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JENNIFER J. WIRSCHING
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4th Floor
Burbank, CA 91502
818-563-2355

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

THE UNITED STATES OF AMERICA

Plaintiff,

v.

CHRISTOPHER CURTIS KELLEY,

Defendant.

) CASE NO.: **12-04043-01-CR-C-BP**
)
) **DEFENDANT’S SENTENCING**
) **MEMORANDUM**
)
) Date: January 23, 2014
) Time: 10:15 A.M.
) Judge: Hon. Beth Phillips
)
)
)
)
)
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)

Defendant, CHRISTOPHER CURTIS KELLEY (“Mr. Kelley”), through and by his counsel,
respectfully submits this sentencing memorandum.

Dated: January 16, 2014

 /s/Jennifer J. Wirsching
Jennifer J. Wirsching
Pro Hac Vice
Attorney for Defendant
CHRISTOPHER KELLEY

1
2 **I.**

3 **DEFENDANT KELLEY'S SENTENCING MEMORANDUM**
4

5
6 Defendant Mr. Kelley is to be sentenced by this court following his conviction at trial
7 April 24, 2013 on two counts of violation of 18 USC §844(i) Arson. Mr. Kelley maintains his
8 innocence in this matter, plans to appeal his conviction, and renews his previously noticed
9 objections to the PSR. Since he has suffered a conviction, despite his innocence, he submits that
10 a concurrent sentence at the mandatory minimum of 60 months is sufficient but not greater than
11 necessary.
12

13 Mr. Kelley has zero (0) criminal history points, and therefore has a criminal history
14 category of I. The total offense level is 26, so that the USSG guideline range is 63-78 months.
15 Taking into account Mr. Kelley's lack of prior criminal convictions, his youth, his strong family
16 ties, and his character as an intelligent, artistic and caring person, he respectfully presents that
17 despite his firm maintenance of his innocence, a sentence at the statutory mandatory minimum of
18 60 months is appropriate.
19

20
21 **A. Renewed Objections to the PreSentence Report**

22 Mr. Kelley renews his each of his objections to the PSR sent to the Probation Officer on
23 September 27, 2013, and included in the Amended PSR filed by the Probation Officer on
24 October 9, 2013.
25

26 //

27 //
28

1
2 **B. Background**

3 Mr. Kelley is a creative, kind-hearted, intelligent and loving 27 year-old man, who, for
4 those very qualities, is greatly loved and supported by many people. This young man, who
5 maintains his innocence in this matter, is not what many people would perhaps expect of
6 someone convicted of a federal offense. He has no prior criminal convictions, he is a college
7 graduate, he has a strong and loving family, and is constantly creating. He has a long history of
8 creativity and a positive attitude. He has earned Bachelor's Degrees in both Anthropology and
9 English, and has been actively involved in the arts since he was a child. He was a founding
10 member of the Film Club in High School, won first prize at the Pulaski County language Arts
11 Fair when he was only in third grade, with his hilarious children's book entitled "Zack Attack's
12 Thanksgiving." During his incarceration since his conviction, rather than simply "waiting it
13 out," he has been drafting a novel, and has to date completed over 200 pages of this work.
14

15
16 As the Court can see in the attached character letters, everyone in Mr. Kelley's young life
17 has deep positive experiences relating to Mr. Kelley's involvement in their lives. Clint Kelley
18 writes "He is such a great and important force in my life, that I even named my son after him."
19 Several themes emerge from the letters submitted on his behalf, caring, compassionate and
20 creative among them. Many people note that Mr. Kelley is the type of person who shepherds
21 insects and spiders out of living spaces, rather than simply killing the pest and moving on with
22 his day. Former teachers characterize Mr. Kelley as a good student who always held a positive
23 attitude, and who had on occasion returned to his former school and visited and praised the
24 current students.
25

26 While these letters are best read to fully appreciate, it is clear that Mr. Kelley is not a man
27 with any type of violent or anti-social history, but is in fact exactly the opposite.
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C. Mandatory Minimum is Appropriate

The legislature has taken what they consider the most serious offenses, and set mandatory minimums on those convicted of such offenses. This was done in part to reflect the seriousness of these offenses, and to assure severe punishment aside from what the US sentencing guidelines provide. In the instant case, the statute of conviction carries a mandatory minimum sentence of 60 months. Under the appropriate analysis under the US sentencing guidelines, which further take into account the specific facts and circumstances of the case, which the statute of course cannot do, virtually the same result occurs – a guideline range of 63-78 months.

While arson is a serious offense, the guidelines have taken all of these factors into consideration. Mr. Kelley is young, has no prior convictions, a high level of education, and a supportive group of family and friends – all of which indicate a low level of risk for recidivism. Despite the fact the losses caused occurred to a distinguished university, which is much beloved, this emotional factor should not play a role in sentencing. To do so could be arguably be said to minimize the importance of other buildings damaged by arson, such as people’s apartments, small businesses or recreational facilities. For these reasons, a sentence at the mandatory minimum of 60 months is appropriate.

D. Public Welfare Departure is Not Appropriate

Because the PSR mentioned the Public Welfare upward departure basis, Mr. Kelly respectfully submits that this departure is not appropriate in this case. As Mr. Kelley noted in his objections to the PSR, the PSR writer did not state any facts or conditions specific to Mr. Kelley or to this offense in support of this departure. While the PSR writer’s response references Monograph 107 and states that “the probation office is identifying facts or circumstances addressed in the report that may be relevant to the Court’s consideration,” it is again useful to

1 note that no facts or circumstances were stated. (PSR Addendum, page 4) Additionally, the PSR
2 writer states that the public welfare guideline was also included to “provide[] notice to the parties
3 that a departure could be considered based on the factors listed.” Id. The obvious problem with
4 this attempt at “notice” is that, in fact, no factors were listed at all. Arguably, this does not
5 constitute proper notice, as no facts or circumstances related to this matter were identified by the
6 probation office. If this were to be considered proper notice, it would put the defense in the
7 absurd position of having to guess what possible facts or circumstances could potentially be
8 raised in support of such a departure.
9

10 Even if proper notice had been given, and factors and facts identified (which they were
11 not), this basis for departure is not appropriate in this matter. Pursuant to USSG 5K2.14, “[i]f
12 national security, public health or safety was significantly endangered, the court may depart
13 upward.” (Emphasis added) The author’s note to this section states that “[i]n order to depart
14 under §5K2.14, the danger posed to public safety must be substantially in excess of the danger
15 ordinarily involved in crime.” While the arson in this matter caused property damage, it was of a
16 non-residential, unoccupied building which was closed and locked to the public at the time of the
17 fire. This in no way evinces facts suitable to create “significant” public endangerment, nor is it
18 “substantially in excess of the danger” posed by arson in general. For these reasons, an upward
19 departure based on public welfare is inappropriate.
20
21

22 **E. Property Damage or Loss Departure is Not Appropriate**

23 U.S.S.G. §5K2.5 provides for an upward departure from the guidelines when property
24 damage or loss “not taken into account within the guidelines” is present. Clearly, the guidelines
25 are primarily based on property damage or loss in the case of arson, as the harm caused by the
26 offense is, by definition, property damage or loss. Every arson results in property damage or
27
28

1 loss. In fact, the offense's primary defining factor is "damage or destr[uction], by means of fire
2 or an explosive, any building ..." 18 USC 844. The guidelines then, are providing guides to
3 sufficient, but not greater than necessary, sentencing for causing property damage or loss. The
4 guidelines further take loss into account in USSG 3D1.2, which provides grouping for offenses
5 which do not involve separate and distinct victims, and USSG 3D1.4, which calls for additional
6 offense level points when there were separate losses to separate victims. In fact, the calculation
7 of how many additional points will be assessed under 3D1.4, is based on units, with "one Unit
8 for the highest offense level" and "one additional Unit for each group that is equally serious."
9 (Emphasis added) Mr. Kelley was convicted of two counts of arson, an offense defined by
10 property loss. Thus, both damage and loss caused by arson have been sufficiently considered by
11 the guidelines: the damage caused by the offense is by nature property loss, hence the high base
12 offense level assigned to the offense (24); and the addition of (2) offense level points due to the
13 second count, which was assessed an additional Unit for being "equally serious" to the primary
14 count. Repair to a building, any building, following a fire is expensive. Water damage from
15 sprinkler and fire department hoses are universal in every building fire. The instant case is no
16 different from any other arson in this aspect, property was damaged, and it cost money to repair
17 that damage.
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22 **F. Conclusion**

23 While Mr. Kelley maintains that he is innocent of these offenses, he acknowledges that
24 he has been found guilty at trial, and that his sentence must reflect the seriousness of the offense,
25 promote respect for the law, and provide just punishment. 18 USC §3553(a)(2). For the
26 foregoing reasons, Mr. Kelley therefore submits that a sentence at the mandatory minimum of 60
27 months is sufficient but not greater than necessary to achieve those goals.
28

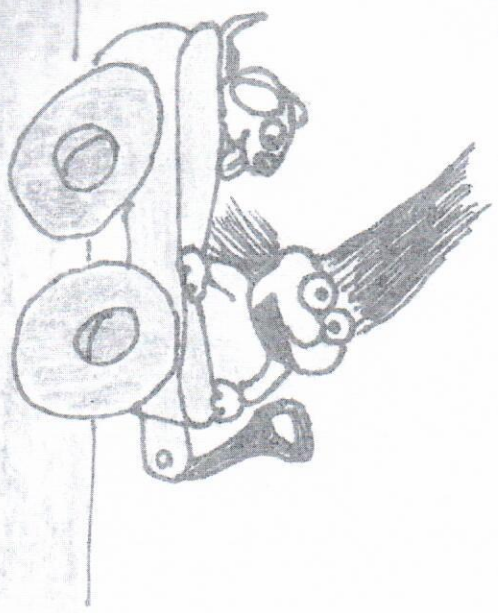
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Dated: January 16, 2014

Respectfully Submitted,
LIBERTYBELL LAW GROUP

 /s/Jennifer J. Wirsching
Jennifer J. Wirsching
Pro Hac Vice Attorney for Defendant
CHRISTOPHER KELLEY

"Zack Attack's THANKSGIVING"



WRITTEN BY: Chris Kelley

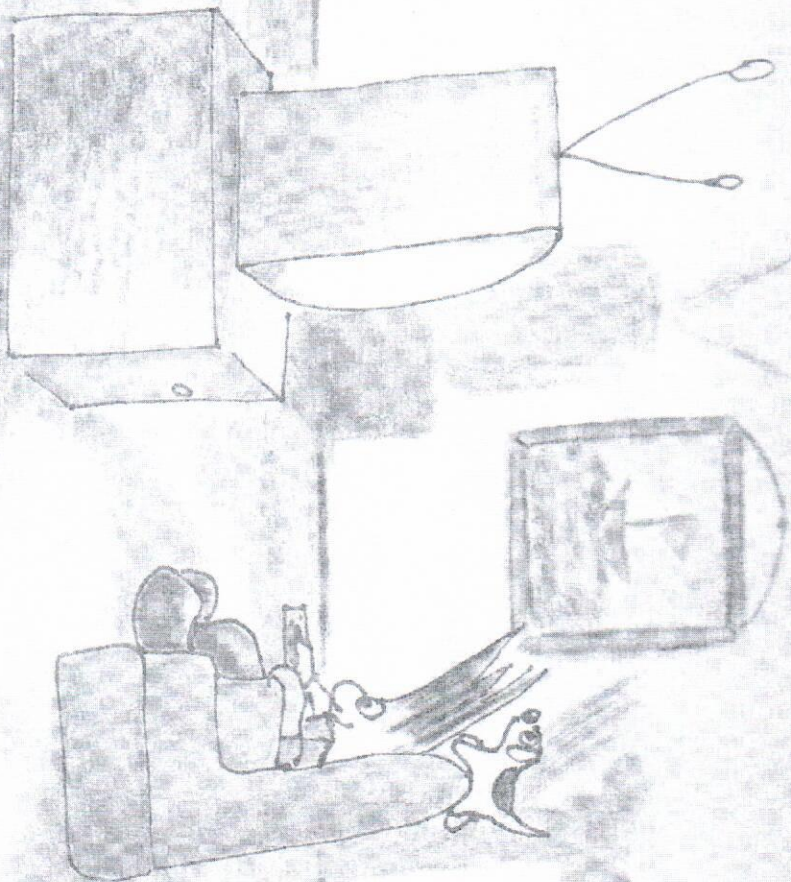
Illustrated by: Chris Kelley

Colored by: Mom Kelley

Printing by: Mom Kelley

1st Edition: Nov. 14, 1994

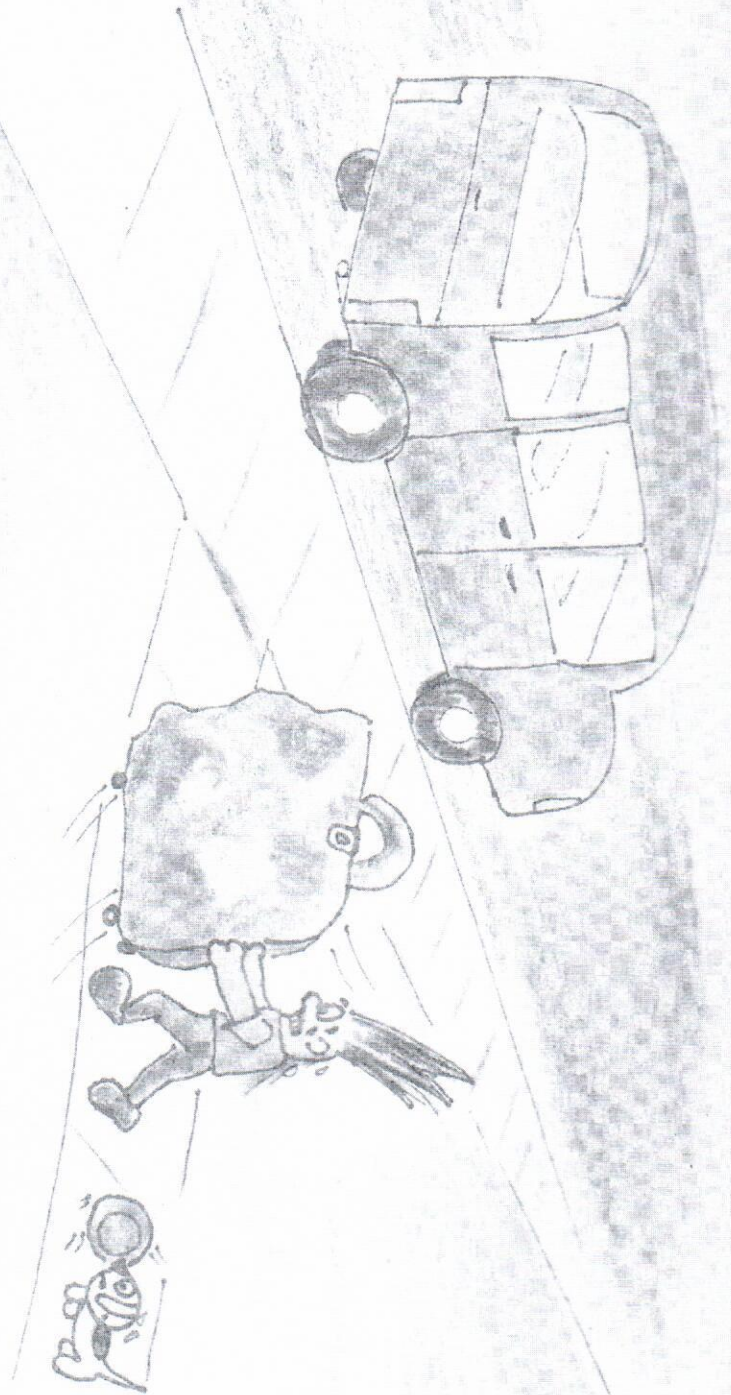
" We're about to do surgery on... Click... Chocolate chip cookies and...
Click... it cleans toilet scum... "

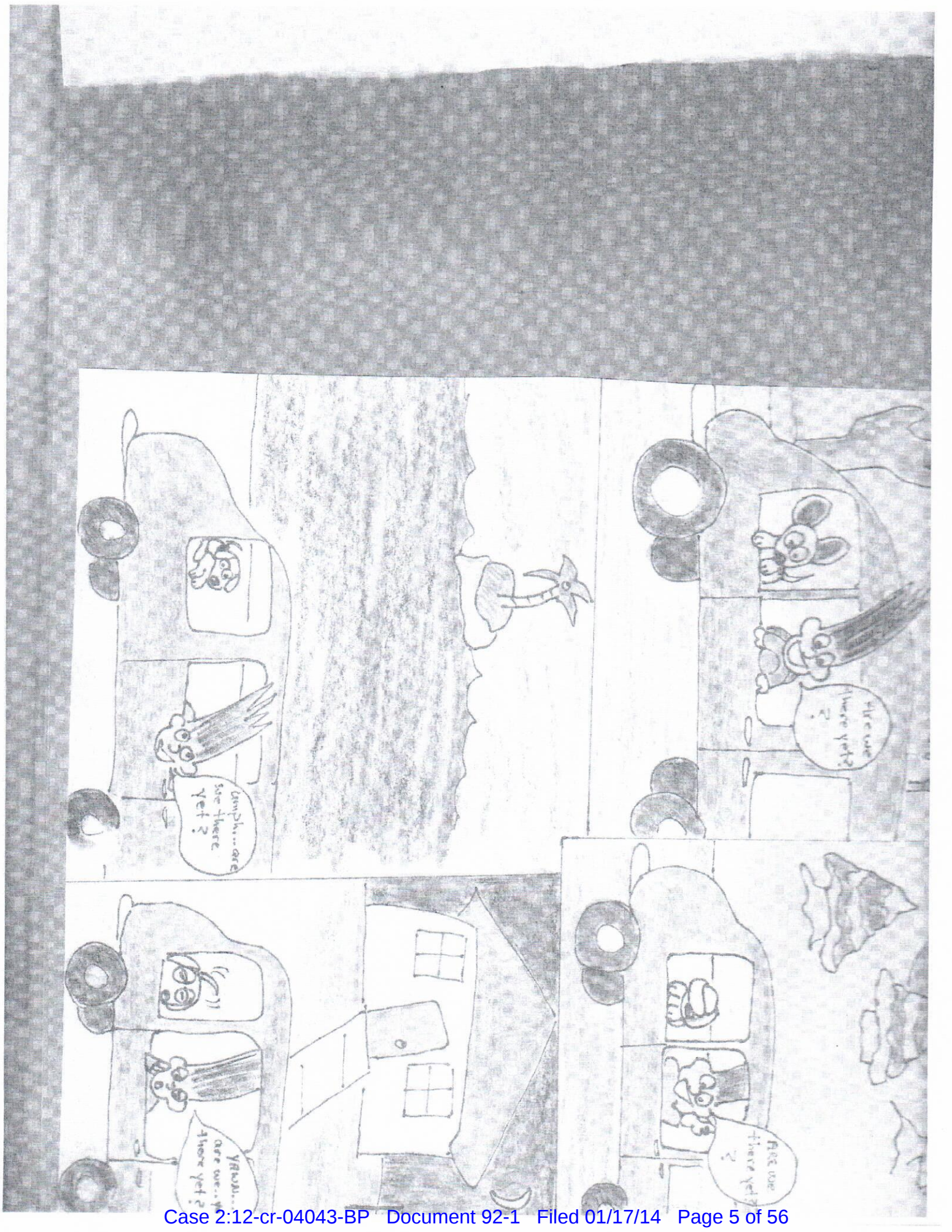


"Zack, we're going to visit your grandparents in Texas for Thanksgiving. You need to pack your suitcase."
Zack looks at Heru and says, "Get along little doggie."

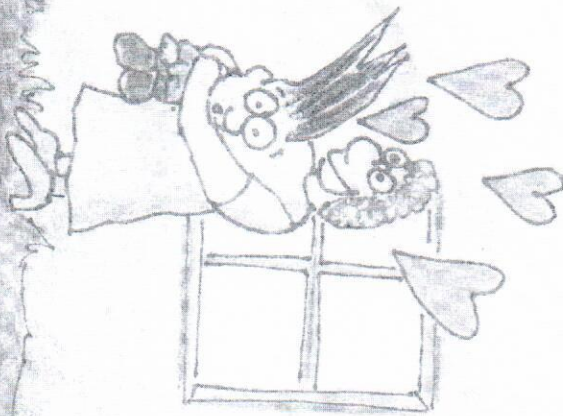


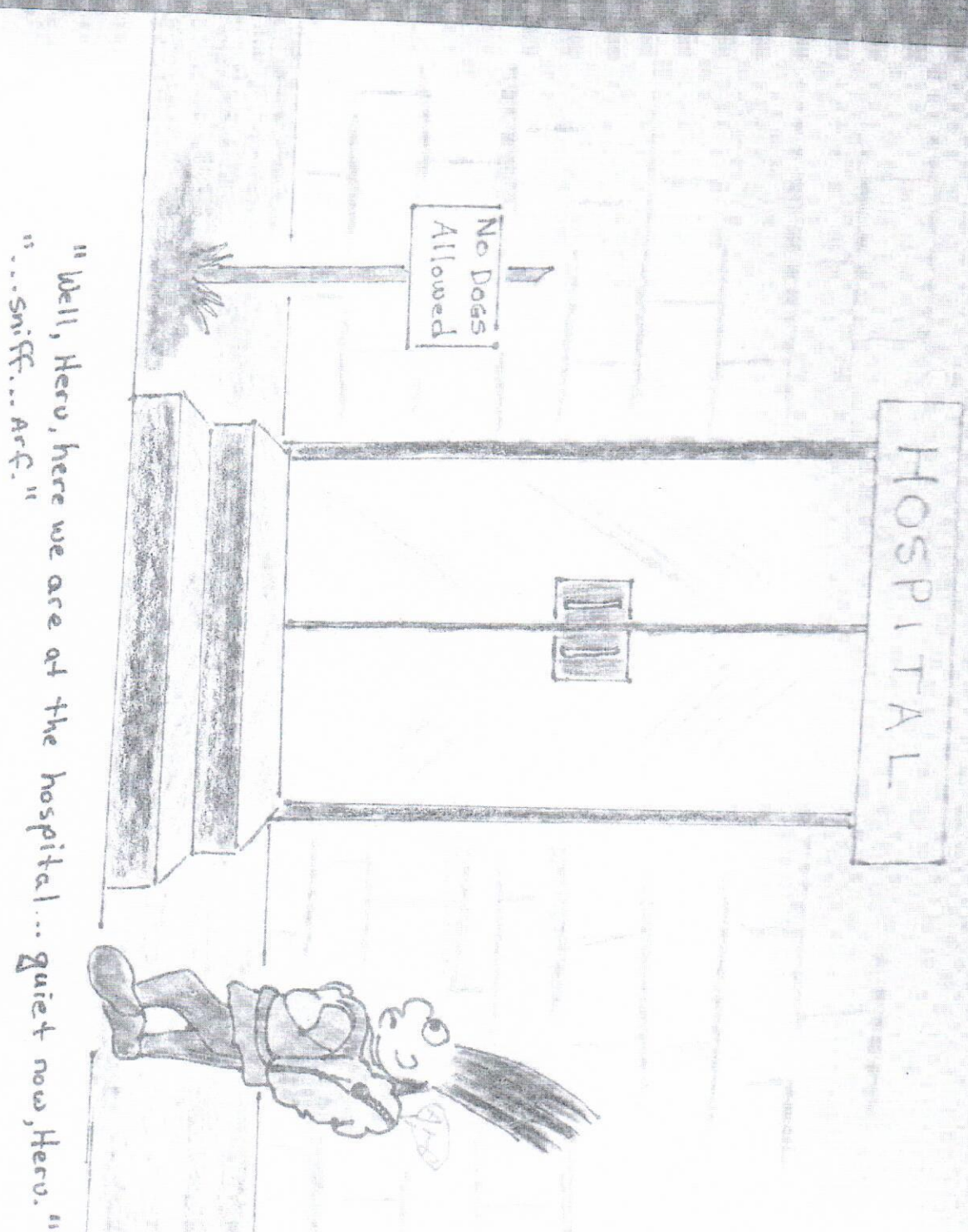
" I don't think...grunt...this will...grunt...fit in the van."
" Arf!"

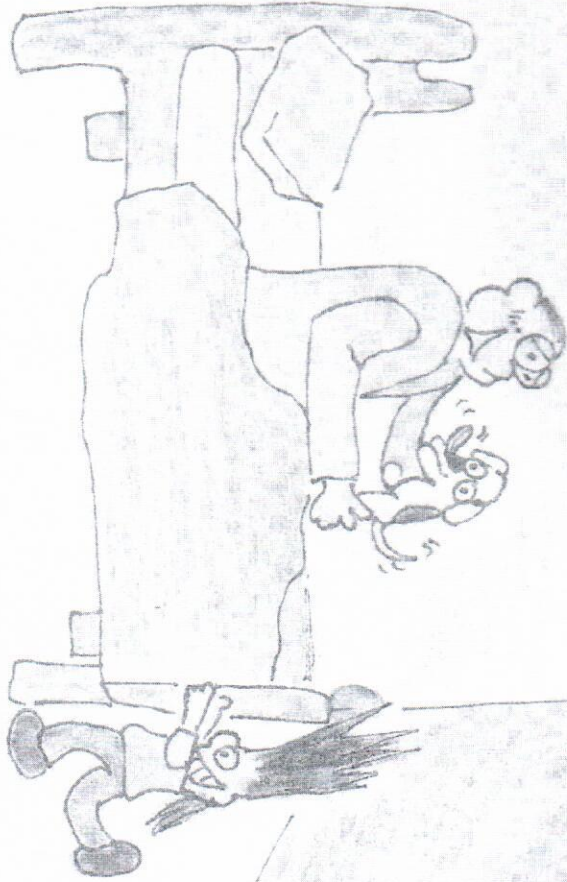




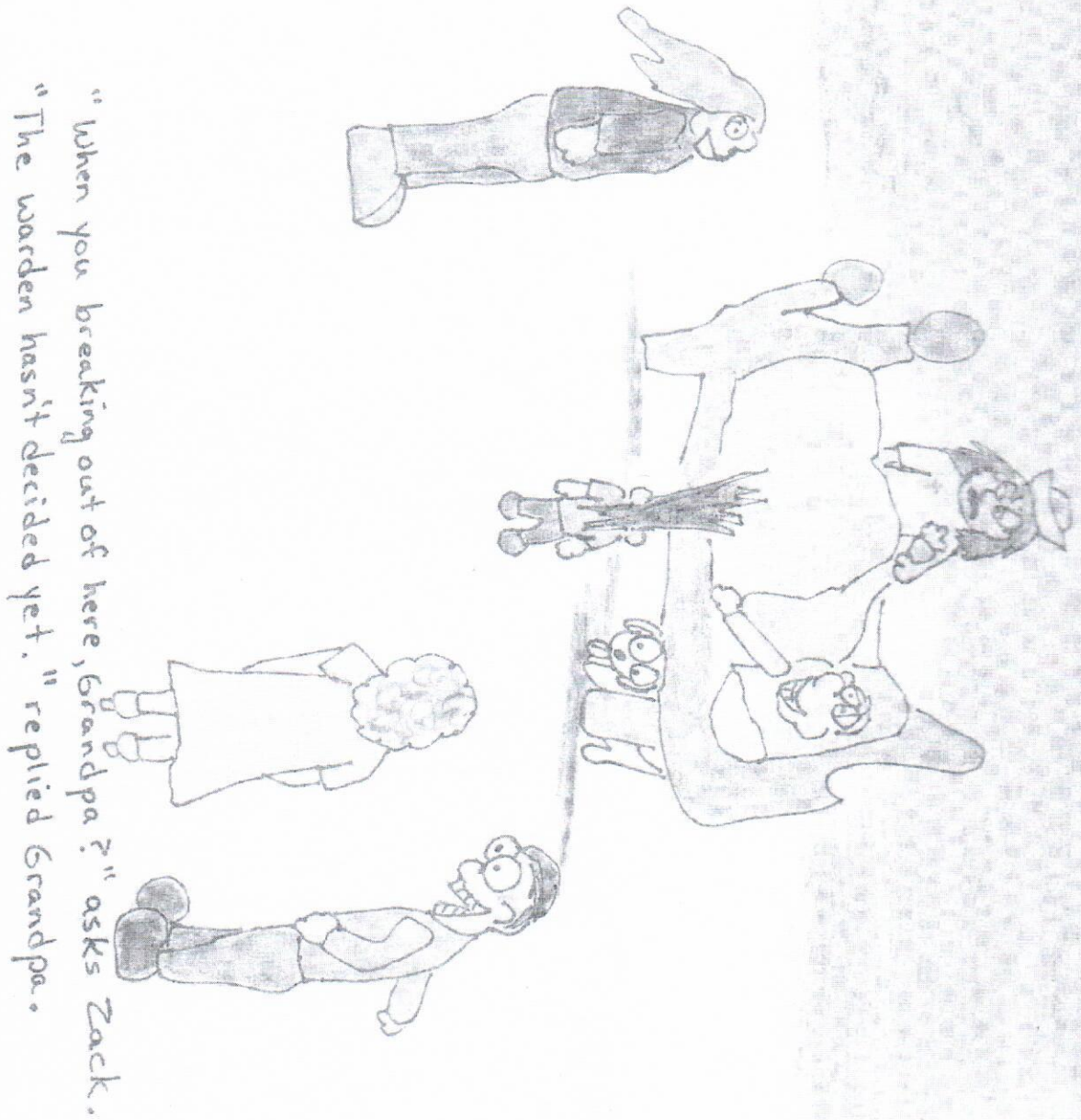
Gramma says, "I'm so glad you're here!"
"ooF!" says Zack.
"The ambulance just took Grandpa to the hospital."
"He'll be alright, Gramma," said Zack.







"Hi, Grandpa are you feeling better?"
"I'm feeling fine... cough cough." Grandpa replies. "It's good to see you, Zack. How's school?"
Zack says, "My teacher has chicken pox, so we got out a few days early."
Grandpa giggles, "Good for you, Zack!"

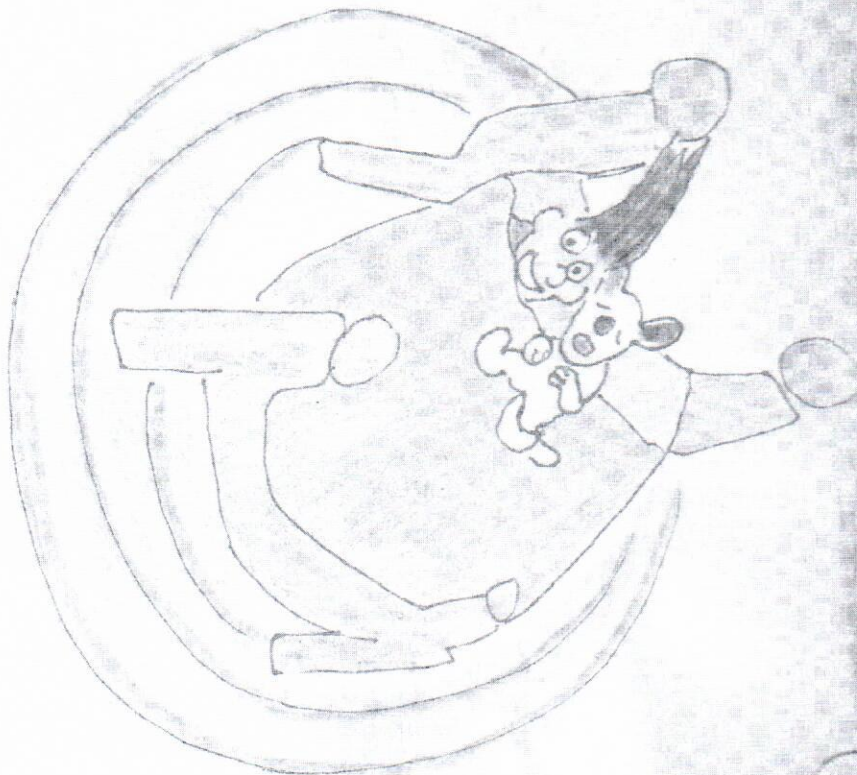


"When you breaking out of here, Grandpa?" asks Zack.
"The warden hasn't decided yet," replied Grandpa.

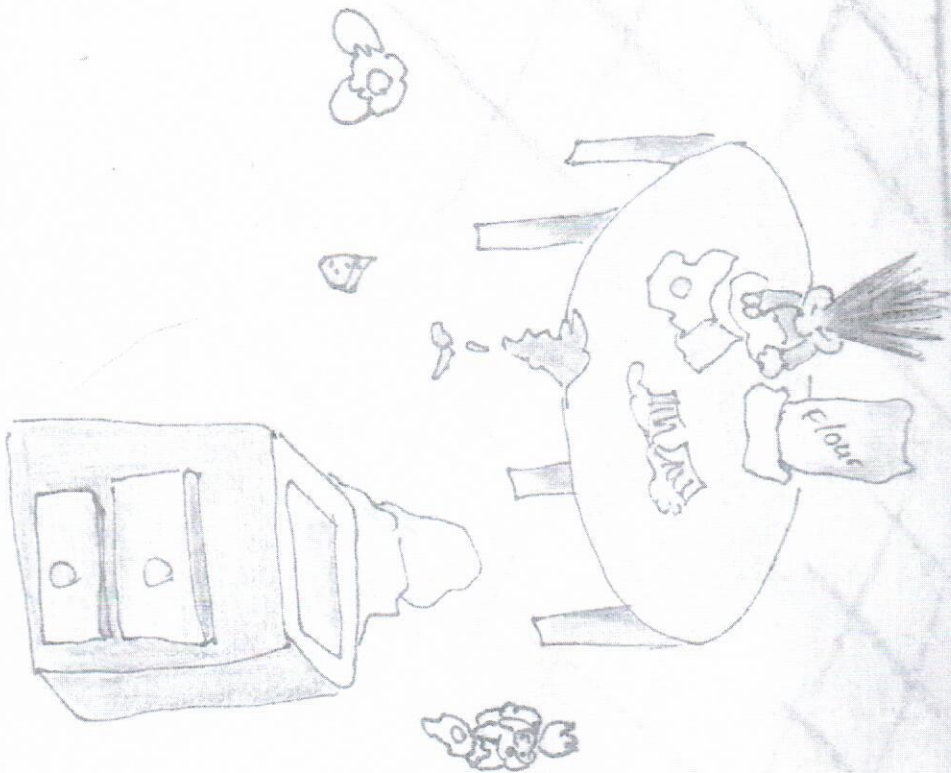
Grandma says sadly, "There doesn't look like there's going to be a Thanksgiving dinner this year."



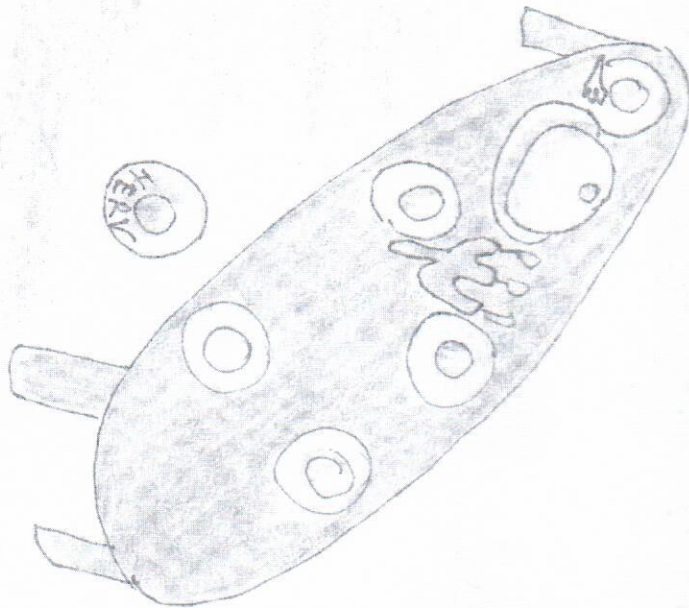
"Heru, everyone seems so sad. There has to be something we could do to help. But, what can it be?"
As Heru snores on, Zack gets an idea.
"It will be a big surprise!"



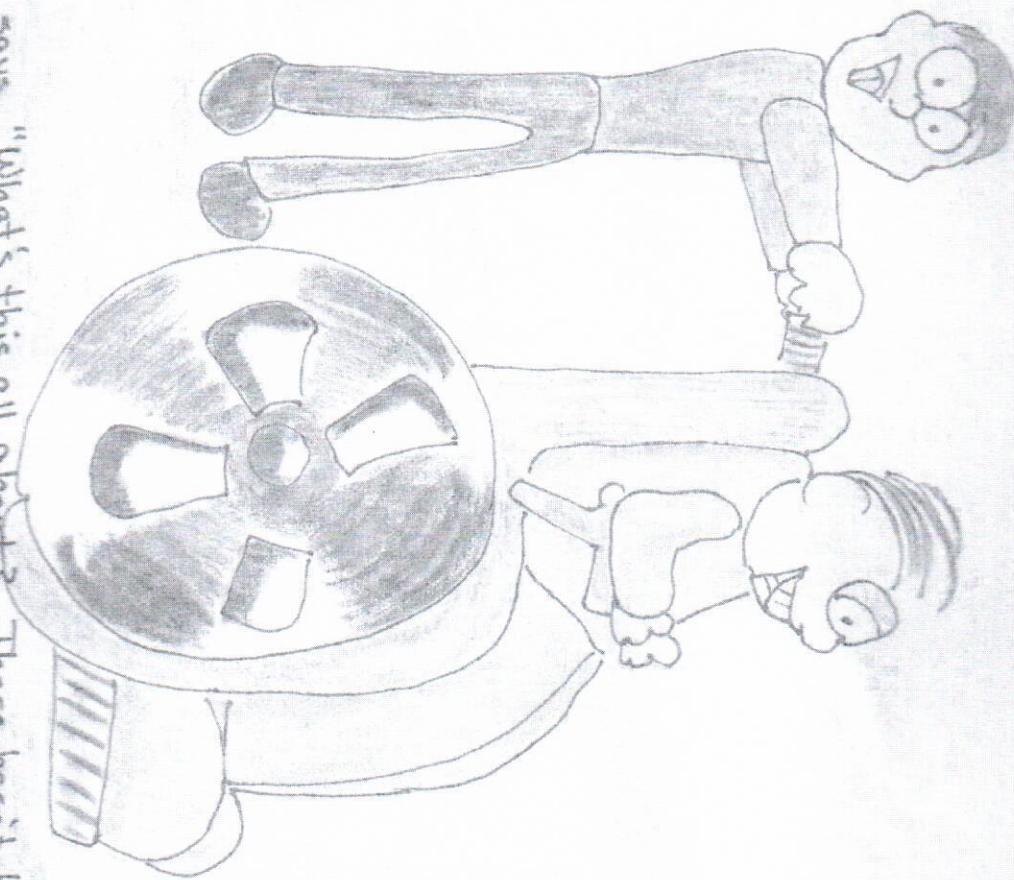
Zack says, "Are there anymore eggs, Heru? We need to hurry. Gramma, Mom and Dad will be bringing Grandpa home soon!"

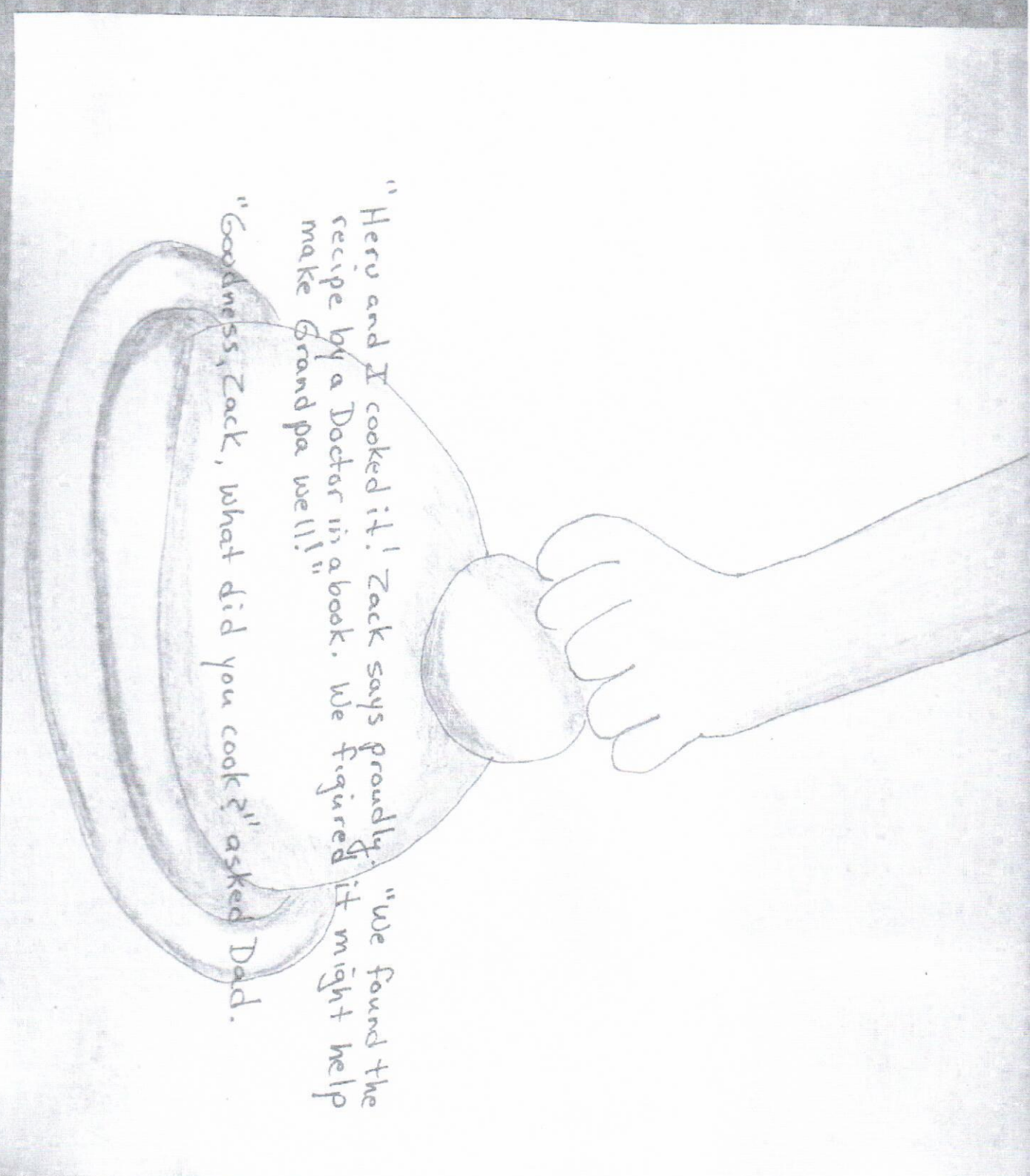


"We're ready!"
"sniff...pant...pant..."



Grandpa says, "What's this all about? There hasn't been time for a Thanksgiving feast."
Grandma says, "I'm sorry, I've been so worried about you in the hospital - I haven't had time to cook."

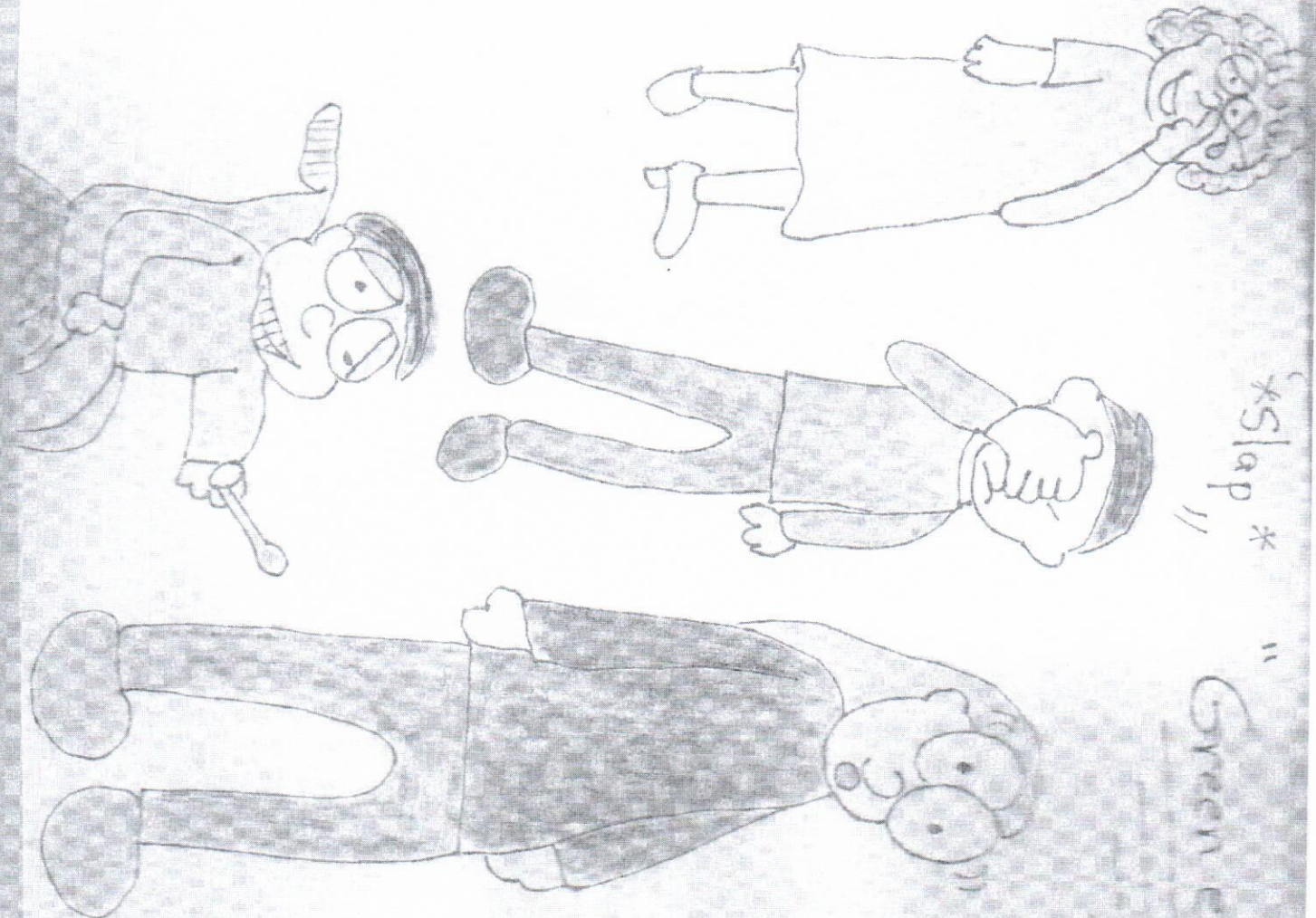




"Here and I cooked it! Zack says proudly. recipe by a Doctor in a book. We figured make Grandpa well!"

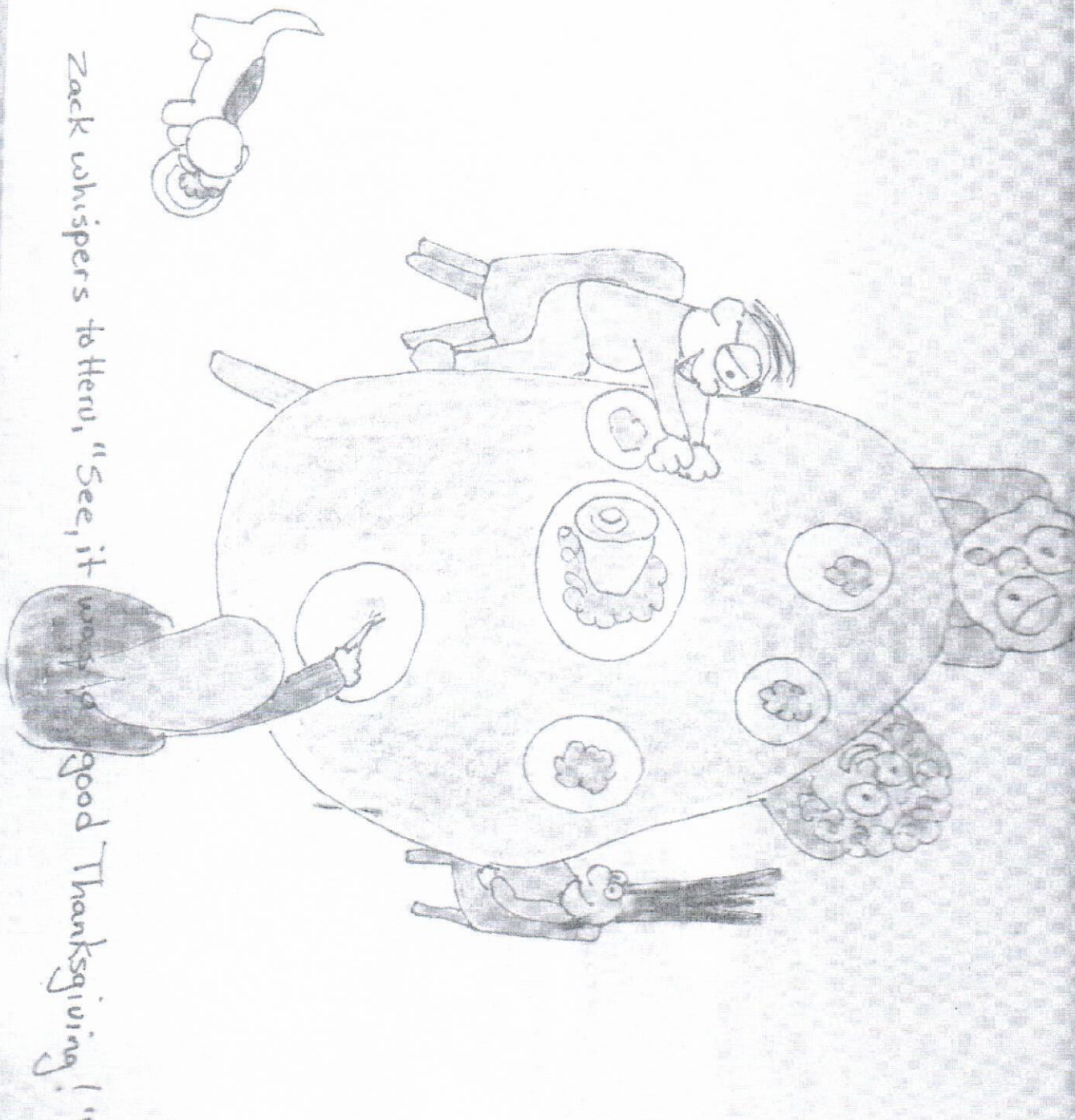
"Goodness, Zack, what did you cook?" asked Dad.

"We found the it might help

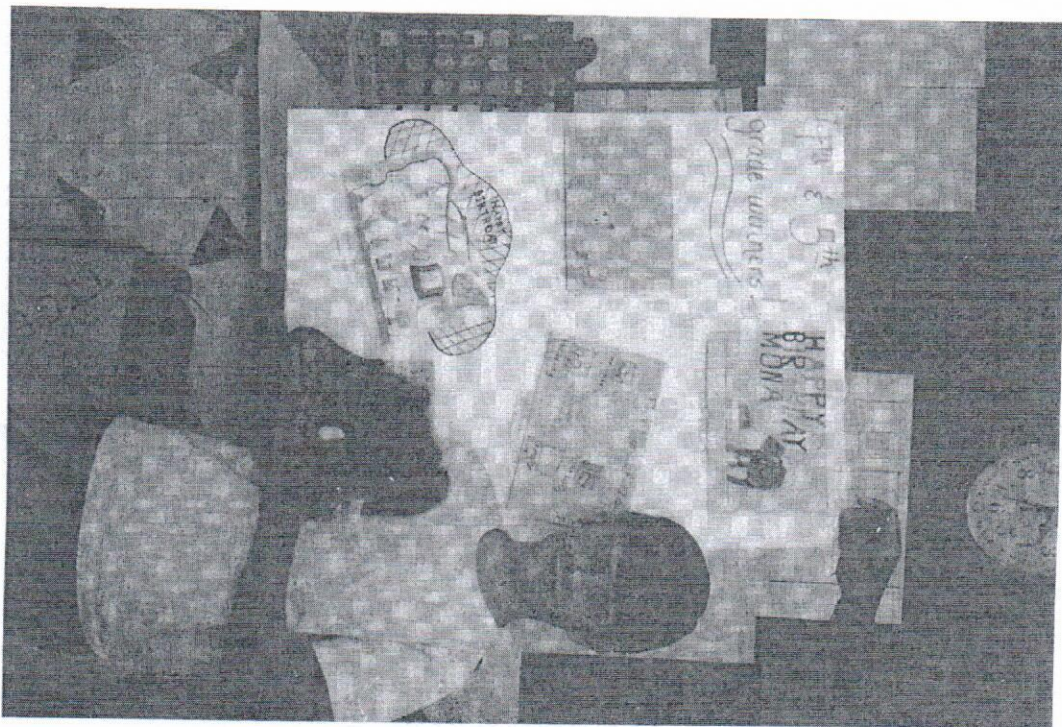


"*slap*"

"Green eggs and Ham!"



Zack whispers to Heru, "See, it was a good Thanksgiving!"



**PULASKI COUNTY IRA
LANGUAGE ARTS FAIR ENTRY FORM**

No 1612

Student's Name

Chris Kelley

Student's Grade

3

Teacher's Name

Patty Wiedmeyer

CATEGORY:

(check one)

- POEM
- CHILDREN'S BOOK
- SHORT STORY
- ANTHOLOGY
- CLASS BOOK

School's Name

Thayer

To the Honorable Judge Phillips,

Chris is simply the finest man I've ever known – perfect, no - but truly a man who deserves a better hand than life has recently given him. Even in his shortcomings or times of great trials, his thoughts are always on the well-being and comfort of others before any thought towards himself. His priority is always about the happiness of others. I would trust him with any and everything in my life without a second's notice. He is such a great and important force in my life that I even named my son after him.

It terrifies me to think there's a possibility that I won't be able to see or spend any real time or my life with him again, until I'm an old man – the thought that he wouldn't be able to be a direct part of my children's lives until they're past high school saddens me greatly, as all of our lives can only be improved with his presence.

Chris is anything, ANYTHING, but willfully destructive. Heck, the guy even makes the attempt to save spiders and other assorted 'pests' from his house as opposed to killing them. He doesn't have an ounce of violence in his heart.

He is always a creator – with his allowances he'd look forward to going into craft stores to buy the materials for whatever his newest board-game idea was. In his free time he often worked with Legos, creating massive works and often becoming disappointed when it came to be time to disassemble them, not due to the work involved in doing so, but, I feel, because of the thought of having to undue his art.

When he was away for college, any time he was able to come back to Rolla was a reason for a great deal of excitement. Our family is such a close-knit one, my wife and I would drop whatever we were doing and schedule a day off from work to go back to Rolla (we lived in Springfield) and see him.

Since all of this has gone down, I must say, I'm proud of how Chris is taking the consequences to his actions. He turned himself in immediately when he discovered the police wanted him for questioning, he followed every rule set for him during his house-arrest, and all the while continued to research ways to improve himself.

The morning before the verdict was due, he made a video for the family, explaining that despite that he may be going away for a while; he loves us all very much and will indeed be ok. There was no whining in his voice, no excuses made just sadness and sorrow in his voice for the possible separation from this family and friends enduring this ordeal. His first priority is, and always has been, to others – and, to me, the video shows that. He simply wasn't sad for himself, despite being scared of a negative outcome, but for us.

Since being in the Morgan County Jail, Chris has been doing well for himself. He's kept positive despite boredom or unusual 'roommates'. He shares his snacks with those roomed with him, and is back on track with what he has long wanted to be, a writer. Chris has a gift with words, and is a lover of books, and he is using this time to start again in the craft he loves. While others in his room compare the questionable acts they'd done, Chris is creating his art. After this is all said and done, he intends to publish his works.

After his sentencing, and when my schooling is finished, my family (my wife, kids, and myself) is planning to move wherever Chris is sent, he means that much to us. I ask of you, please Judge Phillips, I feel that the minimum sentence will be more than sufficient for a good man like Chris. Only the minimum – please – any more than that and I'm afraid his spirit will be broken. He is a good man, surrounded by friends and family who love him, and is attempting to achieve his dream - even in the face of imprisonment. Please let me have my brother back in the least amount of time, and have our family be whole again. Everyone makes mistakes, and he's already been paying for his. Thank you for taking the time to read this, and please show fairness to Chris.

Sincerely,

Clint C. Kelley

1506 Whitehall Road Apt 1

Rolla, MO 65401

(573) 201-4054

Dear Honorable Judge Phillips;

My name is Christine and I am the sister-in-law of Christopher Kelley. I have known Chris for a little over a decade now. Meeting him for the first time was, well, interesting. I had never met someone so "alive" I guess I could say. He was always smiling and happy. It was very strange for me at first meeting my husband's family, Chris included. They are so very close and I wasn't used to that. I thought my family was close but meeting the Kelley's, I was wrong. There is nothing they wouldn't do for each other. The love that they have for one another just radiates out of every nook and cranny. You walk into their home and you can feel the love they share. Chris is no different. Chris didn't know me at all and he took me in as his sister right off just because his brother was happy with me. Normally people will shake hands when they first meet, Chris hugs.

When I was told what had happened I was completely taken aback. I couldn't believe it. To tell you the truth, I wouldn't believe it for the longest time. I just knew that the Chris I know and love couldn't do something like that. As I learned more about what was going on I still felt that something wasn't right. To this day, it still doesn't seem real. I know Chris is a good man.

Chris is an amazing human being. He would always be there for anyone or anything if they needed him. He "adopted" animals and aided in their recovery when he'd find them wondering aimlessly looking for shelter. I know for a fact that the well-loved puppy named Tater that lives with Chris' family right now only resides there due to Chris telling his Mom to stop the car nine years ago because he saw a puppy on the side of the road in winter weather. What I was told of Tater's rescue was that Chris went to the door of the house the little black puppy was in front of and asked if they knew its owner. When they said they just didn't want the pup anymore, Chris couldn't help but take her home and love her. That's just the type of loving, caring, kind-hearted person Chris is.

I do not wish my children to grow up without the Uncle whom they love so much. My daughter talks about her Uncle Chris all the time and writes him letters and colors/draws him pictures. She will ask when she can play games with him again or when she and her brother get to play with him again. I can't imagine their lives without him in it.

Chris has been instrumental in mine and my husband's lives as well as our children's lives. My daughter wanted to start reading at age 2 just because her Uncle Chris would read to her every time he was around. My husband has told me stories of when they were little he realizes now that, Chris would play video games with him largely because he knew it'd make Clint happy, and spending "bro-time" was a very important thing for the both of them. Even our dog, Lola, jumps up and down and squeals with joy when she sees Chris or when we tell her that he's coming over. Whenever he visited, Chris would go outside for a good half hour and just play with Lola, just to make her happy. Making others happy is what makes Chris happy.

Chris tries his best to do good for everyone around him, even though he has a physical difficulty. He has a metal (titanium) rod going along his spine in his back from scoliosis. To look at him you wouldn't think anything was wrong. He doesn't let his back get in the way of living his life and that is something that I respect greatly. Most people would try to make it all about them because of something like that, but not Chris. He continuously tries to help others

no matter what. Take his sharing snacks and treats with his "bunk mates". Most people would hoard food and not think of sharing but Chris has said that he just wants to share what others can't have or can't afford. Again, just the type of good natured person Chris is.

If you would please Judge Phillips, only sentence him to the smallest amount of time as possible. We would greatly appreciate it; the family simply isn't whole without him. Our lives are better with Chris in them, as are the lives of all of those around him.

I am extremely grateful to you for taking the time to read this letter. On behalf of myself and my family I thank you.

Sincerely,

Christine Kelley

1506 Whitehall Road Apt 1

Rolla, Mo 65401

(573) 201-4055



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Rolla Middle School

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Monica Davis, Ed.S.
Principal

Josh Smith
Assistant Principal

Jodi Eider
Assistant Principal Intern

Laurie E. Herrman Myers
Rolla Public Schools
1111 Soest Road
Rolla, MO 65401

May 20, 2013

Dear Honorable Judge Phillips:

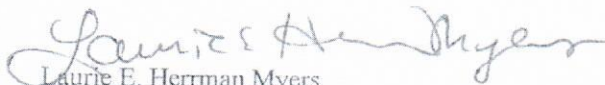
This letter is written in positive regard to Christopher Kelley. I have personally known Christopher and worked with him for many years. Because of my connection with Chris as his former teacher, I felt it was important to write you this letter. Chris is accepting of the guilty verdict and is very remorseful. But I would like to ask for your mercy on Chris and ask for the minimum sentence of five years. I fear that Chris will deteriorate considerably if the sentencing exceeds five years just because he is such an active, positive member of society.

I had the pleasure of being Christopher's art teacher when he was in public school. I was amazed by his gifts and talents, not only with art, but with people. I witnessed Chris' positive character on a daily basis as he was always trustworthy, helpful, kind, and hardworking. Over the years, I have been blessed by being able to keep in contact with Chris and his family. Chris has even returned to my classroom to share his work and positively praise my students. I have enjoyed watching Chris grow into a fine young man whose heart continues to display love and compassion for others. His sense of humor and contributions to the well-being of his family and friends obviously continues to be his main priority.

Chris' recent choices are certainly out of his typical character. Chris had no personal gain from his actions, fortunately no one was hurt, and I am confident—as his former teacher and friend—that he will never do anything like this again. I believe in Chris and his desire to continue to make positive contributions to society. To my knowledge, he has never shown any negative behaviors in the past. As I'm sure you know, a good indicator of future behavior is what a person has done in the past. Chris has and will continue to provide useful, helpful contributions to society and to the community if given the opportunity. He is compassionate, gentle, has a love of books, learning, art, animals, and is generous in everything he does.

Please seriously consider the minimum sentence for this fine young man, Christopher Kelley.

Sincerely,


Laurie E. Herrman Myers
Rolla Public Schools
Art and Journalism

Typed version of Richard W. Sawyer

Richard W. Sawyer
812 Cambridge
Rolla, MO 65401

Honorable Judge Phillips

My name is Richard W. Sawyer. I am writing to you in reference to the upcoming sentencing of Christopher. C. Kelley. I was privileged to have Christopher as a student in my history class.

My recollections of Christopher are of a bright young man who was willing to work very hard to complete all expected work. He was a student who worked well with his peers. He was a student very creative and was inquisitive enough to go extra to achieve the completion of a project. He excelled as a young man and since by completing two university degrees.

My understanding is that Christopher's mistake may have been mixing prescription drugs with alcohol. It is not uncommon for this mistake to be made and impair the judgment and actions of the person involved

I believe Christopher could be a useful member of society once he has served his penalty. I understand, during his detention he is working on a book aimed at educating young people about the dangers of drugs and alcohol.

In conclusion I am requesting leniency in the sentence given Christopher. I do believe that once released Christopher could live his life being useful to society.

Sincerely,

Richard W. Sawyer

May 30, 2013

To the Honorable Judge Phillips:

I understand that Christopher Kelley has recently been found guilty of arson and is awaiting sentencing in July, 2013. I am writing to plead for leniency on his behalf.

I am a teacher and have known Christopher since he was in middle school. I have always known him to be a caring and compassionate individual. He is well-liked and known for his desire to help others. He is quick to assist a friend in need and share his knowledge. He is a well-educated young man who has so much to offer society in general.

Christopher has the power to inspire others. I have watched him encourage those he comes in contact with, especially those who seem to be the ones others overlook. He reaches out to individuals who need a helping hand. He is currently using his time in jail to read, write, and reflect on his situation and how to become the best person he can be.

I am pleading that you consider the minimum sentence for Christopher Kelley. Grace and mercy are justified in this case, as thank God no one was physically hurt during the fires. All of us make bad choices, learn from them, and move on. Christopher has learned from this. Please allow him the time, after the minimum sentence, and the opportunity to make amends by changing his life. It will be society's loss if he cannot repay his debt and then go on to become the productive citizen he was destined to be.

Sincerely,

Kathryn Garner

15503 State Route O

Rolla, MO 65401

To Honorable Judge Phillips,

My name is Richard Ferguson and I am writing on behalf of Christopher Kelley. I have been a good friend and unofficial member of the Kelley family for the past twelve years. My reason for this letter is to plead for the minimal amount of time for Chris's sentence.

I believe that Chris's personal emotional toll led him to take actions against his better judgment. It would be difficult to persuade me he had anything to gain from what he did. I have no knowledge of anyone who was hurt because of this disassociation from himself, thank goodness. His family has shown more love and compassion than most families I have met. This shows me he was not raised to behave in such a way, much less not learning a lesson from it.

I will not pretend to understand the complexities of prison and taxes, but I know Chris can offer more to society, than costing taxpayers money. His art projects and styles would be wasted if given a longer sentence. His mother is extremely artistic and that has passed into Chris and his brother, as well, my best friend, Clint. I've enjoyed several of Chris's thought provoking and humorous videos he has made in the past. His love for friends and animals has surpassed most people I know. I've never known any member of his family to be careless about commitments made to others. Chris is known for going out of his way taking in and caring for stray dogs and cats. From finding a good home for them, or even caring for them himself, he does not possess the power to look the other way when it comes to caring for a person in need or an animal. I've always enjoyed hearing about his experiences taking care of friends or abandoned or cast out dogs and cats.

I've recently moved from Rolla to Springfield and have kept in close touch with the Kelley family visiting them and sharing our lives. I know that keeping the Kelley family close is not a mistake. They are upstanding people who I would recommend in anything they do. Chris is no exception. I have not heard or felt any negativity in Chris in my and his family's history. That's why I was so shocked and appalled in hearing about his recent events. And also why I'm positive his future will be free of anything similar. He has more potential to be a greater man than most people I know.

It is my deepest hope to see Chris again, with his debt paid, in the shortest amount of time possible. I fear that prolonging his time, away from his loved ones; will change Chris from the compassionate, fun loving, and friendly, Brother I know and love.

Richard Ferguson

2957 W Farm Rd Unit B

Springfield, MO 65807

To the Honorable Judge Phillips,

My name is Sarah R. Arvin and I have been a close friend of Christopher Curtis Kelley for many years. I met Christopher when I moved to Missouri about five years ago. We worked together at Olive Garden and connected instantly. He was actually the first person I met and befriended. We eventually became roommates even. If you knew me, you would know that I don't trust people easily, and I hate living with other people, but with Christopher, I had no complaints. He was the perfect roommate. He helped with chores and was very respectable. He became my "sister friend".

Eventually, I missed my family in Illinois and moved home to go back to school. While I was going to school to become a Medical Laboratory Technician, Christopher and I did not talk as much, but we still did remain in contact and I still considered him a close friend. I still do.

I had heard some rumors about Christopher and arson, and felt that Christopher could not have had anything to do with it. He did not seem capable of such a thing. He is caring, funny, generous, wise and intelligent. Even though he is younger than me, I looked up to him. He drove me to become the person I am today. He gave me the confidence and the push that I needed to follow my dreams. This whole situation saddens me immensely.

This is a complete 180 from what I would expect. In my mind, Christopher will be a well-known professor, the founder of the next scientific discovery or the author of the next great novel (or Trilogy). I always thought he would end up doing great things, and I still do. I fully believe he will take this time to better himself and maybe even write that novel.

I have met Christopher's parents and have even come home with Christopher for family gatherings. He comes from the most loving family. They are so wholesome and supportive. I felt at home with them, and once again, if you knew me, you would know this doesn't happen often for me. My heart hurts for them. I don't want to overstep any boundaries, but please consider taking another look at Christopher and his future.

I know you are extremely busy and most likely receive hundreds of these kinds of letters every day. Thank you so much for taking the time to read through this and consider what I have said.

Sincerely,

Sarah R. Arvin

813 East Washington Street Apt 2

Bloomington, IL 61701

Sheryl R. Sandhaus

■ M ■

June 23, 2013

To the Honorable Judge Phillips

I am writing in support of Christopher Kelley whom you are sentencing according to the guilty verdict handed down from the jury trial. I request for you to consider the minimum sentence as opposed to those in the range of 6 to 15 years. While I am shocked at his actions, I do know that mercy will allow for Christopher to face his crime, do his time, and still have opportunity to pay back to the community and become a positive contributing member once again. He will show mercy as he was shown. I know this because I know Christopher.

Christopher and our daughter were in high school together. During these formative years he was active-POSITIVELY -involved in the campus community. He was the founding member of The Film Club. He is a gifted artist -naturally talented-- talent that has been mentored and guided over the years. He won many awards throughout his elementary and secondary school years. His cartooning was featured often in the RHS school newspaper.

In college, Christopher earned English and Anthropology degrees. Not finding work in this economy he moved to Oregon State. While there he continued to look for work, but was handed rejection after rejection. Moving back to Missouri was sort of like stating he was failing life and also dealing with the sudden suicide death of a past girlfriend. He wanted to start his own animation studio, and while he was excited about it, it was slow to come to fruition. While I don't know what happened, I can trace the path that led him to make poor choices and bad decisions. Inside the humbled man who is in Morgan County Detention Center, now awaiting sentencing, is Christopher that I know. He is a fun guy, gentle-hearted, friendly, compassionate friend, caring son, and very talented artist. I know that he will use this time to the best of his ability. I also know that after he has paid his society-given dues, he will return to that society, still humbled, grateful to be able to put his creative juices into the society in many positive ways. I for one, look forward to seeing this influence.

In 7th grade Christopher won the Optimist Award for a poster he created on the theme of "Building Bridges". His drawing depicted how we can all work together and make the world a better place. Please Judge, please give some mercy for Christopher to pay his dues and come back to build more bridges. You are the one who holds this creative power now. Please find it in your heart to hold out mercy.

Sincerely,

Sheryl R. Sandhaus

sandhaus@fidnet.com

1524 Oak Forest Drive, Rolla, Missouri 65401 573-364-7284home 573-308-7128cell

To: The Honorable Judge Phillips
Cc: Chris Kelley
From: Laurel Scott
318 Lawrence St
Kansas City, MO 64111

May 27, 2013

Dear Judge Phillips,

I am writing in regards to Christopher Kelley's recent conviction of arson in Columbia, MO. I'd like to ask for your mercy and implore you to please consider the minimum possible sentence for Chris.

While I in no way condone his actions, I have known Chris for over ten years and am still shocked by how out of character these acts seem to me. I met Chris in my freshman year of high school through working on our school's newspaper together, and we've been friends ever since. In addition to our hometown of Rolla, we have lived in Columbia, MO as well as Seattle, WA at the same time.

As long as I have known Chris he has been a highly supportive and loyal friend, he has always been very sensitive to the needs and feelings of others. As I have known Chris he has always been a gentle soul and a devout animal lover, even taking a job in Seattle working with dogs 8 hours a day. Much of our activities as friends have centered on personal and cultural enrichment and have consisted of trips to art and history museums, aquariums, historical landmarks as well as hosting dinner parties and potlucks.

As I have said, I do not condone his actions, and am in fact still shocked by them, but I do believe with all my heart that his actions were not taken out of malice or anger and he has learned from this experience. I sincerely believe the minimum sentence will be more than sufficient in Chris's case. I have never known him to have destructive tendencies like those displayed in these incidents.

Chris has always been a very avid reader and an aspiring author. Having read many of his drafts and various short stories by him I can tell you he is very talented and possesses a distinctly erudite yet inviting style that I fear might be diminished or permanently altered by an extended sentence.

Chris has been a wonderful friend to me over the last ten plus years and I have faith that he can redeem himself and his life, but I fear that possibility could be diminished by the prospect of a long term in jail. I would like to ask once more that you please show Chris mercy at his sentencing and give him the minimum sentence.

Sincerely,

Laurel Scott

To: The Honorable Judge Phillips
Cc: Chris Kelley
From: Sharon Scott
920 Lanning Lane
Rolla, MO 65401

May 23, 2013

Dear Judge Phillips:

I would like to ask you to consider the minimum possible sentence for Christopher Kelley in regards to his offenses involving arson in Columbia MO.

I've known Chris since he was a high school friend of my daughter. These two have since helped each other out through many of the challenges of being young adults. They've assisted each other in cross country relocations, job hunting, apartment hunting and just being good friends in far away places. He has always been a good friend to her and a respectful and helpful person to me.

While I in no way condone his actions, nor dispute his responsibility in this situation, I do believe that there are some important reasons to consider some mitigating circumstances in his case. In my opinion this young man inadvertently became a member of a growing group of all kinds of people suffering the side effects of mood altering prescription drugs. I believe that these drugs are often being prescribed by physicians who are not adequately trained in their usage, and use them in a continuous pattern of escalation. Often times the perceived need for stronger or newer drugs is created by the patient's symptoms of reaction to their previous prescribed drugs. It is even an acknowledged side effect that these drugs can create the symptoms they are prescribed to treat. This picture continues to develop overtime leaving the patients toxic, over medicated, using newer and newer and less proven drugs, and experiencing escalating symptoms. All this gradually changes their behavior and their thoughts, and in many cases erodes their normal inhibitions, judgment and mental clarity. I believe that this is what happened in Chris's case.

Chris aspires to be an author. This is a special vocation and creates a unique opportunity for Chris to contribute to the fabric of our society. I think he is very worthy of your mercy. He is not criminal by nature; in fact I know him to be a very kind and devoted animal lover, faithful friend, and full of remorse about his acts against society. He has complied with every aspect of the judicial process since he was accused. I have faith that he can redeem himself, but I feel that possibility to be greatly diminished by the prospect of a long term in jail. He and his circumstances have a lot to teach us about the epidemic of medicating children in our society. I hope that with your mercy for the shortest possible sentence, he will be able to survive this part of his life with the insight and the conviction to tell his story and speak out about the struggles created for people who fall into the medical/pharmaceutical grist mill that is changing the temperament, hopes and dreams of so many people in our society.

Respectfully yours

Sharon Scott
920 Lanning Lane
Rolla, MO 65401

Hello, I am writing on behalf of Chris Kelley. During the trial I feel that his excellent qualities did not come to light, and I am asking for leniency because of his untapped potential and ability to contribute to society in a meaningful way. I would like to stress that these events are totally outside his character and the behavior he has demonstrated in the past.

He is a college graduate with a future that has been put on hold because of the legal problems associated with his trial. Now that the verdict has been rendered he can focus on improving himself and those around him. Spending minimum time in prison will still leave him a young man when he is released, and he will be able to reenter the community. He will be able to lead a productive life, using his skills and education to actualize himself. Allowing the Chris Kelley I've known for years to shine through, improve his surroundings, and help the less fortunate.

I feel he deserves leniency given the facts of the case. This is the first felony offense. During his house arrest he cooperated with all regulations and, did not, engage in any prohibitive behavior. He expressed remorse over the bad decisions made leading to this event, and assured me that from this day here and on out will be exemplary. The fact is this kind of behavior is so out of his normal behavior it is inconceivable that a sober and well- Christopher- would have taken these actions. I can only assume that his alcohol abuse that has stopped since the incident must have been a contributing factor.

If not just the facts, the intangible aspects of his character deserve a second chance by society. He is a man with a firm commitment to human life and the right to exist peacefully. I can personally attest that there has been more than one case where he has interceded to prevent violence between two people. The peaceful and responsible Chris is the one I've known for over a decade, and I can assure that this is the one that is here to stay.

He is not a hardened criminal, he does not have criminal friends, and he does not live a criminal life style. These transgressions were lapses in judgment caused by any number of factors: alcohol abuse, or depression just to name two. I am not implying the he did not know right from wrong, but being without help for his problems extremely uncharacteristic behaviors emerged. Now that he has come to terms with an unhealthy life style that involved too much drinking, he has been sober for over a year, and his mood and behavior have reverted to normal.

Chris affects a great number of people around him as well. Seeing his family in the court room day after day is proof that he has many people who love and care about his well-being. Being locked away for five years is hard enough, but any longer will be a tremendous blow to the family, one that would take years to recover from, if at all. His girlfriend, likewise, would be devastated. As for myself, I have been depressed since the trial was over. In all honesty this letter has been the first constructive thing I've been able to force myself to do. The fact that a person that I know to be good and kind is now languishing behind bars has rendered me mostly despondent. Please allow him to prove to society that he has much to offer.

Chris and I have been friends most of our lives, nearly fifteen years now. It's hard to describe the connection between friends who have watched each other grow up and witness milestones of one another, but I feel as close to him as a brother, and this verdict has decimated me emotionally. I can look forward to the fact he will be out of prison in a few years, but please don't take away my best friend for any longer. I honestly feel I should share part of the blame, because when he had been drinking I said nothing. I didn't try and get him the help he needed, and I didn't alert his family. If I had, then- maybe he wouldn't have been in those buildings those nights, and I'm sure our friendship could have recovered. Perhaps the warning signs were ignored because I know his true demeanor is so

peaceful that I turned a blind eye toward his self-destruction. Regardless, my, and his, mistakes are in the past, and he is back to the sober and friendly person that I've known.

I don't know what else I can say. He is a good man, a peaceful man, who made some mistakes. He deserves a second chance sooner rather than later. The good qualities he possesses can't be replicated: his keen sense of humor, his love of animals, the love of his friends and family, and most importantly, the prospect of his future. So please, please don't take my friend away.

Sincerely,

Nicholas Brown
1510 Scenic Drive
Rolla, MO 65401

The Honorable Judge Beth Phillips
Judge, U.S. District Court
80 Lafayette Street
Jefferson City, MO 65101

August 31, 2013

Dear Honorable Judge Phillips:

First let me say thank you for taking the time in reading this long letter and all the other support letters people have sent to you regarding my son, Christopher (Chris) Curtis Kelley.

In an effort to make this letter a little easier to read, follow, and reference if needed, I have laid it out in the following categories:

- Personal Comments
- Background and Experiences
- Background information on Chris
- Chris Taking Responsibility for His Actions
- Medical Concerns
- Future Threat to Others
- Do Not Understand
- Closing Statements

Personal Comments

As I am sure you know, even good people make mistakes. If this statement were not true, Chris would not have gone on what is called an Urban Exploration (UE) and entered the library. But like us all, Chris is as God made him - he is human. With that distinction, as most humans are, Chris is not perfect and is fallible.

Having the honor of watching Chris grow up over the past 27 years and having personal knowledge about what type of man he is, I am here to tell you, that the world would be a better place if more young people were more like him. When I was young, I wish I had been half as smart, had the maturity, and the hunger for life and knowledge, he has had most of his life. Any parent would be proud to call Chris Son; as Colleen (mother) and I are.

Background and Experiences

It was my honor to have served in both the U.S. Marine Corps and U.S. Army. Chris' mother, Colleen (middle name), also served in the U.S. Army as a Military Intelligence analyst. Many times during my 27 years of active military duty (I retired an E-9, Command Sergeant Major), I found myself in an assignment whereas one of my duties was to make a recommendation that a soldier did or did not receive punishment under the Uniform Code of Military Justice (UCMJ).

Like you are doing now with Chris, Your Honor, before I made a recommendation for punishment, I would have reviewed the soldier's file to see what type of soldier he/she was. The key thing I would look for would be to see if this event was a first time incident or just another example of many poor/bad decisions the soldier has made in the past.

As can be seen by Chris' record, his mistake is more than extremely rare. Chris' record is clean; he has never been in trouble. Chris was a solid student from Kindergarten to High School and was positively recognized many times, via awards, during these years at school. Chris started college right after graduating from High School and graduated from Missouri University (MU) with Bachelor of Arts degrees in both English and Anthology.

Even while he was under house-arrest, Chris was continually working on self-improvement by learning Microsoft programs and CAD. Even now while detained at the Morgan County Adult Detention Center (MCADC), Chris has started writing a book. As he has always done, he is looking toward the future, learning, and trying to improve himself. Believe it or not, trust me it's true, even now Chris is thinking about how he can help other inmates while he is incarcerated. He told me that he was thinking that maybe his knowledge in English could help others who need help.

Background Information on Chris

Colleen and I were blessed to have two wonderful loving sons. Our first son, Clint, was born while we were stationed at Fort Riley, KS and Chris was born while we were stationed at Vicenza, Italy.

Both boys were happy and carefree kids, no matter where we were stationed or lived. There is a 4 year difference in the boy's ages, but you would never know it. One great thing about our boys is, they are not only brothers, but Clint and Chris are lifetime best friends as well. I cannot imagine two brothers being closer or who care more for each other. Because of his love for his brother, Clint named his first son after Chris; Christopher Chase Kelley.

I am proud to say that while our sons were growing up, at no time did either of them get into trouble. I am not saying they were perfect, they were not; our boys did many of the things the average kids do. But I can honestly say that there was no backtalk, no disrespect, illegal drug use, alcohol drinking, smoking, sneaking out, gang involvement, gun usage, or any of the numerous problems you hear about with so many kids today. Thank God. Additionally, when our family was out and about in public, it was a common occurrence for other adults to stop us and tell us how polite and well-behaved our boys were. Like I said, "Colleen and I are blessed..."

While going to school, Chris was a good student and had no disciplinary problems what-so-ever. Chris has always been liked by his teachers and fellow-students. From an early age Chris showed an artistic attribute and through his school years he won many awards. Additionally, while only 9 years old, Chris illustrated and wrote two holiday stories; one for Thanksgiving and one for Christmas. While in middle school Chris was the Class President and played the lead as George Washington, in the play *Let George Do It*. Later while in High School, Chris was the founder of Rolla High School's first video club and was recognized in the school's yearbook as such.

The main thing I love about Chris is that he cares about other people more than he cares about himself; it does not matter if they are old friends or new acquaintances, he treats them the same. This attitude toward others is unlike many young people's attitudes we encounter these days. Chris is the

type of person you are proud to call friend. When Chris calls you friend, it is without limitations or expectations, and his friendship is given without expecting anything in return.

Additionally Chris has a good heart, he is very family conscious, loves life, marvels at nature's wonders, and is an all-around good person. Chris' positive mindset toward others seemed to come naturally for him. Chris wants everyone to be happy and strives to ensure everyone is treated equally and fairly, no matter the situation, circumstance, location, event, or subject.

While I've heard it said that everyone is prejudice in one way or the other, I truly believe that Chris is the exception to that rule. I believe that Chris does not have a prejudice bone in his body. I know that is a bold statement, but I have watched Chris' interaction with other people and it is always positive and consistently optimistic and friendly. It does not matter what a person's race, gender, religion, or any of the established classifications used these days, Chris is friendly and kindhearted to all people.

While Chris was in school, if Chris told his mother or me that a friend was coming to visit him, we never knew who or what would come through the door; not that it mattered – because everyone was welcomed in our home. Chris did and does have friends of every year, make, and model; i.e. from most of the established classifications. No matter the challenge, Chris will find a reason to like everyone.

Chris is both mentally and physically tough. His physical toughness is addressed in the section titled *Medical Concerns*. Mentally Chris is very smart, with an unwavering love and hunger for knowledge. He is interested in a vast amount of subjects and things, from the mundane to anything extraordinary. To top off these wonderful qualities, Chris also has a great sense of humor; he loves a good joke, has a quick wit, and can deliver a speedy comeback when an opportunity arises.

Chris not only loves the spoken word, but he has a special place in his heart for the written word as well. That is why I know in my heart of hearts, there is no way Chris would ever create a situation where any books, and especially people, would be damaged or harmed.

Colleen and I learned long ago, that the perfect birthday or Christmas gift we could get Chris was a book, especially a book related to learning more about the history of words, strange words, and the proper usage of words; books about odd facts, and all types of history. There is no end to the scope or range of Chris' reading interests; he probably has hundreds of books. One of Chris' favorite books is the Oxford Dictionary; he tries to read parts of the dictionary daily, and when he does, it is not unusual for him to find mistakes.

To help Chris understand other peoples' point of view, especially religion-wise, he has bought and studied books on The Mormon church, Catholic religion, The Koran (Quran), King James Bible, books about the Jewish religion, and probable others I have not seen. One of his goals is to learn about other people, so he would not accidentally offend them, due to an inexcusable lack of knowledge. Chris would never ridicule someone about any aspect of their life, especially religion – he would respect their belief, even if he had a difference of opinion.

Chris is self and school educated, gifted, friendly, caring, loving, and just a downright good person. Chris has astonishing abilities for a man of his age and he has the greatest potential for achieving many positive and wonderful things in the future.

Like so many young college graduates these days, Chris has been hard at work trying to find work. Chris traveled to both the west and east coast looking for a solid full-time job that has a future, but like so many other college graduates these days, he has had no success. He has taken several part-time jobs since graduating from MU, but nothing with a real future.

Chris Taking Responsibility for His Actions

It deeply saddens Chris to realize that his entering of the library may have caused a hardship to others and the pain and hardship it has caused his family. Since the beginning of this nightmare, Chris has never blamed his problems on anyone but himself; a trait I've rarely see these days in young people.

I've been told that because Chris exercised his right to go to trial, he therefore has no remorse. Nothing is further from the truth. Chris knows that his actions were wrong and is remorseful for doing so.

As I am sure you know, Chris was under house arrest for approximately 10 months. During these 10 months Chris followed all the rules to-the-letter. I believe the Parole Officer's report will support this statement. On the day of his conviction, Chris was transferred to the Morgan County Adult Detention Center (MCAD). Since his arrival at the MCADC, Chris has continued to strive to follow the rules outlined there. When he can, Chris helps the other inmates, be it via writing letters, sharing food, writing supplies, stamps, or allowing others to use his phone card.

Medical Concerns

Chris has always had physical toughness. Early in Chris' life, Colleen and I learned that if he came to us and stated he did not feel well, he needed to see a doctor immediately; because Chris never complained. The only time I can recall where Chris outwardly showed he was in pain, was right after his scoliosis surgery. Chris' scoliosis is noted in greater detail in the next category of this letter.

Knowing Chris as well as we do, Colleen and I believe something must have contributed to the poor decisions Chris made, because these actions are not what the Chris we know and love would do. Later we learned that Chris had been taking Adderall and had a regular consumption of alcohol. More on Adderall and alcohol later.

Years before Chris attended MU, had Adderall prescribed, and the started using alcohol, it was during a doctor's routine physical examination of Chris, when it was discovered that Chris's body had been undergoing an unknown and undesirable physical change, which would affect the rest of his life.

- Scoliosis

While a Junior in High School, it was discovered that Chris had a severe case of scoliosis. By the way Chris acted around us, there were no signs Chris had this serious problem. This unexpected diagnosis was an enormous surprise to us all, because during this time period Chris was taking Karate lessons and running a great deal and at no time had Chris complained of any discomfort or pain.

Due to the severity of Chris' scoliosis, the surgery could not wait for the school year to end; therefore the surgery was performed about 6 weeks before that school year ended. After surgery, doctors told Colleen and me that Chris' condition was so bad, that if it had not been discovered, that in the very near future, Chris would have had severe internal organ damage (due to the spine shifting and displacing the organs); which would have ultimately led to a painful death.

After Chris' back surgery, the doctor told Colleen and me that due to the extensive curvature of his spine, nearly every organ in Chris' body had to be moved aside, so they could have access to his spine. To correct Chris' condition, once the spine was realigned as far as the doctors could get it, a titanium rod and screws were attached to his spine. What was scheduled as a 2 hour surgery lasted over 4 hours. Thanks to the straightening of his spine, Chris gained about 2 inches in height.

Due to this permanent post-surgery condition Chris, and his mother and I, are now constantly concerned about anything physical happening to him. One thing, while strange as it may be, Chris MUST take antibiotics at least one hour before any dental care. If this one simple precaution is not done, Chris could have a severe medical reaction or infection which could result in his death.

Even friendly minor shoving or pushing could cause him additional and permanent medical problems. Any type of forceful physical treatment would greatly increase the possibilities of medical problems, increase Chris' chances of paralysis, and worse yet - death.

Note: It cannot be stressed enough - If Chris' condition is not monitored daily and/or awareness of his condition is overlooked, his medical condition would be susceptible to further injury, which could cause him great physical harm, result in permanent paralysis, and could even cause his death.

Chris now has limited motion and flexibility and will for the rest of his life, but you will never hear him complain or whine about the limitations he must now endure the rest of his life. Prior to Chris' scoliosis discovery, he had talked about going into military service. But because of the back surgery, the rods, and the screws, Chris' military dream was not to be. Chris' backup plan was to go to college; it was during his college years that Adderall and alcohol entered his life.

- Adderall and Alcohol

It was in Chris' Junior year at MU that Colleen and I learned that Chris had been prescribed Adderall and other medications. What concerned us most was that these medications were prescribed to Chris during an initial MU Student Medical Center doctor appointment, whereas he was prescribed Adderall *without* any medical testing or evaluations being done first. Chris' mother and I feel that these prescribed medications, especially the Adderall and his alcohol drinking, greatly influenced many of Chris' decisions.

I personally addressed the Adderall matter with Chris' court appointed defense attorney, Troy Stabenow. Mr. Stabenow did not do any research on Chris' medication usage and then, of course, decided not to present it during Chris' trial.

During a conversation with me, Mr. Stabenow stated, in his opinion, that Chris did not have any of the negative symptoms that a person taking Adderall would have. I don't know how he could make this medical assessment, when he did not question *any* of Chris' doctors, friends, or family, to see if

they saw anything odd, which could be construed as a negative symptom to his Adderall usage. Nor did Mr. Stabenow follow-up on information provided by Chris, that the Adderall was prescribed without any (pre or post) testing or evaluations by the MU Student Medical Center doctor.

Note: For the record Chris' scoliosis, Adderall, and other medications are noted in his medical records.

Future Threat to Others

The most important fact in Chris' case, that should not be forgotten, is that no one was injured or harmed from anything related to Chris's charges or conviction. This one critical outcome is so very important to Chris, because Chris is not a man of violence and he would never wish to intentionally or accidentally wish to harm anyone.

Anyone who believes that Chris would be a threat to others clearly does not know Chris. Any person taking the time to speak with Chris will see in just a few moments that he has a good heart, a caring personality, and a positive attitude that could not harm anyone.

When you hear the description that, "So-and-so would not hurt a fly." Well that is Chris to the letter. Two examples are, 1) just days before his trial, Chris found an insect in his apartment, instead of killing it as most of us would do; Chris carries insects outside and will set them free. 2) Chris doesn't want me to harm the moles that are destroying my yard. It does not matter that I have mole holes and dirt mounds all over my yard, what matters is that the mole is a living creature. So now I capture them and take them to an open field and release them.

There is not a mean bone in Chris' body and there is no cause for concern that he would be a threat to or would harm anyone. As noted in *Background Information on Chris*, "Chris wants everyone to be happy and strives to ensure everyone is treated equally and fairly, no matter the situation, circumstance, location, or subject."

Do Not Understand

What is not understandable to me is what Mr. Stabenow told me. Mr. Stabenow stated that the judicial system has a negative reaction toward anyone seeking their legal right to go to trial. Mr. Stabenow also stated that the prosecutor and the court, as a form of punishment, will seek or give a harsher sentence because Chris *dared* to take his case to trial.

I do not understand the above logic, if a person truly believes they are innocent of what they are being charged with; they must fight for what they know is right. Wouldn't you? While many innocent people have let an attorney talk them into accepting a plea; that is not my son Chris. I was not surprised when Chris stood tall and asked for a trial, me knowing the many-times-over he had unsuccessfully fought to get evidence secured and tested to prove he was innocent. Oddly the few things which were tested, the results were in Chris' favor, but Mr. Stabenow decided not to present these results during the trial.

Closing Statements

For the record, as I'm sure you know, I do not believe that Chris started any fires. Please do not think that because I am Chris' father I am blind to the facts. Despite the videotape from the library,

there was no *proof or evidence* that showed or proved Chris was guilty of arson. Chris knows he is innocent (as Colleen and I believe) and he will fight against his conviction until he can prove it.

Chris is in the prime of his life; these are the years where he begins developing into the man he will be the rest of his life. If a long sentence is imposed it will, in effect, take away these all-important years of his life and greatly reduce his chances to prove to the world the wonderful man he is.

I have read that the primary purpose of sentencing is rehabilitation of a convicted person. If you also believe that rehabilitation, and not sentence length, is the goal of your court, Chris is already on that path to return to duty as a productive citizen. As I am sure you know, several studies have shown that a too long of a sentence will do more harm, than any rehabilitation benefit that can be achieved. It has been said that long sentences are more counterproductive, than anything else.

While Chris' mother and I would like to have Chris located near us, it is Chris' wish to be sent to a facility in or near Portland, Oregon, so as his girlfriend could visit him regularly. Colleen and I support Chris' thoughts on this matter. It is our request that you recommend this location in your documents to the Bureau of Prisons.

Your Honor, if it is within your power to place Chris on monitored probation for a number of years, place him under house-arrest, give him hundreds of hours of community service, give him the very least prison sentence possible, or a combination of these, I feel a great good will have been done. Chris has already learned from his mistake and he will do everything humanly possible to earn and justify your leniency.

Thank you for taking the time in reading this letter and the other support letters. If you have any questions from me, I can be contacted via my home address: 12111 Shawnee Hills Drive, Rolla, MO 65401, my home phone: (573) 364-0288, or my personal email at: curtiskelley12@gmail.com.

Sincerely,

ORIGINAL SIGNED

Wayne C. Kelley
CSM, U.S. Army Retired
PM, Plato Lodge #469

Dear Honorable Judge Phillips,

I am writing this letter on behalf of my son, Christopher Curtis Kelley. As you can only imagine this has (is) a nightmare none of us envisioned. We are still trying to figure it out as of today. Christopher has been greatly humbled throughout this ordeal.

We are a military family, which means we are truly close. We have moved countless times and the only constant in all those displacements was the love and support for each of us. This remains true today.

In May of 2011, Christopher was trying to cope with a break-up with a girl who didn't want to let go, and with the second suicide in his young life, that of his first girlfriend who had threatened time and time again to kill herself, in May of 2011 she followed through with the threat.

After Christopher's initial arrest by the state and posting his bail, his first concern was about his grandmother's well-being. They have always had a connection, but had grown closer after losing his grandfather in his senior year of high school. In fact, he insisted on giving up his bedroom, to her, so that she would live safely with us, instead, of alone in Arkansas!

After the US Marshalls entered the scene, and the judge allowed him to remain under house arrest, Christopher obeyed all rules laid out by the judge and stayed in contact with Parole Officer Cindy Piant, consistently. During the span of over nine months house arrest Christopher caused no issues. I feel that Christopher, since his original arrest is the best indicator of his future behavior.

Christopher is such a compassionate, bright and gentle young man. While under house arrest he rescued three lost animals, reaching beyond his situation to help animals who couldn't help themselves. Gladys, his first rescued, gutter-angel, brought in a small creature tortured in pain. Christopher thought it was a baby kitten, and in the wee hours of the morning, while texting P.O. Piant of his intentions, brought the little thing to the all night animal hospital. They told him there, that it was a baby squirrel. Christopher didn't care; he wanted to help the little animal. They had to euthanize the little creature. On the eve of his trial on April 22, a large pit bull showed up outside his apartment around ten at night. Not trusting to leaving the dog to roam the neighborhood, where cars hit animals and don't even stop, Christopher brought him into his small apartment. He immediately took photos and posted them on some social media places looking for the owner that evening. This big lost pit bull was waiting for Christopher's return during each day of this horrendous trial. Every day, Christopher made sure he was well fed, walked and loved. The third rescue is Mabel Mischief the cat, and she is residing with us and our four rescued dogs. This is Christopher Curtis Kelley.

He loves all creatures great and small. There were no spiders, flies or any other crawly creatures ever harmed in our home, while Christopher grew up. He just wouldn't have it. While attending school, Christopher would go out of his way to make sure **all** were acceptable in whatever group or club he was involved in. I have worked at Rolla Middle School for about 15 years, as the library clerk and I was consistently amazed and proud of how gracious Christopher was towards other students to include EMH (Emotionally, Mentally Handicap) children. While in high school, Christopher started, "The Film Club", as a place where those who didn't fit in anywhere else would be accepted. In his freshman year of college, Christopher would bake birthday cakes for those in his dorm, so they wouldn't be homesick on their special day. I don't know too many

young men or women who would go out of their way to do something like that. He is sensitive to those around him, and goes out of his way to help people in any way he can.

Christopher is a very talented cartoonist, winning awards in a number of states. At the age of ten, he was accepted into a very limited cartoon drawing class, held in a college in Colorado. He was the youngest student accepted. He was a cartoonist for his high school paper. Christopher loves art but, his real love is the written word. His older brother always wanted the newest game system for Christmas or his birthday; Christopher wanted books and office supplies. He is happiest with a book in his hand. He adores learning! Every room Christopher has ever lived in has been overpopulated in books. He has the Koran, The Book of Mormon and the Bible among his collection. He desires to understand where everyone is coming from. He encourages all learning and especially encourages reading. His niece is five years old and tested in the top 1% of all preschoolers tested in April. Needless, to say she is a reader, one among many encouraged by her beloved Uncle.

While Christopher has been in the Morgan County jail awaiting sentencing, he has caused no problems. He desires to stay alert, engaged and useful, not sit around doing nothing. He is trying hard to stay positive about his future. Filling the day with reading (the family and Tara are keeping him in books, his favorite, The Oxford Dictionary), writing, (he has written as of this day, over two hundred pages of a mystery novel, containing people, places, pets, all related somehow to us and our lives, so that he can feel physically close to us every day) to include letter writing and a Bible study time. Christopher and I are doing a Bible study together through the mail; we began with Matthew and will move through the New Testament.

I am asking you to please be merciful in your sentencing of Christopher. He is not a bad person, and has so much good to share with society. At the prospect of a guilty verdict he told me, that, "maybe I can help from the inside. Maybe I can help ease the pain of the families, somehow, to help revamp the communications system between inmates and love ones." He speaks kindly of others, during the trial he even defended the prosecutor.

His written words are beautiful, his compassion and gentleness so abundant, his love for others so real and present even today as he shares his snacks, paper, envelopes, stamps, pens and calling cards, with those who have no money to buy their own in a jail cell. He has helped other prisoners write letters and has shared his artistic talents by drawing special cards to send out to their loved ones. This is Christopher.

Christopher's love for this family is so great and our love for him is truly immeasurable. We live for each other. I am so afraid if he is incarcerated for a long period of time, not only would we miss out on seeing him grow into the man God intends him to be, the family that he could have created will be missed, and the beautiful spirit of our slightly flawed son will be broken. That would be the greatest tragedy of all.

As a mother I worry about his physical wellbeing and limitations due to the rod in his back. He can't bend in a natural way, and when he is seated there is a noticeable difference from others. If he is hit in the back or shoved hard against something, because of his back, he at risk for greater or more serious harm than previously intended, crippling or even death. He can't even risk a dental cleaning without prior antibiotics to prevent possible blood poisoning because of the hardware in his back.

I understand your job isn't an easy one, so please pause before sentencing Christopher. Please, look beyond the charges, the verdict and see a young man so worth redeeming. He has in him so

much good to share with others and society as a whole. He is well-educated, receiving two degrees from the University of Missouri, willing to help others and is generous to a fault. Please allow him the opportunity to prove his worth with a minimum sentence and a safe place for rehabilitation. He will not let any of us down. Please consider the past two years while enduring this nightmare daily and Christopher staying the course. First, on his own after being charged by the state and then followed the course outlined by a federal judge under house arrest, proving that he isn't a threat to the community.

Christopher Curtis Kelley is a good man; he is so important to this family, to his friends, and the community. We miss him constantly and his grandmother misses him and asks about him daily. He has grown up so much in the past two years, through this tribulation and the trial; I have witnessed this myself during every visit and in our daily contact.

Please allow Christopher to share with the world his goodness, his compassion, his creative spirit, and let him prove to you that you were right in your mercy. He will not let you down, I promise you. I believe that within this young man are words that could change the lives of others in this society for the good, perhaps even a Pulitzer Prize awarded novel, one day.

I will end this heart-felt letter with a passage from the Bible. The Prophet Habakkuk is praying to our Almighty God about the violence inflicted, the famine, the drought that His children were enduring and he prays to our disappoint and angry Lord... "and in Your anger, remember Your mercy." (Habakkuk 3:2)

Please, Judge Phillips, I ask of you, to remember your mercy.

Thank you for your time in reading this, the most important letter of my life. I have included some photos of Christopher so you can see for yourself the loving spirit this young man holds.

With the deepest of sincerity,

Edna Colleen Kelley
12111 Shawnee Hills
Rolla, Mo 65401
(573) 364-0288

May 30, 2013

To the Honorable Judge Phillips:

I understand that Christopher Kelley has recently been found guilty of arson and is awaiting sentencing in July, 2013. I am writing to plead for leniency on his behalf.

I am a teacher and have known Christopher since he was in middle school. I have always known him to be a caring and compassionate individual. He is well-liked and known for his desire to help others. He is quick to assist a friend in need and share his knowledge. He is a well-educated young man who has so much to offer society in general.

Christopher has the power to inspire others. I have watched him encourage those he comes in contact with, especially those who seem to be the ones others overlook. He reaches out to individuals who need a helping hand. He is currently using his time in jail to read, write, and reflect on his situation and how to become the best person he can be.

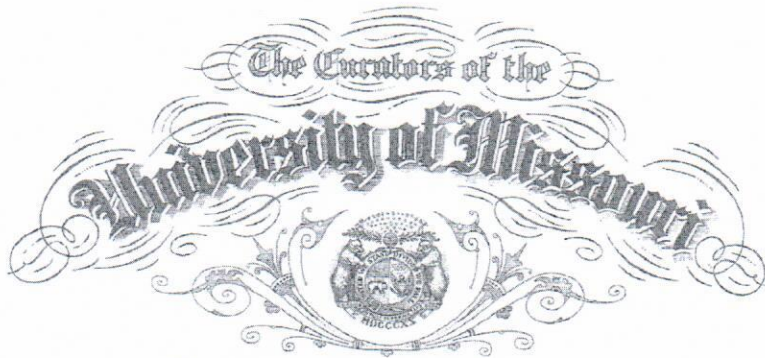
I am pleading that you consider the minimum sentence for Christopher Kelley. Grace and mercy are justified in this case, as thank God no one was physically hurt during the fires. All of us make mistakes, learn from them, and move on. Christopher has learned from this. Please allow him the time, after the minimum sentence, and the opportunity to make amends by changing his life. It will be society's loss if he cannot repay his debt and then go on to become the productive citizen he was destined to be.

Sincerely,

Kathryn Garner

15503 State Route O

Rolla, MO 65401



To all whom it may concern
Greeting:

Be it known that the Curators, having been advised by the Faculty that
Christopher Curtis Kelley
has completed the Course of Study required of candidates for the degree of
Bachelor of Arts
Anthropology

and is qualified to receive the same, do confer said degree
with all the honors and privileges appertaining thereto.
In testimony whereof the signatures of the proper officials and the
seal of the University are affixed.

Done at the
University of Missouri-Columbia
in the City of Columbia, State of Missouri,
this nineteenth day of December in the year two thousand and eight.

Chas. D. S. Walker
Chair of the Board of Curators

Sam'l. L. Joyce
President of the University



Brady J. Deaton
Chancellor

Michael J. Brice
Dean

Benny J. Dutton
 Director

Amelia G. Brown
 Dean



Carol S. Dale
 Chair of the Board of Curators

Joseph D. Rose
 President of the University

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Done at the
University of Missouri-Columbia
 in the City of Columbia, State of Missouri,
 this nineteenth day of December in the year two thousand and eight.

The it known that the Curators, having been advised by the Faculty that
Christopher Curtis Kelley
 has completed the Course of Study required of candidates for the degree of
Bachelor of Arts
 English



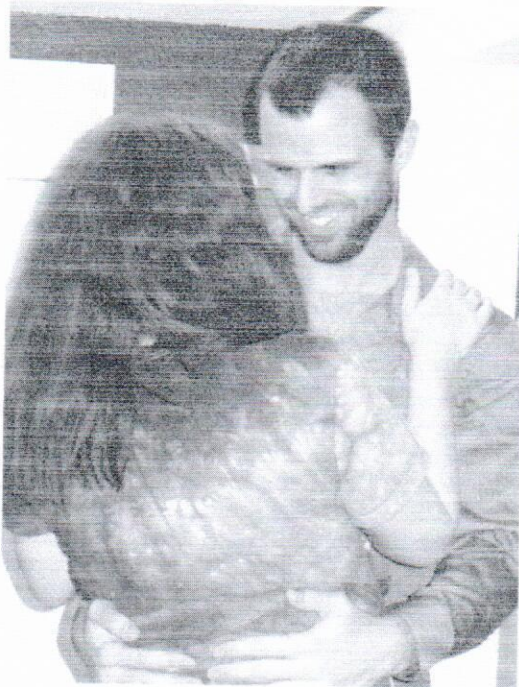


Gramma and her Boy.





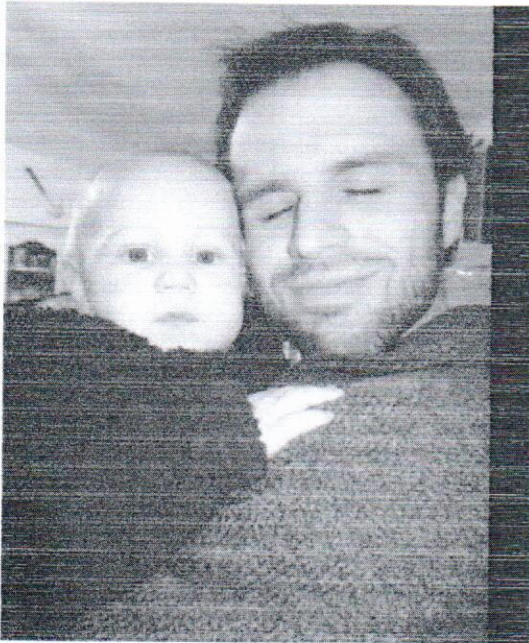
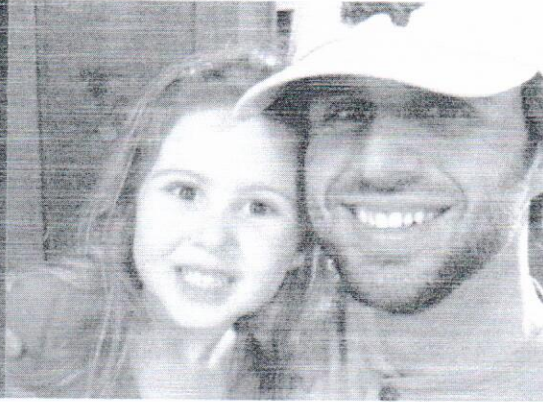
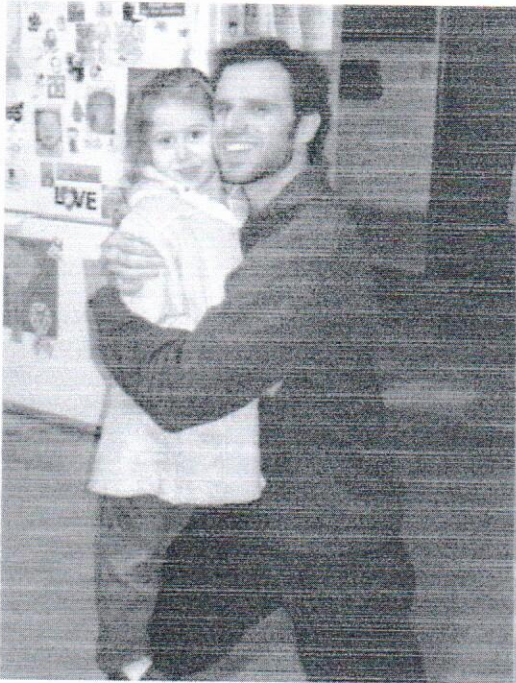
Tara and Christopher.





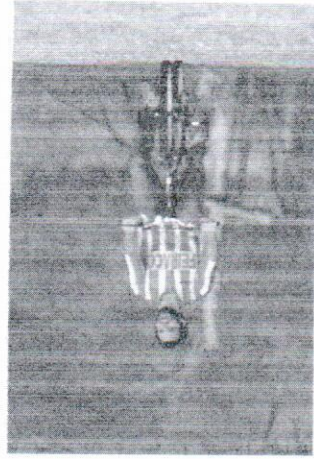
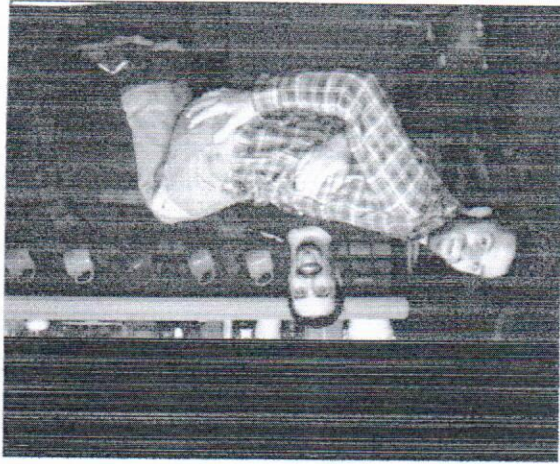
Christopher and family.

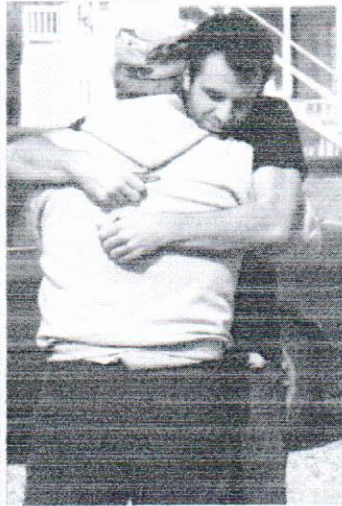




Uncle Christopher with niece, Calyna and nephew, Christopher Chase.

Christopher being "Christopher" with brother, Clint and Dad.





Christopher with Clint and Dad, and his mama.

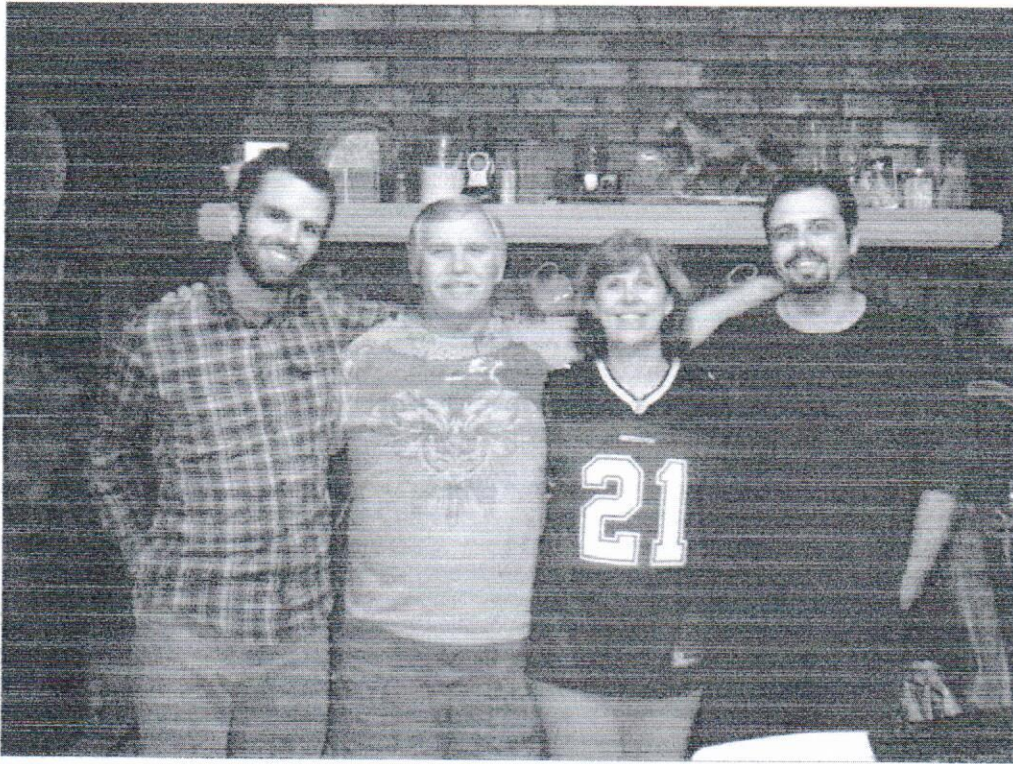




Christopher with his second family, a few of the rescued and well loved critters.



Christopher and our loving family.



A study of Christopher while reading, drawn in charcoal.



Improv, Film Club, FAC, Art Club, Drama Kids

The fine arts play a very important role in the education of Rolla High School students. Through these classes many students have developed a passion for the fine arts and as a result several new vibrant clubs have been created.

One of these young clubs is Improv club. Improv club meets every week and spends a hour together performing original skits while following the game show format developed by "Whose Line Is It Anyway?"

"The best part of my senior year was only taking five hours at the high school, but Improve club was pretty fun too," says senior **Nick Brown**.

Film club conceived by senior **Chris Kelley**. Over the course of this year students spent time creating an episode of "**Nick Brown: The Mythical Adventures**" as well as spending time appreciating the works of others.

Chris Kelley also had this statement to make, "Movies is Good!"

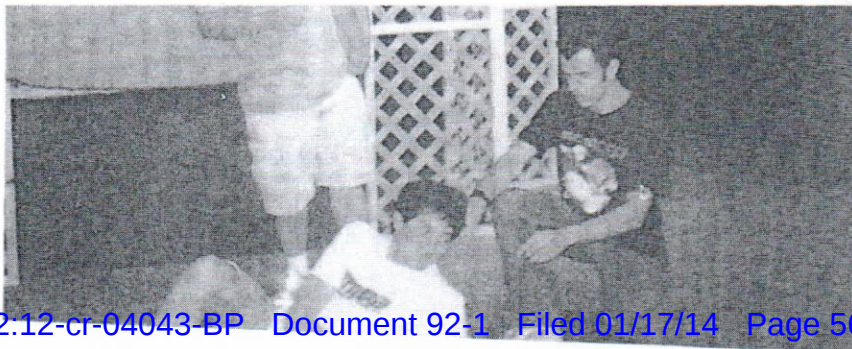
FAC sponsored by Mr. Arthur took several trips to St. Louis this year to see plays such as "Hairspray", "Lion King", "Starlight Express", and many more.

"It was awesome because Franky Avalon from the movie played his own character," said senior **Lauren Adams** excitedly.

Art Club enables students at the high school to display their creative outlets. This year, the club visited the Monstro City in the City Museum in St. Louis.

Drama Kids is also a relatively young club, it was first introduced in 1995. Drama Kids chooses one afternoon a month to spend time with 3rd Graders from Mark Twain. The children have a hands on activity and then use their imagination in a skit which they created. The club is meant to teach the children about the theater.

"Drama Kids was a great opportunity for me to teach the kids about something I really care about. At the same time they also taught me a lot about patience," said senior **Stephanie Dixon**.



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