his country for two years. While away, he missed the birth of one of his children.

In addition to selfless service in the military, Mr. Reese is a devout Christian. He attended the First Nazareth Baptist Church in Columbia. He also helped elderly members of the community

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<sup>3</sup> <https://www.wistv.com/story/6599795/columbia-cold-case-investigators-make-arrests-in-two-shootings/> (last accessed September 16, 2026).

in the Wildwood Downs and Lakeview neighborhoods. Mr. Reese is a masterful gardener with over two decades of experience. He's been a painter for just as long.

As indicated in both the PSR and the first page of the instant motion, Mr. Reese's guidelines as currently calculated are:

|                           |    |
|---------------------------|----|
| Offense Level             | 42 |
| Criminal History Category | I  |

Assuming *arguendo* that the cross reference does not apply, Mr. Reese's guidelines would be (based on the felon in possession penalties contained in 18 U.S.C. § 922(g)(1) and USSG §2K2.1):

|                           |                 |
|---------------------------|-----------------|
| Offense Level             | 25 <sup>4</sup> |
| Criminal History Category | I               |

Thus, his guidelines would be approximately 57-71 months. The currently-calculated guidelines—based on the cross reference—are three times what his sentencing range would be otherwise. To be clear, this information is largely provided for context. If the cross reference is determined to apply the guidelines will have been correctly calculated. This section is offered to show the unfortunate result of the cross reference's potential application.

Of note is paragraph 97 from the PSR. Using the JSIN ("Judiciary Sentencing Information") database, the United States Probation Office has correctly determined that "there was an insufficient number of defendants" sentenced in the last five fiscal years with the offense level and criminal history category that Mr. Reese has been assigned. Perhaps that could be representative of the fact that many defendants with minimal criminal history are rarely convicted at such a high level.

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<sup>4</sup> Base offense level (20) + stolen firearm (2) + another felony offense (4) + flight (2) = 28. Subtracting (3) for acceptance of responsibility = 25.

By comparison, offense levels 34 and 35 (criminal history I) include 180 months—Mr. Reese’s currently guidelines—within the sentencing range:

|               |           |                |
|---------------|-----------|----------------|
| <b>Zone D</b> | <b>26</b> | <b>63–78</b>   |
|               | <b>27</b> | <b>70–87</b>   |
|               | <b>28</b> | <b>78–97</b>   |
|               | <b>29</b> | <b>87–108</b>  |
|               | <b>30</b> | <b>97–121</b>  |
|               | <b>31</b> | <b>108–135</b> |
|               | <b>32</b> | <b>121–151</b> |
|               | <b>33</b> | <b>135–168</b> |
|               | <b>34</b> | <b>151–188</b> |
|               | <b>35</b> | <b>168–210</b> |
|               | <b>36</b> | <b>188–235</b> |
|               | <b>37</b> | <b>210–262</b> |
|               | <b>38</b> | <b>235–293</b> |

Using the JSIN Dashboard for those cells yields the following information:

Offense Level 34- During the last five fiscal years (FY2021-2025), there were 14 defendants whose primary guideline was §2K2.1, with a Final Offense Level of **34** and a Criminal History Category of I, after excluding defendants who received a §5K1.1 substantial assistance departure. For the 14 defendants (100%) who received a sentence of imprisonment in whole or in part, the average length of imprisonment was 94 month(s) and the median length of imprisonment imposed was 104 months.

Offense Level 35- During the last five fiscal years (FY2021-2025), there were 5 defendants whose primary guideline was §2K2.1, with a Final Offense Level of **35** and a Criminal History Category of I, after excluding defendants who received a §5K1.1 substantial assistance departure. For the 5 defendants (100%) who received a sentence of imprisonment in whole or in part, the average length of imprisonment was 118 month(s) and the median length of imprisonment imposed was 120 months.

Both of those sets of data illustrate judges varying downward.

Mr. Reese has many supporters in his proverbial corner. (Exhibit 1: Letters of Support). His family loves and cares for him. As noted, *supra*, he has an extensive family. He is the father/grandfather of almost 10 individuals. He has touched countless lives, and a lengthy sentence would result in a significant deprivation of familial contact. That said, Mr. Reese acknowledges the error of his ways. (Exhibit 2: Letter of Remorse). He is not seeking to elude or escape responsibility.

In this unique case, where the cross-referenced conduct is substantially more serious than ordinary felon-in-possession conduct, it will be challenging to determine the appropriate sentence. But as stated at the outset, Mr. Reese's recent criminal history warrants serious consideration. His prior record should be neither minimized nor overlooked, and the defense is not asking the Court to pretend the previous convictions never occurred. But the Guidelines' treatment of those convictions (particularly the older, more serious ones) reflects their diminished temporal significance. And at the time of the instant offense, Mr. Reese appeared to be on the path to a life away from crime. His criminal conduct had fallen off. The Court's sentence should account for the possibility of rehabilitation rather than treating a term of lengthy incarceration as the only relevant sentencing objective.

## **II. THE REMAINING SENTENCING FACTORS WEIGH IN FAVOR OF A VARIANCE**

Mr. Reese is going to serve a significant amount of time at the Bureau of Prisons. His actions understandably have consequences. A sentence of less than 180 months can still be severe enough to provide substantial punishment, deterrence, and time for rehabilitation.

The defense does not minimize the seriousness of his flight from law enforcement. That conduct is properly considered under the § 3553(a) factors but is also taken into consideration in the Guidelines calculation. As such, one episode occurring during the same period of conduct is

already reflected in the Court's consideration of the firearm offense (and potentially the cross reference). It does not independently establish that the maximum available federal sentence is necessary to accomplish the purposes of sentencing.

This is a serious offense. Mr. Reese's actions warrant punishment. And if proven, the cross reference conduct is entirely concerning. But that does not automatically justify a sentence of 180 months. Particularly given his age, the goal protecting the public from further crimes of Mr. Reese can be satisfied with a sentence of less than 180 months. Further, since he has found work across twenty years as a handyman painter and gardener, there is no need to provide him with educational or vocational training. He hopes to spend time with his family if given the opportunity.

### **CONCLUSION**

Anthony submits that when this Court conducts a "unique study in [his] human failings," it will determine that the advisory Guideline range is substantially greater than necessary to comply with the purposes of sentencing provided under 18 U.S.C. § 3553(a). Therefore, for all the reasons stated herein, Anthony respectfully moves this Honorable Court to impose a sentence below the recommended Guidelines range.

Respectfully submitted,

s/Taylor D. Gilliam

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September 16, 2026  
Columbia, South Carolina

Exhibit 1

Letters of Support

Dear Judge Anderson,

My name is Shylique Reese, and I am Anthony Reese's son. I would like to share my experience with my father and the impact he has had on my life.

My father has been a constant presence in my life from childhood through my high school graduation. He has always been a loving, supportive, and hardworking father to both me and my younger brother, Amahd. Throughout our lives, he worked hard to provide for us and made sure we had everything we needed.

Growing up, my father taught us valuable lessons about responsibility, respect, and what it means to be a young man. He took pride in caring for us, whether it was making sure we were clean, giving us haircuts, helping us with life lessons, or simply spending quality time with us. He always kept us involved in positive activities by taking us to museums, basketball gyms, sporting events, and other places that helped us learn, grow, and stay active.

Some of my best childhood memories are from Christmas. My father always worked hard to make the holidays special for our family, and he did everything he could to make sure we were happy. More importantly, he made us feel loved and cared for every day of the year.

To me, my father has always been a hardworking, kind, and caring man. He is someone who was respected and loved by many people, especially his family. As his son, I have always looked up to him. Much of who I am today comes from following his example and trying to make him proud. He has been one of the biggest influences in my life, and I have always admired the man he is.

Thank you for taking the time to read my letter and consider my perspective regarding my father.

Respectfully,

Shylique Reese

FITSNNEWS

Dear Judge,

I am a sister of Anthony Reese. Growing up near him, we shared some of the same friendships. Anthony would be the one to tell jokes and get everyone laughing when things got too competitive in the games we played. Basketball was his favorite, for you would catch him on the basketball court every day. Once he finished his high school education, he joined the military for a while. After that, he worked to help provide for himself and children. With him being a father to sons, he often took them to different local gyms to get them involved in sports also. Every time I see him, he is dressed well because he cares a lot about his appearance, for that is what our mother taught us, which she is now deceased. His soft-spoken mannerism comes from her. For the past few years, he texted me every holiday and birthday to wish it a happy one.

I

Thank you,

Darlene Ladson

10/14/2025

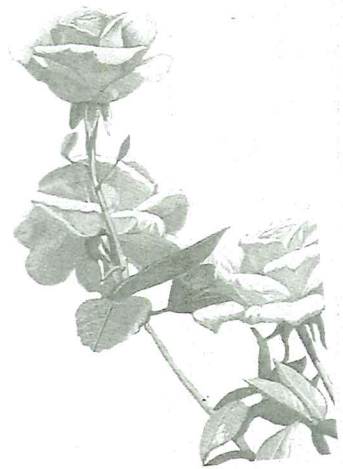
Anthony,

I wanted to let you know  
that Mamma and I are  
extremely surprised and sad-  
dened to learn of your arrest.  
There is nothing we've ever seen  
in your personality that would  
lead us to believe you are  
capable of such an act and we  
can only assume it was a  
tragic accident.

All your gardening ladies are  
concerned about you and hope  
for a good outcome of this  
situation.

Thank you for everything you've done for all of us. Pam

Wishing you strength and comfort  
during this difficult time





Mrs. Pamela Jolley



14 OCT 2025 PM 3:14



BMU

BMU  
38469

Anthony Reese  
Alvin S. Glenn Detention  
Center  
201 John Mark Dial Drive  
Columbia SC 29209



Exhibit 2

Letter of Remorse

Dear Honorable Judge

Peace and Goodwill to you and all that grace your presence. I being of sound mind and spirit would like to humbly apologize for my actions. I let a lot of people down through these actions. I deeply regret having a weapon in my possession at the time of my arrest. I had no intentions of harming or using it in any way, it was in my vehicle for me to turn over to the police the following day. I have 4 kids 36, 35, 21, and 15, the 15 & 21 yr old live in the same household and depend on me for everything. Their mother is not capable of taking care of them by herself and I fear greatly for their welfare. I also take care of a few elderly whom depend on me as well and I would be torn if anything was to happen to either of them. These people have been in my life since my 2 yr old was born and have helped me become a better man and father. I stumbled a few times with the 21 yr old, but since the 15 yr old was born I've been on the straight and narrow. I cut ties with all my old friends that I got troubled with and became a God fearing man and devoted my life to taking care and spending time with them, and I can honestly

Say "These were the Best days of my life"  
I wish how I was there for them the same  
way with my older kids, but they understand  
people change and sometimes for the better.  
I've really grown since these elderly women  
came into my life, their guidance has taught  
me patience and gave me wisdom. On that  
note your Honor, I beg that you have mercy  
on me in my sentencing and have some  
compassion for me as well as my kids and loved  
ones so that we continue down this path of  
righteousness and continue to grow together as  
a family.

Sincerely,  
Anthony Reese