

LAW OFFICES OF JEFFREY P. CHARTIER

2027 Williamsbridge Road
Bronx, New York 10461
(718) 892-8588 • Fax (718) 518-0674

January 19, 2026

The Honorable LaShann DeArcy Hall
United States District Judge
United States Courthouse
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

BY ECF

Re: United States v. Timothy McCormack
1:24-cr- 490 (LDH)
Sentencing Memorandum
Sentencing Date: January 21, 2026

Your Honor:

I respectfully submit this letter on behalf of Timothy McCormack to be considered by Your Honor in conjunction with his sentence. The instant letter/memorandum addresses sentencing issues, which we believe are worthy of the Court's attention.

Mr. McCormack is prepared for sentence. On January 16, 2025, pursuant to a plea agreement with the Government, Timothy pleaded guilty to the to a one-count information charging conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349 (see ECF No. 64.) The Court accepted the defendant's guilty plea on February 19, 2025. Timothy admitted he, along with others, conspired to and did place wagers with "Betting Companies" relating to National Basketball Association ("NBA") games based on material, non-public information. More specifically, he admitted he and others placed wagers relating to those games or to certain players' performances in those games, based upon non-public information making the outcome much more likely than the general public and "Betting Companies" would have reason to believe. Timothy admitted to actually placing these wagers through the Betting Companies on NBA games in March 2023, January 2024 and March 2024. The PSR calculates a Guidelines range of 41 to 51 months' imprisonment, as also stipulated in the plea agreement, and recognizes Timothy's severe gambling addiction as a contributor to the instant offense and

mitigating factor for this Honorable Court to consider at sentencing (see October 24, 2025 Presentence Investigation Report (“PSR”) ¶ 128).

Objections to the PSR

1. On behalf of Mr. McCormack, there are no objections offered to the Presentence report.

Background and Circumstances

It is vital to understand that Timothy is much more than the charge would imply. Importantly, while the Timothy fully accepts responsibility for his participation the conspiracy to place fraudulent wagers relating to National Basketball Association (“NBA”) games based on material, non-public information relating to those games or to certain players’ performances in those games, the Government concedes Timothy was “not the primary architect or leader of the fraudulent scheme” (see November 21, 2025 Government’s sentencing letter, pg. 6). The Government also acknowledges Timothy never worked “directly with Porter to plan and orchestrate his rigged performances” (see November 21, 2025 Government’s sentencing letter, pg. 6). The Government’s investigation revealed Timothy “largely took direction from his co-conspirators” and was, in essence, chosen by them because he “was a longtime bettor, he had high betting limits and was able to place large wagers” (see November 21, 2025 Government’s sentencing letter, pg. 6). His severe gambling addiction, high betting limit capacity and need to fuel/fund his addiction made Timothy the perfect person to recruit by his co-conspirators.

Additionally, Timothy has no prior criminal history or involvement in the criminal justice system. While it is conceded this case involves the potential loss of a significant amount of money, Timothy was not the individual who was to make the lion’s share of the proceeds. Not meant in anyway to minimize his conduct, but it must be noted that Timothy’s involvement was based upon the need to feed his extreme and debilitating gambling addiction. He was provided money from the co-conspirators to place on bets based upon the information they provided to him, and he did so because it provided him a two fold benefit: 1) he was able to fuel the intense internal gambling urges by “being in the game” of gambling and 2) he was able to keep a portion of some of the proceeds of the bets he placed on his accounts which enabled him to keep on betting his own unrelated bets.

Instead of having to beg his friends for money to make bets he couldn’t afford, this offered another avenue to support his addiction. Timothy, bet every day all day and night. It was his life and it consumed him. His co-conspirators knew it and often “lent” him money to bet. When this scheme came to light, he was the perfect person to recruit and he didn’t turn it down. He, unwisely like most addicts do, saw it as an opportunity to feed his addiction. This is exemplified by the very conduct on March 20, 2024. After placing the bets with the money he was given by the co-conspirators while in Atlantic City and winning, Timothy took the wining proceeds and lost it all at the Blackjack table

in approximately fifteen (15) minutes. That exemplifies the nature of his addiction and how bad it was. As the Government correctly states, "For his role in the scheme, the defendant directly profited at least \$51,294, as reflected in the Court's previously-entered Order of Forfeiture" (see November 21, 2025 Government's sentencing letter, pg. 6), and yet, Timothy has actually nothing to show for it except for the shame and embarrassment he has brought upon himself and his loving family.

Again, Timothy is not a long-standing criminal, but rather a loving family man, husband, father and friend. He could never fathom that he would be caught up in a bigger situation than he cognitively comprehended at the time. While Timothy takes full responsibility for his actions leading up to this arrest and his subsequent plea of guilty, we respectfully implore Your Honor to consider the facts and circumstances surrounding Timothy, including the nature of his role in this activity. Timothy's involvement was that of a gambling addict who made very poor choices to fuel his addiction. He truly was unaware of the actual and dire consequences of his actions at the time and his subsequent actions leading to his arrest for being involved in the wagering on three NBA games.

Timothy fell into the same trap as many before him thinking he could make a couple dollars quickly and his willingness to help others interfered with him actually doing what he should have done - not participate in the scheme. He pleaded guilty to the instant offense as he recognizes his decisions were so wrong. In his gambling addicted mind, he incorrectly failed to recognize the extent of harm caused by trying to recoup some money back in this manner from the big "Betting Companies" who have taken so much of his money and others and who thrive on gambling addictions. After all, since the federal legalization of gambling, there isn't a place or a game someone can go where betting isn't advertised or solicited by the "Betting Companies." He didn't make a large sum of money from his actions and actually lost money.

Obviously, the allure of making a quick buck didn't pay off and he recognizes now that there are no short-cuts in life and that nothing can replace hard work. Simply put, he made very poor choices, as many do, getting involved in this activity and then deleting emails afterward to try and conceal the behavior when asked to do so. The Presentence Report accurately depicts the personal life of Timothy. He is a husband, father, a son, a brother and a friend to many. Much more than the gambling addicted foolish man who got involved in this type of activity. He has learned much since then and most importantly suffered immensely by the embarrassment of this arrest and facing the loss of his liberty. His name and face have been broadcast internationally. But, the international attention should not dictate a more harsh consequence for Timothy, a first time non-violent offender.

In making these statements, we are not denying Timothy's responsibility for his actions. He engaged in conduct that was clearly wrong. He knows it and he accepted responsibility for it. However, Timothy never envisioned that he would be in this type of situation as he is now, facing incarceration in the federal judicial system. Normally, the federal system and federal resources are reserved for those involved in the most serious criminal activity and at the highest levels. Not as an excuse, but Timothy would never

have envisioned that there would be an arrest and prosecution in the federal criminal justice system for this type of activity, as he perceived his involvement to be. Normally, the highest level operatives in criminal activity and most heavily involved leaders are prosecuted federally and the low level offenses are prosecuted in the state system to preserve the resources of the federal system and to avoid the stiff penalties from being imposed upon those with minor roles. But with his addiction fueling his behavior, he didn't even think that far ahead. He was just looking for his next way to make a bet.

Timothy has learned a lot from this experience. He never envisioned himself with the possibility of heading into a federal correctional institution. Any period of incarceration is difficult to say the least. However, incarceration under the present times is much harsher since the COVID-19 pandemic. Prior to this impending significant period of confinement, he never fully understood the blessings he had and the seriousness of consequences for poor choices. I guess in an odd way, the fear he faced when he realized he could be in prison for resulted in Timothy's maturing beyond making decisions for the short-term. He realized he may soon be separated from the normalcy of life, the freedom of liberty, the ability to have access to the outside world and the ability to be with loved ones. He finally realized that he has self worth and as the Pre-sentence report details he has great potential for law abiding behavior, a strong family support structure, and a desire to never again engage in illegal activity. He has been engaged in treatment for his gambling addiction, he has engaged in marital counseling, he has stopped smoking marijuana, he is employed and works finding housing for homeless persons, and he is the primary caregiver for his young son. Timothy has vowed to me that he will never be so stupid again.

While I in no way intend to diminish Timothy's responsibility, I felt it was noteworthy above to point out how he became involved in this activity and his overall role. Imagine his surprise when confronted by the federal agents. When the agents approached, the agents seized his cellular telephone and told him he needs to make a choice between him and his family. It took Timothy months to come the realization that this was not just a bad dream and that this was really happening. He soon learned, after it was explained to him, the dire circumstances upon which he found himself. This was the "BIG EYE OPENER" for Timothy and he has vowed to learn from this and never repeat this path. Contemplating the time he may be confined has taught him the value of life, family and leading a law-abiding life. Given all the work he has done since his arrest: treatment twice a week at Bridges Back to Life; bi-weekly couples therapy with his wife; employment visiting homeless shelters and elsewhere to provide housing for homeless individuals/families; and being the primary caregiver for his young son has demonstrated he has chosen his family. As detailed in the letters in support, taking Timothy away from his family under these circumstances would do a greater harm than allowing him to continue his path and new journey free of addiction. It would akin to putting stumbling blocks before the blind.

As Timothy has explained, he knew what he was doing at the time of his offense was wrong but he never grasped the consequences of his poor choices. We do not wish to highlight this point to in any way to suggest that he did not know what he was doing

was wrong. Timothy certainly knew unequivocally that what he was doing was against the law. We truly recognize that. However, it cannot be overlooked that before this Honorable Court is a man who with no prior criminal history, was addicted to gambling and recruited/used by his co-conspirators to engage in and commit these crimes. A man who recognized his mistakes and has changed his life subsequent to his arrest; who engaged in treatment; and who has been successful in addressing to defeat his demons. Timothy is man who has strong family support, a very bright future free of addiction, a son dependent upon him, and a bright future.

Acceptance of Responsibility

Timothy has accepted full responsibility for his actions in this matter. From the very first contact he had with the agents regarding his involvement in the activity for which he later pled guilty, Timothy has not denied his wrongs and took full responsibility for his actions. He stands before Your Honor ready to accept his sentence just as he accepted his responsibility in the matter for which he stands before you.

Additionally, Timothy has stated that he would like to apologize to his family, his wife, his friends, the victims and society who may have lost faith in the integrity of sporting matches. He made a mistake that he regrets and has indicated that he will be a successful person when given the opportunity. He stated he is strong, free of all negative thoughts, passionate, wants to focus on being productive and most importantly wants to make everyone proud of him. He wants to move past this terrible mistake and move forward with being a productive member of society.

Letters of Recommendation

In an effort to demonstrate the true character of Timothy beyond the charges for which he pled guilty, attached as an Exhibit are nine letters attesting to his good nature, care for others, family devotion, acceptance of responsibility and sincere kindness.

As Your Honor will read, the common theme of these letters is that Timothy cares more about others than he does about himself. In a world where it is the norm for people to put themselves before others, Timothy stands apart. Your Honor will read about Timothy's selflessness and charitable nature and how he is always willing to lend a helping hand to those who are in need.

The man who stands before you is a man who has made poor choices in his past but who is a good man who has finally matured. In a way, this arrest was a blessing for him. It was the "eye opener" that has caused him to mature and realize the criminal activity has only one result – incarceration. I submit to Your Honor that the same man that the people speak of in the letters attached hereto is the man that is prepared to stand before Your Honor for sentence. He is a shy, humble man who has had no prior involvement with the criminal justice system and who has matured, tackled his addiction

and endeavors to make this wrong turn into a future law abiding journey through a life filled with hard work, love, generosity and care for others.

Timothy McCormack should be sentence to probation or home confinement

Before this Court imposes sentence it is required to consider the factors set forth in Title 18 U.S.C. § 3553(a). *Booker and Crosby*, supra. The relevant factors are:

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for sentence imposed—
 - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - (B) to afford adequate deterrence to criminal conduct;
 - (C) to protect the public from further crimes of the defendant; and
 - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
- (3) the kinds of sentences available;
- (4) the kinds of sentence and the sentencing range established for . . . the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines.

When imposing sentence, under these factors, courts are instructed to impose a sentence that is “sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection.” *Id.*

Sentencing Timothy McCormack to a sentence of probation or home confinement is “sufficient . . . to comply with the purpose set forth in 18 U.S.C. §3553.” As mentioned previously, and as stated more fully in the attached letters of support, Timothy is a kind hearted, caring, giving family man and friend to all. This arrest petrified him and he has learned so much from it. He recognizes his wrongs and understands what impact his actions have had on the community. He is determined to live a law-abiding life and simply wants to go to an everyday routine of working hard and supporting himself and helping his family. That is all he knows he wants to do and he wants to do it lawfully. He has never been exposed to the severity of the federal criminal justice system, or any other criminal justice system, and this experience has been a life changer for him.

As stated by Justice Sotomayor recently in *Pepper v. U.S.* (131 S.Ct.1229): “This court has long recognized that sentencing judges “exercise a wide discretion” in the types of evidence they may consider when imposing sentence and that “[h]ighly relevant- if not essential-to [the] selection of an appropriate sentence is the possession of the fullest information possible concerning the defendant’s life and characteristics.” *Williams v.*

New York, 337 U.S. 241, 246-247, 69 S. Ct. 1079 93 L. Ed 1337 (1949). Congress modified this principle at 18 U.S. C. § 3661m which provides that “no limitation shall be placed on the information” a sentencing court may consider “concerning the [defendant’s] background, character and conduct,” and at 3552(a), which sets forth certain factors that sentencing courts must consider, including “the history and characteristics of the defendant,” §3553(a)(1).

“It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensure” *Koon v. United States*, 518 U.S. 81, 113, 116 S. Ct 2035, 135 L. Ed.2d 393 (1996). Underlying this tradition is the principle that “the punishment should fit the offender and not merely the crime.” *Williams*, 337 U.S. at 247 69 S. Ct. 1079.

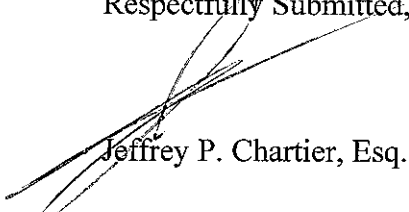
“In particular, we have emphasized that “[h]ighly relevant-if not essential- to [the] selection of an appropriate sentence is the possession of the fullest information possible concerning the defendant’s life and characteristics.” *Williams* 337 U.S. at 246, 69 S Ct. 1079. Permitting sentencing courts to consider the widest possible breadth of information about a defendant “ensures that the punishment will suit not merely the offense but the individual defendant.” *Wasman v. United States*, 468 U.S. 559, 564, 104 S Ct. 3217, 82 L. Ed. 2d 424 (1984).

“In determining the sentence to impose within the guideline range, or whether a departure from the guidelines is warranted, the court may consider, *without limitation*, any information concerning the background, character and conduct of the defendant, unless otherwise prohibited by law.” *See 18 U.S.C. §3661.* USSG § 1B1.4 (2010).

In determining the appropriate sentence, it is important to note that the offense is non-violent and was driven by Timothy’s gambling addiction. Timothy was “not the primary architect or leader of the fraudulent scheme” (see November 21, 2025 Government’s sentencing letter, pg. 6). Timothy never worked “directly with Porter to plan and orchestrate his rigged performances” (see November 21, 2025 Government’s sentencing letter, pg. 6). Timothy “largely took direction from his co-conspirators” and was, in essence, chosen by them because he “was a longtime bettor, he had high betting limits and was able to place large wagers” (see November 21, 2025 Government’s sentencing letter, pg. 6). He was not a professional athlete who sacrificed his integrity and loyalty to the game, teammates and sports fans. As detailed in the letters of support, Timothy is involved in helping the homeless. He would help a blind person in need of assistance. He would show kindness and support to others without regard to himself. He was extremely foolish and sending Timothy to prison would be counterproductive as he can do so much more good for society remaining in the community, as detailed in the letters of support from such a wide range of respected members of the community and loved-ones.

We recognize that the Court must impose sentence. However, given all of the factors that the Court will consider, we respectfully ask this Court to impose a sentence consisting of probation or home confinement.

Respectfully Submitted,



Jeffrey P. Chartier, Esq.

cc: Clerk of the Court (LDH) (by ECF)
AUSA Benjamin Weintraub (by E-MAIL AND ECF)
AUSA Kaitlin T. Farrell (by ECF)
AUSA David I. Berman (by ECF)
U.S. Probation Officer Alexandria Lohwasser (by E-MAIL)