United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-3118 **September Term, 2024**

1:21-cr-00598-PLF-1

Filed On: December 23, 2024

United States of America,

Appellee

v.

Terrence Sutton,

Appellee

Karen Hylton,

Appellant

BEFORE: Katsas, Childs, and Garcia, Circuit Judges

ORDER

Upon consideration of the motion to dismiss, the opposition thereto, and the supplement to the opposition, it is

ORDERED that the motion to dismiss be granted. "[T]he default rule is that crime victims have no right to directly appeal a defendant's criminal sentence," United States v. Monzel, 641 F.3d 528, 541 (D.C. Cir. 2011) (cleaned up), and appellant has identified no authority that would allow this court to depart from that rule.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

Appendix A

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-3118 **September Term, 2024**

1:21-cr-00598-PLF-1

Filed On: January 24, 2025

United States of America,

Appellee

v.

Terrence Sutton,

Appellee

Karen Hylton,

Appellant

BEFORE: Katsas, Childs, and Garcia, Circuit Judges

ORDER

Upon consideration of the petition for rehearing and the supplement thereto, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

Appendix B

Motion

Petition for Rehearing.

CASE # 24-3118

As the Mother of Haron Hylton I am asking for a Rehearing. As in A Reconsideration of Order to Dismiss CASE # 24-3118. The Victim Haron Hylton is not entitled to Appeal the sentencing of Convicted Murder Sutton + Zabawski. Sutton + Zabawski are convicted of murdering Haron Hylton. The Victim can't speak for himself. His Voice can't be heard for Sutton + Zabawski will speak for him. As his Mother I will speak for him. As I stated in my Appeal. Discrimination is not United States to murder Haron Hylton. The Sentencing of Sutton + Zabawski is Unconstitutional.

"Appendix C" (cont.)

The Color of Karen Hylton + mens rea should however be included.

Karen Hylton
2641 Mellon Rd #203
Woodbridge VA
22192
tallsky443@gmail.com.

(Continued) 2

Petition For rehearing
Case # 24-3118

(continue)

Case # 24-3118 is not a case of EMOTION. Case #24-3128 is a case of RACIAL INJUSTICE. As per documentation that support the scales UNBALANCE of JUSTICE FOR COLORED HUMANS in the juridical system. Which is stated in my appeal.

While both are and proven in appeal case #24-3128e part of a criminal Per Dismissal reference case United States -vs- Monzeil -641;F.3d 528;541 9DC.Cir 20170 case, "restitution" refers specifically to the act of a convicted offender paying back a victim for financial losses incurred due to the crime, essentially aiming to "make the victim whole again," **whereas "sentencing" encompasses the overall punishment imposed on the offender by the court, which can include restitution, jail time, fines, probation, or community service depending on the crime and circumstances**.

Restitution focuses solely on compensating the victim for their losses, while sentencing considers the overall punishment for the crime, including potential rehabilitation of the offender. United States -vs- Monzeil,641 F.3d 528.541 casing involves restitution of Monterey payment (dissatisfaction). To directly or indirectly imply the death of my baby Karon Hylton unlawfully chase was monies owed to sutton is not justified. As per Karon Hylton daily interaction with sutton and zabavsky was not of mutual friendship or understanding. As per the conversation with prosecutor, conversation with community, and friends of Karon to include arrest of individuals that spoke out against harassment, jail, physical abuse including murder by these officers employed at the 4th District police station residents, the hatred and death of Karon due to reckless disregard for LIFE by sutton and zabavsky their relationship is not of common interest. KARON Hylton had no daily interaction with sutton nor zabavsky other than harassment by these officers in the community of Kennedy st. As a employee of the district of Columbia police department abuse of authority, prejudice lead to the death of Karon Hylton. As stated in Appeal case #24-3118 sutton and zabavsky were on duty at time of murder. True prior harassing of these group of friends, chased, unjustified killing of young adult's community complaints involving police officer at the 4th District police station

"Monetary compensation" refers to a financial payment given to someone as a result of work or a legal claim, while "death" signifies the end of a person's life; essentially, no amount of monetary compensation can ever replace or equate to the loss of life itself, making the two concepts fundamentally different and incomparable

- **Irreplaceable loss:**

  Death is considered an irreversible and irreplaceable loss, whereas monetary compensation is simply a financial payout meant to alleviate some of the burden caused by that loss, and injustices and value.

- While the United States acknowledged the pain I feel as the mother of KARON HYLTON , the pain I am enduring as little to do with the INJUSTICE AND UNBALANCE OF THE JURIDICAL SYSTEM WHICH CONTRIBUTE TO SUCH PAIN.TRUE sutton and zabavsky murdered my baby Karon Hylton my emotional yet personal feelings isn't the issue in case ,# 24-3118. The issue in case # 24-3118 is the intentional murder of Karon Hylton and the **lenient sentences of defendant sutton and zabavsky,** anyone can ask the Attorney General's Office to review a sentence that they think is too lenient. The Attorney General's Office will then decide whether to send the case to the Court of Appeal. As per court knowledge sutton is convinced of murdering Karon Hylton zabavsky guilty of obstruction of justice, Appeal of RESENTENCING FOR MURDER UNITED STATES -vs Karen Hylton appellate AND Restitution monetary United States - vs - Monzeil totally differs. Ignorance, bias, prejudice from the court's judges shall not be accepted and is unconstitutional, as with initial sentencing of defendant sutton and zabavsky leading to request of resentencing of sutton and zabavsky case # 24-3118. The halterma by counsel of defendant to either denied or consolidated with appeal from sutton and zabavsky goes unnoticed and question judges code of conduct as to RACISM, PREJUDICE AND DIVERSITY THAT HAS LED TO AN THE SCALE OF UNBALANCE AND INJUSTICE. These cases shouldn't be consolidated. Nor should an halternated should of bring giving of consolidation Only if request form sutton and zabavsky for more justified length in jail is concern for both parties. The sentence that both defendants received is not justified as to request of the victim request of a resentencing. WITH or WITHOUT

PREJUDICE is considered with diversity of judges as to those whom dismiss cases # 24-3118. United States -vs- Monzeil I doesn't reference nor include a victim right not to or right to appeal defendant sentencing in a murder case such as United States-vs-sutton. It doesn't state victims can't appeal a murder sentence. I CAN AND I DID APPEAL THE SENTENCING OF sutton and zabavsky because there is NO SUCH LAW THAT STATES VICTIM S CAN'T APPEAL SENTENCING DEFENDANT MURDER CONVICTION (ESPECIALLY WHEN INJUSTICE IS CLEARY VIEWED AS DISCRIMINATION AND PREJUDICE. WHAT IS KNOWN TO HUMANS AND IS LAW "THO SHALL NOT KILL" sutton is convicted of the MURDER OF KARON HYLTON Murder is the unlawful killing of a human being by another. Deliberately taking the life of a human being usurps the authority that belongs to God.

18 USC 3771, victims have the following rights:

Fairness: Victims have the right to be treated with fairness and respect for their dignity and privacy.

The right to be reasonably protected from the accused. Victims and prosecutors can both assert their rights and seek review from appellate courts if their rights are denied. The employment as prosecutor, prejudice of such caucasians individuals leading to include not their child, common sense, the United States prosecutors did not appeal United states -vs- Sutton after a guilty conviction of murder with a lenient sentencing. To remind the courts evidence provided to the United States prosecutors charged sutton of murder knowing he is guilty and my thanks because he is guilty of the murder of Karon Hylton. Seeking still a lenient sentence of 18 years, racist judge freidman sentencing below guidelines also tell the public via network news stations of his antics. United states prosecutor should have appealed case # 24-3118 again prejudice and a job interfered with common sense DID NOT APPEAL SUCH AN LEINENT SENTENCING FOR INTENTIOANAL MURDER. A FAIR JURY CONVICTED sutton OF MURDER, zabavsky of obstruction of justice, AN RACIST JUDGE ordered a lenient sentence causing an Appeal of RESENTENCING case# 24-3118 a request of RESENTENING of these UNHUMENS. Initiated by the mother of Karon Hylton. Know that sentencing of sutton and zabavsky is and Injustice the United States prosecutor didn't file an appeal requesting of a justified resentencing in jail for A MURDER CONVICTION IN THE CASE OF UNITED STATES-VS- sutton. The Murder of a COLORED HUMAN, THE LEINENT UNJUSTIFIED

SENTENCING OF WHITE POLICE OFFICERS involved and convinced IS JUSTIFIED IN WHOM EYE AS I HAVE SAID IF KARON HYLTON WAS JUDGES, PROSECUTOR, SUTTON, ZABAVSKY CHILD WOULD AN SENTENCING OF 5 YEARS DUE TO WHITE PRIVILEGE AND BOND BE JUSTIFIED FOR YOUR BABIES INTENTIONAL MURDER. United States vs Monzeil ruling doesn't a victim can't appeal sentencing of a defendant murder conviction. It is not discussed what was discussed in United States vs Monzeil is compensation. Case #24-3118 describe the cause and reason of intentional chase of Karon Hylton which was of monetary value to sutton. The chased and murder that occurred by former police officers this act of reckless disregard for life was not restitution or monies owed to sutton. Abuse of authority, sutton misconduct of extortion is a characteristic of sutton abuse of authority and is known as HUSTLING AS PER ACCEPTABLE TO supervisor zabavsky involvement in allowing such antics to include 5th district police supervisor Mr Small being suspended for his encouragement of police officer HUSTLE IN COLORED COMMUNITIES THAT CONTRIBUTE TO THE MURDER OF KARON HYLTON. Appeal #24-3118 is not of restitution monetary value . restitution" refers specifically to the act of a convicted offender paying back a victim for financial losses incurred due to the crime, essentially aiming to "make the victim whole again," Whereas "Sentencing" encompasses the overall punishment imposed on the offender by the court The education of judges that preside in the DISMISSAL ORDER OF CASE # 24-3118 AS WELL AS COUNSEL OF sutton and zabavsky are educational inclined to the acknowledgement in differences of United States -vs- Monzeil and UNITED STATES -vs-sutton including APPEAL case#24-3118 REQUEST FOR RESENTENCING OF A MURDER CASE INVOLVING POLICE OFFICERS sutton and zabavsky. WHICH IS COMMON SENSE .Britannica Dictionary definition of COMMON SENSE. [noncount]: the ability to think and behave in a reasonable way and to make good decisions. Victim do and should be involved in sentencing of defendant. The courts CLERKS, JUDGES, PROSECUTORS, COUNSELS PERSONAL FEELINGS TOWARDS SKIN COLOR, THE MOTHER OF KARON HYLTON, KARON HYLTON IS JUST THAT YOUR PERSONAL FEELING WHICH SHOULDN'T INTERFERE WITH COMMON SENSES. AS WITH MY PAIN, (per prosecutor), EMOTIONAL FEELING DOESN'T INFERRED WITH MY COMMON SENSE. Case 24-3118 isn't of emotional pain. Case 24-3118 concerns INJUSTICE AND JUSTICE.

THE UNBALANCE OF JUSTICE The ability to put aside personal feeling and concentrate on Constitutional Right of HUMANS TO BE TREATED FAIRLY. sutton and zabavsky chased and MURDER MY BABY KARON HYLTON FOR $3,126 CONVINCED OF MURDERING THESE OFFICERS CAN AND ARE ALLOWED TO KILL BECAUSE THEY ARE Caucasian. AS THE VICTIM OF CRIME I CAN AND DID APPEAL THE SENTENCING OF CONVICTED MURDER sutton and zabavsky ALL LIFE IS VALUABLE.

Respectfully

- Karen Hylton
- 6004 3rd St NW
- Washington DC
- 20011
- tallskyys@gmail.com

12-26-24

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 24-3118 **September Term, 2024**

1:21-cr-00598-PLF-1

Filed On: February 3, 2025 [2098202]

United States of America,

Appellee

v.

Terrence Sutton,

Appellee

Karen Hylton,

Appellant

MANDATE

In accordance with the order of December 23, 2024, and pursuant to Federal Rule of Appellate Procedure 41, this constitutes the formal mandate of this court.

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

Link to the order filed December 23, 2024

Appendix D

U.S. Department of Justice
950 Pennsylvania Avenue
NW Washington, DC 20530

United States Appeal Courts
333 Constitution Avenue, N.W.
Washington, DC 20001
Room 1225

Supreme Court of the United States
1First Street. NE Washington, DC 20543
/cc
John G. Roberts, Jr., Chief Justice of the United States, ...
Clarence Thomas, Associate Justice, ...
Samuel A. Alito, Jr., Associate Justice, ...
Sonia Sotomayor, Associate Justice, ...
Elena Kagan, Associate Justice, ...
Neil M. Gorsuch, Associate Justice, ...
Brett M. Kavanaugh, Associate Justice,
Ketanji Brown Jackson
Amy Coney Barrett

MR President Trump
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Congresswoman Eleanor Holmes Norton
Rayburn House Office Building, 2136, Washington, DC 20515

Department of Justice/ Supreme Courts,

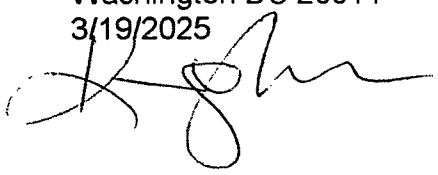
I am asking for JUSTICE. THE PARDONING OF CONVICTED MURDER sutton and zabavsky. FORMER WASHINGTON DC POLICE OFFICER THAT WERE CONVICTED OF MURDING KARON HYLTON IS UNCONSTIONAL. The INJUSTICE THAT HAS OCCURRED. I have written several letters concerning the WRONGFUL DEATH OF MY BABY KARON HYLTON BY THESE POLICE OFFICERS. MY BABY ROBERT HYLTON HAS ALSO WRITTEN TO THE DOJ CONCERNING HIS FALSE ARREST,

UNFAIR SENTENCING AND THE UNCIVILIZED CONDITION WITHIN THE JAIL SYSTEM. DOJ/ Supreme Court, the pardoning of these officers goes against the Constitution in all aspect Under the Department's rules governing petitions for executive clemency, 28 C.F.R. §§ 1.1 et seq , an applicant must satisfy a minimum waiting period of five years before he becomes eligible to apply for a presidential pardon of his federal conviction. Discrimination, Violation of CIVIL RIGHTS, VIOLATION OF VICTIMS RIGHTS, ETC. For the ones whom up hold the LAW whom are said to be enforcer of JUSTICE. WHAT IS YOUR STAND ON INJUSTICE. The case involving UNITED STATES -vs-sutton, zabavsky, was fairly trialed and these officers were convicted of MURDER AND OBSTRUCTION OF JUSTICE. Given an unfairly sentencing of 5 years from RACIST JUDGE FRIEDMAN, whom I have written several letters to Chief judge Boasberg, Supreme Court, concerning this case. I have Appeal the sentencing of these officers (case# 24-3118) thru the Appeal COURTS, receiving a denial stating VICTIM CAN'T APPEAL A DEFENDANT SENTENCING.As I request a REHEARING FOR THERE ISN'T A LAW THAT FORBID A VICTIM FROM APPEALING OF A DEFENDANT SENTENCING. President Trump pardoning of these officers is UNJUSTIFIED FOR MURDER.NOR WERE THESE OFFICERS JAILED FOR FIVE YEARS OR FIVE DAYS. THIS PARDONING IS UNCONSTITUTIONAL IN THE EYES OF JUSTICE. The information President Trump received concerning this case and murdered were intentionally inaccurate, Willfully MISLEADING and BIAS .TO have the JANUARY 6 RIOTERS PARDON. Mayor bowser to include her administration internationally LIED TO PRESIDENT TRUMP. I have publicly asked the Mayor bowser and the DC COUNCILS members to include Mr. MENDELSON of their involvement in LYING TO THE PRESIDENT ABOUT KARON HYLTON WHICH THEY ALL DENIED. QUESTIONING HER ATTEMPT TO HIRE THESE CONVICTED MURDES BACK TO PROTECT THEIR BABIES .TO WHICH MR. MENDELSON REPLY NO! Section 1001 of title 18 of the United States Code, under a federal crime to knowingly and willfully make a materially false, fictitious, or fraudulent statement in any matter within the jurisdiction of the executive, legislative, or judicial branch of the United States.
TO MENTION PRESIDENT TRUMP ADMINISTRATION NOT FACT CHECKING.KARON HYLTON IS NOT AN ILLEGAL IMMIGRANT.NOR DID HE COMMIT ANY CRIME. THESE CONVICTED MURDFER DID NOT SPEND 5 YEARS IN JAIL. As DOJ knows this case was racially motivated after years of these officers harassing, abusing, resulting in MURDER in a COLORED COMMUNITY WHOM THE MAYOR IS AWARE OF THE ABUSE OF AUTHORITY BY POLICE OFFICERS. AS PER MY APPEAL OF THESE CONVINCED MURDERS RACISM WITHIN THE POLICE DEPARTMENT AS WELL AS AMERICA IS NOT NEW, JUST OVERLOOKED.THE VALUE OF BLACK HUMAN LIVES AREN'T VALUED., BUT TAKEN FOR GRANTED. DOJ/ Supreme Courts, YOUR DEPARTMENT IS AWARE OF THIS ISSUE. THE BLOCKING OF PRESIDENT TRUMP UNCONSTINUALs ORDERS BY THE SUPREME COURT HAS BEEN JUSTIFIED UNCONSITIONAL FROM JAN 20,2025 PRESIDENT FIRST DAY IN OFFICE. THE PARDONING OF THESE CONVICTED MURDERS WAS ASWELL IS UNCONSTITUTIONALL YET DOJ NOR THE SUPREME COURTS INTERVINE WHICH IS SAID TO UPHOLD THE LAW. PRESIDENT TRUMP HAS BEEN DEPORTATING ILLEGAL HUMANS WHOM HAS COMMITTED FELONY WHICH IS WARRANTED. MY BABY KARON HYLTON IS NOT

AN ILLEGAL IMMIGRANT NOR DID HE COMMIT ANY CRIME. BEING BLACK ISNOT A CRIME. PRESIDENT TRUMP IS A CONVICTED FELONY. YET HE IS PRESIDENT. WHOM IS LOOKING TO PASS BILLS THAT WOULD REMOVE GOVERNMENT OFFICERS BACKGROUND CONVICTION INCLUDING HIS OWN FELONY CHARGES AND CONVICTIONS. IS IT FAIR TO SAY ONLY WHITE AMERICAN CAN COMMIT CRIMES IN AMERICA AND NOT BE PUINSH UNDER THE LAW. KARON HYLTON IS A BLACK HUMAN THAT WAS UNJUSTIFABLE MURDER BY SEVERAL WHITE POLICE OFFICER FOR GREED AND RECKLESS DISREGARD FOR LIFE BY TWO UNHUMEN POLICE OFFICERS IN AMERICA.. The signing of these officers' pardon was t televised as President Trump stained"" They were arrested, put in jail for five years because they went after an illegal," Trump said Tuesday. "And I guess something happened. MY BABY KARON HYLTON WAS BORN IN WASHINGTON DC FEBURARY29,2000 can be verified. These officers weren't arrested and did not spend 5 years in jail. KARON HYLTON IS NOT AN ILLEGAL IMMIGRANT.NO HE DIDN'T COMMIT ANY CRIME AS TO WHY THESE OFFICERS WERE CHARGED WITH MURDER AND OBSTRUCTION OF JUSTICE FOR LYING TO COVER UP MURDERS AND FOUND GUILTY OF SUCH CRIMES. IAM ASKING FOR THE INVESTIGATION OF THIS UNCONSTITUTIONAL ACT. Under the Department's rules governing petitions for executive clemency, 28 C F R §§ 1.1 et seq., an applicant must satisfy a minimum waiting period of five years before he becomes eligible to apply for a presidential pardon of his federal conviction. The actions of President Trump and Mayor bowser is unethical and Recent pardoning of GUILTY WHITE POLICE OFFICERS THAT HAVE COMMITTED RACIAL ABUSE OF AUTHORITY AGAINST COLORED HUMANS SEEMS TO BECOME A TREND. YEARS OF UNACCOUNTABILITY FOR THE ABUSE OF COLORED HUMANS ARE BEING NEGLECTED AND DIMINISHED. The act of such pardoning seems to be RACIALLY MOTIVATED. FOR THESE UNHUMENS HAVEN'T SERVED A MAXIMUM OF 5 YEARS OF INCARATION. THEY HAVE BEEN ON BOND.GIVEN BY RACIST JUDGE FRIEDMAN. WHICH AGAIN BEING CURRENTLY APPEALED PENDING REHEARING. THE UNJUSTIFIED SENTENCING OF THESES MURDERS.CASE# 24-3118. THESE MURDERS SHOULD BE FAIRLY PUNISH FOR MURDER AND GIVEN THE SAME SENTENCING GIVEN TO COLORED HUMANS THAT EXCEEDS 5 YEARS ESPECIALLY FOR MURDER.THERE ISN'T ANY LAW SAYING AN VICTIM CAN'T APPEAL A DEFENDANT SENTENCING. WITH THAT IN MIND THESE MURDERS ARE GIVEN AN UNCONSTITUTIONAL PARDONING. DOJ/ Supreme Court, YOUR AGENCY IS AWARE OF THIS ISSUE, IF NOT I AM ASKING FOR THE DOJ / SUPREME COURT ASSISTANCE IN THIS UNCONSTITUTIONAL MATTER. AS WITH THE KILLING OF COLORED HUMANS. DOJ/ SUPREME COURT. AGAIN, YOUR DEPT IS AWARE OF THE KILLING OF YOUNG COLORED HUMANS AT THE HAND OF POLICE OFFICERS. AS WITH THE ACTIONS OF THE CURRENT PRESIDENT AND ADMINISTRATION LYING UNDER OATH SHOULD NOT BE TO ALLOWED FROM THE PRESIDENT OF THE UNITED STATES NOR THE MAYOR, GOVERNOR, ECT OF THESE CITY AND STATES. AS MANY HUMANS LIVES ARE DEPENDING ON THE TRUTH art. II, § 2, cl. 1; see Garland, 71 U.S. at 373 (acknowledging that the President's authority to grant pardons is subject to the exception of cases of impeachment and that [w]with that exception the power is unlimited). THE IMPEACHMENT OF GOVERNMENT OFFICIALS THAT CONTINUE TO LIE UNDER OATH WHILE HUMAN LIVES ARE UNVALUED., ESPECIALLY IN

THE COLORED COMMUNITY. THE ACTS OF THE PRESIDENT TRUMP HAVE BEEN IMPULSIVE, DISCRIMINATIVE, UNCONSTITUTIONAL, AND BIAS.I AM ASKING FOR YOUR ATTENTION IN THIS MATTER.

Respectfully
Karen Hylton
6004 3rd st nw
Washington DC 20011
3/19/2025



They were arrested, put in jail for five years because they went after an illegal," Mr. Trump said on Tuesday. "And I guess something happened where something went wrong, and they arrested the two officers and put them in jail for going after a criminal."

The falsified misinformation that President Trump received while in meeting with Washington DC Mayor bowser pertaining to Karon Hylton is misleading and falsified. Mayor bowser has sole authority over the District of Columbia. Which such abuse of authority was used to relate and falsified misinformation pertaining to Karon Hylton. This information mayor bowser administration willing related to President Trump stating DC offices sutton and zabavsky were in pursue of Karon Hylton because he is illegal immigrant and a criminal was falsified in order to have President Trump pardon convinced murders former police officers sutton and zabavsky. Karon Hylton was born in Washington DC. Karon Hylton didn't commit any crime or wasn't committing any crime before or at time of pursue. The falsified misinformation was given willing and intentional by mayor bowser administration knowing President Trump position on illegal immigrants.

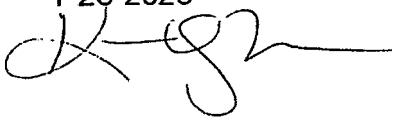
- 2.1.1 EVIDENCE OF BIAS.
- § 2.1.2 EVIDENCE OF DEFECTS IN PERCEPTION AND RECALL.
- § 2.1.3 EVIDENCE OF BAD CHARACTER FOR TRUTHFULNESS.
- § 2.1.4 EVIDENCE OF PRIOR INCONSISTENT STATEMENTS.

Which is ground for impeachment I am asking interim state attorney Mr. Martin to review and proceed and prosecute with appropriate charges that reflect on mayor bowser (to include) administration willing, and deliberately providing misleading falsified information giving to a government official under oath.

- 2.1.1 EVIDENCE OF BIAS.
- § 2.1.2 EVIDENCE OF DEFECTS IN PERCEPTION AND RECALL.
- § 2.1.3 EVIDENCE OF BAD CHARACTER FOR TRUTHFULNESS.
- § 2.1.4 EVIDENCE OF PRIOR INCONSISTENT STATEMENTS.

President Trump my acknowledgement of willing misleading falsified information that were given by mayor bowser administration I am asking for a REVOKE OF PARDON OF sutton and zabavsky UNDER art. II, § 2, cl. 1; see Garland, 71 U.S. at 373 (acknowledging that the President's authority to grant pardons is subject to the exception of cases of impeachment and that [w]ith that exception the power is unlimited). I am again asking you for the pardon of Robert Hylton and all the young adults that were incarcerated due to the retaliation of a guilty verdict of convicted murders sutton and zabavsky.

Respectfully
Karen Hylton
6004 3rd st NW
Washington DC
20011
1-23-2025



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA v. TERENCE SUTTON and ANDREW ZABAVSKY, Defendants.	Criminal No. 21-0598 (PLF)

MEMORANDUM OPINION AND ORDER

The Court has before it Karen Hylton's Emergency Motion of Crime Victim to Prevent Unreasonable Delay ("Emergency Mot.") [Dkt. No. 546]; Defendant Andrew Zabavsky's Memorandum in Opposition to the Emergency Motion ("Zabavsky Opp.") [Dkt. No. 548]; Karen Hylton's Reply to Opposition of Defendant Zabavsky ("Hylton Reply") [Dkt. No. 550]; Defendant Terence Sutton's Opposition to the Emergency Motion ("Sutton Opp.") [Dkt. No. 551]; Karen Hylton's Reply to Opposition of Defendant Sutton ("Hylton Second Reply") [Dkt. No. 552]; and the Government's Response to the Emergency Motion ("Govt. Resp.") [Dkt. No. 553].

Ms. Hylton argues that the sentencing of the defendants in this case has been unreasonably delayed subject to correction under the Crime Victims' Rights Act ("CVRA"). See 18 U.S.C. § 3771(a)(7) (affording a crime victim the right to "proceedings free from unreasonable delay"). Mr. Sutton and Mr. Zabavsky oppose the motion, arguing that Ms. Hylton is not a "crime victim" under the statute. See Zabavsky Opp. at 1-2; Sutton Opp. at 8. The government asserts that Ms. Hylton is entitled to relief under the statute, and that sentencing in

this case is "long overdue." Govt. Resp. at 1. For the foregoing reasons, the Court will grant in part and deny in part Ms. Hylton's motion.

I. BACKGROUND

In December 2022, after a nine-week trial, a jury convicted defendant Terence Sutton of the second degree murder of Karon Hylton-Brown, conspiracy to obstruct justice, and obstruction of justice, and defendant Andrew Zabavsky of conspiracy to obstruct justice and obstruction of justice. See Verdict Form [Dkt. No. 426]. Since their convictions, defendants have filed multiple post-trial motions seeking relief from the verdict and have reasonably requested the Court to delay sentencing until the motions were fully resolved. See December 1, 2023 Memorandum Opinion and Order [Dkt. No. 524] (detailing the procedural history regarding the scheduling of a sentencing hearing). On December 6, 2023, the Court issued an opinion resolving the defendants' Rule 29 motions for judgment of acquittal. See December 6, 2023 Opinion and Order [Dkt. No. 526] (denying defendants' Rule 29 motions and setting forth the facts found by the jury). On January 25, 2024, the Court issued an opinion resolving defendants' Rule 33 and Rule 34 motions. See January 25, 2024 Opinion and Order [Dkt. No. 530] (denying defendants' Rule 33 and 34 motions). It also issued an order scheduling a sentencing hearing for June 26, 2024, and set deadlines for the United States Probation Office ("Probation Office") to file its presentence investigation report and the parties to file their sentencing memoranda. See January 25, 2024 Order [Dkt. No. 531].

On May 1, 2024, the Probation Office filed draft presentence investigation reports as to both Mr. Sutton and Mr. Zabavsky. See Draft Presentence Report as to Terence Sutton ("Sutton PSR") [Dkt. No. 533]; Draft Presentence Report as to Andrew Zabavsky ("Zabavsky PSR") [Dkt. No. 534]. On May 9, 2024, Mr. Zabavsky filed a motion to extend the deadline for

the filing of his objections to the presentence investigation report by five days. Zabavsky's Motion to Modify the Sentencing Scheduling Order [Dkt. No. 535]. The same day, Mr. Sutton filed a consent motion requesting the same extension of time. Consent Motion to Modify the Sentencing Schedule Order [Dkt. No. 536]. The Court granted both motions. Minute Orders of May 9, 2024. On May 10, 2024, the government filed its objections to each presentence investigation report. Government's Objections to Sutton PSR [Dkt. No. 538]; Government's Objections to Zabavsky PSR [Dkt. No. 539]. On May 15, 2024, Mr. Sutton and Mr. Zabavsky each filed their objections. Zabavsky's Objections to Draft Presentence Report ("Zabavsky PSR Objections") [Dkt. No. 542]; Sutton's Objections to Draft Presentence Report ("Sutton PSR Objections") [Dkt. No. 543]. After reviewing the very substantial objections raised by both the defendants and the government, the Court vacated the sentencing hearing date, set new deadlines for the filing of a revised draft and final presentence investigation report and of objections from the parties. The Court then scheduled a new sentencing hearing for September 11, 2024. May 24, 2024 Order [Dkt. No. 545].

II. DISCUSSION

The CVRA enumerates various rights afforded to victims of crime, including the right to be reasonably heard at any public proceeding in the district court and the right to proceedings free from unreasonable delay. 18 U.S.C. § 3771(a)(4), (a)(7). Ms. Hylton asserts that the Court's decision to postpone the sentencing hearing until September 11, 2024 creates an unreasonable delay.

A. Ms. Hylton is a victim within the meaning of the CVRA

A person may be a "crime victim" for the purposes of the CVRA if they are "directly and proximately harmed as a result of the commission of a federal offense or an offense in the District of Columbia." 18 U.S.C. § 3771(e)(2)(A).[1] To determine whether an individual is a victim under the CVRA, the Court must engage in a two-step analysis: (1) identify the behavior constituting the commission of the offense, and (2) identify the direct and proximate effects of that behavior on parties other than the United States. See United States v. Giraldo-Serna, 118 F. Supp. 3d 377, 382 (D.D.C. 2015). This requires a finding that the commission of the offense was both the but-for and the proximate cause of the harm, the latter of which requires that the harm was a reasonably foreseeable consequence of the criminal conduct. Id. at 383; see also In re Fisher, 640 F.3d 645, 648 (5th Cir. 2011). For a person who was not the primary victim of the crime, "a party may qualify as a victim, even though it may not have been the target of the crime, as long as it suffers harm as a result of the crime's commission." In re Stewart, 552 F.3d 1285, 1289 (11th Cir. 2008).

In this case, the Court disagrees with the defendants and agrees with Ms. Hylton that she is a victim of both Mr. Sutton and Mr. Zabavsky's offenses. Mr. Sutton was convicted of the murder of Ms. Hylton's son, Karon Hylton-Brown, and, as the mother of the decedent, Ms. Hylton has surely suffered as a result of Mr. Sutton's conduct. The jury found that were it not for Mr. Sutton's actions, Ms. Hylton's son would be alive today. "Congress crafted the CVRA to recognize the harm and anguish suffered by victims of crime." In re de Henriquez, 2015 WL 10692637, at *2 (D.C. Cir. Oct. 16, 2015). When those victims are deceased, the harm is

[1] If the victim of a crime is deceased, an individual may also be entitled to the protections of the CVRA if they are a legal guardian or family member of the decedent. 18 U.S.C. § 3771(e)(2)(B).

primarily done to the families and communities that they leave behind. It is eminently foreseeable that the mother of a deceased child will experience significant pain and grief.

Mr. Zabavsky's actions also harmed Ms. Hylton. Mr. Zabavsky's obstruction of justice delayed the investigation and prosecution of the events leading to Mr. Hylton-Brown's death. His conduct in not ensuring the preservation of evidence at the crash scene, not promptly notifying senior Metropolitan Police Department officials, and affirmatively misleading the watch commander – all to conceal details of the crash – deprived Ms. Hylton of seeing swifter justice for her son's murder. Furthermore, as Ms. Hylton emphasizes, it was foreseeable that obstructing justice would "hinder accountability for the crime, which is precisely what the family members of the decedent seek for some measure of comfort and justice." Hylton Reply at 2. This is more than sufficient to establish her eligibility under the statute.

B. The delays in sentencing are not unreasonable

While Ms. Hylton therefore is a victim entitled to petition for relief under the CVRA, the Court finds that the delays in sentencing have not been unreasonable. To assess the reasonableness of the timeline for proceedings, the Court must balance the victim's interest in avoiding unreasonable delay against a defendant's right to file post-trial motions and the government's right to defend against them – particularly in a case like this, where the jury trial took nine long weeks and the Court issued 28 written opinions before and during trial because of significant issues raised by the parties. While a court should not permit delay for the "mere convenience" of the parties, see United States v. Turner, 367 F. Supp. 2d 319, 334 (E.D.N.Y 2005) (citing legislative history), it must be remembered that the CVRA only gives victims "a voice but not a veto." Id. at 331. The government and the defendants have rights as well. United States v. Tobin, 2005 WL 1868682 at *2 (D.N.H. 2005).

As noted, the Court reasonably agreed to delay sentencing during the pendency of the defendants' post-conviction motions for relief, but it issued a scheduling order for sentencing on the very same day that it ruled on the final outstanding motions, the defendants' motions under Rule 33 and 34. See January 25, 2024 Order. And because of the contentious nature of the case – engendering strong emotions both within Ms. Hylton's community and within the police community – the Court scheduled a date to hear arguments on sentencing and Sentencing Guidelines issues on a day separate from the date on which it will actually impose the sentences. The Court will want a day or two to carefully deliberate before making its determination as to what are fair and just sentences under the circumstances.

The Court anticipated that the parties would be prepared to present arguments at a sentencing hearing on June 26, 2024. The Probation Office filed its draft presentence investigation reports on May 1, 2024, but both the government and defendants raised significant objections. Normally, the next step would be for the Probation Office to consider the parties' objections and file its final presentence investigation reports, making changes and adjustments as appropriate and explaining why it had rejected other objections. But instead, the Court asked the Probation Office to prepare a revised draft presentence investigation report. In view of the substantial work already done by the Probation Office, why, Ms. Hylton asks, did the Court order "a complete reset," Hylton Reply at 5, and order a revised draft report, rather than proceed in the normal course. She deserves an answer to that question.

Frankly, it is the fault of counsel for the parties—both government counsel and defense counsel. The Probation Office did not attend the nine-week jury trial, so was able to provide only a cursory and incomplete statement of the offense conduct in the draft presentence investigation report. See Sutton PSR ¶¶ 9-24; Zabavsky PSR ¶¶ 7-22. Mr. Sutton devotes more

than half of his eighteen pages of objections to explaining why the Probation Office got the facts wrong. Sutton PSR Objections at 2-11; see also Zabavsky PSR Objections at 1-5. For its part, nearly all of the government's objections explain why the Probation Office got the law wrong – the statutory maximum in the case of the D.C. Code offense and the Sentencing Guidelines computations with respect to the federal offenses. See Government's Objections to Sutton PSR at 2-4; Government's Objections to Zabavsky PSR at 2-3. All of this could have been avoided if counsel for the parties had been proactive during their conversations with the Probation Office as it prepared its draft reports.

The inaccuracies in the draft presentence investigation reports could easily have been prevented had the parties provided the Probation Office with (1) a copy of the Court's 98-page Rule 29 opinion, which set out in great detail the testimony of the witnesses and other evidence at trial; (2) the most relevant portions of the final jury instructions, particularly the instructions relating to the elements of obstruction of justice, 18 U.S.C. § 1512(b)(3), especially elements (4) and (5), see Jury Instructions [Dkt. No. 435] at 30; and (3) any relevant opinions this Court issued before and during the trial. Because of the parties' lack of initiative on these matters, the Probation Office now requires time to correct the draft presentence investigation reports, both the fact section and its Guidelines calculations.

Finally, while this case is extremely important to the parties, to Ms. Hylton, and to the community, it is not the only case to which the Probation Office must devote its attention. There have been approximately 1,400 January 6 cases filed in this Court to which many Probation Office resources have been and continue to be directed. The Probation Office is overtaxed and overworked, with probably ten times its normal workload. Furthermore, it must prioritize its work for detained defendants over those of defendants who have been released on

bond. The delay in sentencing in this case by a measure of months is not unreasonable under the circumstances.

III. CONCLUSION

The Court recognizes Ms. Hylton's right as a victim to bring a claim under the CVRA, but it does not agree with her assertion that the delay in sentencing in this case is unreasonable. Nevertheless, in order to accommodate her interests and her right to proceedings free from unreasonable delay, the Court will revise the schedule for sentencing procedures set forth in its Order of May 24, 2024. Accordingly, it is hereby

ORDERED that Ms. Hylton's motion [Dkt. No. 546] is GRANTED IN PART AND DENIED IN PART; it is

FURTHER ORDERED that the United States Probation Office shall submit a revised draft presentence investigation report on or before June 28, 2024; it is

FURTHER ORDERED that the parties shall file any objections to the revised draft presentence report on or before July 11, 2024; it is

FURTHER ORDERED that the United States Probation Office shall submit the final presentence investigation report on or before July 22, 2024; it is

FURTHER ORDERED that counsel for the government, Mr. Sutton, and Mr. Zabavsky shall each submit memoranda in support of sentencing on or before August 2, 2024; it is

FURTHER ORDERED that counsel for the government shall submit a response to Mr. Sutton and Mr. Zabavsky's sentencing memoranda on or before August 12, 2024; it is

FURTHER ORDERED that counsel for Mr. Sutton and Mr. Zabavsky shall submit responses to the government's sentencing memoranda on or before August 22, 2024; it is

FURTHER ORDERED that the parties shall appear in person for a sentencing hearing on August 27, 2024 at 10:00 a.m. in Courtroom 29 in the William B. Bryant Annex to the E. Barrett Prettyman Courthouse at 333 Constitution Ave, N.W., Washington, D.C. 20001; and it is

FURTHER ORDERED that the parties shall appear for sentencing itself on August 29, 2024 at 10:00 a.m. in Courtroom 29 in the William B. Bryant Annex to the E. Barrett Prettyman Courthouse at 333 Constitution Ave, N.W., Washington, D.C. 20001.

SO ORDERED.

Paul L. Friedman

PAUL L. FRIEDMAN
United States District Judge

DATE: 6/5/24