

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. **21-CR-60126-RAR**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**GOUSMAN LEVY, et al.**

Defendant.

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**DEFENDANT GOUSMAN LEMY'S OBJECTION AND  
RESPONSE TO PRESENTENCE INVESTIGATION REPORT**

Defendant, **GOUSMAN LEMY**, through undersigned counsel, hereby provides his response to the Presentence Investigation Report filed in the above cause and states:

1. As to **The Defendant's Criminal History** (Part B, page 17, paragraph 67), Mr. Lemy states that that the plea in that case was vacated and the case was ultimately dismissed.

2. As to **The Defendant's Criminal History** (Part B, page 18, paragraph 68), the subject case was dismissed by the court after completion of a diversionary disposition period **without** any **finding of guilt** by the court or **admission of guilt** by Mr. Lemy and is therefore governed by USSG §4A1.2 (f).

3. As to **The Defendant's Criminal History Computation** (Part B, page 18, paragraph 69), the Defendant objects to the one (1) criminal history point assessed by the Probation Officer pursuant to USSG §4A1.1(c) since the case was dismissed.

4. As to **The Defendant's Criminal History Computation** (Part B, page 18, paragraph 70), for the foregoing reasons, Defendant objects to the two (2) additional criminal history points as well as the total of three (3) assessed in the PSR. The correct calculation should be zero (0) criminal history points and pursuant to the Sentencing Table in Chapter 5, Part A, he should be in a criminal history **category I**.

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5. At to **The Defendant's Criminal History, Pending Charges**, Part B, page 23, paragraph 91, a record check of the of the relevant court docket revealed that the case was dismissed.

6. As to **Offender Characteristics, Personal and Family Data** (Part C, page 25, paragraph 102), Mr. Lemy vehemently objects to the “brush stroke” statement that “a review of the defendant’s criminal history reveals years of arrests for crimes against Ms. McGhee.” This [mis]characterization of Mr. Lemy’s purported criminal conduct is completely misleading in that there is no mention that all of these arrests were based upon blatantly false allegations and that each and every alleged crime brought against Mr. Lemy by Ms. McGhee was summarily dismissed by the various courts. Moreover, this paragraph also fails to mention that Mr. Lemy was awarded **full sole custody** of the parties’ minor child due to Ms. McGhee’s documented neglect of the child. All these false allegations were concocted in an attempt to extort money from Mr. Lemy.

7. As to **Offender Characteristics, Personal and Family Data** (Part C, page 25, paragraph 103), likewise, the PSR fails to point out that all protection orders addressed therein were **temporary** in nature based upon an *ex parte* filing by the Petitioner and that each of these cases were also dismissed.

8. As to **Offender Characteristics, Employment Record** (Part C, page 27, paragraph 115), Mr. Lemy disputes that he failed to provide business records for PSR preparation in that the income tax returns he provided should suffice to demonstrate his income derived from those businesses.

9. As to **Sentencing Options** (Part D, page 30, paragraph 127), Mr. Lemy maintains that he should not be in a criminal history category II but rather category I. Based upon a total offense level of **23** and a criminal history **category of I**, the guideline imprisonment range should be **46 to 57 months**.

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Respectfully submitted,

s/ Peter S. Heller \_\_\_\_\_  
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 10<sup>th</sup>, 2021, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties, as well as U.S. Probation Officer Jessica Manzanares at [Jessica.Manzanares@flsp.uscourts.gov](mailto:Jessica.Manzanares@flsp.uscourts.gov) either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Peter S. Heller \_\_\_\_\_