

[1] Exhibit A?

[2] **MR. WYNKOOP:** Yes, Your Honor. It is

[3] Exhibit A.

[4] **THE COURT:** Okay. Thank you.

[5] **THE WITNESS:** Can I move the
[6] microphone, please?

[7] **THE COURT:** Yes.

[8] **THE WITNESS:** Ari, I came here today
[9] wanting to tell you 100 things about me. I wanted
[10] to humanize myself to you. I would have told you
[11] how I aspire to be a fashion designer one day. I
[12] have four pets. I was born and raised in New York.

[13] I am Jewish. I love to travel. My parents are
[14] small business owners. I dye my hair red. I love
[15] to buy shoes. I used to bite my nails. I have a
[16] younger brother. The list can go on.

[17] I only told you ten things about
[18] myself. People say that if you tell a serial killer
[19] personal details about yourself, they are less
[20] likely to kill you. If you knew anything about me
[21] before February 25, 2018, would you still have
[22] assaulted me that night?

[23] After the assault, I was
[24] inconsolable. When I stepped back into my dorm
[25] room, I wasn't ready to take my clothes off. I

[1] wasn't ready to touch myself. I just wanted to lay
[2] there in silence. After a few hours, I had the
[3] strength to go to my desk, grab a makeup wipe, and
[4] take off my makeup. I looked at myself in the
[5] mirror. My eyes were puffy, and my face was
[6] flushed. I got up from the desk and walked over to
[7] the full-length mirror at my door.

[8] I just stood there looking at the
[9] clothes I was wearing, blacked ripped jeans from
[10] American Eagle and a maroon tank top from Free
[11] People. I started by taking off my shirt and then
[12] my pants and then my bra and then my underwear. I
[13] looked at myself in the mirror and started to cry.
[14] I could see the bruises forming on my left thigh. I
[15] could feel the pain in my wrist from being grabbed
[16] so tightly. I felt incredibly dirty and disgusting,
[17] so I decided to shower.

[18] I showered for a while. I stood
[19] there with the hot water pouring over me not even
[20] washing my body. I didn't want to touch the places
[21] you touched. I cried as the water fell down -- fell
[22] onto my face through my hair and down my back. I
[23] watched the water go into the drain and just stared
[24] down at the floor for what felt like an eternity.

[25] I took some soap and finally began to

[1] wash myself. I did it as quickly as possible. I
[2] hated the feeling. I didn't want to be near myself.
[3] After I got out of the shower, I brushed my teeth
[4] and went back to bed. I stayed curled up in a ball
[5] for the entire day. When I had woken up that
[6] morning, I texted a close friend at the time, [REDACTED]
[REDACTED]
[REDACTED] I told her everything you did to me
[9] the night before. She immediately asked to come
[10] over and check in on me. [REDACTED] my
[11] freshman year roommate, was not in my dorm room when
[12] I got there and didn't come back until the
[13] afternoon. I had the room to myself and just wanted
[14] to continue being alone.
[15] [REDACTED] did end up coming over, and we
[16] spoke about what I told her earlier that morning. I
[17] honestly don't remember how long of a conversation
[18] it was. I just know that she asked me if I wanted
[19] to report it. My immediate answer was no. I said
[20] that I didn't want to be the reason the fraternity
[21] gets shut down. I know what happens when girls come
[22] forward against members of a fraternity.
[23] I know that they can get suspended or
[24] lose their charger, and I didn't want to be the
[25] reason that happened because of one bad guy.

[1] I had nightmares about you for
[2] months. To this day, I still have trouble sleeping.
[3] In the months following the assault, I often woke up
[4] in the middle of the night having panic attacks. I
[5] would be out of breath, feeling like my world was
[6] caving in on me. I kept telling myself that the
[7] nightmares would eventually go away.
[8] I knew that you were a junior, and I
[9] would never have to worry about seeing you ever
[10] again after one more year. I felt that I could
[11] avoid you so long as I never stepped foot in that
[12] house again.
[13] The first adult I told was my
[14] therapist. When I told my therapist the details of
[15] what happened that night, she asked me the very same
[16] question that [REDACTED] and [REDACTED] did when I told them.
[17] Do you want to report it? My answer still remained
[18] as no. My therapist and I also talked about when,
[19] slash, how I would tell my parents. That was
[20] probably the toughest part of our conversations.
[21] Talking to your parents about sex is
[22] awkward enough. But how do you tell them that
[23] someone violated you and took advantage of your
[24] body? I felt panic just thinking about having to
[25] tell them, so I waited until I felt ready.

[1] Moreover, all of [REDACTED] and [REDACTED]'s friends were
[2] pledging at AEPi. It wasn't just any fraternity to
[3] them or to me. It was our favorite house to go to.
[4] How could I be the one to take that away from them?
[5] After [REDACTED] left [REDACTED] texted
[6] me. She was another close friend of mine at the
[7] time. She lived across the hall from [REDACTED] and me,
[8] and she asked me how my night was. I told her what
[9] happened. She also asked to come over immediately
[10] to check in on me.
[11] I let her come in, and I stayed in
[12] bed as I told her the details of my assault. She
[13] asked me if I was hurt, so I stood up. It had been
[14] hours since I last looked at my leg, but the bruise
[15] had gotten darker and bigger. She looked at my leg
[16] and back at me and asked the same question that
[17] [REDACTED] did. Do you want to report it?
[18] I gave her the same answer that I
[19] gave [REDACTED] and then she left, and I went back to
[20] bed. I don't remember much from the rest of the
[21] day. It was a mix of laying in bed crying, watching
[22] Netflix, and sleeping. Even when I was able to
[23] sleep, I couldn't rest for a while as I would be
[24] woken up by the sound of your voice in my head and
[25] reliving the torture you put me through.

[1] Over my spring break during the first
[2] week of March of 2018, I told my mom. I told her
[3] the day before I was returning back to Temple for
[4] the remainder of the semester. I couldn't look at
[5] her in the eyes when I said it. She sat down on my
[6] bed and just began to cry. She was upset that for
[7] about two weeks I had been keeping this all to
[8] myself.
[9] I had conversations with her on the
[10] phone acting like everything in my life was normal.
[11] She wasn't upset with me for keeping this from her.
[12] She was upset because she couldn't protect me from
[13] this. I'm not a mother. I can't empathize with the
[14] way she must have felt, but I can only imagine the
[15] pain she felt that day when I told her about you
[16] holding me down against my will and forcing me to do
[17] things with my body that I explicitly said no to
[18] over and over again.
[19] No mother should have to hear that.
[20] After I told her, she asked me the same question
[21] that [REDACTED], [REDACTED] and my therapist all asked me.
[22] Do you want to report it? My answer was still no.
[23] I had told two important adults in my
[24] life, but there was still my dad. I speak to my
[25] parents every single day. Every morning when I wake

[1] up and I'm on my way to class, I call my parents. I
[2] call them every night before I go to bed or before I
[3] go out somewhere. I have an incredibly open and
[4] honest relationship with the both of them. Keeping
[5] this from them, especially my dad, was one of the
[6] hardest things I've had to do.

[7] I ended up telling my dad in the
[8] beginning of April when I went to my grandparents'
[9] house in Florida for the weekend of Passover. One
[10] of the nights I was there, I sat my dad down and
[11] told him everything. I couldn't stop crying. He
[12] was so angry. He wanted to take action like any dad
[13] would because someone hurt his daughter.

[14] But he respected whatever choice I
[15] wanted to make and said he would support me no
[16] matter what. I knew that he wanted me to report it
[17] the minute I told him. And I could see the sadness
[18] in his eyes when he asked me, Do you want to report
[19] it? And I told him, No.

[20] When I returned to school, I tried my
[21] best to get back into my old routine. I went to
[22] class. I studied. I went out with friends, and I
[23] even went out on the weekends. I still had severe
[24] anxiety and experienced panic attacks from time to
[25] time. But I was lucky enough to have friends at

[1] home, school, and now three adults in my life whom I
[2] could confide in.

[3] But during the second week of April,
[4] my world was rocked again. I was walking back from
[5] one of my art classes down Liacouras Walk to go back
[6] to Morgan Hall, and there you were. I felt like my
[7] soul had left by body. I was paralyzed with fear.
[8] I thought maybe you wouldn't recognize me or even
[9] look my way, but you did. You stared right at me,
[10] and I could see it in your eyes. You knew exactly
[11] who I was.

[12] I ran as fast as I could to Morgan
[13] Hall. I cried the entire way through the lobby and
[14] up the elevator. And once I got to my room, I paced
[15] around in a panic. I grabbed my phone, and I called
[16] [REDACTED]. She was the very first person I saw
[17] the night you assaulted me. I remember her asking
[18] if I was okay that night, and I felt speechless.
[19] The only word I could say was, No. It was the only
[20] word I had been saying for the last half hour.

[21] Later that same week, I told [REDACTED]
[22] what happened that night. She just wanted to make
[23] sure that I was okay and that she was here to
[24] support me. We didn't really discuss the topic of
[25] reporting it at the time.

[1] [REDACTED] came straight up to my room and
[2] tried talking me down. I was hysterically crying
[3] and felt like I was unable to breathe, all from just
[4] seeing you on campus. She then asked me, Do you
[5] want to report it? And for the first time, after
[6] two months of wanting to remain silent and after
[7] [REDACTED] my therapist, and my mom and dad had
[8] asked me, I finally said yes.

[9] I think it's important that you know
[10] how many people asked me whether or not I wanted to
[11] report the assault before I actually did it. Every
[12] single one of these people respected the word "no."
[13] They didn't go ahead and report it against my own
[14] will. They didn't try to convince me that my answer
[15] was wrong. They accepted my answer for what it was
[16] because they knew that no means no. Clearly that
[17] was a word you couldn't comprehend.

[18] I called the Temple Police Department
[19] that day and spoke to Detective Aitken for the very
[20] first time. I told him briefly over the phone what
[21] had happened, but he said I would have to come into
[22] the office to file an official report. The
[23] following morning, [REDACTED] came with me to file that
[24] report. She stuck by my side and made sure that I
[25] never felt alone through any part of the process.

[1] When I sat down with Aitken, I began
[2] to tell him every single detail of the assault,
[3] forcing me to relive it -- relive the event in that
[4] moment. What I didn't know was that I would be
[5] reliving it over and over again. I told him how the
[6] night started out. I told him how much I had to
[7] drink. I told him what I was wearing. I told him
[8] what time I arrived at the AEPi house. I told him
[9] what time I went upstairs with you. I told him what
[10] happened in that room. I told him how I was able to
[11] get out. I told him everything.

[12] After filing my report with Detective
[13] Aitken, he asked me multiple times if I was
[14] absolutely positive that I wanted to go through with
[15] this. He said that this was just the beginning and
[16] that I may lose friends. I didn't believe him, of
[17] course. I was naive and was convinced that this
[18] process would be smooth sailing because I had
[19] evidence and people who supported me by my side.

[20] No one tells you that once you commit
[21] to this, you can't back out. It's all or nothing,
[22] and I went all in. And it wasn't just for me. Of
[23] course I wanted justice, but I couldn't help but
[24] think about other girls who might be out there. If
[25] you could do what you did to me and get away with

[1] it, who's to say you wouldn't do it to someone else.
[2] Following my meeting with Detective
[3] Aitken, I went to SVU and met with Detective
[4] Enriquez. Again, I had to retell the same story
[5] including every grueling detail. At that point, I
[6] was done for just a little bit. All I had to do was
[7] wait. It wasn't long before I received a call from
[8] the Philadelphia District Attorney's Office telling
[9] me that they wanted to take action. I had enough
[10] evidence to go to trial and prove beyond a
[11] reasonable doubt that you assaulted me. I was ready
[12] to get my well-deserved justice.

[13] The feeling of joy and empowerment in
[14] receiving justice was fleeting. While the physical
[15] assault took place on February 25, 2018, it felt
[16] like I was under perpetual assault for the two years
[17] that followed. The year of 2018 was the worst year
[18] of my life. My friends began to drop like flies.
[19] First, it was [REDACTED] and [REDACTED] at
[20] the beginning of my summer going into sophomore
[21] year.

[22] Then a few months later, it was [REDACTED]
[23] [REDACTED] and every other friend I made over the course
[24] of my freshman year. I've never lost so many
[25] friends in such a short amount of time. Every

[1] Friends are supposed to support you
[2] through thick and thin. This experience is
[3] extremely unique, and I know that it is tasking to
[4] ask your friends to stick with you through something
[5] as painful and traumatizing as this. However, my
[6] friends should have stayed. Their friendships with
[7] the brothers at AEPi proved to be more important
[8] than their friendships with me.

[9] But this statement is not about them.
[10] I'm not sharing the details of every lost friendship
[11] I had to get back at them. I'm sharing these
[12] details because it all ties back to one thing, the
[13] assault. If it weren't for you and for what you did
[14] to me, none of this would have happened.

[15] I wouldn't have lost any of my
[16] friends. I wouldn't have had to move out of my own
[17] apartment. I wouldn't have had to worry about
[18] people knowing who I was or even be embarrassed by
[19] it. Because of you, I lost everything. I lost my
[20] friends, my home, my privacy, my confidence, and my
[21] control. I ended up being the person to shoulder
[22] the burden of what you did to me.

[23] Moving into my new apartment
[24] sophomore year took a major financial toll on my
[25] family. We couldn't break the lease on the old

[1] single one of these girls ended their friendships
[2] with me due to the fact that my trauma and this very
[3] trial was too much for them to handle. These are
[4] all girls I was living with for the first half of my
[5] sophomore year. So once my relationships with them
[6] fell apart, I was forced to move out of my own
[7] apartment.

[8] In addition to moving out, I was also
[9] faced with the fact that one of [REDACTED] and [REDACTED]'s
[10] friends, [REDACTED], took it upon herself to tell
[11] a member of the 2018 pledge class of AEPi that I was
[12] the girl that you assaulted. He shared this
[13] information with the rest of his fellow class. My
[14] anonymity was broken, and I had to start my life all
[15] over again at Temple.

[16] Everyone left me behind and took your
[17] side. But the torture didn't stop at those lost
[18] friendships. One of those very girls, [REDACTED]
[19] [REDACTED], decided to voluntarily testify on your
[20] behalf. The alliance that these girls had with the
[21] members of Alpha Epsilon Pi is beyond me. It's
[22] frightening to witness the power you had and
[23] continue to have over the brothers who belonged to
[24] the fraternity as well as the women who associated
[25] with it.

[1] apartment, and now we were paying for a new one.
[2] This is in addition to my weekly therapy and the
[3] multiple trips I made back and forth from
[4] Philadelphia to New York, as well as the trips my
[5] parents made to me in case I needed them. I felt
[6] like a stressor to my own family, not just
[7] emotionally but now financially.

[8] At this point I had lost all my
[9] friends and had to start from scratch. But there
[10] was one person at Temple from when this all started
[11] who never left my side, and she is [REDACTED]. If
[12] it weren't for [REDACTED], I don't know how I would have
[13] kept pushing forward. [REDACTED] was there when I
[14] decided to report.

[15] She was always a text or call away
[16] when I needed to talk. She helped me move out of my
[17] apartment. And she even hung out with me every
[18] weekend until I got back up on my feet and found a
[19] whole new friend group. I am eternally grateful for
[20] people like [REDACTED]. Because of her, I was able to
[21] surround myself with individuals at Temple who
[22] reflected her personality, compassion, and support
[23] towards others.

[24] As I began to turn my life around, I
[25] continue to face challenges left and right. I

[1] didn't know that my case would get as much attention
[2] as it did. I knew that there was a possibility of
[3] talk around Temple. There is always gossip. But I
[4] wasn't expecting to be reading about my assault on
[5] Twitter or Facebook or the many news articles and
[6] videos that came out about it.

[7] I was simply known as the 18-year-old
[8] student. I was anonymous, but I knew I was being
[9] talked about. I would dig myself into these deep
[10] holes, unable to stop myself from reading stories
[11] and comments about me, seeing what people would have
[12] to say. And, of course, I couldn't even escape it
[13] when I was off my phone.

[14] Multiple times, I have been in
[15] classrooms when the subject of my assault came up.
[16] Of course, no one knew it was me, or at least I
[17] didn't think anyone did. But do you know what it's
[18] like to have people discuss the details of your
[19] assault right in front of your face; to ask
[20] questions to the teacher as if they know what's
[21] going on; or to make predictions and say they know
[22] all the details and start sharing some twisted
[23] version of the real story?

[24] It's awful. I have been
[25] re-traumatized at my own classes at Temple

[1] the same questions over and over again.

[2] The sole reason your lawyer wanted to
[3] have this hearing in the first place was to try to
[4] find evidence to discredit me. I'm not sure what
[5] evidence your attorney was trying to get at a
[6] hearing that could have then been used at this
[7] trial. But the only thing that would have been
[8] discovered at such a hearing, had it happened, is
[9] that I said no, and that wasn't good enough for you.

[10] The beginning of this case took place
[11] during my freshman year at Temple University.
[12] Today, I am a senior. I wouldn't say that this
[13] event defines my entire college experience, but it
[14] has taken up a portion of every year I've been in
[15] college. And every day I'm on campus, I witness the
[16] location of where I was assaulted.

[17] I don't go out of my way to find that
[18] house. But your castle on the corner is half a
[19] block away from where all of my classes are. I'm
[20] triggered every single day I'm on Temple's campus
[21] because of you. 2000 North Broad Street has been
[22] uninhabited for two years since AEPi lost their
[23] charter. As I walk past that house or see it from
[24] down the block, the lights were always off. No one
[25] was going in or out of the house.

[1] University, unable to escape the assault because it
[2] made national headlines. All of this pressure and
[3] attention gave me extreme anxiety and still does
[4] today. I hated the fact that there were news
[5] reporters standing outside the courthouse. I hated
[6] it even more that I had to sit next to a reporter in
[7] this very courtroom during closing statements and
[8] during the verdict. Perfect strangers now know my
[9] name, know my story, and have made it available for
[10] the world to see. I never wanted or asked for that.

[11] Compounding the stress of this court
[12] case was the prospect of your return to Temple
[13] University before the trial even concluded. At the
[14] insistence of your lawyer, under the protection
[15] afforded to you as a student, Temple University was
[16] pushing to have its own student conduct hearing
[17] about the incident to determine if you would be
[18] permitted to attend school in the fall of 2019.

[19] I believe a student should be given
[20] the same due process that any person would in a
[21] criminal proceeding. But I do not believe that you
[22] or your attorney honestly ever thought you would or
[23] ever intended to step foot back on campus again. It
[24] was simply a move to add even more stress to my life
[25] knowing how difficult it would be for me to answer

[1] There was comfort in knowing the
[2] place where you assaulted me was empty. And now
[3] that comfort has been stripped away from me. This
[4] summer, a new fraternity moved into that house. The
[5] lights are on. People are moving in and out of the
[6] house. And the worst part, I know your bedroom is
[7] being occupied by someone else.

[8] Someone is now living in the space
[9] where you attacked me. It's hard for me to live
[10] with that. But it's going to be even harder to see
[11] that house back in action once again. I know that
[12] it was you that hurt me, not the house itself. But
[13] that house fostered an environment in which you
[14] could become and act the way that you did. That
[15] house gave you the space to believe that it was okay
[16] to sexually assault another person.

[17] One night changed my entire life. In
[18] a matter of 30 minutes, you were able to damage me.
[19] Physically, the bruises you caused went away within
[20] a few weeks. Mentally, I don't think I will ever
[21] fully heal. Beyond the lost friendships and the
[22] agony of every challenging step I had to take to
[23] find my place back at Temple, I was faced with a new
[24] issue that has made my life more difficult than I
[25] could ever imagine.

[1] I was, and still am, triggered
[2] through every intimate encounter or relationship I
[3] have with a man who is not you. Any type of
[4] romantic relationship I had after the assault all
[5] resulted in failure due to my inability to trust.
[6] The feeling of a hand on the back of my head, the
[7] sound of shushing, or being unable to move a part of
[8] my body during any encounter triggers me and sends
[9] me back to that night.

[10] In just 30 minutes, you instilled a
[11] fear that I may carry in every future intimate
[12] experience I have in my life. That is not fair. I
[13] deserve to trust people because I am the type of
[14] person who chooses to see the good in others. I
[15] chose to see the good in you, Ari.

[16] I believed what you said to me that
[17] night. And I followed you expecting an enjoyable,
[18] friendly, relaxing experience. Instead, I was held
[19] down against my will, screaming for help and for you
[20] to stop hurting me.

[21] The word "no" has, quote/unquote,
[22] many shades of gray, according to your lawyer, Mr.
[23] Perry de Marco. I'm here to tell you that the word
[24] "no" means only one thing. No means no. I didn't
[25] think I would be here today giving a vocabulary

[1] attempted sexual assault, one for attempted forcible
[2] compulsion, and one for indecent assault. I am
[3] lucky. I was fortunate to have a team of people
[4] like Lauren Stram, Zach Wynkoop, Detective Aitken,
[5] and Detective Enriquez, who fought tirelessly for my
[6] case.

[7] I was fortunate to have a support
[8] team that guided me through the lowest of lows of my
[9] life and never let me back down from this fight.
[10] Despite all of the odds against me, I now stand
[11] before you to speak the words you tried to silence.
[12] And now I have come to see justice finally be
[13] served.

[14] But still, to this day, I am scared
[15] to be in the same room as you. I will never be able
[16] to live down the physical and mental torture you put
[17] me through on the night of February 25, 2018, as
[18] well as the two years that followed. You will
[19] always continue to reserve unwanted space in my
[20] mind. I will have to live with this pain for the
[21] rest of my life.

[22] When I decided to come forward in
[23] April of 2018, I knew I had options besides going to
[24] the police. I tried to stay silent. I tried to
[25] cope on my own. I tried to find a path to heal that

[1] lesson. But I want to make it clear to you and all
[2] men like you that had you stopped what you were
[3] doing the moment that word came out of my mouth, we
[4] wouldn't be in this room right now. There wouldn't
[5] have been a trial. You wouldn't have been arrested.
[6] Your fraternity may have still been standing had you
[7] stopped at the word "no."

[8] I think you know how challenging it
[9] is for women to come forward because of the
[10] disruption it causes in their life afterwards. And
[11] my case, in many ways, validates your belief. One
[12] in five women are sexually assaulted while in
[13] college. Women in college between the ages of 18
[14] and 24 are three times more likely to be assaulted
[15] than the average woman.

[16] Only 20 percent of student victims
[17] report to law enforcement. About 5.7 percent of the
[18] perpetrators are arrested. Only 1.1 percent of
[19] perpetrators go to trial, and .7 percent of
[20] perpetrators are convicted of a felony. The odds
[21] were against me. And with the agony I endured for
[22] the last two years, I truly understand why.

[23] I will never forget the moment on
[24] February 18, 2020, when Juror No. 9 read out the
[25] verdict "guilty" three times in a row, one for

[1] didn't involve law enforcement. And I'm not saying
[2] that this path I have chosen has healed me in any
[3] way. It's far from it. If anything, I've put
[4] myself through more hurt by going through with this.

[5] However, if given a second chance to
[6] do it all over again, I would still report it. I
[7] would endure every last bit of pain and suffering
[8] over and over again if it meant that I helped
[9] prevent you from ever doing this to another woman.

[10] There are millions of women just like
[11] me, but they aren't given the same opportunity I
[12] have today, being able to stand here telling you how
[13] you detrimentally impacted my life. This is my
[14] finish line. It isn't yours. I don't know what
[15] your fate will be after today, but my goal in coming
[16] forward was never to put you behind bars. I had to
[17] stand up for myself.

[18] I didn't deserve what happened to me
[19] on February 25, 2018, or the two years that
[20] followed. I needed my voice to be heard, and I
[21] needed you to face the consequences of your actions.
[22] It's not up to me what those consequences may be.
[23] But my wish is that this statement made you feel
[24] what a group of 12 jurors found you as, guilty.

[25] In the beginning of this statement, I

[1] told you I came here wanting to tell you 100 things
[2] about me. Instead, I told you ten, and I'm going to
[3] tell you ten more. My favorite ice cream is
[4] chocolate fudge brownie from Ben & Jerry's. I cried
[5] at the end of Toy Story 3. I'm bad at math.
[6] Spiders scare me. My favorite book is The Art of
[7] Racing in the Rain. I am an Aries. My favorite
[8] city is Amsterdam. I am someone's daughter. I am
[9] someone's sister. I am someone's friend.

[10] I hope you can see me as more than my
[11] body, what you reduced me to on the night you
[12] assaulted me.

[13] **THE COURT:** Thank you.

[14] **MR. WYNKOOP:** Your Honor, I would
[15] mark as C-1, in its entirety, including Exhibit A
[16] and B, Commonwealth's sentencing memorandum. It was
[17] filed with the Court approximately one month ago.

[18] I am not now going to rehash the
[19] entirety of that memorandum. Instead, I am going to
[20] ask the Court to focus on what I think are three
[21] salient points from that memorandum and three
[22] salient points from the trial. And I'm going to ask
[23] the Court to consider them when sentencing.

[24] The first is -- and I touch on it in
[25] the sentencing memorandum -- what the Commonwealth

[1] has referred to as an absence of mitigation. And I
[2] understand that that sounds like an odd phrase in
[3] this case when there are 34 examples of character
[4] witnesses coming forward on behalf of the defendant.

[5] But I think the absence of mitigation
[6] breaks down like this. The first is referring to
[7] the presentence investigation and mental health
[8] reports. As Your Honor, who has heard probably
[9] hundreds of these cases, knows, in cases like this,
[10] when a presentencing investigation or a mental
[11] health report is filed after a trial, you expect to
[12] see what would be described as a traumatic
[13] upbringing.

[14] I don't think anybody in this room
[15] doesn't know the old adage that hurt people, hurt
[16] people. And so, oftentimes, in cases like this, in
[17] cases that are, I think, some of the most serious in
[18] the criminal justice system, we often see a
[19] childhood that, while not excusing what a defendant
[20] did, at least explains to us how they ended up
[21] there.

[22] And as the Court is well-aware, not a
[23] single one of those factors was present here. 34
[24] people came forward on behalf of the defendant after
[25] being convicted. That shows a family background and