

FILED  
IN OPEN COURT  
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J. [Signature]  
U.S. DISTRICT COURT  
ALEXANDRIA, VIRGINIA

# United States District Court

EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA  
v.

VERDICT

GALEN G. KELLY

CASE NUMBER: CR93-00098-A

**WE, THE JURY, FIND:**

18 USC §1201(a)

On or about May 5, 1992, the defendant did  
kidnap Debra Dobkowski

Not Guilty  
 Guilty

Robert L. Kuchner  
FOREPERSON'S SIGNATURE

May 27, 1993  
DATE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

NOV 8

UNITED STATES OF AMERICA

v.

GALEN GREGORY KELLY

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Criminal Action No. 93-098-A

*File*

SENTENCING MEMORANDUM

Defendant Galen Gregory Kelly is before the Court for sentencing after waiving indictment and pleading guilty to a one count criminal information charging Defendant with misprision of felony, in violation of 18 U.S.C. § 4.

The record in this case reflects that on May 5, 1992, defendant, along with Ira Bruschansky and Michelle Bruschansky, abducted Deborah Dobkowski against her will outside a parked car in the New York Avenue area of Washington, D.C. Defendant and his confederates accomplished the abduction by physically restraining Dobkowski, placing her into a rented van, and driving her to Carrodock Hall in Leesburg, Virginia, in the Eastern District of Virginia. Defendant mistakenly believed Dobkowski to be Beth Bruckert, whom he had been hired to "deprogram" by Bruckert's mother. Defendant's plan involved taking Bruckert against her will for the purpose of "deprogramming" her of possible cult influences. Upon arriving at Carrodock Hall, defendant learned that he had abducted the wrong individual and promptly returned Dobkowski to the District of Columbia. Defendant thereafter took steps to conceal the offense. From that day until the time he was charged in connection with this matter, defendant never made this crime

known to any judge or other person in authority under the United States. Defendant had previously been convicted by a jury on May 27, 1993 of kidnapping in violation of 18 U.S.C. § 1201(a). In this regard, defendant was sentenced to 87 months imprisonment, 3 years of supervised release, and a special assessment of \$50. Defendant's conviction was reversed and the matter remanded for a new trial. When released as a result of the reversal, defendant had already served sixteen (16) months in prison.

**A. Uncontested Matters:**

Defendant waived the right to have a Presentence Investigation Report prepared and chose instead to proceed directly to sentencing. In this connection, defendant and the government stipulated that the applicable Guideline is § 2X4.1. This section specifies a base offense level of 9 levels lower than the base offense level for the underlying offense, which level is 24 pursuant to 2A4.1. The adjusted offense level is further reduced by 1 level pursuant to § 2A4.1(c) since the victim was released within 24 hours. Thus, the adjusted offense level is 24 - 9 - 1, or 14. Deducting 2 levels for acceptance of responsibility, the total offense level is 12. Defendant has a criminal history category of I. The Court accepts this stipulation as a correct and appropriate calculation under the Guidelines.

**B. Contested Matters:**

Not applicable.

**C. Conclusions:**

1. Defendant's adjusted offense level is 14.

2. Defendant's total offense level is 12.

3. Defendant's criminal history category is I.

4. The range of punishment under the Guidelines is ten (10) to sixteen (16) months with at least one (1) year of supervised release.

5. The Guidelines range of fines is \$3,000 to \$30,000. An additional statutory special assessment of \$50 applies to each felony count. 18 U.S.C. § 3013(a)(2)(A).

6. Probation is not authorized.

D. Motions for Departure:

Not applicable.

E. Sentence Imposed:

The Court commits Defendant to the custody of the Bureau of Prisons for a period of sixteen (16) months, which equals the time Defendant has already served in connection with the kidnapping conviction. Because Defendant is to be given credit for time served, he is now released from confinement and must serve a period of one (1) year of supervised release. As a special condition of supervised release, Defendant must refrain from engaging in further illicit or involuntary deprogramming activity, including kidnapping and abduction. As an additional special condition of supervised release, Defendant must provide the Probation Officer with proof that he has publicized to others that kidnapping for deprogramming purposes is unlawful. This publication may be in the form of a written article, oral lecture, or other suitable method of public communication.


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The Court imposes a \$50 special assessment. 18 U.S.C. § 3013(a)(2)(A). In light of Defendant's limited assets, the Court declines to impose an order of restitution, a punitive fine or an additional fine to cover the costs of incarceration or supervised release.

F. Statement of Reasons for the Court's Sentence:

The Court recognizes that the facts to which Defendant pled guilty support the more serious charge of kidnapping, 18 U.S.C. § 1201(a), yet the Government has allowed Defendant to plead guilty to a much less serious offense. This situation reflects in part the Government's assessment of the costs associated with an uncertain kidnapping trial versus the costs of a certain guilty plea to a lesser offense. The Court accepted the plea after receiving categorical assurances under oath from defendant that he will not engage ever again in any involuntary deprogramming activity, including kidnapping and abduction. Given this, and given the unique circumstances of this case, the sentence imposed is fair and just and adequately satisfies the Guidelines' goals relating to deterrence, retribution, and incapacitation.

Copies of this Sentencing Memorandum shall be issued to all counsel of record, the United States Probation Office, and the United States Marshal's Service.

  
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T. S. Ellis III  
United States District Judge

Alexandria, Va.  
November 13, 1994