

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**UNITED STATES OF AMERICA**

**PLAINTIFF**

**VS.**

**CRIMINAL NO. 1:20-CR-81**

**BENJAMIN FRANKLIN SANFORD**

**DEFENDANT**

**DEFENDANT'S MOTION FOR  
DOWNWARD DEPARTURE AND/OR DOWNWARD VARIANCE**

Comes now BENJAMIN FRANKLIN SANFORD, M.D., Defendant herein, by and through counsel; and files this his Motion for Downward Departure and/or Downward Variance in the above-styled cause, and in support thereof would show unto the Court the following:

1. The Defendant in this case, Dr. Ben Sanford, is a medical doctor who has practiced medicine here in Mississippi for the past forty-two years. He will be seventy years old in July of this year. Although he is fortunate to have no life threatening health problems, he has used that good fortune to continue to practice medicine and to help others. This past year during the pandemic, Dr. Sanford worked hospital emergency rooms and contributed in every way that he could to help diagnose and treat Covid-19 patients. The risk this work entailed for Dr. Sanford and other medical professionals was enormous. In fact, in December of 2020 the odds caught up with Dr. Sanford and he did contract Covid-19. Fortunately he's made a satisfactory recovery.

Dr. Sanford has not only devoted his life to practicing medicine and helping others, he has been married for forty-seven years and together with his wife reared five children, two of whom are in the ministry; one of whom is a physician and another is a physical therapist; and one of whom is employed as a paralegal.

Ben has lived his life as a law abiding citizen always willing to help others and to contribute to his church and community. Ben volunteered to provide physicals to athletes in the local school system and to Boy Scouts, and on one occasion was able to detect and direct a young man to obtain treatment for a medical issue which could have had dire consequences if it had gone undetected.

Ben has also been active in his church and in promoting the Christian community which has always been a big part of his life. Back in 1987, Ben was co-chair of the stewardship committee when the church faced budgetary challenges. With his leadership and determination they set a record for fund raising for the church.

Acknowledging the seriousness of this matter, Ben has made arrangements and is prepared to make full and complete restitution for the amounts alleged by the government at the conclusion of this hearing. He has also been significantly punished in that he has surrendered his medical license and can no longer do that which he has spent his life doing; and he has suffered embarrassment and professional shame as a result of this matter.

That pursuant to Section 5H1.1 of the United States Sentencing Guidelines, the Defendant respectfully moves the Court to grant a downward departure based upon his advanced age. Counsel further moves the Court pursuant to Section 5K2.0 and Title 18, U.S. Code Section 3553(b), to grant an additional downward departure or downward variance based on the totality of circumstances recounted above and in the Presentence Investigation Report. Dr. Sanford is a law abiding, hard working physician who has spent his life carrying for and helping others. He has stepped up and made contributions to his community and to his church where he taught Sunday school for many years. Surely when weighed against this one, albeit very serious charge which brings him before the court, the scales should fall on the side of leniency for Dr. Sanford. But for this charge, for which he stands before the court, he has led a life which anyone would be proud of.

For the foregoing reasons, counsel respectfully moves the Court for a downward departure based on the Defendant's advanced age of 70, pursuant to Section 5H1.1, and a further downward departure or variance pursuant to 5K2.0 and Title 18 U.S. Code Section 3553(b) based upon the totality of the circumstances involved in this case.

RESPECTFULLY SUBMITTED this the 4<sup>th</sup> day of May, 2021.

/s/ Joe M. Hollomon

JOE M. HOLLOMON, ATTORNEY FOR AND ON  
BEHALF OF BENJAMIN FRANKLIN SANFORD

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**CERTIFICATE OF SERVICE**

I, Joe M. Hollomon, do hereby certify that I have this date electronically filed the foregoing *Defendant's Motion for Downward Departure and/or Downward Variance* with the Clerk of the Court using the Electronic Case Filing (ECF) system, which sent notification of such filing to all counsel of record.

THIS, this the 4<sup>th</sup> day of May, 2021.

/s/ Joe M. Hollomon

JOE M. HOLLOMON, ESQ.