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Honorable Raymond J. Dearie  
Chief United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Thavarajah Pratheepan, et al.,  
06 Cr. 616 (RJD)

Your Honor:

As you know, Karunakaran Kandasamy is scheduled to be sentenced on May 11, 2012. Given the lengthy period between oral argument and sentence, we are submitting this letter to provide the Court with a brief reminder of the defense's principal arguments for a sentence of time served.

In our written submissions and during oral argument, we asserted that under the factors set forth in 18 U.S.C. § 3553(a), a substantial variance from the Guidelines is necessary to achieve a just and appropriate result to accord with the goals of sentencing. As we have set forth in our submissions and briefly summarized below, Mr. Kandasamy has led an otherwise upstanding, law-abiding life. He grew up in and was directly affected by the brutal regime in Sri Lanka and it is clear that Mr. Kandasamy's actions, while not excusable, were motivated by a deeply felt desire to help the community he loved. Moreover, Mr. Kandasamy suffers from several serious medical conditions, which make his incarceration more difficult than it would be for the average defendant. Mr. Kandasamy has been incarcerated for the past five years. We respectfully submit, in light of these factors, that a sentence that is sufficient but not greater than necessary to achieve the goals of sentencing would not include any additional term of imprisonment.



Mr. Kandasamy, who is of Tamil origin, spent the first quarter of his life in Sri Lanka as a member of a despised ethnic minority targeted for genocide by the Sinhalese Buddhist ethnic majority, who comprise the Sri Lankan government. Since 1948, Tamils in Sri Lanka have been subjected to endless campaigns of murder, rape, torture, displacement, and deprivation of food, medicine, and education. Mr. Kandasamy personally witnessed the brutality of the Sri Lankan government on many occasions. For more than 25 years, he lived in constant fear for his life and safety and for the lives and safety of his family, friends, and neighbors. The United States government, recognizing the systemic victimization of the Tamil people, granted Mr. Kandasamy political asylum in the early 1980s.

Until he committed the offenses to which he has pled guilty, Mr. Kandasamy, who became a United States citizen in 1989, lived an upstanding, law-abiding life. For years he held several jobs to support his family in Sri Lanka, eventually saving enough money to finance the relocation of his entire family to Canada, where they were granted political asylum.

While working as a driver for a car service, Mr. Kandasamy was physically disabled in a very bad car accident. Although he was no longer able to hold steady employment, Mr. Kandasamy dedicated himself to aiding his community. He helped numerous Tamil immigrants find homes and employment and he devoted much of his time to teaching the younger members of the Tamil diaspora about their roots and the traditions and practices of the culture. The many letters annexed to the Sentencing Memorandum attest to the community's deep appreciation for Mr. Kandasamy's supportiveness, kindness, and generosity.

Mr. Kandasamy is also married with two lovely teenage daughters, of whom he is enormously proud. He is a devoted husband and father who desperately wants to be reunited with his family.



The Probation Department has acknowledged that Mr. Kandasamy has serious health conditions that would cause him to suffer more from incarceration than the average defendant:

[T]he defendant has several medical conditions which may make a sentence of imprisonment within the guideline range more harsh and severe for this defendant relative to most others. This is a mitigating condition which may be considered at sentence.

Pre-Sentence Report, at 33 ¶ 143.

Mr. Kandasamy has a history of persistent medical problems that have worsened significantly since he has been imprisoned. He suffers from hypertension, type II diabetes, and severe lower back and spinal problems that cause continuing complications, including limited mobility and considerable chronic pain. Although Mr. Kandasamy is 55 years old, his physical condition is that of a much older person. He is frail and weak and in near constant physical discomfort.

In 2008, Mr. Kandasamy developed a life-threatening condition, an epidural abscess in his sacrum. He spent months being treated at the Bureau of Prisons Medical Center for Federal Prisoners ("MCFP"). This condition is likely to recur. Following treatment, doctors at the MCFP recommended that Mr. Kandasamy be provided with a back brace and a special mattress to help alleviate his pain, however, despite repeated requests, the MDC has failed to provide these items. Given Mr. Kandasamy's condition, the Bureau of Prisons' ability to care for him is questionable.

The defense does not contest the legitimacy of the crimes to which Mr. Kandasamy pled guilty, nor do we argue that Mr. Kandasamy's actions were excusable. However, as the Court has noted, the context in which Mr. Kandasamy committed these crimes is an extremely important consideration. Mr. Kandasamy is a fundamentally good and decent man who wanted to help the community he clearly loved—a community that had suffered terribly for years. There is no question that Mr. Kandasamy went too far and broke the law; but like the other defendants in this case, if he was motivated by a deep desire to help his people.



Given the context in which these crimes occurred, Mr. Kandasamy's otherwise upstanding character, and Mr. Kandasamy's ill health, the defense contends that a Guidelines sentence would be exceptionally harsh in this case. We respectfully ask the Court for a substantial variance from the Guidelines that would not require Mr. Kandasamy to spend any further time in prison.

Respectfully submitted,

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*Attorney for*

*Karunakaran Kandasamy*

cc: Ali Kazemi  
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(via email)