

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION**

UNITED STATES OF AMERICA	:	2013CF118397
	:	
V.	:	
	:	JUDGE ROBERT MORIN
SOSEFINA AMOA	:	
PDID: 676469	:	CSH: MAY 23, 2014

GOVERNMENT'S MEMORANDUM IN AID OF SENTENCING

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby submits this memorandum in aid of sentencing. Based on the facts of this case and the defendant's conduct and criminal history, the United States respectfully requests that this Court impose a sentence of five years, impose the maximum supervised release, order the defendant to make payments to the Victims of Crime Fund, impose court costs, obtain mental health treatment, and advise her that she is subject to deportation.

I. Background

On October 5, 2013, the defendant, who is 26 years old and from the island of Samoa, arrived in the United States and began her "Religious Formation" program at the "Little Sisters of the Poor" facility, located at 4200 Harewood Road, N.E, Washington, D.C. The "Little Sisters of the Poor" is an international congregation of Roman Catholic Women who provide worldwide service to the elderly poor. The defendant was to reside in the convent for a five month period, receiving religious classes, doctrine, prayer life, community life, and caring for the residents. In other words, she was considered a "Postulant," a person who wanted to be admitted into a

religious order. During the first few days after the defendant arrived at the Convent, members of the Order noticed that the defendant was having difficulty kneeling.

On Thursday, October 10, 2013, the defendant asked to be excused from her duties and stated that she was having menstrual cramps. The defendant stated that she began to experience bleeding around 8:30 a.m. or 9:00 a.m. and had significant abdominal pain. She went to her room. On several occasions, one of the Sisters went to her room and offered her assistance or food. The defendant refused. The Sister observed that the defendant looked sweaty and in pain. At around 11:00 a.m., the defendant reported that after 15 or 20 minutes, she felt the baby started "coming." She stood on the floor while leaning on her bed and the baby "came out" and fell straight down, striking the floor. She described experiencing severe stomach pain. The baby cried for two to three minutes. She laid on the floor next to the child and could see that he was not breathing. The defendant cleaned the room with rags and left them in the trash pail in the room.

The defendant woke up on Friday, October 11, 2013 at around 8:30 a.m. or 9:00 a.m. and contacted a Religious Sister who resided in the Convent. Initially, the defendant told the Sister that she had to show her something. The defendant took the witness to her room and showed her the baby. The Sister looked at the baby and knew that it was dead. Initially, the defendant told the Religious Sister that she found the body outside, but then, later, she recanted her story, admitting that she gave birth to the child. The Religious sister picked up the child, and the child was cold and stiff. The Sister made arrangements to transport the defendant and the baby to Providence Hospital.

When the police executed a search of the defendant's room, they found bloody clothing, bloody rags, and pads. They also found part of the placenta and the umbilical cord which had

been placed in the trash. It was obvious that the defendant had made attempts to clean the room to hide the birth of her child.

On October 16, 2013, Detectives from the D.C. Metropolitan Police Department interviewed the defendant. She admitted that she was not truthful during her first interview at the hospital on October 11th. She admitted that she had not told the "Little Sisters of the Poor" about her prior sexual encounters. She said that after she gave birth to the child, the child fell to the floor. She then laid next to the child. She said that she did not know what to do and that she was afraid that someone would hear the child crying and learn of her pregnancy. She said that she placed a black wool garment over the child's nose and mouth and applied pressure with her hand for two to three minutes until he stopped breathing. The defendant admitted that prior to placing the wool garment over the child's nose and mouth the child was breathing and had cried. She admitted that initially she had lied when she told a Religious Sister that she had found the baby outside.

On Wednesday, October 16, 2013, D.C. Deputy Medical Examiner Nikki Mourtzinis conducted the autopsy and found the decedent's Cause of Death to be Asphyxia and the manner of death was homicide. The infant was a fully developed, full term baby weighing 6 pounds, two ounces. The child had been born alive and was not still-born. There was evidence in the lungs that the baby had cried and had been alive before being asphyxiated. There was bruising and scratches to the infant's nostrils.

II. Argument

D.C. Code Section 24-403.01(2013) states the court shall impose a sentence that:

- (1) Reflects the seriousness of the offense and the criminal history of the offender;
- (2) Provides for just punishment and affords adequate deterrence to potential criminal conduct of the offender and others; and

(3) Provides the offender with needed educational or vocational training, medical care, and other correctional treatment.

A. Seriousness of the offense and history of the defendant.

The defendant's conduct in this case is egregious. Despite her claim that she was not in her "right mind" at the time of her child's birth, Ms. Amoa assertively and knowingly smothered her own infant child. It is quite clear that the defendant was fully conscious of the choices she was making and the consequences brought on by those choices. However, throughout this case, she has consistently attempted to lessen the seriousness of her actions by engaging in a course of intentional deception.

First, she claimed that she did not know she was pregnant until "the baby was coming down." She asserted that she does not regularly menstruate, and during the months she was pregnant, she experienced spotting, which she took as a sign of menstruation. This explanation, however, is implausible considering the physiological changes associated with pregnancy. The chain of events associated with labor, such as her water breaking, would have been clear signs of pregnancy. In addition, if the defendant truly did not know she was pregnant, the pain associated with her labor and injuries from her birth would have forced her and any other reasonable individual to seek immediate medical attention. Her claim is therefore more likely a reflection of opportunistic denial; the defendant did not want to be pregnant, so she searched for signs that would reaffirm her denial.

Second, the defendant claimed that she was not in her "right mind" at the time of the birth of her child. She stated that she fainted, fell on the baby, and awoke to find her hand covering her child's mouth. This is a highly improbable scenario. It takes much effort and an extended period of time to successfully smother a living person. The evidence has shown that when the

defendant initially tried to smother the baby she may not have been successful and had to return a second time with renewed force. After her child was dead, she threw away her bloody clothes and placed the baby on her bed. This reflects an acute and rational awareness of her surroundings. In cleaning the room, the defendant attempted to hide what she had done. In addition, after the birth, she had a duty to seek medical attention for her child, a duty which she consciously ignored. Her status as a Postulant does not exempt her from this duty.

Third, she lied to a fellow Sister the following morning and created a scheme for the baby to be found. By leaving the baby on her bed and inviting her Sister into her room, she intended for her son to be found. Although the defendant later confessed to the crime, she took this opportunity to concoct an elaborate scenario of the baby's origins. Combined with her methodical cleaning of the room the night before, the defendant's actions reflect that of a woman looking to sever any ties with the crime. This calculation and planning does not reflect a woman "not in her right mind." It instead shows that the defendant was clearly in her right mind: she had been aware that she was smothering her child and that she needed to do something to prevent detection. This pattern of behavior is reinforced by her continued denial of the crime during her first interview with Detective Worrell.

It is important to note that this staging of the baby's discovery is atypical of a neonaticide case. In most cases, the mother quickly discards the baby, reflecting recognition of the child as an object rather than as a living being. Initially, the defendant thought about putting the baby in a dumpster but elected not to do so. She instead placed it on the bed and staged a discovery. In other words, there was some cognitive recognition that her son was a living baby and not an object for disposal. However, this only affirms that at the time of the birth she recognized that

her child was alive. She had the reasoning capability to recognize that it was a living being that was breathing and then made the choice to actively engage in killing him.

B. A sentence of five years is appropriate as it reflects the seriousness of the offense and will promote respect for the law.

There is no dispute that the defendant was fearful and ashamed throughout her pregnancy. It is clear that she consistently denied her pregnancy, but nevertheless, she carried three sizes of shoes and three sizes of clothing with her. This suggests that despite her denial, she was aware of her condition. Combined with her timely arrival in the United States, it appears that she wanted to gain entry into the United States via the Little Sisters of the Poor for the birth of her child. As a result, Ms. Amoa had only been in the United States a few days before she was arrested and had no access to her family or loved ones. The effect of her fear and shame is only compounded upon consideration of her Samoan culture and vocation. It is common practice in Samoa to refrain from discussing ones problems or asking another for help for fear of unnecessarily burdening another. Her vocation as a religious is also problematic; Roman Catholic doctrine does not permit pre-marital sex. In her mind, the "secret" of being pregnant and her fear were so powerful that it impeded her ability to make a reasonable choice. In this state, the situation was intolerable to her and there seemed to be no other choice.

However, she did have another choice. While cultural and religious values may be important, they do not take precedence over the life of a child. There are universal values, such as the promotion and protection of human life, that supersede the cultural inhibitions that prevented the defendant from asking for help. In addition, if she had confessed her choice to have pre-marital sex with her Sisters, they would have helped her make the right choice rather than turning her away.

In engaging in a course of intentional deception, the defendant made a choice to disregard the resources available to her in favor of criminal behavior. As a postulant with the Little Sisters of the Poor, the defendant had been blessed with more opportunities to ask for help than most other single, pregnant women her age. She also had been blessed with a loving and stable home environment in Samoa and had been afforded extensive educational opportunities by her uncle and aunt. Certainly, she was undergoing emotional turmoil throughout her pregnancy and during the birth of her child, but it is in those moments of distress where her Sisters could have been the ultimate source of comfort. Therefore, her fear and shame of becoming pregnant out of wedlock is neither a sufficient nor an acceptable excuse for her actions.

Rather than turning to her sisters for help, Ms. Amoa consciously chose to retreat into herself, abandon her sense of integrity and honesty, and ultimately kill her child. She chose to do so in order to continue living her life in pursuit of entering into the Little Sisters of the Poor unimpeded. Therefore, the case at bar *was not an accident but the result of an intentional suffocation of an innocent newborn.*

C. A sentence of five years will provide the defendant with needed punishment, educational or vocational training, medical care, and other correctional treatment.

The government appreciates the defendant's acceptance of responsibility in this tragic case. However, she must be punished significantly for causing such a horrific death and causing a truly innocent victim to suffer. A sentence of five years with subsequent deportation to Samoa will provide the defendant with needed punishment and medical care.

Sister Maria Grace's victim impact statements suggest that the defendant is remorseful for her actions, has served sufficient time, and will be best served by deportation to Samoa. However, the defendant's deepest remorse involves the shame that her actions have brought

upon her family in Samoa rather than for the loss of her son. In addition, the seriousness of this crime requires further incarceration. Not only did the defendant actively choose to not ask for help, but also, her actions during the smothering of her child reflect an acute consciousness of guilt.

By serving five years, the defendant will be afforded with the necessary mental health care and be appropriately punished. The defendant has yet to serve sufficient time or to realize the severity of her actions. A sentence of five years is therefore appropriate.

CONCLUSION

Unfortunately, no amount of jail time will bring Joseph Amoa back to life. Five years is appropriate to punish the defendant, protect society, and deter any one who believes that they may kill an innocent child. Given the defendant's early acceptance of responsibility and plea, the Government respectfully requests that this Court impose a sentence of five years, impose the maximum supervised release, order the defendant to make payments to the Victims of Crime Fund, impose court costs, obtain mental health treatment, and advise her that she is subject to deportation.

Date: May 21, 2014

Respectfully submitted,

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BY:



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CERTIFICATE OF SERVICE

I hereby certify that, on May 21, 2014, a copy of the foregoing motion was sent to Judy Pipe, Esquire, and sent by email to jpipe@pds.org and mailed by U.S. Mail, to Judy Pipe, 633 Indiana Avenue, N.W., Washington, D.C. 20004.

By: Cynthia G. Wright
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