

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

<b>UNITED STATES OF AMERICA,</b>	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 20-CR-334-CVE
	)	
<b>RAFAEL MATURINO,</b>	)	
	)	
Defendants.	)	

**SENTENCING MEMORANDUM OF DEFENDANT RAFAEL MATURINO**

Defendant Rafael Maturino submits this Sentencing Memorandum to aid the Court in fashioning a just and fair sentence to impose upon Mr. Maturino pursuant to 18 U.S.C. § 3553(a). In his Plea Agreement, Mr. Maturino waived his rights to request a departure from the Guidelines range and waived his rights to seek a variance below the Guidelines range pursuant to Section 3553(a) factors. Consequently, this Sentencing Memorandum will focus on providing enough information regarding the life experiences of Mr. Maturino to allow this Court to fashion a sentence that is fair and just considering his life circumstances outlined herein.

Mr. Maturino has received the Presentence Investigation Report (“PSR”) prepared by Senior United States Probation Ashlyn Lollman, has reviewed that PSR, and has no objections or corrections to that PSR.

**I. Section 3553(a) Factors**

**1. History and Characteristics of the Defendant**

**A. Childhood and Parental Care**

Mr. Maturino was born in Rodeo, Durango, Mexico to Rafael Maturino and Maria Villegas. His mother, age 61, resides in Mexico and is a homemaker. Mr. Maturino is not close with his father, age 81, and is unaware of his current whereabouts. Mr. Maturino father was an alcoholic and was often physically abusive to his mother when drunk. Mr. Maturino reported that his father

would occasionally shove him while drinking but reported no other form of abuse. Mr. Maturino has four siblings, including: Martin Jaime “James” Maturino, age 43, Eddie Maturino, age 42, Joel Maturino, age 37, and Rudolfo Maturino, age 35, all of which reside in Oklahoma. Mr. Maturino was eight (8) years old when his parents brought his family to the United States from Mexico to escape the violence of the drug cartels. Mr. Maturino reports he initially struggled with learning a new language and dealt with some racism. However, he excelled in school and mastered English quickly.

#### B. Children and Family

As reflected in the PSR, Mr. Maturino is currently in a relationship with Ashlee Yocum and they have lived together for approximately two years. From 2010 to 2021, Maturino was married to Nicole Baez. They were separated three years before their divorce was finalized. They have one daughter, Isabella Maturino, age 11, who currently resides with Maturino after Baez was sentenced to two-years custody on April 21, 2021 for violations of the conditions of her participation in Women in Recovery program. Prior to her arrest, Maturino and Baez shared split custody of their daughter. From 1999 to 2006, Maturino was married to Krista Wartluft. They have one son, Diego Maturino, age 20, who resides in Miami, Oklahoma, and is a student at Northeastern Oklahoma A&M College.

#### C. Education

Mr. Maturino graduated from Broken Arrow High School in Broken Arrow, Oklahoma in 1999. From 1999 to 2001, he attended Missouri Valley College in Marshall, Missouri. From 2001 to 2004, he attended the University of Oklahoma in Norman, Oklahoma, and earned a bachelor’s degree in education.

#### D. Employment History

Mr. Maturino was employed at Tulsa Public Schools as head wrestling coach at McClain High School from August 2019 to December 2020. He was terminated from this employment when his employer learned of his involvement in the instant offense. From 2017 to 2019, he was employed at Muskogee Public Schools as the head wrestling coach and a health and exercise teacher at Muskogee High School. From 2012 to 2017, Maturino was employed at Broken Arrow Freshman Academy in Broken Arrow, Oklahoma as a physical science teacher and football and wrestling coach. Mr. Maturino was reportedly employed at a call center in Tulsa, Oklahoma from 2011 to 2012. From 2008 to 2011, he was employed at Bixby High School in Bixby, Oklahoma as the head wrestling coach and from 2005 to 2008. He was also employed at Union High School in Tulsa, Oklahoma as the head wrestling coach.

**2. Kinds of Sentences Available**

The statutory and Guideline ranges of punishment are reflected in the Presentence Investigation Report, at page 10. The crime for which Mr. Maturino has been convicted by this Court carries a maximum statutory sentence of 30 years imprisonment and a fine of not more than \$1,000,000 or twice the pecuniary gain/loss caused by the defendant's acts.

**3. USSG Sentencing Range Pursuant to the PSR**

As calculated in the PSR, based upon the total offense level of 13 and a Criminal History Category of I. Thus, the advisory guideline imprisonment range available is 12 to 18 months. Mr. Maturino understands that the applicable guideline range is in Zone C of the Sentencing Table and, therefore, the minimum term shall be satisfied by a sentence of imprisonment. Additionally, Mr. Maturino understands that pursuant to 18 U.S.C. § 3663A, restitution in the total amount of \$97,800 shall be ordered in this case.

**II. Request for Stipulated Sentence**

Due to various factors including Mr. Maturino's acceptance of responsibility, the strength of the evidence, judicial economy, and the interests of justice the sentence of 12 months and 1 day of imprisonment meet the sentencing goals for Mr. Maturino's case. Mr. Maturino requests that this Court recommend that he be sentenced to the stipulated sentence of 12 months and 1 day of imprisonment, the appropriate disposition that was agreed upon by the Defendant and the United States in the Plea Agreement. Both parties agree upon this sentence regardless of any advisory Sentencing Guidelines calculations.

Respectfully Submitted,

/s/ Brett Swab

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**Counsel for Defendant Rafael Maturino**

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of May 2021, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the ECF registrants entitled to such notice:

/s/ Brett Swab