

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:23-cr-386-WFJ-AEP

OSCAR FREEMOND FOWLER III

UNITED STATES' SENTENCING MEMORANDUM

The United States of America, by and through the undersigned Assistant United States Attorney, submits this sentencing memorandum requesting that the Court impose at least a 150-month term of imprisonment in this case.

I. PROCEDURAL BACKGROUND

On October 25, 2023, a federal grand jury returned a two-count indictment charging Oscar Freemond Fowler III with possessing a firearm and ammunition after having been convicted of a felony and possessing cocaine and marijuana with the intent to distribute. Doc. 20. On December 20, 2023, Fowler pleaded guilty. Doc. 35. The Court accepted Fowler's plea on January 4, 2024. Doc. 40.

II. FACTUAL BACKGROUND

On October 17, 2023, officers with the St. Petersburg Police Department and Bureau of Alcohol, Tobacco, Firearms, and Explosives

executed a search warrant at 689 Paris Avenue South in St. Petersburg, Florida—a residence used by Fowler. Doc. 45, ¶ 7. During their search, law enforcement located cocaine, methamphetamine, marijuana, and over \$5,000 in cash. *Id.*, ¶ 8. On the ground next to Fowler’s bed, officers located a Ruger semi-automatic pistol that contained a high-capacity magazine with 29 rounds of ammunition. *Id.*



III. PRESENTENCE REPORT

On March 28, 2024, United States Probation issued its Presentence Investigation Report. Doc. 45. Fowler’s PSR calculates his guideline range as 92 -115 months based on a total offense level of 23 and criminal history score of VI. *Id.*, ¶ 100. The defense has objected to the third criminal history point

given to Fowler for his 2017 misdemeanor battery conviction in paragraph 49 of the PSR. *See* Doc. 45, page 49. The United States does not oppose this objection, which, if sustained, would make Fowler a criminal history category V. Fowler's guideline range as a 23, V would be 84-105.

IV. 18 U.S.C. § 3553(a) FACTORS

The United States requests that the Court impose at least a 150-month term of imprisonment in this case. Such a sentence is sufficient, but not greater than necessary, to protect the public from further crimes. As reflected in the PSR, Oscar Fowler has been breaking the law since the age of 12. Doc. 45, ¶ 28. From 1988 to 1991, Fowler was adjudicated delinquent for 13 crimes, including possession of cocaine, grand theft auto, assault, battery of a school employee, battery on a law enforcement officer, and battery. *See id.*, ¶¶ 28-38.

Law enforcement arrested Fowler in June of 2000 on charges of attempted murder, kidnapping, shooting into a building, felonious possession of a firearm, and aggravated assault. *Id.*, ¶ 44. While those charges were pending, Fowler was indicted in federal court for conspiring to possess with the intent to distribute 50 grams or more of cocaine base from May of 1996 to June of 2000. *Id.*, ¶ 47. Fowler pleaded guilty in both cases and received sentences of 10 years and 14 years, respectively. *Id.*, ¶¶ 44, 47.¹

¹ In his state case, Fowler pleaded guilty to the reduced charge of aggravated battery with a deadly weapon rather than attempted murder.

Fowler was released from federal custody on June 11, 2013. *Id.*, ¶ 47.

On July 28, 2013, the body of N.B. was found in a yard in St. Petersburg with 25 gunshot wounds. Police arrested Fowler for N.B.'s murder in July 2014. *Id.*, ¶ 74. A jury acquitted Fowler of N.B.'s murder in 2017. In a video-recorded statement that will be played at sentencing, Fowler admitted to killing N.B. And in that same statement, Fowler expressed a willingness to kill again.

Oscar Fowler is now 48 years old. He has known drugs and violence for over thirty years. He has served time in state and federal prison. But those experiences have not deterred Oscar Fowler from committing new crimes. He is still selling crack cocaine—the same substance that landed him in federal prison over twenty years ago. He is still arming himself. And he is still putting himself in situations where violence may occur. Oscar Fowler is a danger to the community, and his sentence in this case should reflect the need to protect the community from further crimes.

For these reasons, and reasons that will be discussed at sentencing, the United States is requesting an upward variance in this case. Specifically, the United States is seeking a sentence of at least 150 months in prison.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2024, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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/s/ David P. Sullivan

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