

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.
MATTHEW GRABOWSKY,
Defendant.

NO. CR21-141 RAJ

GOVERNMENT’S SENTENCING
MEMORANDUM

I. INTRODUCTION

Matthew Grabowsky has offended against animals and minors. He has bragged about his sexual exploits with minors and trafficked in child sexual abuse imagery. The sexual interests that drove his criminal conduct may be out of his control, but the decision to act on these dangerous impulses was his and his alone. To his credit, he has accepted responsibility and pled guilty. In fact, but for his cooperation with law enforcement in the early stages of the investigation, this prosecution likely would never have come to be. Indeed, that cooperation was a significant factor in the government’s decision to extend the plea offer it did in this case. Ultimately, however, the things Grabowsky has done right since his contact with the police do not erase what he has done before. Nor do they ensure that he will never again surrender to the sexual impulses that led him to offend in the first place.

1 The government respectfully recommends that this Court impose a sentence of 97
2 months' imprisonment followed by 15 years of supervision.

3 **II. FACTUAL AND PROCEDURAL BACKGROUND**

4 Grabowsky came to the attention of law enforcement as part of an animal cruelty
5 investigation. During that investigation, law enforcement learned that Grabowsky's
6 offense conduct extended beyond animal sexual abuse and included child sexual
7 exploitation. Specifically, Grabowsky's devices contained evidence of chats in which
8 Grabowsky discussed and traded child exploitation imagery. He also shared imagery that
9 he created showing his sexual contact with a minor.

10 The instant prosecution followed, and once the U.S. Attorney's Office accepted
11 the case for prosecution, counsel for the parties began working on a precharge resolution.
12 The challenges of the COVID-19 pandemic slowed the process, but they ultimately
13 reached a plea agreement whereby Grabowsky would avoid any mandatory term of
14 custody. He entered that plea to possession of child pornography in September 2021.

15 **III. GUIDELINES RANGE**

16 The government agrees with U.S. Probation's calculation of the advisory
17 sentencing range. However, the government anticipates the defense will object to the 2-
18 level enhancement applicable due to the victim's age. During its investigation, the
19 government recovered statements attributable to Grabowsky in which he said this victim
20 was under the age of 16 at the time of their sexual contact. The government recognizes,
21 however that the victim has stated under penalty of perjury that he was over the age of 16
22 when the two had sexual contact. The government has been unable to gather any
23 additional information that might assist the Court in resolving this question and therefore
24 will not oppose the defense request for the Court not to apply this enhancement. The
25 government also recommends the Court give the defendant full credit for acceptance of
26 responsibility and a 3-level variance based on his agreement to undergo and share a
27 psychosexual evaluation.

1 | harm, he caused by committing those crimes. The government believes a sentence at the
2 | low end of the Guidelines is an appropriate punishment and reasonable considering the
3 | sentencing factors.

4 | It therefore respectfully recommends that the Court sentence Grabowsky to 97
5 | months of imprisonment and 10 years of supervision.

6 | **V. SUPERVISED RELEASE CONDITIONS**

7 | The government will propose revisions to the computer monitoring and general
8 | search conditions recommended by U.S. Probation and discuss those with the defense.
9 | These modifications relate to the term computer and are intended to address the concerns
10 | expressed in *United States v. Wells*, 29 F.4th 580 (9th Cir. 2022).

11 | **VI. RESTITUTION**

12 | The government received one restitution claim totaling \$5,000. The defendant has
13 | agreed to pay a reduced amount of \$3,000 at the time of sentencing, and the victim
14 | representative has accepted that offer.

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VII. WAIVER OF APPEAL

As part of the plea agreement, Grabowsky has waived his right to appeal the sentence imposed in this case if the sentence does not exceed the applicable Guidelines range determined by the Court at the time of sentencing. If the Court imposes a sentence within this applicable Guidelines range or less, the government respectfully requests that the Court notify Defendant, pursuant to Federal Rule of Criminal Procedure 32(j)(1)(B), that he has waived his appeal rights except as to the effectiveness of legal representation. Otherwise, the government requests that the Court notify Defendant of his right to appeal the sentence as set forth in Title 18, United States Code, Section 3742.

DATED this 15th day of April, 2021.

Respectfully submitted,

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United States Attorney

s/ Matthew P. Hampton

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