

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CRIMINAL DIVISION - FELONY BRANCH

UNITED STATES OF AMERICA

DISTRICT OF COLUMBIA  
CRIMINAL DIVISION

2012CF14519

2012 DEC -7 P 3:12

JUDGE WILLIAM M. JACKSON

v.

JONATHAN FULLARD,  
AKA, JONATHAN MASON  
PDID: 553-709

FILED

CSD 12/10/2012

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, the defendant's conduct and criminal history, and the defendant's plea in this case, the United States respectfully requests that this Court impose the maximum guideline sentence.

**I. Background**

On or about March 4, 2012, the defendant Jonathan Fullard, aka Jonathan Mason, while his then girlfriend went to work, babysat her 20-month-old son, Keyontae Osbia Moore, at 3005-30<sup>th</sup> Street, Southeast, in the District of Columbia. At about 3:00 a. m., Fullard called his then girlfriend and stated that the toddler had stopped breathing. Keyontae was initially taken to United Medical Center, and was later transferred to Children's National Medical Center, where physicians found trauma to his head, and body. The child died on March 5, 2012 from multiple blunt force trauma.

The District of Columbia Medical Examiner, Dr. Sunil Prashar ruled the case a homicide and found the cause of death to be blunt force trauma. The baby suffered a subdural hemorrhage, as well as contusions (or bruises) to the right side of the forehead, the mid upper forehead, left side of the forehead, left temporal region of the head, right upper and mid cheek, the jaw, the left upper eyelid, chin, mouth, and chest. There were petechial hemorrhages to the child's mid and

left lower back, as well as a hemorrhage, acute inflammation and necrosis to the left kidney. The child had bruising to the lower back and legs. The child had "edema and ertheyma" of the foreskin of the penis and the scrotum. There was bruising to the scrotal sac, as well as, the child's anus and rectum. There were lacerations to the child's anus. The child also suffered two left rib fractures.

The evidence indicates that Jonathan Fullard was the only person caring for the child at the time of the child's injuries. The defendant admitted that he was "play boxing" with the decedent. He admitted that he struck the decedent with closed fists in his upper-torso five to six times. The defendant also admitted that on a prior incident, that while changing the decedent's diaper, his finger inadvertently slid into the decedent's rectum. Initially, when questioned by the Metropolitan Police Department, the defendant provided false name of Jonathan Mason and was released. After the child's death, Fullard's true name was discovered and he was subsequently arrested on March 12, 2012.

On October 5, 2012, the defendant pled guilty to Second Degree Murder for the death of Keyontae Osbia Moore. The court accepted the Rule 11(e) (1) (c) plea, where parties agreed that the defendant should be sentenced within the guideline range and that the government would request the maximum sentence and the defendant would request the minimum sentence.

## II. Argument

D.C. Code Section 24-403.01(2011) 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 of pummeling and sexually assaulting a twenty-month-old toddler is unconscionable. According to the Presentence Report at page 21, this is the defendant's fourteenth arrest and his eighth conviction. Three of his prior convictions are for domestic violence relating to his prior girlfriends which involve punching and assaultive behavior. His probation was revoked in all three cases which reflect that he does not have the means to control his behavior or comply with court orders.

The instant case is as serious as any case can be. The defendant was left to care for a young, helpless child who he physically and sexually assaulted. Clearly, the defendant cannot be trusted to walk about freely in a civilized society. He has been given several chances. In fact, he was on probation at the time of the instant offense.

**B. The maximum guideline sentence is appropriate as it reflects the seriousness of the offense and will promote respect for the law.**

The maximum guideline sentence is necessary in this case to reflect the seriousness of the offense for which the defendant pled guilty. The defendant willfully acknowledges that he was "play boxing" with the infant, struck the infant five to six times in the upper torso, and touched the infant's genitals and claims that his finger "accidentally" slipped into child's anus.

Additionally, the defendant provided a false name to the Metropolitan Police Department, thereby, delaying justice from being served. Upon further examination, it was noted that the infant suffered from multiple blunt force trauma throughout the whole body. The punishment according to the maximum guideline sentence is therefore appropriate as it reflects the seriousness of the offense and hopefully, will also act as a deterrent for other would-be offenders.

**C. A lengthy sentence will provide the defendant with needed educational or vocational training, medical care, and other correctional treatment.**

A lengthy sentence will allow the defendant to be isolated from society in order that the proper correctional treatment may be administered. The defendant is in need of anger management, medical treatment for his schizophrenia and bipolar disorder, as well as sex offender treatment. The Presentence Report, at page 13, noted in a prior case that the defendant had several criminogenic risk factors including use of marijuana, low education/employment achievement, antisocial attitudes, antisocial personality, a lengthy criminal history and poor family supervision. By permitting the defendant to plead guilty to Second Degree Murder, the government has already given the defendant a significant benefit. The government appreciates the defendant's acceptance of responsibility in this tragic case; however, he must be punished significantly for causing such a horrific death and causing a truly innocent victim to suffer. Furthermore, the defendant initially lied to the police by giving a false name and delayed the investigation of this case. Additionally, the public must be protected from this extremely dangerous individual. The maximum guideline sentence is appropriate to punish the defendant, protect society, and deter any one who believes that they may physically or sexually harm any child.

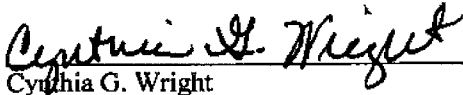
**Conclusion**

Wherefore, based upon the foregoing, the Government respectfully requests that this Court impose the maximum guideline sentence. The Court should order the defendant to make payments to the Victims of Crime Fund, impose court costs, and order the defendant to engage in sex offender and mental health treatment.

Respectfully submitted,

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