

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 13-CR-00070-LMB
	)	
TRACY CHILTON,	)	
	)	
Defendant.	)	

**DEFENDANT'S SENTENCING MEMORANDUM AND  
MOTION FOR VARIANCE**

*Introduction*

Tracy Chilton will be sentenced on October 16, 2013. The parties have agreed that probation is the appropriate sentence. The well-prepared Presentence Investigation Report concludes that Tracy’s sentence is a Level 12 Criminal History Category I, which produces an ***advisory*** Guideline range of 10-16 months. In accord with the parties’ agreement, Tracy intends to request that this Honorable Court vary from this advisory Guideline range and impose a 12 month sentence of probation.

*Gall* requires that before making any sort of final sentence the Court must make Guideline calculations. Here the calculations would result in a Zone C sentence where probation is not possible. *Gall* has breathed life back into the statutory analysis of sentencing contained in 18 U.S.C. Section 3553 and removed the specter of this Honorable Court feeling obligated to reject the parties’ agreement of probation and sentence Tracy to prison.

*Gall v. United States*

This case is a perfect illustration of the brilliance of *Gall* and shows why a statute trumps an advisory Guideline. In one paragraph of the PSR, it states, “because Count 1 is a misdemeanor, the defendant is eligible for up to 5 years of probation. 18 U.S.C. Section

3561(c)(2).” In the very next paragraph, citing USSG §5B1.1 comment note 2, the PSR states that because Tracy is a Zone C, he is not eligible for probation. Pre-*Gall* a sentencing Court would have had to sentence Tracy to jail, but post-*Gall* this Honorable Court can rely on the language of the statute which allows probation.

The Sentencing Guidelines were enacted to ensure that “the crime fit the time.” The goal was to reduce sentencing disparities. *Booker* began the slow and seemingly tedious return to a system where the sentencing judge could view the entirety of the circumstances including *who* the Defendant is and not rely solely on the Guidelines. A sentencing judge could now rely on the sentence provided for in a statute (here probation) and allowed the sentencing judge to have true input into the sentence that was handed out.

The culmination of *Booker* is *Gall v. United States*, 128 S. Ct. 586; 169 L. Ed. 2d 445; 2007 U.S. LEXIS 13083; 76 U.S.L.W. 4009 (Dec. 2007) But for *Gall*, Tracy would be stuck with the advisory Guideline position of not being able to receive probation due to his advisory Guideline range being a Zone C. This Honorable Court would have had to ignore the statute which allows for probation and would have been required to incarcerate Tracy. Once this Honorable Court determined the Guideline calculations, realistically the sentencing would conclude.

The language in *Gall* is breathtaking. The Supreme Court held that a Sentencing Judge “*may not presume that the Guidelines range is reasonable but must make an individualized assessment based on the facts presented.*” Emphasis added (p. 3) As will be shown below, a 12 month sentence of probation is appropriate and meets all of the factors set out in 18 U.S.C. §3553 (a) as well as *Gall*.

*Gall* allows the Sentencing Court to use its own judgment and common sense in determining what sentence should be imposed on a particular Defendant based in part on *who* the Defendant is.

Here, the parties entered into a unique Plea Agreement. It is a “take it or leave it” type of Plea Agreement. After much discussion between the Government and undersigned, it was

agreed that the “best” sentence would be probation which is set out in the Plea Agreement. The undersigned ran the advisory Guidelines and came up with the Total Offense Level contained in the PSR. The undersigned believes the Government did this as well. After reviewing the elements of 3553(a), the parties concluded that because the statute allowed for probation that this would be the best sentence. In order to satisfy the requisites of the Plea Agreement, both parties will undoubtedly join in a variance/departure if needed.

As will be shown below, Tracy has already paid the price for what he did. Pre-*Gall*, the best sentence Tracy could hope for would be Zone C 10 month sentence. Post-*Gall*, this Honorable Court can vary from this draconian Guideline sentence and vary/depart downwards to a sentence of probation, which the parties agreed to.

*B. 18 U.S.C. 3553(a)(1)*

At page 22, *Gall* lists and discusses the seven factors that a Sentencing Court *must* consider. The first factor is a broad command to consider "the nature and circumstances of the offense and the history and characteristics of the defendant." *18 U.S.C. § 3553(a)(1)*. It is the undersigned's position that Tracy comes out ahead on this point.

One man's treasure is another man's trash. The undersigned has difficulty understanding the lure of digging up Indian artifacts, and using them for household decorations. However, it was a passion of the Chilton family. The Chiltons organized family outings where they would dig up arrowheads and other Indian artifacts.

It is crucial to point out that this case does not involve major destruction of a National Park or any sort of excavation of Indian artifacts. If it did the U.S. Attorney's office never would have agreed to probation. The offense consisted of the Chiltons going to a National Park with *gardening tools* and scraping the ground for artifacts. Had they done the exact same thing in their backyard, no federal crime would have been committed.

So, the nature and circumstances of the offense is pretty straightforward. The Chiltons' crime was performing their hobby in a National Park. They did not dig up Indian burial sites nor did they cause damage to the Park by digging massive holes looking for

artifacts. The undersigned is not trying to be clever regarding what transpired. Obviously, damage was done to a National Park, but the damage was not so severe that it amounted to permanent destruction.

Regarding the characteristics of Tracy, he graduated from high school, joined the Marines was honorably discharged and returned to rural Missouri. He met his former wife and became someone he isn't proud of. He was charged with a meth. crime. Since this conviction 15 years ago, Tracy has an unblemished record. That in and of itself speaks volumes about Tracy's positive characteristics. Tracy made a horrible mistake 15 years ago and since then has "gotten his life back together."

Tracy became a father. He had to choose between being a father or a "meth-head." He chose his children. He divorced his wife and tried to make a new life. Tracy is poor and works as a roofer in St. Louis or elsewhere. Tracy Chilton loves these 2 children more than life itself. When Tracy is in town, he takes his kids to school every day. He attends every parent/teacher conference. When Tracy is not financially able to stay in St. Louis, he drives 6 hours round trip to work in St. Louis as a roofer in 110 degree temperature to support his family.

This misdemeanor case has torn Tracy and his family up. The undersigned has had the benefit of sitting down across from the Chiltons and seeing the impact this case is having on them. The undersigned has had the benefit of seeing Tracy's two well behaved young children at his office sitting for over 2 hours on 2 separate occasions not making a peep. The undersigned has had the benefit of seeing a grown man cry like a baby because of the repercussion his actions could have on his children's lives.

If Tracy loses his children, his ex-wife will receive full custody and they will reside full-time with her. Attached hereto and marked Exhibits A&B are letters from his daughter Jerika and their counselor Lisa Coleman. While they are self-explanatory these letters show how traumatic it would be for the children to reside full-time with their mother. This in and of itself is cause for a variance/departure to probation.

As witnessed by Exhibits C & D, when residing with Tracy and Rhonda, the children attend school full-time and receive good grades.

Rhonda Chilton is a wonderful woman. She has a variety of ailments and thanks to her, Tracy was able to raise his two children. The 3 or 4 times the undersigned met with Tracy and Rhonda he observed a loving couple traumatized with this case. Incarceration would mean Tracy would lose his parental rights and his children would be with their biological mother.

Something obviously happened between Tracy and Rhonda. The undersigned cannot comment on Rhonda's allegations but would simply state that Tracy was not arrested and Rhonda never pursued the order of protection which she originally sought. Had something truly happened Tracy would have been arrested and/or Rhonda would have continued with the order of protection. Tracy denies the allegations Rhonda made, but is not able of proving a negative.

The history and characteristics of Tracy are summed up by a man who made a mistake, but a man who loves his children. His life is currently in turmoil because of this case, and one hopes that once he is sentenced on October 16, 2013 that the nightmare will end and his personal life will return to tranquility.

The second factor requires the consideration of the general purposes of sentencing, including:

"the need for the 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." § 3553(a)(2).

The bottom line for any sentencing imposed is to ensure that the Defendant has learned their lesson, won't break the law again and become a productive member of society.

Starting with (c), protecting the public from further crimes of the Defendant assumes that there will be further crimes. By agreeing to plead guilty and be placed on one year of probation, Tracy showed he was willing to be placed on as tight a leash as this Honorable Court deems just. Because of what this case has done to Tracy's personal life, it is implausible to think that he has not learned his lesson. One cannot fathom Tracy Chilton ever entering into a National Park and removing Indian artifacts.

Subsections (A) and (B) are the difficult hurdles to clear. Requesting what might be considered a "light" sentence seems to be contrary to just punishment and deterrence. The argument will go that if Tracy gets off easy, no message will be sent to others similarly situated who might take artifacts from a National Park.

The carrot and stick analogy seems to fit. Each crime and Defendant have their own unique set of circumstances. A Defendant who is "doing life on the installment plan" because they constantly break the law and for whom prison is a home away from home needs the stick.

The question is how big does the "stick" need to be to ensure just punishment? For example, how is it possible to quantify the fear that someone like Tracy has of going to prison? How is it possible to quantify the humiliation and degradation that Tracy's family has been caused as a result of his actions? How is it possible to quantify the stress and anxiety that Tracy has felt since this investigation commenced? How is it possible to quantify what it means to a father like Tracy who because of his actions knows that his children might be removed from a warm and loving environment and placed with their mother?

A lot of people, would say that Tracy should have thought of that before becoming involved in any criminal conduct, even a misdemeanor like exists here. That's a fair point. At the same time though post-*Gall* these seemingly small matters figure into the just punishment and deterrence equation.

The third factor § 3553(a)(3) pertains to the kinds of sentences available and is a perfect segue regarding just punishment and deterrence. *Gall* discussed **PROBATION** which to a casual observer is viewed as “getting off easy.” *Gall* held:

“We recognize that custodial sentences are qualitatively more severe than probationary sentences of equivalent terms. Offenders on probation are nonetheless subject to several standard conditions that substantially restrict their liberty. See *United States v. Knights*, 534 U.S. 112, 119, 122 S. Ct. 587, 151 L. Ed. 2d 497 (2001) (“Inherent in the very nature of probation is that probationers ‘do not enjoy the absolute liberty to which every citizen is entitled’” (quoting *Griffin v. Wisconsin*, 483 U.S. 868, 874, 107 S. Ct. 3164, 97 L. Ed. 2d 709 (1987))).

4 Probationers may not leave [\*596] the judicial district, move, or change jobs without notifying, and in some cases receiving permission from, their probation officer or the court. They must report regularly to their probation officer, permit unannounced visits to their homes, refrain from associating with any person convicted of a felony, and refrain from excessive drinking. *USSG § 5B1.3*. Most probationers are also subject to individual “special conditions” imposed by the court. *Gall*, for instance, may not patronize [\*\*\*19] any establishment that derives more than 50% of its revenue from the sale of alcohol, and must submit to random drug tests as directed by his probation officer. App. 109.

4 See also Advisory Council of Judges of National Council on Crime and Delinquency, *Guides for Sentencing 13-14* (1957) (“Probation is not granted out of a spirit of leniency . . . . As the Wickersham Commission said, probation is not merely ‘letting an offender off easily’”); 1 N. Cohen, *The Law of Probation and Parole § 7:9* (2d ed. 1999) (“The probation or parole conditions imposed on an individual can have a significant impact on both that person and society . . . . Often these conditions comprehensively regulate significant facets of their day-to-day lives . . . . They may become subject to frequent searches by government officials, as well as to mandatory counseling sessions with a caseworker or psychotherapist”).”

Here, the PSR in following the advisory Guidelines has concluded that incarceration is mandated. ***Under Gall, incarceration is no longer mandated.*** It is wholly unfair to take the position that the ***only*** just punishment is imprisonment so as to act as a deterrence to other Defendants who remove Indian artifacts from a National Park. To follow this approach

would violate the legislative history to Section 3553 (a) where a Sentencing Court should not show a preference for one purpose of sentencing over another.

The fourth and fifth elements discuss the Sentencing Guidelines and policy statements and have been thoroughly discussed above.

3553(A)(6) deals with "the need to avoid unwarranted sentence disparities." Simply stated, the notion of "unwarranted sentence disparities" in a case like this is not applicable. Tracy Chilton obviously knew it was illegal to hunt Indian artifacts on Government land. He incorrectly assumed he would be "ticketed" or charged with misdemeanors as had happened previously. In cases like this, it would be unwarranted for Tracy to be sent to prison while others similarly situated were not. Again, this is something the U.S. Attorney's office weighed in recommending probation. Tracy has certainly now received the message—DON'T search for artifacts at National Parks.

Preceding the 3553 list is a general directive to "impose a sentence sufficient, but not greater than necessary, to comply with the purposes" of sentencing described in the second factor. It has been discussed in *Gall*, probation can be deemed a sentence which is not greater than necessary to comply with the purposes of sentencing.

#### *Conclusion*

As in all sentencings, the judge has the extraordinarily difficult task of deciding how to find the "middle ground" to sentence a Defendant. Here, is the probation recommended by the parties satisfactory?

This case has shredded Tracy's personal life. He is keeping her family together by a thread. The undersigned has developed a great deal of respect and appreciation for Tracy & Rhonda Chilton. It has been hard getting to know someone like Tracy realizing the impact this case has had on his two children. But for these crimes, in the past 15 years, Tracy has led an unblemished life, focusing solely on his family.

For the foregoing reasons, Tracy Chilton requests that this Honorable Court follow the recommendations of the Plea Agreement and sentence him to 12 months probation.

TRACY CHILTON

STOBBS LAW OFFICES

BY:

/s/John D. Stobbs II

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 1, 2013, a copy of the attached *Defendant's Sentencing Memorandum and Motion For Variance* was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Mr. Keith Sorrell  
Assistant U.S. Attorney  
555 Independence  
Cape Girardeau, Missouri 63703

STOBBS LAW OFFICES

/s/ John D. Stobbs II  
Attorney for Defendant  
307 Henry St. Suite 211

Alton, Illinois 62002

What I don't like being at my mom's  
~~mom's house~~

She's a terrible mother and this is what she does, pulls me by my hair across the floor. She throws me up against walls. She tells [redacted] that she's going to work when she's actually going to the bar. And she also punches me in the face, and hitting [redacted] up the back with the belt, and also includes making a nineteen year old brother cry by crashing in to a tree and making him hit his face on the dash. When we come home from church she's not there we have to look for a baby sitter in Fremont.

Are dog getting ran over on the highway that we were walking on, making us sleep on the bed with her when she has men in there with her. And also includes her house where people party and smoke pot and get drunk. She says she hates Rhonda and says Rhonda does not do anything with us. Her house is filthy and there's ants all over her house includes roaches.

She says she'll throw me out of the car and gets drunk and comes and picks up [redacted] gets money from Tracy to buy pot. She's a very bad mother. Lets Neo and me run wild. When she drags me by my hair Tracy can't say anything because he'll get punched. She lets [redacted] say cuss words she'll let Neo punch me. She also says she hates me.

Exhibit A

August 13, 2012

In Re: ██████████-DOB ██████████

To Whom It May Concern:

██████████ was seen in my office on May 5, 2011 in which I had taken an in-depth Assessment. During the Assessment she had revealed to me that she had been a victim of abuse (physically, verbally, emotionally, and neglected) by her biological mother. ██████████ reported that "she bloodied my nose 3wks ago; she calls me "Cunt, and Bitch." "She puts people in bed with us, and they are in their bra and undies or they are naked in front of us," meaning in front of her and her brother ██████████. "Her," meaning their bio mother. ██████████ saw a man's naked bottom. ██████████ stated that "She beats me," "she punched me in the face this past weekend." ██████████ stated that her bio mother and her friends smoke marijuana in front of ██████████ and ██████████ "everytime we visit." ██████████ also reported that her older brother who has muscular dystrophy has also been abused and neglected and they witnessed that months would go by without brother being bathed, that he would lose control and soil his clothes, and that he would not get the medication that he needed for his heart. Biological mother would give ██████████ money to hit disabled brother who is in a wheelchair per Jerika.

Exhibit B

This information taken by [REDACTED] was reported to Child Abuse and Neglect on 5/11/11 to technician number 34114 and forwarded to Reynolds Co. [REDACTED] reports that the abuse made her very scared and she felt unsafe. Due to the abuse and neglect that Jerika was a victim of she had been experiencing nightmares, self esteem issues, somatic complaints, separation anxiety, and depression. She feels very safe with her father and step mother who provide a stable living environment and make sure the children's needs are met. She has a very loving a caring relationship with her step mother and considers her their mother. Please consider this information in the best interest of [REDACTED] and [REDACTED] and how they have been abused, as well as how it affects them each and every day.

\*\*\*\*

Please feel free to contact me if further information is needed.

Sincerely,



Lisa A. Coleman, MSW, LCSW  
Clinical Therapist  
573-714-3265

Report Card

Printed: 03-08-2012

**VAN BUREN SCHOOLS  
ELEMENTARY**

Report Card  
School Year: 2011-2012

**Parent/Guardian**

TRACY CHILTON

[REDACTED]  
[REDACTED], MO [REDACTED]

**Student:** [REDACTED] **Grade:** 04

**Homeroom #:** **Homeroom Teacher:** Tripp, Brandy

**READING:**

Standards Area	Q1	Q2	S1	Q3
Reads grade-level text with fluency, accuracy and expression while adjusting reading rate to difficulty and type	P	P		A
Develops vocabulary through text (using root words, affixes, synonyms, antonyms, context clues, glossary and dictionary)	P	P		P
Demonstrates ability to use strategies and details from text before, during and after reading to determine meaning of unknown words	A	A		A
Demonstrates ability to identify and explain the relationship between the main idea and supporting details	/	/		BB
Demonstrates ability to identify cause and effect	P	/		BB
Demonstrates ability to question to clarify	/	/		/
Demonstrates ability to reflect, draw conclusions and/or analyze	P	A		/
Demonstrates ability to paraphrase	/	/		/
Demonstrates ability to summarize	A	P		/
Demonstrates ability to make inferences about setting, character traits, problem and solution, and story events	A	A		A
Demonstrates ability to compare and contrast	B	/		B
Demonstrates ability to sequence events	/	A		BB
Demonstrates ability to distinguish between fact and opinion	B	A		/
Demonstrates ability to make predictions	B	/		/
Demonstrates ability to identify and explain author's purpose	BB	P		/
Demonstrates ability to visualize	/	/		P
Uses grade level text to locate, recognize and apply information of text features of a variety of texts	/	/		BB
Identifies and explains examples of sensory details and figurative language in text along with literary techniques		A		/
Identifies and explains relevant connections between text to text, text to self, and text to world		/		/

**Grading Scale: 3-4 GRADING SCALE**

A - ADVANCED--86% and Above, P - PROFICIENT--82%--85%, B - BASIC--81%--75%, BB - BELOW BASIC--74%-61%, F - FAILING--60% and Below, / - This skill has not been evaluated

**WRITING:**

Standards Area	Q1	Q2	S1	Q3
Follows a writing process to pre-write, draft, revise, edit and share	P	P		P
Compose text showing awareness of and using appropriate format for audience and purpose	P	A		A
Compose text with clear controlling idea and relevant details/examples	P	P		P
Compose text using sensory details and words that are specific, accurate and suited to the topic	A	P		P
Uses proper conventions in written text (capitalize holidays, names of counties and countries, commas in series and between city & state, apostrophes in contractions and singular possessives, use verbs that agree with compound subjects and conjunctions)	B	P		P
Uses standard spelling	A	A		A
Writes neatly and with correct spacing	A	A		A
Compose narrative text	P			
Compose descriptive text	/	P		
Compose expository text		/		/
Compose persuasive text		/		P

Exhibit C

Report Card

**Grading Scale: 3-4 GRADING SCALE**

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**INFORMATION LITERACY:**

Standards Area	Q1	Q2	S1	Q3
Compose text using an appropriate format (i.e. letter, memo, journal, email)		/		A

**Grading Scale: 3-4 GRADING SCALE**

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**LISTENING AND SPEAKING:**

Standards Area	Q1	Q2	S1	Q3
Listens for a purpose		A		A
Listens to identify tone, mood and emotion of verbal and nonverbal communication	P			
Demonstrates listening behaviors (i.e. prepares to listen, listens without interruptions, maintains eye contact)	B	P		P
Presents ideas in a logical sequence in discussions and presentations	P	P		A
Identifies and applies appropriate speaking techniques in discussions (volume control, pace and eye contact)	P	P		

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**MATH:**

Standards Area	Q1	Q2	S1	Q3
Read, write and compare and whole numbers less than 100,000	P	A		/
Uses models, benchmarks (0, 1/2 and 1) and equivalent forms to judge the size of fractions		/		A
Recognizes equivalent representations for the same number and generate them by decomposing and composing numbers	B	/		A
Classifies and describes numbers by their characteristics (odd, even, multiples and factors)		B		/
Represents and recognizes multiplication and related division using various models (i.e. equal intervals on the number line, equal size groups, distributive property)		P		/
Describes the relationship between of multiplying and dividing whole numbers		P		/
Demonstrates fluency with basic multiplication and division facts (12 X 12)	P	A		/
Applies and describes the strategy used to compute a given multiplication of 2-digit by 2-digit numbers and related division facts		A		/
Estimates and justifies products of whole numbers	A	BB		/
Describes geometric and numeric patterns		/		
Analyzes patterns using words, tables and graphs		/		/
Using all operations, represents a mathematical situation as an expression or number sentence	A	P		/
Uses the commutative, distributive and associative properties of addition and multiplication		/		/
Models problem situations, using representations such as graphs, tables or number sentences		/		P
Describes mathematical relationships in terms of constant rates of change		/		/
Names and identifies properties of 1-, 2- and 3-dimensional shapes and describe the attributes of 2- and 3-dimensional shapes using appropriate geometric vocabulary (rectangular prism, cylinder, pyramid, sphere, cone, parallelism, perpendicularity)	A	/		B
Describes the results of subdividing, combining and transforming shapes		/		P
Describes movement using common language (forward, back, left, right, north, south, east, west)		P		/
Predicts the results of sliding/ translating, flipping/ reflecting or turning/ rotating around the center point of a polygon		/		P
Creates a figure with multiple lines of symmetry and identifies the lines of symmetry		/		A
Given the picture of a prism, identifies the shapes of the faces		/		P
Identifies and justifies the unit of linear measure including perimeter and area (customary metric)		/		P
Identifies equivalent linear measures within a system of measurement	BB	P		BB
Tell time to the nearest minute		/		A
Determines change from \$10.00 and add and subtract money values to \$10.00		/		/
Selects and uses benchmarks to estimate measurements (linear, capacity, weight)		/		BB
Selects and uses benchmarks to estimate measurements of 0-, 45- (acute), 90- (right) greater than 90 (obtuse) degree angles		B		/

Report Card

Determines areas of polygons and non-polygonal regions imposed on a rectangular grid		/		B
Collect data using observations, surveys and experiments		/		P
Creates tables or graphs to represent categorical and numerical data (including line plots)	A	A		/
Describes important features of the data set (i.e. finding the range, median, mode and mean)	P	/		/
Given a set of data, proposes and justifies conclusions that are based on the data	P	/		/

**Grading Scale: 3-4 GRADING SCALE**

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**SOCIAL / EMOTIONAL GROWTH:**

Standards Area	Q1	Q2	S1	Q3
Cooperates and shows respect for others	A	A		P
Accepts and respects authority	A	A		A
Accepts responsibility	P	A		A

**Grading Scale: 3-4 GRADING SCALE**

A - ADVANCED—86% and Above, P - PROFICIENT—82%—85%, B - BASIC—81%—75%, BB - BELOW BASIC—74%—61%, F - FAILING—60% and Below, / - This skill has not been evaluated

**WORK HABITS:**

Standards Area	Q1	Q2	S1	Q3
Consistently completes and returns homework	B	P		A
Works independently	P	P		P
Completes assigned tasks within reasonable time limits	A	A		A
Organizes work and materials	B	P		P
Works quietly without disturbing others	B	P		P

**Grading Scale: 3-4 GRADING SCALE**

A - ADVANCED—86% and Above, P - PROFICIENT—82%—85%, B - BASIC—81%—75%, BB - BELOW BASIC—74%—61%, F - FAILING—60% and Below, / - This skill has not been evaluated

Absence Information Totals	Q1	Q2	S1	Q3
Total Equivalent Days Absent	0.1	1.6	1.7	1.0
Tardies	0	0	0	0

**Lunch Balance Information**

Account Balance: \$ 0.00

**VAN BUREN SCHOOLS  
ELEMENTARY**

Report Card  
School Year: 2011-2012

**Parent/Guardian**

[Redacted]  
[Redacted]  
[Redacted]

Student: **CHILTON, [Redacted]** Grade: K

Homeroom #: Homeroom Teacher: Hills, Kerri

**READING:**

Standards Area	Q1	Q2	S1
Identifies colors	N	S	
Identifies color words	N	P	
Identifies first and last name	S	S	
Identifies capital letters	S	S	
Identifies lowercase letters	S	S	
Identifies letter sounds	P	P	
Recognizes high frequency words	P	P	
Identifies and constructs rhyming words	P	P	
Combines print and illustrations to make meaning	P	P	
Demonstrates story understanding	P	P	
Identifies similarities and differences in stories read	P	P	
Can identify parts of a book (example: title, author)	P	P	

**Grading Scale: K-2 GRADING SCALE**

S - Satisfies grade level expectations, P - Progressing toward grade level expectations, N - Needs improvement, / - This skill has not been evaluated, \* - By the end of the school year, student should receive "S" for satisfies Grade Level Expectations for all skills.

**WRITING:**

Standards Area	Q1	Q2	S1
Holds pencil correctly	S	S	
Writes first and last name	S	S	
Writes capital and lowercase letters legibly	S	S	
Handwriting is neat with correct spacing	S	S	
Writes in complete sentences		N	
Uses capital letters for "I" and to begin proper names		N	
Uses punctuation correctly at the end of a sentence		N	

**Grading Scale: K-2 GRADING SCALE**

S - Satisfies grade level expectations, P - Progressing toward grade level expectations, N - Needs improvement, / - This skill has not been evaluated, \* - By the end of the school year, student should receive "S" for satisfies Grade Level Expectations for all skills.

**MATH:**

Standards Area	Q1	Q2	S1
Counts one to one correspondence	P	P	
Understands greater than, less than, k and equal to	P	P	
Identifies shapes	N	P	
Draws shapes	N	P	
Creates and completes patterns	N	N	
Recognizes coins (penny, nickel, dime, quarter)		N	
Knowledge of same/different	S	S	

Exhibit D 1

Report Card

**Grading Scale: K-2 GRADING SCALE**

S - Satisfies grade level expectations, P - Progressing toward grade level expectations, N - Needs improvement, / - This skill has not been evaluated, \* - By the end of the school year, student should receive "S" for satisfies Grade Level Expectations for all skills.

**LISTENING AND SPEAKING:**

Standards Area	Q1	Q2	S1
Says pledge	S	S	
Speaks clearly when sharing ideas and asking questions	S	S	
Can give simple oral directions	S	S	
Follows directions	N	N	
Listens attentively	N	N	

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S - Satisfies grade level expectations, P - Progressing toward grade level expectations, N - Needs improvement, / - This skill has not been evaluated, \* - By the end of the school year, student should receive "S" for satisfies Grade Level Expectations for all skills.

**SOCIAL/EMOTIONAL GROWTH:**

Standards Area	Q1	Q2	S1
Cooperates and shows respect for others	N	P	
Accepts and respects authority	N	P	
Accepts responsibility	N	P	

**Grading Scale: K-2 GRADING SCALE**

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**WORK HABITS:**

Standards Area	Q1	Q2	S1
Colors neatly	P	P	
Uses scissors properly	P	P	
Cuts accurately	P	P	
Glues neatly	N	P	
Ties shoes	S	S	
Works independently	N	P	
Follows directions and listens attentively	N	N	
Completes assigned tasks within reasonable time limits	N	P	
Organizes work and materials	P	P	
Works quietly without disturbing others	N	N	
Rests quietly	P	P	

**Grading Scale: K-2 GRADING SCALE**

S - Satisfies grade level expectations, P - Progressing toward grade level expectations, N - Needs improvement, / - This skill has not been evaluated, \* - By the end of the school year, student should receive "S" for satisfies Grade Level Expectations for all skills.

Absence Information Totals	Q1	Q2	S1
Total Equivalent Days Absent	0.5	1.3	1.9
Tardies	0	0	0

Missed 4 days whole year

**Lunch Balance Information**

