



# PROSECUTION, SENTENCING, AND PRISON

Getting the Best Possible Outcome!



# PRISON PROFESSORS

## We Prepare Our Clients For Challenges Ahead!

We're Shon Hopwood and Michael Santos with Prison Professors. On behalf of our team, We welcome this opportunity to assist people who face criminal charges. We work as advocates to serve:

1. People who face criminal prosecutions and want guidance.
2. People who face sentencing hearings and need assistance to prepare for the best outcome.
3. People that want to prepare for any matters concerning imprisonment.



As our testimonials show, we sometimes collaborate with law firms. In most instances, we work directly with people facing charges or their family members. For people that cannot afford to pay for our services, we offer free content and reasonably priced digital products that will help.

This document describes more about the services we offer, including:

- » Crafting sentence-mitigation strategies.
- » Preparing clients for the Presentence Investigation Report.
- » Preparing clients for a favorable prison designation.
- » Preparing clients to obtain benefits from RDAP and Second Chance Act.
- » Preparing clients for prison, and advocacy necessary through the journey.
- » Preparing clients to request early termination of Supervised Release.
- » Preparing petitions for commutations and pardons.
- » Preparing strategies for reputation management.
- » Coaching on how to manage business and personal interests while incarcerated.
- » Preparing strategies for employment and business development after a felony.
- » Working with counsel toward restoration of professional licenses for clients.

In the pages that follow, we offer more details and examples. You will find an abundance of information to validate our authenticity. Before you consider other providers, review their credentials and level of expertise. Compare those providers with what you learn from a Google search of Shon Hopwood or Michael Santos. You will see why our depth and breadth of experience can serve you and your family members as you strive for best outcomes from challenges associated with a prosecution, sentencing, or prison experience.

This package includes many testimonials, media, and video links. Allow our team at Prison Professors this opportunity to help you navigate the challenging times ahead.

Sincerely  
Michael Santos  
Cell: 415-419-1728

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To Whom it May Concern:

I'm a federal criminal defense attorney based in Irvine, California. I'm happy to write this letter of endorsement for Michael Santos.

Over the course of my 25-year career, I've developed great relationships with judges and prosecutors. Since 90 percent of defendants in federal cases plead guilty, I consider myself somewhat of a specialist on sentencing issues in federal court.

When Michael initially approached me and offered to assist with sentencing matters, I told him that I didn't think I needed his help. Undaunted, Michael told me how his experience helped him communicate with defendants. Through interviewing and listening, he could find mitigating themes in their stories, he said. He asked for an opportunity to show the value he could provide.

A few months later, I had a client who was charged with possession of child pornography. My client had trouble articulating the factors I needed for him to express to the court in order to show that he was truly remorseful for his conduct and what he had learned. He also had difficulty drafting his personal history which is a critical part of sentencing. I referred him to Michael. Michael interviewed my client. He then proceeded to write one of the best, most thorough and compelling first-person sentencing narrative letters I have ever seen. The personal narrative supported my zealous representation at sentencing. We ended up with a non-custodial sentence. I now send all of my clients to Michael. He works on their letters with them and provides guidance to my clients about how to handle matters after the sentencing hearing.

What has been the result? My clients are better prepared and he saves me a great deal of time. I submit the narrative letters that Michael writes with my clients to the probation officer who will be writing the pre-sentence investigation report prior to the probation interview. As a consequence, several probation interviews have lasted 30 minutes rather than two plus hours. The probation officers have thanked us profusely for the letters. They are impressed with and appreciative of our level of preparation. One probation officer even had tears in her eyes! The probation officers often cut and paste directly from my client's letter, using the client's version of the offense conduct rather than the government's version, and my client's statement of remorse, directly into their report. Michael's diligence and effectiveness helps me place my clients in the best possible position for sentencing.

My clients also truly appreciate the time Michael takes to emotionally guide them through the legal process and how he prepares them and their families for what lies ahead. This is a service I cannot provide. Michael is there long after my legal representation ends. I strongly encourage you to take the time to speak with Michael about how he can help you and your clients. I consider Michael a true asset to my practice and I highly recommend his work to other defense attorneys.

Sincerely,

Diane Bass, Esq.



## What is Sentence-mitigation?

When prosecutors bring a case against an individual, they focus their attention on the alleged misconduct. More than justice, prosecutors want convictions. They measure success with sanctions. They do not consider favorable characteristics of the individual. In reality, we're all human beings. We all have histories with redeeming qualities. An effective sentence-mitigation strategy will help stakeholders understand the defendant's life story.

Stakeholders that may never sit face-to-face with a defendant have an enormous influence on every individual who is brought into the criminal justice system. Who are they?

### Prosecutors:

Prosecutors score victories with convictions and long sentences. They highlight criminal charges and negative characteristics to build a persuasive case for a conviction and severe sanction.

### Probation Officer:

A Probation Officer will craft a presentence-investigation report (PSR) that support the prosecutor's version of events. Defendants sow seeds for a better outcome if they're successful at influencing the outcome of the PSR.

### Federal Judge:

In most instances, federal judges have experience as former prosecutors. Consider how those experiences may bias a judge's opinion of the defendant.

### Defense Attorney:

To argue for the lowest sentence, a defense attorney will rely upon the law and previously decided cases. Defendants can help their attorneys make a stronger case for mercy when they present compelling personal life stories.

### Bureau of Prisons:

Staff members in the Bureau of Prisons that may or may not meet the defendant will rely upon the PSR and government's version of events to make decisions that have an enormous influence on the defendant's life. An effective personal narrative will influence the defendant's journey long after the judge imposes sentence.

## How We Work:

At Prison Professors, we work closely with our clients to craft an effective personal narrative. The narrative requires an investment of time, but it yields huge dividends in assisting both defense counsel at sentencing and the defendant throughout the journey. The personal narrative tells the defendant's life story, helping all readers see and appreciate the many layers and complexities of the defendant's life.

Defendants frequently struggle to write effective personal narratives. They may be too caught up in the tragedy of being prosecuted. With so many others pulling the strings of their life, defendants find it difficult to articulate a compelling story that is worthy of mercy. Too often, judges reject a defendant's version of events because it is self-serving, offering excuses rather than explanations. All defendants want the lowest sentence. All defendants are going to miss their family and children. All defendants see themselves as good people.

## Our Goal:

When we write a sentencing narrative, we write to influence stakeholders of the system. Our audience includes people that have enormous discretion and influence over the lives of our clients. We want the probation officer, prosecutor, and judge to see and appreciate the defendant as an individual who gets the seriousness of the moment. That means an effective narrative will accomplish the following tasks:

1. Identify with the victim's loss and suffering.
2. Express influences that led to the acts in question.
3. Articulate true remorse.
4. Show what the defendant learned from this experience.
5. Define what steps the defendant is taking to reconcile and make things right.
6. Persuade the judge that defendant will never break law again.
7. Prove that the defendant is worthy of mercy.

Ideally, we want all stakeholders to see the individual as a person, offsetting the negative characteristics that the government will highlight. We accomplish this task by writing an individual's life story in a first-person narrative.

Writing an effective sentencing narrative requires a considerable amount of time, and the anticipated time commitment influences our fee. Our retainer agreement allows us to allocate sufficient time to accomplish the following essential tasks:

## Our Process:

- » We interview the client at length.
- » We grasp a full understanding of the client's personal background and identify themes that mitigate the criminal charge.
- » We gather detailed notes from the interview.
- » We use the notes to draft a personal, first-person narrative of between 2,500 and 3,500 words that tell the story in the defendant's voice.
- » We work with the client to edit the draft until it serves the needs of defense counsel and the defendant throughout the journey.

## Outcomes:

The sentencing-narrative will influence the defendant's journey long after the sentencing hearing. It will contribute to the following outcomes:

- » Position the defendant for the lowest possible sentence.
- » Ensure that the defendant serves the sentence in the best possible environment.
- » Assist the defendant in getting to the halfway house at the soonest possible time.
- » Provide the highest levels of liberty on Supervised Release.
- » Position clients for early termination of Supervised Release.

In the following pages, we provide four sentencing narratives from different clients that retained us to write their narratives. Consider the samples as case studies from individuals that were charged with four different types of offenses, including:

### Case Study 1:

White-collar offender that pleaded guilty to fraud. Outcome: Lower sentence than prosecutor and probation officer recommended.

» [Sample Narrative for White Collar, pled guilty — Page 12](#)

### Case Study 2:

Physician with previous conviction that went through trial. Outcome: Lower sentence than prosecutor and probation officer recommended.

» [Sample Narrative for not-guilty plea — Page 20](#)

### Case Study 3:

Defendant pleaded guilty to possession of child pornography. Outcome: Sentence to residential reentry center rather than prison.

» [Sample Narrative for possession of child porn — Page 27](#)

### Case Study 4:

Defendant that pleaded guilty to drug charges resulting in death. Outcome: Lower sentence than prosecutor and probation officer recommended.

» [Sample Narrative for violent drug offense — Page 35](#)

## Why Can We Help?

Finally, let us provide some personal insight. Our personal stories are well documented. We made bad decisions when we were young. They resulted in us going to federal prison for lengthy terms. During the time we served, we maintained a high level of energy and discipline. We earned undergraduate, graduate, and professional degrees. We published books and built careers that led to our success through prison and beyond. Shon Hopwood is currently a professor of law at Georgetown Law School and Michael Santos served as an adjunct professor as an adjunct professor at San Francisco State University during his first year of liberty.

If you work with our team, you receive the wisdom gleaned from our journey in prison and the success we've built upon release. The testimonial section provides validation you may use in your due diligence of whether we're the right team to assist you through these troubling times.

If you enjoy reading, we offer digital versions of two books that Michael wrote to tell his story:

### Earning Freedom: Conquering a 45-Year Prison term

In 400+ pages, this book tells the story from the day of my arrest 1987 until the day I transitioned to a halfway house to serve my final year, in 2012.

- [Click this link for immediate download](#)

### Success After Prison: How I Built Assets Worth More than \$1 million Within Two Years of Release from 26 Years in Prison (And How You Can Succeed Too!)

This book tells the story of my return to society after longer than a quarter century in prison.

- [Click this link for immediate download](#)

## Links and Validations:

The following links offer an abundance of resources prospective clients may access to validate our credentials.

### YouTube:

Visit our YouTube page. You will find hundreds of videos that show why our background and our team at Prison Professors is ideal for helping you navigate the challenging times ahead.

- [Click this link to access](#)

Specifically, see the following:

[Michael@PrisonProfessors.com](mailto:Michael@PrisonProfessors.com)[Click to Watch Commercial](#)[Shon and Michael Bios](#)



### See Video interview with Federal Judge Mark Bennett.

In this brief clip, you can learn why Judge Bennett believes that a personal sentencing narrative influences better outcomes.

- [Click this link to access \(full 37-minute video\)](#)
- [Click this link to access \(two-minute video clip\)](#)

### See Video with US Attorney Alicia Limtiaco.

She affirms Michael Santos as evidence for the best possible outcome from the prison system.

- [Click this link to access](#)

### See Video with Defense Attorney Diane Bass.

She describes how sentencing narratives we write assist her in getting the best outcome for her clients.

- [Click this link to access](#)

### See Video montage of PBS NewsHour and NBC news.

Watch profile of Michael's work to improve outcomes of the criminal justice system.

- [Click this link to access](#)

### Read Prison Professors Published in the UC Hastings Law Review.

Michael was a keynote speaker along with federal judges and prosecutors at UC Hastings symposium on sentence and prison reform.

- [Click this link to access](#)

### Read San Francisco Chronicle Profile

One of many major media publications to profile efforts to help people in prison.

- [Click this link to access](#)

### Curriculum Vitae and Testimonial Links:

See the full body of work through Michael's entire journey and learn why we can help you.

- [Click this link for access to many media links](#)
- [Click this link to access curriculum vitae](#)

If you truly want the best outcome in your life, then contact our team at Prison Professors today. We will schedule an appointment to begin crafting a story to serve you well. Besides the sentencing narrative, you will find us an invaluable resource through all complexities of the criminal justice system, including the following:

## Preparation for the Presentence Investigation:

Our team can work closely with you to prepare for and influence the presentence investigation to serve you well.

## Character Reference Letters:

We can assist defendants with the accumulation effective character-reference letters for the sentencing hearing.

## Prison Designation:

We work with clients to prepare custody-and-classification scoring and advocate for placement in the best possible prison facility.

## Prison Programs:

We work with clients to ensure that they qualify for the only prison program that can result in lowering the prison term, and to ensure that they receive maximum consideration for placement in a residential reentry center.

## Prison Advocacy:

We stand by throughout the prison journey to ensure that we are ready to assist with advocacy when challenges surface during the prison journey, including issue with medical complications, transfers, disciplinary infractions.

## Prison Preparation:

We assist clients and family members in the creation of strategies to building meaning and relevance while serving a prison term.

## Appeals:

We serve as liaisons with attorneys that are experts at preparing direct appeals and habeas corpus petitions. In some cases, Shon Hopwood may agree to represent a client on appeal.

## Commutations and Pardons:

We work prepare petitions for commutations and pardons.

## Reputation Management:

We assist individuals that want to influence future perceptions with our reputation management services. Now is the time to begin influencing your reputation for the future.

## Restoration of Professional Licenses:

If a felony conviction prohibits you from earning your livelihood, the Prison Professors team can advocate on your behalf to persuade licensing boards why you're a worthy candidate for an exemption to a criminal background. You may look at how Shon Hopwood earned a law degree and became a licensed attorney as an example, or you may look at Michael Santos' business record to show the outcome of our work in this area.

Our team hopes to prove worthy of this opportunity to serve you. We began building our practice of helping others decades ago, when our personal journeys through prison started. Over the course of multiple decades, we've built well-documented records to show others how we can be of service.

If you complete your due diligence, you will see why our team at Prison Professors is uniquely qualified to assist law firms, individuals, and family members that have been challenged by the criminal justice system.

Allow us to assist you through the challenges ahead. Together, we can restore your sense of strength and dignity.

Sincerely,  
Shon Hopwood and Michael Santos

## Case Study #1

White Collar Conviction, pled guilty

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Date

The Honorable Janis L. Tanner,  
United States District Court Judge  
U.S. District Court  
Southern District of California  
221 West Broadway  
San Diego, CA 92101

Regarding: US. V. Jones, Case Number

Dear Judge Tanner,

My name is Robert Alan Jones. I am disgraced and ashamed. Rather than appearing before you as an honorable member of our military, I am a convicted criminal. Despite boyhood dreams of serving our country as a man of honor and dignity, I failed by breaking American laws. Now, instead of celebrating 26 years of service, I'm tormented with shame and humiliation because of bad decisions I made.

For the past year I've been contemplating and introspecting, trying to ascertain where I went wrong. In time, I will craft and execute a strategy to reconcile with society and atone for the reckless crimes I committed. That strategy begins with full disclosure.

Although I've pleaded guilty to serious crimes that impugn my integrity, I know that I owe so much more. I owe you, our military, and every American citizen a full explanation of who I am as a man and where I went wrong. That truth will bring the first step toward the rebuilding of my life.

Besides my current rank as a Lieutenant Commander in the US Navy, I am a husband and a father of three children. Let me now share the path that led to my eventual disgrace.

**Background:**

My father is from a small town in the Philippines. He grew up poor, without much of an education and without many opportunities at home to advance his station in life. Fortunately, the US Coast Guard encouraged young men to sign up. My dad took an aptitude test and was accepted into a trainee program with the Coast Guard. He immigrated to the United States and began working as a mess boy in Maine.

In time, my dad became a US Citizen and was able to advance his career. He married mom, who was from a poor family in Clinton, Maine. My mom and dad began having children when they were in their early 20s. They had three boys and a girl before I was born, in 1971. When I was three, my father retired from the Coast Guard and moved our family back to the Philippines. His dream was always to go back after his service in the US. The pension that he earned would provide for a better standard of life.

Unfortunately, my mother did not enjoy her quality of life in the Philippines. She couldn't speak the local language and didn't have any friends. She began drinking heavily to cope with sadness and depression. Within a few years, my mom decided to move us back to Clinton, Maine, and my dad stayed in the Philippines.

Without much in the way of financial resources, my mom reared my four siblings and me in a two-room trailer. She became an alcoholic. We lived on public assistance for the next several years. As soon as they were able, each of my siblings joined the military to get away from the squalid conditions. By the time I reached the eighth grade, my mom married another alcoholic. From them, I learned the power of alcohol. I began drinking as a young boy, and alcohol shaped the next several decades of my life. When my mother realized that the environment she was providing wouldn't stop me from continuing down a bad path, she contacted my father. He agreed to raise me in the Philippines.

I returned to the Philippines when I was in the eighth grade, and I was able to basically raise myself. In the Philippines, the educational system concluded after the tenth grade. So children as young as 14 considered themselves adults and we could grow up without supervision. My father did not object to my drinking. I was my own man, setting my own course of life with intentions of joining the military, following in the footsteps of my father and siblings.

Following high school, I attended college in Manila for a few quarters. It was not a good environment for me. Instead of focusing on education, I was drawn to the fast life of alcohol, gambling, prostitution, and other vices. After a few complications that threatened to derail my future, I knew that it was time to make a change. Instead of continuing, I chose to return to the US and prepare for life in the Navy.



## Joining the Navy:

At age 18, I returned to Maine. My mom still lived in a trailer where I grew up. She and all of my relatives suffered with various problems, all rooted in depression, low self-esteem, and poverty. They relied on alcohol to alleviate their struggles, and I didn't have the good character to live any differently.

When I was 18, in 1989, I went to see a recruiter with the US Navy. Since the Navy didn't recognize my diploma from the Philippines, I completed some remedial work to earn an American diploma. After graduating, I began my service, already a full-blown alcoholic. Drinking was my way of coping with the dysfunctional childhood. I didn't have a real sense of family, felt low self-esteem because I was overweight, and hoped that the US Navy could bring me a sense of balance. For my first assignment, the Navy shipped me off to Chicago for boot camp and then a tour in the Silent Service.

In 1991, I went to my first submarine as one of 7 minorities. From my perspective, I felt like a second-class citizen. The vast majority of people on submarines were white Americans, and as an Asian I just didn't feel as though I fit in. In fact, the others on the submarine would refer to me as a "point seven." Since I wasn't white, many would tell me that I was only a point-seven member of the crew.

Obviously, I didn't like the point-seven distinction and it fed into my insecurities of not belonging. Still, I was determined to grow and excel. I met a few Filipino's from a nearby ship and we formed our own clique, our own family. While in the Navy, I learned the importance of hard work and the discipline necessary to excel. I also built the first solid friendships in my life. They were good people, but together, we formed bonds and a value system that seemed particular to us. There were different worlds—the world at sea and the world of the homeport. While in the homeport, people were family oriented. While at sea or in distant ports, drinking and womanizing characterized our life.

I'm ashamed to say that I wasn't any different. As I look back, I realize that I'm unworthy of the many advantages that came my way. In 1991, I married Lorna, a young woman I knew from growing up in the Philippines. She immigrated to the US after her father died. Marrying Lorna was the best decision of my life, but I'm ashamed to say that I failed her in so many ways as a husband. Despite the weakness of my character, she has been the bed-rock and love of my life.

God blessed Lorna and me with three beautiful children. I hoped to provide our family with more stability than I had known as a child. In reality, it was Lorna who kept our family together, instilling and living the values that I "spoke" about but did not embody. Of my 26 years in the Navy, I spent 13 at sea. While away from our family, I failed Lorna and our children on many occasions. I would drink to excess and engaged in behavior that proved unworthy of the blessings in my life.

Although I worked to advance my education and career in the Navy, I lived a lie. Rather than being man of good character and discipline, I gained weight, I lost self-esteem, and I lied routinely. By telling myself that everyone behaved in the same way, I rationalized my bad decisions. In retrospect, I can see how I was a selfish, shallow, liar, and a cheat. I fell into a trap that continued to grow. There is no excuse for the disgrace that I became.

Over the past year, I've spent hundreds of hours in introspection, trying to figure out where I went astray. With so many opportunities to live as a decent and good human being, a good citizen, I should've done better. I can blame alcohol, but in reality, all fault lies with the poor decisions I made. Instead of studying ethics, seeking good mentors, adhering to a code of righteous conduct, I lived a double life—being one man at home, while another at sea. In so doing, I disgraced my family, my community, my profession, and our country.

### **The Bribery:**

By 2004, I was a Lieutenant Junior Grade. With more than 15 years experience in the Navy, I should've placed a higher value on ethics and personal integrity. Instead, I allowed myself to engage in behavior that I knew was wrong. I drank too much, I womanized too much, I bent the rules when bending rules would suit my needs. This was not the way of the Navy, but rather the way of a man who failed to adhere to the principles of good character. Instead of being the good leader that I should've been, I convinced myself that there were "grey" areas in the Navy. And I failed while operating in those areas.

I still remember the first time that I met Leonard Francis, who led Glenn Defense Marine Asia (GDMA). My boss, Commander Seep, introduced "Fat Leonard" to me on a ward-room party. He was charming, personable, and incredibly influential. At the time, Leonard controlled several ports through his company GDMA. As we drank together, I deluded myself into believing that we were friends. I'm ashamed to admit that I wanted to believe that we were equals. It wasn't enough for me that I was a young Lieutenant in the Navy. I admired Leonard's power and influence. Although it was the first time that we met, and we didn't discuss anything inappropriate, by sitting there and drinking with him, I felt bigger. It was as if I craved validation, and sitting with men of power boosted my self-esteem.

In the months and years to come, I would frequently cross paths with Leonard. We'd always have a drink together, talk about what we were doing. In reality, Leonard and I came from completely different worlds. He was a wealthy and influential tycoon, and I was a career man in the Navy, and an alcoholic. There is no excuse for what I did, but I fell under the charm of Leonard. I suspect that he sensed the weakness of my character. He was like a snake charmer, preying on my flaws and manipulating me to serve or advance his interests.

By 2006, we had gotten drunk together on several occasions. The first time he asked me for something, I wasn't sure of whether I could provide it. He wanted me to provide him with

an action report, a report that showed actual costs for the types of services his company provided. It was likely a test. Not knowing how to respond, I asked for guidance from my Captain. Once I gave Leonard the report, he expressed his appreciation by offering me a hotel room in port.

It was wrong of me to accept. By accepting that hotel room, I allowed myself to begin the slide that would lead to my demise. No longer was operating in the grey area. Instead of serving the US Navy, or living up to my potential, I disgraced our country by allowing myself to become a willing pawn in Leonard's scheme of greed and corruption.

Over the course of the next few years, I continued drinking with Leonard whenever our paths crossed. Anytime he asked for information, I gave in as if I were his lapdog. Instead of living a principled life as an officer in the US Navy, I am embarrassed and ashamed to admit that I served Leonard's interests without regard to my duty or responsibilities. On one occasion, while drunk, I served as his henchman, sending a threatening text to a woman I didn't even know.

Besides accepting graft that included hotel rooms and prostitutes, on two occasions I accepted envelopes that included cash. The amount of cash was not nearly as significant as the self-respect I lost by accepting it. My career with the Navy was approaching an end. In the back of my mind, I think I deluded myself into believing that the "friendship" I had with Leonard would make me a prime candidate for a laid-back job with his company after I retired.

### **What This Experience Has Taught Me:**

I've learned that I'm a flawed and insecure human being. Like millions of others, I grew up in difficult circumstances. I'm embarrassed to say that I did not rise above those circumstances. I began drinking as a teenager and became an alcoholic by the time I joined the Navy. While in the Navy, instead of surrounding myself with the best of mentors, I cavorted with people who lived less than honorable lives. We were family men at home, but degenerates while at sea. I lied and I cheated. And through my relationship with Francis Leonard, I stained the honor that belongs to every member of the US Military. I contributed to corruption. Now, I must work the rest of my life to make things right.

I let many people down through my poor decisions. Although I love the US Navy, the United States, and all of the people who served with me, in the end, I'm a flawed human being. Drinking contributed to my low self-esteem. And my low self-esteem led to my search for validation. And my search for validation led me to clinging to validation from a man like Leonard Francis. A relationship with Leonard Francis led to a slide in my morals. And a slide in my morals led me into corruption. That corruption resulted in my pleading guilty to crimes of bribery.

Before I express the steps I've begun taking to reconcile with society, I would like you to know a bit more about my life outside—my life outside of this corruption case.

### **Good works:**

This predicament that defines my life spans the years between 2006 and 2011. But as mentioned above, I led a double life. Although I frequently made horrible decisions, I also worked to contribute to the making of a better society. With hopes that you will temper justice with mercy, I'd like you to consider my life in its entirety, and not only the criminal charge, as you deliberate over the appropriate sentence for my crimes.

The US Navy issued five Achievement medals and four Accommodation medals to recognize efforts I made to serve as a good Naval Supply Officer. For example, in 2009 the Navy sent me to the Philippines on a mission to facilitate entry of the USS John S McCain and another ship into two ports. I exceeded expectations, by saving the military more than \$100,000 in port costs.

In 2013, as a member of the Seabees NMCB 4, I brought to the attention of investigators how the US Navy was wasting resources on unnecessary expenditures. To remedy the situation, I worked with colleagues to draft new procedures that led to streamlined efficiencies.

In an effort to contribute to the less fortunate, my family and I established a foundation to provide Christmas gifts to children in Hinunangan, Southern Leyte. Over the past five years, we've donated resources to give school supplies, toys, candy, and a Christmas meal for more than 1,000 children. Our family provided those resources, and coordinated donations from others, to contribute to the lives of less fortunate people.

For more than a decade, I coached teams in little league, high school, and T-ball. I really enjoyed the fun and comradery the children had while leading them to play in Indonesia, Thailand, Singapore, Philippines, and Hong Kong.

As a family, we provide financial support to many children in the Philippines. Our support ease the way for many students to finish high school, advance to college, and prepare for fulfilling, contributing lives.

I also helped my brother in 2012 when he was found at a hospital dying from HIV. I became his conservator and assisted him with the lengthy process of SSD and finding the appropriate housing for his condition. I then brought him here to Los Angeles to be closer to us. He now lives in LA in his own apartment.

## **Becoming a Better Man:**

When I learned about this investigation and the likelihood that I would be targeted for prosecution, I felt dumbfounded. Although several months passed before I was notified, in my heart I knew that I had done wrong. I struggled with my conscience, replaying every bad decision that I had made. I didn't know how to confess, or how to reconcile my guilty conscience.

Without a doubt, punishment would follow. That was a given. My thoughts from the beginning were what—if anything—I could do to make things right. I sought help by going to the Mental Health Department at the Port Hueneme Clinic. I'd been there before, as I've been struggling with my actions since 2013. My psychiatrist, Dr. Harney helped me with my faith and mental state. He prescribed pharmaceutical medications to relieve my anxieties and depression. But ultimately, I continued to self-medicate with alcohol. My drinking increased to more than a pint of vodka and several beers each day. Lacking the courage to face my demons, I drank until I blacked out on several occasions, humiliating my family with my public drunkenness.

Finally, I searched for help with a Christian 12 -Step program for addicts. I learned how to forgive myself and release my problems by studying the Bible and following the ethic codes and life style. Studying scripture began to help me heal. Even though I still struggle with the forgiveness piece I know had to make restitution with my wife of 24 years and my children.

I am deeply ashamed of what I did on the High Seas of Seventh Fleet. Although I would love to go back and change my life, I know that the past is gone. Instead, I must work to influence a better future.

Studying the Bible and seeking help for my alcoholism has brought new purpose and direction in my life. I've enrolled in a Masters of Religion, Church Planting, and Evangelism. As of this writing I've completed two classes. It's my hope to continue working to complete 18 classes necessary to complete requirements for the Master's of Divinity degree. While incarcerated, I am hopeful that opportunities exist for me to continue my studies. I'm also hopeful that substance abuse programs will be accessible for me to treat my addiction to alcohol.

Once I reach the other side of my punishment, I will work to help with the NGO's around the world. I want to contribute, to reconcile by offering assistance with disaster relief and refugee crisis. My experience as a military officer, along with knowledge of Business, Foreign Affairs will serve organizations that aspire to improve lives for disadvantaged people in areas such as Syria, Africa, and Asia.



**Conclusion:**

Your honor, I deeply regret my actions and the damage my crimes have had on the people of the United States and our military. Through introspection and actions, I will continue working to reconcile with society, and to become a better man. Please have mercy on me.

Respectfully,

Robert Jones

## Case Study #2

White Collar Conviction, pled not-guilty

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The Honorable judge's name  
Federal District Court Judge  
Eastern District of Michigan  
Detroit, Michigan

Regarding: United States of America—v—defendant

Dear Judge name:

I stand before you broken and humiliated. As a man who has suffered enormous hardship—a man who nears his 65th birthday—I ask that you take the totality of my life into consideration. In this letter, I will detail my background and service to our country. I will offer an explanation—though not an excuse—for the crimes I stand convicted of having committed. Please take this information into your deliberations as you decide the appropriate sanction for my case. You will see the depth of my remorse for bad decisions I have made.

With great shame, I acknowledge that I have been convicted of crimes, not once but twice. My financial records reveal that I did not engage in criminal misconduct out of some sense of greed. Despite decades of hard work and service, I never accumulated much in the way of material belongings. At best, I've lived a middle-class life that has left me nearly destitute as I approach my senior years. I am guilty of bad planning, bad management, and bad record keeping. Those flaws have had enormous implications on my life, my profession, my community, and my reputation. I recognize my disregard to keeping good records has contributed to my current struggles. In light of my experience, I should have known better. By revealing my background, you may more fully appreciate the influences that external forces have had on my standing before you as a convicted person.

### Background:

I was born on December 22, 1950 in the West Indies. Wanting to provide more opportunities for our family, my father immigrated to the United States from Trinidad when I was eight. My mother cared for my four brothers and me while my father worked to establish himself in New York City as a tailor. After three years, my mother joined my father, leaving my four brothers and me with our grandparents. That began our life of struggle.

The day after our mother left, our grandparents withdrew my brothers and me from school. My grandfather owned a business that provided carpentry and building services. He demanded that my brothers and me labor 12 to 14 hours each day in his shop. His demands robbed us of our childhood. During that time, my oldest brother stepped on a nail, contracted tetanus, and he died.

After two years, our parents were able to send for my brothers and me. We were united as a family in New York. We resumed school, but as a consequence of us having missed two years, the school district held me back by one full year. I was 13, but studying with 12 year olds. Our mother worked as a nurse's aide. She had aspirations of becoming a registered nurse. Six months after we arrived in New York, our mother died in a fire. She was tending to an elderly man on the sixth floor of a building that caught fire. My mother never made it out.

It was difficult for us to live with our father at first. Although he did the best that he could, my father had left us when we were so young that we didn't have a close relationship with him. Eighteen months after our mother died, my father remarried a wonderful woman. Our stepmother took great care of us and she was even successful in persuading school administrators to accelerate me so that I could graduate with my class.

After high school I enrolled in the City University, pursuing a degree in electrical engineering. I was an excellent student, eager to make a contribution as a professional. After three years, the military drafted me into the Army. Following the placement test, the recruiting officer suggested that I enlist as a medic. I agreed to enlist in a three-year program. Following my basic training at Fort Dix, I went to Fort Sam Houston in San Antonio, Texas for medic training. Then I shipped out to Germany where I served as an infantry medic, caring for soldiers who were sick or wounded.

During my time in Germany I sat for the Expert Field Medical Test. Three thousand infantry medics sat for the exam. Sitting for that exam was the most challenging feat I'd ever accomplished. When I learned that I was one of only 15 medics who earned the badge, distinguishing me as an Expert Field Medic, I realized that I wanted to devote my life to serving others. Since receiving my badge as an Expert Field Medic, several doctors from the military, including Major John Scott, Captain R. Levine, and Major J. Leedy, urged me to attend medical school and gave me letters of recommendations.

While in Germany, I married Pauline, the love of my life. She was my sweetheart from New York. We lived together in Germany for my final year of service. Then, we returned to New York and I resumed my studies. Pauline and I have been married for 42 years. I have not been a perfect husband. I have made mistakes for which I am deeply remorseful. Pauline and I have worked through our challenges. She has forgiven me and I love her deeply.

Rather than returning to City College to complete studies in electrical engineering, I enrolled in Long Island University. My ambition was to advance my education in medicine. Although I didn't have an undergraduate degree, administrators at the university recognized my training as a military medic. After I did well in testing, the administrators allowed me to enroll in a program that would culminate with a graduate degree and a certification as a physician's assistant.

I completed the first two years in that Physician's Assistant program. Then Pauline and I agreed that I should pursue a medical degree. From other students we learned of a program in Mexico that seemed perfectly suited for me. Rather than completing the PA program, I chose to enroll in Universidad Del Noreste in Tampico, Mexico. For two years, I studied toward my MD in Mexico. I completed my final two years toward the MD at Grace University School of Medicine at Nevis, in the West Indies. Nevis was much closer to my roots in the West Indies and I felt comfortable there. My family and I moved to Detroit, where I would complete my clinical training at Kirwood Hospital and Southwest Hospital in 1983 and 1984.

Grace University School of Medicine awarded my MD degree in 1985.

### **Family:**

Pauline and I have three children. Our son Kareem, born in 1975, is currently a doctor of pharmacology. He has blessed us with two grandchildren. Our granddaughter, Taylor, is currently in her third year of university studies at Oakwood University. Pauline and I helped to raise Taylor while her father completed his pharmacy training. The Lord has also blessed us with Leia, our youngest granddaughter, at two and half years old. We have another granddaughter on the way. Our second son, Korie, was born in 1980. He is finishing his third year of medical school in St. Kitts. Our third son, Kristen, born in 1983, is a stage actor who performs internationally. He also owns a floral business and holds a degree in psychology. Pauline and I reared our sons to be God-fearing, contributing, law-abiding citizens.

### **Head-on Collision:**

In 1985, just after I earned my medical degree, our family suffered from a head-on automobile collision. We all nearly died, but the good Lord spared our lives. I was bedridden for several months and debilitated for an entire year. As a consequence of the medication and physical therapy, I failed to muster the concentration necessary for my medical board examinations. I never passed the test to begin my residency.

When my health returned to a level that would allow me to work, I joined the practice of a very prominent internist, Dr. Lawrence Lackey. Dr. Lackey allowed me to work under his auspices from 1986 to 1993. Although I never completed my degree as a Physician's

Assistant, a provision in the National Commission on Certification of Physician Assistants allowed me to take the certification test. I passed that exam with honors, allowing me to work with Dr. Lackey. Later, I took advantage of another Michigan law that allowed me to practice as a physician so long as I practiced under the supervision of a licensed physician. I continued working with Dr. Lackey.

### **My First Conviction for Healthcare Fraud:**

When Dr. Lackey passed away in 1993, I needed to make an adjustment. Clearly, I understood that compliance with the law would require a licensed physician to oversee my work. My heart was always set on practicing in an underserved community, providing medical care to the needy. I opened a clinic in 1994 and I hired Dr. Stanley Orowe to oversee the practice. After several years of practicing together, I learned that authorities targeted Dr. Orowe for healthcare fraud in 1999. As the owner of the clinic, I too was liable.

It brings me great pain to acknowledge that I am a failure as a businessman. My irresponsibility with regard to effective oversight resulted in my violating laws. As a consequence, I played a role in victimizing a system that I had a duty and responsibility to support. A guilty plea for that violation of the law resulted in my being sentenced to 18-months probation and requiring that I pay restitution of \$2,000 for my culpability. The conviction stained my reputation, branding me as a convicted felon.

### **Personal Health Complications:**

At the same time that I endured those complications with the legal system, my health deteriorated. Horrific back pain—a complication from my earlier automobile accident and exacerbated by the stress from my legal troubles—resulted in my having to endure physical therapy treatment at the Rehab Institute of Michigan for longer than four years. I also attended the Harper Pain Clinic, where I received epidural and intramuscular injections monthly for more than four years.

My doctors routinely prescribed to me Vicodin, Norco, Percocet, muscle relaxers, and Xanax. After taking all of this medication for my chronic pain for longer than seven years, I became addicted. With chronic pain, I couldn't work. By 2004, I began a string of surgeries. Every nine months I was back in the hospital for surgeries of various sorts. I underwent two back surgeries, hip-replacement surgery, prostate cancer surgery, Inguinal Hernia Repair Surgery. In another surgery, doctors inserted an electrical stimulator into my spine to reduce the pain. There were times during those 10 years of illness that I couldn't stand or walk for more than 25 feet.

My beloved wife, Pauline, had to work two jobs to support our family. She has always been a public servant, working as a speech therapist for the Detroit Public School System while I was handicapped.



**Resuming work in 2010:**

In 2010, after a decade, the chronic pain began to subside. Dr. Dwight Smith, an internist who had been treating me, noticed my improvement. He offered me a job and I accepted. I began working in a clinic that I believed he owned. Later, I learned that a man by the name of Tosif owned the clinic and that Tosif employed Dr. Smith. Eventually, Tosif, met with me and asserted his ownership of the clinic. The process I'd been instructed to follow required that I refer patients who needed physical therapy to the front desk. I later learned that the clerk at the desk would then refer those patients to a home-health agency that Tosif owned. I'd been following that process without knowing that Tosif owned the home-health care agency.

Once I learned that Tosif owned both the clinic and the home-healthcare agency. I took actions that I deemed appropriate. I asked another worker in the clinic to recommend other home-health care agencies that were not related to Tosif or our clinic. She recommended Cherish Home Health Care and I began recommending all of my patients to Cherish. I refused to send further patients to Tosif's agency. When confronted by Tosif, I refused to comply with his request that I send my patients to him. This led to a severing of my employment with Tosif and Dr. Smith.

A few months after I disassociated myself from Tosif and Dr. Smith, in 2011, the federal government indicted them both for a massive healthcare fraud. I felt relieved that I had voluntarily left their employment.

The following year, in 2012, I learned from a colleague that authorities had also indicted Zia Hassan, the owner of Cherish. News of the indictment surprised me, as I believed Cherish to be a reputable business that complied with all laws.

**News of the Crime:**

In 2014, two FBI agents visited me at my home. They told me that a grand jury had indicted the owner of Cherish. The government wanted my help to convict him. I told the agents that I didn't know anything about Mr. Hassan's criminal wrongdoing. The agents disagreed. They accused me of conspiring with Cherish in a massive healthcare fraud. I didn't understand. They accused me of sending fake patients to Cherish so Mr. Hassan could use the patients' Medicare documents for inappropriate billing. The agents mistakenly believed that Zia Hassan would reimburse me with payments. When I denied involvement in any such kickback scheme, the agents told me that they had records of Hassan issuing several checks that totaled \$7,607. They cited those checks as evidence that Hassan had been paying me kickbacks for the patients I referred to his agency.

**Public Speaking:**

I explained to the agents that those checks didn't have anything to do with kickbacks. I've been speaking on healthcare issues for longer than 20 years—long before these issues surfaced. I gave a series of speeches and lectures to educate audiences about prostate cancer, breast cancer, colon cancer, high blood pressure and diabetes. I wanted to teach seniors, how they could keep their home safe from falls. In order to hold the attention of the seniors in my audience, I paid for caterers to prepare meals. The checks that Zia Hassan donated, for a total of \$7,607, were strictly to cover the costs for meals, eating, and serving goods. Those funds did not relate, in any way, to my patients or their need for home health care.

**What I've learned from this Process:**

Your honor, the trials and tribulations of being charged with a crime have led me to reflect. Through deep introspection, I must acknowledge that I failed in my duty as a professional. I failed to keep accurate records. There is no excuse for the bad decisions I made which failed to account for all business practices. My addiction to painkillers that included Vicodin, Norco, and Percocet, otherwise known Oxycodone—compromised my ability to appreciate the importance of good and accurate management skills.

In retrospect, I wish that I had done things differently. Introspection has caused me to stop feeling sorry for myself and to think about what I could have done differently. I should have acted in ways that would have eliminated the possibility of anyone accusing me of victimizing the healthcare system. For example, instead of relying on Cherish, I could've taken steps to learn about other providers in the area. Then, I could've given my patients a list of providers and encouraged them to choose which home health care provider would have been best for them.

Further, with regard to accepting those checks from Cherish, I should have acted differently. Since the \$7,607 that Cherish donated was to be used to purchase catering services, I should have had Cherish pay those fees directly. I deeply regret my incompetent record keeping skills. I should have taken better care to anticipate prudent-practice methods. Good recordkeeping, policies and procedures would've eliminated all possibility of my having played a role in victimizing the healthcare system. I deeply regret my errors in judgment. Perhaps my addiction to pain medication contributed to my lack of judgment.

**Community Service:**

Your honor, as I wrote at the start of this letter, it's my hope that you will take the totality of my life into consideration. You must deliberate over the appropriate sentence. Our family has worshipped at the Burn's Seventh Day Adventist Church in Detroit for longer than 15 years on a regular basis. Besides rearing our children in a house of faith, I'm proud to have worked with Pauline to spearhead a mentoring group for students from our church.

My idea of launching a mentoring program began with a tragedy. Someone murdered a student from Redford High while stealing his coat. When I heard about that crime, I decided to launch a group that might help us protect our children. Pauline and I decided to start with people we love. We banded together with nine other families and we self-funded a mentoring program to achieve two objectives:

1. Ensure that each of the 21 children we mentored would never experience the penal system.
2. Ensure that each of the 21 children we mentored would advance to a four-year university after graduating high school.

It is with a great sense of pride that I can report on the success of our mentoring program. Those 21 children now live as leading members of our community. They have achieved great distinction. You now have letters from some of those individuals, revealing one who went so far as to achieve a law degree from Harvard and a Ph.D. from UC Berkeley; he's now a law professor at NYU. From our group, we have two lawyers, three medical doctors, one medical student, one psychologist / actor/ entrepreneur, two chemical engineers, one librarian, a psychologist, an MBA, and several teachers. Some are still students.

Your honor, please consider that I am a loving, kind, gentle, God-fearing family man. I have many friends and family that I love and care for. I loved, respected, and cared for all my patients. I would have never taken advantage of them or the healthcare system. I only wanted to give my patients the best possible care.

Again, your honor, please take my life in its totality into consideration when you impose sentence. Physicians continue treating me for complications to my health. I'm under medical care for prostate problems, back-pain issues, hypothyroidism, and high-blood pressure.

On behalf of my family, I ask you for leniency in sentencing.

Sincerely,

name

## Case Study #3

Conviction for possession of child pornography, pled guilty

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Date

The Honorable Judge David Hawthorne  
United States District Court Judge  
Central District of California  
411 West Fourth Street  
Santa Ana, CA 92701

Regarding: USA—v—Dennis Liston

Dear Judge Hawthorne:

I'm sickened with shame and humiliation at my behavior. For longer than three years my conscience has tormented me. The reality that I played a role in victimizing children leaves me sick to my stomach. By searching for illicit images on the Internet and storing those pictures on my computer, I contributed to a wicked industry that depicted children in lewd acts. I regret my behavior and I will spend the remainder of my life working to atone.

There isn't anything I can say or do to excuse my role in the offense. Please don't take this letter as some type of ploy to minimize my responsibility. In no way will this letter of remorse shift blame that rests solely on my shoulders. It's clear that I've broken the law, that I've pleaded guilty, and that I've accepted responsibility. Still, I want you and others who judge me to have more insight into who I am as a human being and how I got to this stage.

I've asked Diane to help me understand the procedures ahead now that I've pleaded guilty. As I understood her, a probation officer will write a report for you to consider, then the sentencing hearing will follow. I know that Diane will submit legal papers and make a presentation on my behalf. Although I may not have the confidence to verbalize the depth of my remorse, I wanted to take the time to write this story of my life for all who are about to judge me, including the probation officer, this court, and anyone else who will be responsible for carrying out the sentence you deem appropriate in my case.

When deliberating over the appropriate sentence, Your Honor, please take the totality of my life into consideration. Although I've pleaded guilty to a deplorable crime, this type of behavior has not been characteristic of my six decades of life. The crime was an aberration, committed during a particularly difficult period in my disappointing and troubled life.

Certainly, I know that life's hardships do not excuse my behavior. Yet by writing this narrative, I'm hopeful that you will have a more complete picture of who I am and what I've stood for as a human being. You'll see that I have a long history of standing for good and decency in society. Some traumatic events that I'll describe below sunk me into despondency that led to some extremely poor decisions on my part. But on the whole, I hope that you'll see my commitment to living as a good citizen, a contributing member of society.

Although a severe sanction likely follows, deep introspection and reflections have already taught me a great deal. I've learned from this experience. I want you to know steps I've taken and that I continue taking to ensure I'll never violate a law again. Let me begin with my background.

### **Background:**

I was born into difficult circumstances on December 2, 1954. Both of my parents, now deceased, were chronic alcoholics. They had a turbulent marriage with countless violent episodes. Although my father was skilled as a heavy equipment operator, frequent unemployment coupled with my parents' alcoholism resulted in our family being very poor. We moved from place to place each year, frequently sharing a house with extended family. As a child, I longed for the stability that I saw in others.

I was the middle child of five, with two brothers and two younger sisters. All of us bore the brunt of violent, alcohol-fueled outbursts in our home. I'm still traumatized with visions of my father beating my mother, pulling her around by her hair. I have memories of my mother drawing blood from my father's face while she screamed about wanting to scratch his eyes out.

By the time I turned 17 I'd had enough. Wanting to get away, I quit school to join the Army. I wanted something better for my life, some type of stability, and I also wanted to serve our country. By joining the Army I hoped to learn a trade or vocation while simultaneously preparing for jobs that would provide a sustainable life. After completing Basic Training in Fort Leonard, Missouri, I transferred to Fort Sill, Oklahoma, for Advanced Individual Training.

With an interest and aptitude for mechanics, I signed up for artillery training. By learning to work on medium- and heavy-weight cannons, I expected that I'd develop mechanical skills that would translate into steady employment. With my troubled youth, I always wanted a good job, a steady paycheck, a family, and a life without complications.



The highlight of my time in the Army was when the head of the local Central Intelligence Division (CID) selected me to participate on an advance team to detect nuclear weapons. I was one of 24 people selected out of approximately 30,000 people who were stationed on the Nuremberg base. To participate, the Army issued me a top-level security clearance so that I could work with our team. When our superiors suspected the possibility of terrorist threats, our team would inspect NATO sites for chemical, biological, nuclear, or other weapons of mass destruction. Whenever terrorist threats were present, we would perform physical inspections and then secure the area by reclaiming any explosive devices.

Unfortunately, my tour of duty in the military is not without flaws. I'd like to explain. As expressed above, both of my parents were severe alcoholics. When my mother was ready to give birth to my baby sister, I received permission for an emergency leave. When I arrived, I saw that neither of my parents were incapable of staying away from alcohol to care for my baby sister. I asked the Red Cross to intervene and obtain permission from the Army to extend my leave. My understanding was that the Red Cross had agreed to take care of it so that could care for my infant sister until my parents could recuperate. My baby sister spent the first two weeks of her life sleeping on my chest. When I returned to the Army, however, I learned that permission had not been granted. I was disciplined for being Absent Without Leave. The Army issued a minor sanction, but did not take my rank or pay. I'm embarrassed for the blemish on my record, as it was my intention to serve our military with honor.

At 21, I received an invitation from the Navy to extend my tour as an Ensign, a commissioned officer. Yet recognizing responsibilities at home, I chose to return to California and resume my life as a civilian. The Army granted an honorable discharge.

I did not adjust easily because I wasn't able to reconnect with my father. Feeling lonely, I began using the CB radio to interact with others. I never felt comfortable in crowds or with groups of people and the anonymity of the CB brought some comfort. I could just talk, without having to feel insecure about the troubles from my youth or my past.

### **Marriage:**

While on the CB, I found a friend in Barta Marguerite Miller. I was only 21 and she was 47, but somehow the pain we experienced connected us. Her husband had passed away three months previously. She had two daughters that were about my age. Despite the 26 years that separated Barta and me, we fell in love through our conversations over the CB and we decided to marry.

In the beginning, we seemed to have a happy family. I found steady employment working in factory jobs that allowed me to use the mechanical skills I'd developed in the military. The jobs paid about \$10 per hour, which I considered to be a good wage during the mid 1970s

economy. I was able to pay the mortgage on our property and support our family. The problem was that my wages didn't increase over time.

After more than 10 years with one company, I was still earning wages in the \$10 per hour range. In search of higher earnings, I transitioned to McDonnell Douglas. By 2003, after 19 years on the job, I was earning \$24.50 per hour. But in the spring of that year, corporate restructuring resulted in my being laid off. With my unemployment, my life started to fall into a tailspin.

### **Unsteadiness:**

Barta and I were married for 27 years. She was not a faithful wife. From the start of our marriage, her infidelity humiliated me and brought pain. Yet the thought of living alone frightened me. Being a man who believed that you got married for better or for worse, I made a commitment to stick it out. While Barta found other men to comfort her during our marriage, I created my own source of comfort by working on our home, caring for her daughter's children, and also by caring for stray cats.

My and I had been doing animal rescue for years. The cats were living in abandoned properties. We took them into our home and cared for them. Using resources from earnings, we had a vet make sure they were healthy and spayed. Then we prepared the cats for adoption with loving families. We placed dozens of cats with families as a labor of love, trying our best to protect our neighborhood and the cats as well. Some of the best times I had was knowing that the cats would be loved and cared for as indoor cats. Yet at the same time, it was painfully emotional for me to see the cats go. We were always caring for dozens of cats at a time.

After I lost my job at McDonnell Douglas, however, Barta chose to abandon me. When she chose to leave, I had no choice but to care for the abandoned cats alone. They became my family, my source of comfort during that time of distress.

Our home in Westminster was in an area that had appreciated well. After McDonnell Douglas put me out of work, I expected that I'd be able to live off the equity we had accumulated in the house. Instead, when Barta abandoned me she launched an aggressive campaign to evict our cats and me. With my commitment to animal rescue, I couldn't just let them go. Repeatedly, I tried to reconcile with her, telling her that I would do anything if she would stay with me. By then, Barta's daughter had set her up with another young man. She filed a restraining order against me so that I could never go near her, her children, or our grandchildren again.

The disruption of my life led to a long and troubled decade. I was left without much in the way of resources and supported myself through day-labor jobs, living a transient life in

motels and short-term rentals. I lived from paycheck-to-paycheck, with only my cats to comfort me.

### **Violating The Restraining Order:**

In 2005, I finally secured a good job. Lockheed Martin hired me to work at a plant in Palmdale. I sensed that I was about to get my life back in order. At the time I was living in my vehicle, doing the best that I could. Then, after only a month on the job, Barta filed for bankruptcy. I didn't understand how she could've been so reckless with resources, as she had substantial equity in the house that we'd had for decades. Her bankruptcy derailed my life once again. My job at Lockheed Martin required a security clearance which I could not get if a background check revealed financial instability. As a consequence of Barta's bankruptcy, my supervisor informed me that I could either resign from the job, or he would be forced to terminate me. With the record of financial stability, I could not qualify for the security clearance necessary to keep employment.

When I lost the job, Your Honor, I saw everything unraveling. I was 51 and without anything. Since she evicted me from our house, I was living without stability and finding it extremely difficult to gain any traction. Just when I was settling into a path that would bring a measure of normalcy to my life, I lost the Lockheed Martin job.

In a fit of anger, I drove to Barta's house and tried to confront her. I wanted answers from her and I wanted her to know how her bankruptcy filing influenced my prospects for building a better life. In light of the restraining order, approaching her was not a good decision. Authorities intervened. By the time judicial proceedings concluded, a local judge sanctioned me to serve five weekends in a work-release facility and a period of time on probation.

After my loss of the Lockheed Martin job I supported myself doing day-labor jobs, earning about \$8 per hour. I was able to rent a small house, and able to bring my cats with me. I frequently would go to sleep hungry, as I barely had sufficient resources to feed both the cats and me—and I derived so much comfort from the cats that I ensured that they always had food and water. Animal rescue brought meaning and relevance to my life.

### **Eviction and Killing the Cats:**

By the time the judicial process unfolded and I was serving my sanction in the work-release program, I'd begun to get my life together again. I'd work a full week, then report to the work-release program after work on Friday. I'd perform my labor obligation for the county on Saturday and Sunday, then return to my job on Monday. While I was away, I'd make sure to leave sufficient food and water for my cats.

When I returned from work on Monday after my final weekend in the work-release program, I saw that my house had been broken into. Turns out that someone had called the humane society and reported me for violating some type of ordinance that prevented me from caring, mistaking my passion for animal rescue as a violation of some type of municipal code. The cats and kittens had become a part of my family. Yet the humane society rounded them up. Making matters worse, when the landlord learned of all the cats I was caring for, he evicted me. Again, I was homeless, without the animals that had given my only source of comfort.

I pleaded with the humane society to return my cats, pledging that I would find a way to care for them as I always had. Those cats made me feel as if I had a family. Yet the humane society refused to work with me, preferring instead to euthanize the animals. I was crushed, heartbroken and helpless. When the person from the humane society cited policies and intentions of killing the cats, I felt as if he was ripping my life apart. I lost my sense of balance, my purpose in life. I'd already lost the love of my life, my family, and the grandchildren that I loved as if they were my own children. I had lost my home, my job. The stability and life I always wanted to build was gone. Then a heartless person in the Humane Society told me he was going to kill my cats, exterminating their lives and the only purpose I felt in life. Without being able to care for needy animals, I began losing my will to live.

### **The Offense:**

After being evicted, I purchased a van, structured a rental agreement with an RV park, and I began living like a hermit. By 2012 I was supporting myself through any type of job I could find. After work, I would retreat to my van and cope with my misery. Searching the Internet became a way to take my mind off the many disappointments I suffered.

Through Internet searches, I'm ashamed to admit that I developed an unhealthy fascination with pornography. I started downloading images of women from a shared website. Then, the more images I downloaded, the more images came up. I saw images of children who were engaged in lewd acts. I'm embarrassed and ashamed to admit that I also downloaded those files.

Initially, I didn't grasp the connection between downloading images and victimizing children. Instead of thinking of those children, I selfishly looked for ways to cope with the pain associated with losing my family. After a few months, I grew disgusted with myself for what I'd been doing and made efforts to erase the images from my computer. I failed. In the spring of 2012, authorities raided the RV Park where I was living and confiscated all of the computer equipment I had in my possession. Those computers still had the images in storage.

Since my problems with the judicial system began, I've learned a lot more about the relationship between images and victimization. Predators manipulate children into the lewd acts because a market exists for the images they produce. If people didn't download and transfer the images, predators would not exploit children. I'm ashamed and embarrassed to have played a role in this offense.

On advice of counsel, I began seeing therapists at my own expense. Although I looked at the images, I never had any intention of interacting with children. Still, I never should've viewed or downloaded the images. Since I didn't feel compelled to continue looking at those lewd images, or any type of pornography, I thought that I was going to be okay. Once I started to undergo treatment, I learned a great deal about the crime I committed and the influences that led me into this problem.

For the past several months I've been working with Dr. Benjamin Stepanoff and others on his team. By visiting with the therapy team on a weekly basis, I've learned about the stressors that influenced my behavior. I've also learned of the importance of therapy. Regardless of where I am, I intend to continue that therapy. Obviously, I'd like to continue my therapy while I served my sanction in some form of community-based setting. But if prison is in my future, it's my hope that I will transfer to Seagoville, in Texas. Through research I've done, I've learned Seagoville has a well-regarded treatment program that would benefit my adjustment. I know that I've done wrong. Through therapy, I'm learning healthier ways to cope with the stress I endured from losing my family.

### **Conclusion:**

Your Honor, the past 12 years of my life have brought me a cascading series of problems. I did not cope with those losses well. There is no excuse for the role that I played in victimizing those children. I'm tormented with grief whenever I think about the connection I had to the exploitation of children. If I could erase those bad decisions from my past I would do so. Unfortunately, as far as I know, the best way that I can demonstrate remorse is to continue participating in therapy. By reducing the stressors in my life, I will be more capable of living as a law-abiding and contributing citizen.

As a consequence of the therapy that I've received, I've been able to regroup. For longer than a year I've been working full time in a factory and I'm earning approximately \$30 per hour. I've had my own apartment since last October and I'm living a responsible life. Instead of focusing on the pain of my past, I'm focusing on the good that I can do—like offering financial support to my sister so that she can ease burdens on her grandchildren. The trauma that sent me into a tailspin is now a part of my distant past and I'm coping with the pain in responsible ways.

Although I understand that you will determine an appropriate sanction, Your Honor, it's my sincere hope that you will take my entire life into consideration. I did not cope with stress well in the past. Yet in learning more about this crime, and through my participation in therapy, I will live the remainder of my life as a good and honorable citizen. I implore you to exercise mercy when imposing your sentence.

Respectfully,

Dennis Liston



## Case Study #4

Conviction for violent drug offense, pled guilty

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Date

The Honorable (insert name)  
Chief Judge for the Federal District Court  
District of North Dakota  
655 1st Avenue, North  
Fargo, ND 58102

Regarding:  
United States of America—v—Tom Jensen  
Case Number: (insert)

Dear Judge Erickson:

I'm sick with sorrow and regret for the crimes that I committed. Knowing that I played a role in Bailey's death torments me with grief. Besides Bailey's dying from an overdose, I know that his family suffers. I wish that a possibility existed for me to undo the harm that my decisions have caused. But at this stage, all I know how to do is express sorrow. For what it's worth, I want Bailey's family to know that I wasn't operating in a "right" frame of mind when I participated in this scheme to distribute drugs. I certainly didn't intend for anyone to suffer. I just wasn't thinking right and I'm deeply remorseful for what I've done.

Since authorities arrested me last January, I've gone through a process of trying to cleanse my guilt. Ten months have passed since I've been in custody. Every night I suffocate as these concrete ceilings and floors close in on me. I keep thinking about bad decisions I made that put me in this predicament. Writing this public letter of apology won't reverse the damage. Bailey's family wants justice for their son and I can accept that. Yet it's important that everyone knows more about my background. Even though can excuse my conduct, I'm hopeful that others will know I didn't have any malice in my heart and I am sorry.

I've spent my entire life in the Grand Forks area. My parents, Joan and Ronald Jensen, are good citizens. They're hard-working Americans, good Catholics who've devoted their

lives to public service. My father worked for the postal service as a letter carrier and now he supervises a maintenance crew for the post office. My mother works in administration at the University of North Dakota. Both wanted my siblings and me to grow into productive citizens. I failed them and I'm deeply ashamed.

I have an older sister, Mary, who is now 23 and she studies accounting at the University of North Dakota. While growing up, Mary and I were best friends. When I started to go off the deep end in my life in the fall of 2013—which I'll explain below—my relationship with Mary suffered. I embarrassed her as I began abusing drugs to cope with pain and anguish.

I have a younger brother, Curt, who is a senior in high school. My drug use had a bad influence on him, too. I know that Curt looked up to me. As he saw me using drugs, he began experimenting with smoking weed. After this crime derailed my life, and authorities put me in prison, I've been able to detox. With clear thoughts I could more easily connect the dots and see how easily smoking pot can lead to stupid decisions, crime, and in my case, even worse. Although I'm trying to dissuade Curt from ever using drugs again, I regret that I was such a poor role model for him.

My younger sister, Lisa, was only 13 when I started going off the deep end, back in 2013. She wasn't old enough to understand my depression. It spun out of control when our grandmother died suddenly while she was recuperating from surgery. One day we were planning on our grandmother's returning home and the next day we learned that she was dying from a dreaded disease called sepsis. I took her death hard and that was when my drug use escalated from smoking marijuana to harder drugs. But my depression had roots that went much further back.

Our grandparents lived only ten houses away from our family's house, so we were very close. When my parents were working, my grandmother would take care of us. More than grandparents, they were like second parents and I loved them very much. I was in the fifth grade when I nearly died. Sensing that something was wrong, my mother rushed me to the emergency room and doctors immediately diagnosed me as being diabetic. My blood-sugar levels were off the measuring charts. When the local hospital couldn't treat me, an ambulance rushed me to the hospital in Fargo. My mother and grandparents were there to nurse me back to health during those five days that I was hospitalized. But it seemed my life was never the same.

As a diabetic, I lost sense of my freedom and identity. The sickness influenced what I could eat and when I could eat. In school, I felt as if I was some kind of freak because I couldn't do the things that my friends and I had been doing all of our lives. That was when I started to battle depression. My mom took me to see psychiatrists and they treated me with drugs. I had to take a drug called Lexapro. The drug was supposed to cure my depression but it didn't work on me. Instead, the drug robbed me of my childhood. I would lie in my bed in a

total daze all the time, comatose. I couldn't muster the energy to get up. My grades dropped and I felt as if there wasn't any reason to live.

Eventually, another psychiatrist acknowledged that the medicine wasn't working and he switched me to Bupropion. It was awful. I took it on and off, always feeling as if I was barely hanging on. It felt like I was on drugs my entire life, totally incapable of having any sense of normalcy that others took for granted. I'm not saying this as an excuse your honor. I'm simply trying to write out my history so that you and Bailey's family will know more about how I drifted into the types of reckless crimes I committed.

During high school, I started smoking weed because I wanted to fit in. Considering my depression and history of taking meds, it wasn't very smart for me to start experimenting with weed. I just felt so isolated and alone. I sat in a car with some other kids that I thought were pretty cool. Wanting to feel accepted, I took my first hit on a pipe. We laughed and I felt like I belonged. It's embarrassing to write that I needed drugs to get through the day. Yet ever since my mom and grandmother rescued me from the diabetic seizure when I was in the fifth grade, I always felt as if I was some kind of outsider. Smoking pot with the other guys in school gave me something. I don't know what it was, but it gave me something.

Ever since I took that first hit of weed in high school, I had this sense that drugs could replace all that diabetes had taken away. Other kids would come by my house and we'd blank out playing video games and getting high. I graduated high school with mediocre grades. Then, since my mom was on staff at UND I was able to get in. But I wasn't in any condition for homework or the demands of a first-rate university. I was getting lousy grades. Then, in September of 2013, my life fell off a cliff when my grandmother died. She got diagnosed with cancer and the surgeon wanted to operate immediately. She seemed to be recuperating just fine in the hospital, but then sepsis took over and that was it.

Everyone else in my family handled the passing responsibly, but I just went off the deep end. I couldn't stop thinking about how she'd been there for me when I was in the hospital and all the other times in my life. We'd garden together, spend time talking together. Both of my grandparents were school teachers and they taught me how to read. When I was depressed, I related to my grandmother more than anyone else. With her being gone, I felt more alone than ever.

My mom could see that I was losing my mind and she kept taking me from one psychiatrist to another. They kept insisting that I take the Bupropion in various dosage amounts. Some had me taking the maximum dosage and others doctors told me to scale back. I'm probably to blame because I wasn't only taking the medicine but I was also smoking weed. Besides that, I didn't take the medication as regularly as I should have. In any event, the combination of the pharmaceuticals, the weed, the depression, and the generally unbalanced life I was living made me incapable of thinking straight when I was 18. I was a mess.

I had a job delivering for Marco's pizza. That was where I met Josh. He introduced me to his friends and we started to hang out together. They were a little younger than but we were all into the same type of party scene. By then it wasn't only marijuana. I was taking everything that I could get my hands on, any type of chemical that would lift me from the miserable existence I felt was okay.

In May of 2014, after being up all day and night getting high, I drove home. Before crossing an intersection, I blacked out and collided with a van. The woman driving the van was hospitalized because of some blood pooling in her elbow. After the doctors checked me out, the sheriff put me in handcuffs and drove me to jail. I passed out and slept on the floor until a guard came to tell me that my parents had bailed me out.

If I would've just stayed in that jail, your honor, none of this would've happened. I'd have had time to reflect like I'm doing right now. Those reflections would've helped to clear my head and stop me from spiraling down into deeper and deeper levels of toxic depression. I would've gotten a sense of the horrors of imprisonment and realized that this wasn't a life for me. Without access to drugs, my mind would've cleared up and I would've been thinking straighter. I would've learned from the experience.

Unfortunately, that didn't happen. The blessing of having loving parents who wanted to save and help me backfired. They bailed me out because they were worried about me being in jail. If I was locked up, they thought I might not have access to the medicine I needed for diabetes. As a consequence of their love, I walked out of jail feeling like a victim. I wasn't ready to accept responsibility.

Over the next several months I went through the motions of judicial proceedings, always knowing that I was going to plead guilty. Instead of feeling remorseful for the pain that I had caused to the lady that I collided with, or the humiliation that I caused to my family, I felt sorry for myself—like this whole ordeal was blown out of proportion and nothing but a nuisance. The judge sentenced me to a year, but I was allowed to serve it on home confinement.

The leniency my sentencing judge showed turned out to be a bad thing. I was afraid of being locked up. But as I wrote above, I never got a full taste of what I've been experiencing since my arrest last January. Besides being depressed, I'm embarrassed to write that I also felt entitled, as if my diabetes and sickness gave me some kind of pass—as if nothing worse could happen to me. When the judge sentenced me, and I learned that I could serve the time on home confinement, I went about my life as if I hadn't learned a thing from the experience. Instead of turning my life around, I kept spiraling deeper into my substance abuse and all of the bad decisions that went along with it.

My parents tried to look out for me. Any time friends would come over, both my dad and my mom would intervene. They'd sit down and let my visitors know that I was in a serious trouble. "Tom can't get involved in any more trouble," they'd warn. "If you're into anything illegal, please stay away from him. He'll go to prison with a felony if he has any more problems." Being the fool that I was, I'd tell my friends to blow off the warning.

Your honor, I got into every type of drug I could get my hands on. And I'm guilty of all these charges. Thinking that this wasn't anything more than an Internet game, I schemed with people online to purchase the drugs and I created schemes that would distribute the drugs to anyone who wanted them. (More details here would help.)

Foolishly, I didn't even think of myself as being a criminal. All I thought about was getting beyond the pain that I felt and fitting in with others. As a consequence, people have died. The people they loved and the people who loved them are suffering. My own parents are suffering. And now, I'm preparing for the likelihood that I'll be going to prison for a long time.

Your honor, as I wrote at the top, I know that words are not going to excuse my criminal acts or reverse the pain that I've caused. But it's my hope that when you deliberate over the most appropriate sentence, I'm praying that you'll consider my life in its entirety. It wasn't until a few weeks after authorities busted into my parents' house to arrest me that I started to look at my life in its entirety. I guess I needed the time in lockup to get away from the drugs. I'd been on drugs of one kind or another since I was in the fifth grade. It took this time in jail to clear out my system and start thinking straight. Unfortunately, the crimes that I committed resulted in enormous loss and suffering.

I've spent my 19th and my 20th birthdays in prison, your honor. Ever since my thoughts cleared up, I've been cooperating with authorities to the best of my ability. I'm only able to write words on pages that I send home for my mom to type. I'm hoping you'll read these pages so that you'll know more about my life and remorse, I've also wanted to show with actions that I'm committed to living as a good person. I hate that I'm now a criminal, your honor. When I see the shame on my mother's face or listen to the agony in my father's voice, I know how much damage that I've caused. And know how much it has hurt my parents as I've written out this ugly history of my life. After leaving the visits where we press our palms against the glass separator to pretend that we're touching, I realize how much trouble I've caused. Somehow, I want to make things right. I want to make things right for my family, for my community, and most importantly, for the victims of my crime.

Please see that I've learned from my bad decisions, your honor. Although I know that severe punishment awaits me, it's my hope that you'll have mercy. Please extend an opportunity for me to work toward redemption and reconciliation. I may be only 20-years-old, but I'm no longer the same teenager who scoured the Internet looking for drugs. In a few more

months I'll be 21 and going to prison. While I'm inside, I intend to develop skills that will allow me to return as the good person that I'm capable of becoming. Please, your honor, send me to a prison that will allow me to work toward my education and not have to feel threatened from gangs. I want to be like my parents, your honor, good American citizens.

Although I'll never outlive the damage that I've created, I've certainly learned lessons. While I'm inside, I will find or create ways to reconcile with society—and hopefully with Bailey's family for the role I played in the loss of their son.

Please, your honor, consider my remorse. Please show mercy by opening an opportunity for me to prove worthy of working toward redemption.

Respectfully,

Tom Jensen



## Character Reference Letters and Their Influence at Sentencing

Thinking through an effective sentencing strategy includes thoughts about the character reference letters. Every defendant has an opportunity to submit character reference letters that may make an impression on the judge. But what makes a good character reference letter for the court?

In the fall of 2016, I interviewed Judge Mark Bennett and he spoke specifically about [Character Reference Letters](#). Judge Bennett said that he has read somewhere between 30,000 and 40,000 character reference letters. He based his estimate on the fact that he has sentenced more than 4,000 people. On average, Judge Bennett said that defendants submit between seven and nine character reference letters. Some defendants, however, go overboard. He spoke about one defendant who submitted 100 character reference letters.

Elsewhere, I wrote about the study on allocution that Judge Bennett orchestrated. In the findings published in the Alabama Law Journal that described [Judges' Views on Allocution in Sentencing](#), he spoke about what he learned from a survey he distributed to more than 900 federal judges. All of them, it would seem, consider character reference letters as a useful resource when deliberating over the appropriate sentence.

### Bad Character Reference Letters

Before thinking about a strategy on character reference letters, I encourage readers to watch the excerpt from the interview I conducted with Judge Bennett. He tells a story about the wife of a defendant who sent out a template on ideal character reference letters. Many of the people that received the template followed it verbatim. As a consequence, the judge received scores of character reference letters that had the same phrasing. He dismissed those letters as being insincere, which did not help the defendant get the outcome he desired.

Judges also reject an amateurish strategy that many defendants try: they seek character reference letters from people of high status. Yet Judge Bennett said that he doesn't pay any attention to letters from "senators" or so forth unless there is truth. All too often, he said, people of high stature may write character reference letters out of a sense of obligation, but not because they know anything about the defendant.

According to judges I've interviewed, the worst character reference letters imply an appropriate sentence length. Judges do not want anyone to tell them how to do their jobs. Many judges have resisted the federal sentencing guidelines because they believed that Congress should not influence a sentence length, because members of Congress do not know the facts about an individual defendant. Likewise, judges do not want friends and family members telling him about an appropriate sentence. Those people do not know all of the facts of the case, the law, or what constitutes an appropriate sentence.

- When thinking about character reference letters, start from the premise of what to avoid:
- Submitting more letters than necessary does not always help.
- Letters from high-status people fail unless writer truly speaks about the defendant's character.
- Form or template letters may do more harm than good.
- Never submit character reference letters that tell the judge how to do his or her job, by recommending an appropriate sentence.

### Best Character Reference Letters

When character reference letters avoid the flaws above, they go a long ways toward improving the outcomes for a defendant at sentencing. As Judge Bennett said, he wants to hear about the defendant's character. He would rather hear from a janitor or a street sweeper who speaks about knowing the defendant for 10 years. That person should write about what he has seen, or what he knows about the defendant. There isn't any need to write about the crime, and there isn't any need to write about the sentence.

Good character reference letters help the judge understand the defendant as an individual. Ideally, the writer should express how he or she knows the defendant. If the writer has known the defendant for decades, the writer may share personal stories or experiences. For example, the writer may recall when he saw the defendant tutoring others so they could advance their career. Another example of good character may reveal how the defendant volunteered with vulnerable populations, like the elderly or at-risk children. Any personal examples or experiences with the defendant can reveal that the writer truly knows about the defendant's character. Such insight may influence the judge to see the defendant differently from what the prosecution is presenting.

The length of the letter isn't as relevant as providing crucial details about the character and integrity of the defendant. Good character reference letters may be as short as a few paragraphs, or they may span a few pages. Most importantly, they should be personal, and they should not be construed as being dictated or orchestrated by the defendant's advocacy group.

With a pledge to help more defendants who struggle with character reference letters, we encourage them to draft a personal letter to friends and family members. Explain how a character-reference letter should be in the writer's own words and not follow any sort of template. In fact, explain that a template can backfire. A sample request for character reference letters may follow this sample:

## Sample for Family and Friends:

Dear Friends and Family:

As you know, I'm going through some challenging times. I'm about to be sentenced for a federal crime. The judge that will determine the appropriate sentence doesn't know anything about my personal life. He only knows that I've been convicted of a federal crime.

The sentencing process isn't the time to speak any more about my guilt or innocence. I am reaching out to you for help because I need the judge to know me as a human being. For that reason, I'm asking you to write a character reference letter.

If you choose to write a character reference letter, please know that you can help me most if limit your thoughts to what you know about me as an individual. The sentencing process is a formal proceeding, and federal judges take their responsibilities very seriously. If you'd like to learn more about it, please watch this three-minute video where a federal judge speaks about character reference letters:

Judge Bennett Speaks About [Character Reference Letters](https://youtu.be/Cv3nHiM9tMk):  
<https://youtu.be/Cv3nHiM9tMk>

Judge Bennett advised that character reference letters should not indicate an appropriate sentence length, but they should reveal how long the writer has known the defendant, and what the writer knows about the defendant's character. The letter should also reveal that I have been honest about my complications with the criminal justice system. Finally, the letter may help me more if you pledge to remain with me as a source of support even though I am facing these challenges ahead.

In your own words, I'm hopeful that you will write about our history, about how you know I strive to live as a good person, about anything good you've seen in my character.

Please address your letter to (name of your judge), but please send your letter to me or my defense attorney at the following address: (insert address where you want letter sent).

Thank you very much for your help. I will work hard to prove worthy of your support.

Sincerely,

(your name)

Finally, against everything we've mentioned above, I'm providing content from an excellent character reference letter that proved influential at sentencing for a client we represented in our sentence-mitigation work. We suggest that you do your best to submit between eight and 12 such letters with your sentencing package.

## Sample Character Reference Letter:

(On letterhead of the writer)

Date

The Honorable (Judge's full name)  
United States District Court Judge  
Name of District Court  
Street Address of District Court  
City, State, Zip

Regarding: U.S. v. (Your Last Name)

Dear Judge (judge's last name):

I have represented Tom Smith since 1995 and I write this character reference letter to express my support. I have advised Tom that, as his attorney, our communications are protected from disclosure. Yet Tom has asked that I be open about his troubles and he has waived the attorney-client privilege for this purpose.

I have done legal work on behalf of Tom for the past 21 years. We've worked together in a variety of areas related to his business ventures and his estate planning. I first started representing Tom soon after he relocated to Newport Beach from New York. Throughout this continuous (and continuing) attorney-client relationship, I have not only developed a great respect for Tom as a businessman, as an employer, but also as a human being. I consider Tom a close personal friend.

Tom discussed his troubles with me almost immediately after he became aware of the criminal investigation. I tried to help him secure competent counsel, as I do not practice criminal law. From the beginning, Tom expressed great remorse for his action. He showed genuine regret not merely for the criminal or civil liabilities he faced, but for the wrong to which he contributed.

Tom confided in me that he had a sincere understanding that his actions were immoral and wrong. In our many conversations about his troubles, he has never once tried to defend, minimize, or explain away his activities. Nor did he ever try to shift moral blame on others. As surprised as I was that Tom had engaged in behavior that was completely out of character for the man I knew him to be, the one who I believe was more surprised than me was Tom himself. Tom knew he was above such behavior and was, and remains, ashamed that he had fallen so far below his own standards for himself.

Tom is a man that frequently volunteers and strives to contribute to our community. I am forever grateful to Tom for inviting me to accompany him one Saturday for an afternoon of fun. He didn't tell me his plans or where we were going, so I was somewhat surprised to drive into a community center in Santa Ana; I expected that we would be enjoying his box seats at a professional baseball game.

When I asked Tom what we were doing in Santa Ana, he told me that we would spend the day teaching homeless people how to prepare for job interviews. Side by side, we sat at a table for six hours, counseling people who wanted to transition into the labor market. While Tom offered guidance from the perspective of a successful employer, I sat in awe of his ability to inspire and guide people, offering whatever insight I could. By the end of the day, Tom gave his direct contact information to four people that he pledged to hire. I walked away from that day, grateful for the experience. Tom told me that he not only funded the program anonymously, but that he spent one day each month volunteering his time.

Tom is a good person. Since I've known him for decades, I truly believe his wrongful actions represent an aberration that he will never repeat. He has demonstrated honesty, integrity, and fairness in more than 100 transactions in which I have been directly involved. Tom is a loving father, grandfather, and conscientious citizen.

Thank you, Your Honor, for taking these thoughts into consideration as you deliberate on the appropriate sentence. I stand ready to offer further support to Tom as he may require.

Respectfully,  
Name and signature

Notice that the sample letter we include is very personal. It reveals how the writer knows Tom. The letter shows that Tom was truthful about his problems with the criminal justice system, suggesting that he truly learned from the experience. The writer does not suggest a sentence to the judge, but focused exclusively on what he knew about Tom's personal character, and revealing a story. It's clearly not a form letter, but a heartfelt letter that expresses Tom's good character. Use this example of excellence in your quest to find character reference letters that can help your cause.

## Federal Sentencing Guidelines

In preparing for sentencing, you can arm yourself by developing a basic understanding of the federal sentencing guidelines.

Federal Sentencing Guidelines used to bind judges. Regardless of a defendant's personal characteristics, the judges were mandated to sentence in accordance with a range that the federal sentencing guidelines provided. Sentencing law changed in 2005, when the U.S. Supreme Court issued its decision in [United States v. Booker](#). With the [Booker opinion](#), the federal sentencing guidelines became "advisory" rather than mandatory. This change has a huge influence on every defendant in federal court.

As a consequence of the Booker decision, defendants have an opportunity to influence the sentencing judge. Defendants should expect prosecutors to prepare extensive packages that will influence the judge by arguing why the maximize sentence is appropriate. It's wise for defendants to recognize that prosecutors consider it their duty to protect society by punishing crime, and at sentencing they're after stiff punishments.

Probation officers, too, will make a strong case for a punitive sentence. The judge will consider arguments from the prosecutor, the probation officer, and the federal sentencing guidelines, when determining the appropriate sentence.

The defendant's attorney will prepare a sentencing memorandum to argue the merits of a lower sentence. The Booker decision, however, suggests that defendants have a personal responsibility if they want to put themselves in the best possible position at sentencing. A deliberate plan for a lower sentence should include an well-thought out sentencing narrative.

With a strong sentencing narrative, defendants have an opportunity to become their strongest advocates for leniency at sentencing.

### Sentencing Narratives

Through my work as an advocate, I've spoken with several federal judges. Judge Frank Zapata and Judge Charles Pyle, U.S. District Court Judges in Tucson told me that defense lawyers frequently failed to tell the full story of the defendant. Judge Gonzalo Paul Curiel, from the Southern District Court in San Diego said the same thing at a conference in San Diego. Even [Judge Charles Breyer](#), who sits on the sentencing commission, said the same thing when I spoke about [Incentivizing Excellence](#) at a conference at UC Hastings Law School.

Unfortunately, many lawyers focus exclusively on the law when it comes to sentencing. In their sentencing memorandums, too many attorneys cite boilerplate legal language that judges already know. Judge Curiel made this precise complaint when he spoke at the con-



ference in San Diego. Rather than reading about laws that Congress passed, and which he knew, he would rather learn more about the personal characteristics of the defendant.

Attorneys do not serve their clients well when they focus exclusively on case law or congressional intent. When I asked Judge [Mark W Bennett](#) how defendants could advance prospects for an [early release from prison](#), he said that they should tell the story of their life.

Judge Bennett has sentenced more than 4,000 people to federal prison. As others judges have told me, Judge Bennett said that lawyers frequently didn't take enough time to prepare their clients for sentencing. If the lawyer didn't help the judge understand the defendant, the judge didn't have much of a choice but to rely upon the federal sentencing guidelines when determining the appropriate sentence. When defendants invest time and energy to tell their life stories, they become the best advocate when it came to requesting mercy.

### Criminal History:

In order to build a powerful case that would persuade a judge to impose a term lower than the federal sentencing guidelines suggest, the narrative must be complete. That means it shouldn't only highlight reasons why the defendant is worthy of a lower sentence, it should show what the defendant has learned. If the defendant has any type of criminal history, the defendant should make certain that the sentencing narrative covers that history.

Chapter four of the federal sentencing guidelines requires probation officers to document criminal history. Probation officers will use federal law enforcement databases to determine whether the defendant has had any previous encounter with the criminal justice system. If the defendant has a history, any history, the defendant should strategically about how he is going to weave that explanation into the sentencing narrative.

Many defendants focus exclusively on the current offense, even though federal databases may include records of a defendant's prior altercation with law enforcement. Those altercations may have occurred decades ago. They may have occurred when the defendant was a juvenile. The defendant may have been acquitted. The altercation may have occurred relatively recently. If a defendant has a criminal history, any type of criminal history, it's in his best interest to weave that message into the story. He should anticipate that the probation officer will highlight a criminal history, and he should expect the prosecutor to use the criminal history as a reason to sentence to impose a term at the higher end of the federal sentencing guidelines. If a defendant wants to overcome, he should address the criminal history head on with an effective sentencing narrative.

In summary, make sure that judge has a very good understanding of your personal story.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ATLANTIS

UNITED STATES OF AMERICA )  
 )  
 vs. ) **PRESENTENCE INVESTIGATION REPORT**  
 )  
 ) **Docket No. CR 05-002-01-KGG**  
 Frank Jones )

---

**Prepared for:** The Honorable Kelly G. Green  
U.S. District Judge

**Prepared by:** Craig T. Doe  
U.S. Probation Officer  
Breaker Bay, Atlantis  
(123) 111-1111

**Assistant U.S. Attorney**  
Mr. Robert Prosecutor  
United States Courthouse  
Breaker Bay, Atlantis  
(123) 111-1212

**Defense Counsel**  
Mr. Arthur Goodfellow  
737 North 7<sup>th</sup> Street  
Breaker Bay, Atlantis  
(123) 111-1313

**Sentence Date:** June 5, 2006

**Offense:** Count One: Tax Evasion (26 U.S.C. § 7201)  
5 years/\$250,000 fine

**Release Status:** At liberty on a \$50,000 personal recognizance bond with pretrial supervision  
(No pretrial custody)

**Detainers:** None

**Codefendants:** None

**Related Cases:** Nancy Oscar CR 05-002-01      Vincent St. James CR 05-005-01  
Samuel James CR 05-003-01      Donald Goodman CR 05-006-01  
Brian McDonald CR 05-004-01

**Date Report Prepared:** 5/15/06

**Date Revised:** 5/25/06

### Identifying Data:

**Date of Birth:** 1/1/50  
**Age:** 56  
**Race:** White  
**Sex:** Male  
  
**S.S. #:** 111-11-1111  
**FBI #:** 111-11-11A  
**USM #:** 11111-111  
**State ID #:** Not Applicable  
**PACTS ID #:** 1101  
  
**Education:** BS degree  
**Dependents:** Two  
**Citizenship:** U.S.  
  
**Legal Address:** 1701 Seagull Lane  
Breaker Bay, AT 11111  
  
**Aliases:** None

***Restrictions on Use and Redisclosure of Presentence Investigation Report.*** Disclosure of this presentence investigation report to the Federal Bureau of Prisons and redisclosure by the Bureau of Prisons is authorized by the United States District Court solely to assist administering the offender's prison sentence (*i.e.*, classification, designation, programming, sentence calculation, pre-release planning, escape apprehension, prison disturbance response, sentence commutation, or pardon) and other limited purposes, including deportation proceedings and federal investigations directly related to terrorist activities. If this presentence investigation report is redisclosed by the Federal Bureau of Prisons upon completion of its sentence administration function, the report must be returned to the Federal Bureau of Prisons or destroyed. It is the policy of the federal judiciary and the Department of Justice that further redisclosure of the presentence investigation report is prohibited without the consent of the sentencing judge.

## PART A. THE OFFENSE

### Charge(s) and Conviction(s)

1. Frank Jones was named in a three-count indictment filed by a Western District of Atlantis grand jury on November 1, 2005. Counts one through three charge that the defendant attempted to evade income tax due and owed by him and his wife for calendar years 2002, 2003, and 2004, respectively, in violation of 26 U.S.C. § 7201. On November 15, 2005, a superseding information was filed by the United States Attorney's Office in the Western District of Atlantis. The Information charges that on October 15, 2004, Jones evaded income tax due and owed by him and his wife for the calendar year 2004 by writing a check to the American Medisearch Organization in the amount of \$20,000 for which he received 90 percent back in cash, and by filing a false tax return in which he deducted as a charitable contribution the entire amount of \$20,000, in violation of 26 U.S.C. § 7201.
2. On November 21, 2005, Jones appeared before a U.S. Magistrate Judge and pled not guilty to all of the charges. He was released after posting bond and was ordered to report to the Pretrial Services Agency. On December 1, 2005, in accordance with the terms of a written plea agreement, the defendant pled guilty as charged in the superseding information. The parties entered into a plea agreement per F.R.Crim.P. 11(c)(1)(A), which calls for the dismissal of the original indictment. Jones is scheduled to be sentenced on June 5, 2006.
3. According to his supervising pretrial services officer, Jones made satisfactory adjustment while under pretrial services supervision and reported as directed. Additionally, Jones maintained employment and there were no substance-related issues with the defendant.

### The Offense Conduct

4. The American Medisearch Organization is a not-for-profit national corporation that supervises fungus research. Across the country, the American Medisearch Organization derives its funds from 50 charter divisions, which are separately incorporated not-for-profit organizations. The American Medisearch Organization, Atlantis Division, Inc., located in Breaker Bay, Atlantis, is one of the charter divisions employing salaried individuals and volunteers, that supports the goals of the American Medisearch Organization and is authorized to use the name of the American Medisearch Organization in fund raising, educational programming, the issuance of grants in fungus research, and other activities. In late 2004, the Atlantis Medisearch Organization began to raise funds through an annual fall dinner dance, casino night.
5. Nancy Oscar began employment with the Atlantis Medisearch Organization in 1989 as a field services representative. Oscar, who created the dinner dance fund-raising event, was responsible for the fund-raising activities of the Atlantis Medisearch Organization. Three schemes developed from the dinner dance, all of which were aimed at enabling various "contributors" to inflate or falsify the "charitable" donations that could then be reported and,

where applicable, deducted on personal, corporate, partnership, or private foundation Federal income tax returns. Oscar and other participants collected checks made payable to the American Medisearch Organization and returned 90 percent of the face value of the checks, either in the form of cash, or later in the form of chips which could be converted to cash or to merchandise sold by the vendors at the dinner dance.

6. At least as early as 1999, in connection with the annual dinner dance, Oscar instituted a “check cashing” procedure whereby an individual was permitted to write a check payable to the American Medisearch Organization and send it to Oscar in advance of the affair. However, only 10 percent of the value of the check was retained by the Atlantis Medisearch Organization as a donation to the American Medisearch Organization, and 90 percent of the value of the check was returned to the “contributor” in cash either before or at the dinner dance.
7. At the dinner dance, which was usually held in October or November, guests were permitted to write checks, payable to the American Medisearch Organization, to purchase gambling chips. Ten percent of the value of each check was retained by the Atlantis Medisearch Organization as a donation, but 90 percent was returned to the “contributor” in the form of gambling chips. At the end of the evening all outstanding chips could be redeemed for cash or merchandise. Also at the dance, boutiques sold merchandise and gift certificates at fair market value, which were paid for by checks payable to the American Medisearch Organization, with chips or cash. No portion of the purchase price was a contribution to the organization; however, it did receive a small donation from the vendors.
8. Although the Atlantis Medisearch Organization raised money from other fund-raising events, its major source of income was from the annual dinner dance. Over the years, the number of people attending the dinner dance increased, the amount of advance “check-cashing” increased, the amount of checks written for gambling chips increased, and the amount of money Atlantis Medisearch Organization raised for the American Medisearch Organization increased. In 2001 the organization raised \$73,000 and in 2004 the organization raised \$360,000.
9. This scheme was in essence a “check cashing” operation, allowing “contributors” to draw checks to the American Medisearch Organization several weeks before the dinner dance affair. Specifically, before each dinner dance, Oscar told the members of the Atlantis Medisearch Organization that if they or their invited guests wished to write a check to the American Medisearch Organization over \$3,000, the check would have to be received approximately two weeks before the affair, and 90 percent of the face value would be returned in cash. When the checks were collected in this manner they were deposited into the Atlantis Medisearch Organization bank account.

10. After the checks cleared the account, Oscar and other employees at her direction would arrange for the bank to ship cash to the dinner dance site. Oscar and some of the officers and members of the Atlantis Medisearch Organization would meet in rooms at the dinner dance site where they took the cash and placed it in envelopes in amounts corresponding to 90 percent of the face value of the checks sent in advance of the dinner dance by the “contributors.” Oscar also arranged for additional cash to be available at the dinner dance for those members who chose to redeem their chips for cash. Other “contributors” who did not attend the dinner dance were permitted to cash checks so long as they purchased a ticket for the affair. Those nonattending “contributors” who bought tickets and cashed checks were assigned to a nonexistent “dummy table” that was actually added to the dinner dance guest list.
11. The scheme was able to continue and flourish not only because of the greed of the “contributors,” but also due to Oscar’s bookkeeping methods. Oscar instructed officers of the organization who were preparing financial reports on the annual dinner to conceal the source of the funds raised through the check-cashing schemes by including those funds in other categories of the financial report, such as gambling receipts.
12. In support of their income tax submissions, “contributors” often attached to their tax returns copies of the fraudulent checks they wrote to the American Medisearch Organization, and during routine audits “contributors” furnished the original copy of the fraudulent check to agents of the Internal Revenue Service and directly or indirectly misrepresented that the full amount of the checks were charitable contributions to the American Medisearch Organization.
13. Over the years, the number of participants in this scheme substantially increased. According to available records, while the dinner dance attendees increased from approximately 65 in 2000 to approximately 650 in 2004, the Government has only sought prosecution of those “contributors” who participated in the various kickback schemes and filed fraudulent tax returns when the total amount of the checks written to the American Medisearch Organization was \$30,000 or more over several years or \$20,000 in one given year. To date, the Government has prosecuted Nancy Oscar, who was the organizer and creator of this scheme. She has recently pled guilty to a three-count indictment charging her with mail fraud, income tax evasion, and wire fraud, along with five “contributors,” namely the defendant, Frank Jones, together with Samuel James, Brian McDonald, Vincent St. James, and Donald Goodman. In total, the Government expects to obtain indictments for approximately 37 additional “contributors.” Although the value of the checks written to the American Medisearch Organization varied from “contributor” to “contributor,” the check writers are equally culpable.



14. Frank Jones participated in this false deduction scheme involving the Atlantis division of the American Medisearch Organization and filed fraudulent income tax returns for the years 2002, 2003, and 2004. During each of the years, Jones made contributions of \$20,000, but received 90 percent of the contribution (or \$18,000) back in cash or in gambling chips, some of which he used to gamble with, but the majority of which he redeemed for cash. However, on each of his individual income tax returns, filed jointly with his wife, Jones deducted the full amount of \$20,000 as “charitable contributions,” even though he was only entitled to deduct \$2,000 in each tax year, which represents the 10 percent retained by the Atlantis Medisearch Organization as a contribution to the American Medisearch Organization.
15. Jones was invited to attend the dinner dance by the former chairman of the board of the Sigma Systems Company, John Adams. In 2002 and 2004 Jones drew personal checks to the American Medisearch Organization for \$20,000 each year and attended the dinner dance. At the dance, Jones received \$18,000, or 90 percent of his check back in gambling chips, of which the majority was later redeemed for cash. In 2003 Jones did not attend the dance, but learned that he could draw the personal check and still received the 90 percent return. As a result, Jones drew the check and gave it to Adams. Several weeks later, Adams gave Jones \$18,000 in cash. Jones used the \$18,000 he received each year from the Atlantis Medisearch Organization for personal expenditures and did not redeposit any of the funds into his personal bank account.

### **Victim Impact Statement**

16. The Internal Revenue Service is the victim. In each tax year, Frank Jones deducted \$20,000 as a charitable contribution from his taxable income when in fact he was only entitled to deduct a total of \$2,000 as a charitable contribution during each of the tax years. As a result, Jones underreported his taxable income by \$54,000. According to the results of an Internal Revenue Service audit, Jones had outstanding tax liabilities, not including interest and penalties, in the amount of \$27,000, which he has paid in full.

### **Adjustment for Obstruction of Justice**

17. The probation officer has no information to suggest that the defendant impeded or obstructed justice.

### **Adjustment for Acceptance of Responsibility**

18. During an interview with Internal Revenue Service agents, and later during an interview with the probation officer, Jones readily admitted his involvement in this offense. Jones explained that he falsely claimed the charitable deductions on his personal tax returns because everyone else who attended the dinner dance was claiming the deductions.

19. Jones added that his involvement in this offense has had an adverse effect on his career and in retrospect he never envisioned the potential impact such wrongdoing would have on his life. He expressed feelings of both embarrassment and regret, and assumes full responsibility for his criminal conduct, as supported by his recent tax payment to the Internal Revenue Service in the amount of \$27,000. Jones indicates that he will immediately pay the balance of his tax liabilities once the IRS has assessed interest and penalties.

### Offense Level Computation

20. The 2005 edition of the Guidelines Manual has been used in this case. In accordance with the provisions found in USSG. §1B1.3(a)(1), the total amount of evaded taxes has been taken into account in determining the sentencing guideline range.
21. **Base Offense Level:** The guideline for a 26 U.S.C. § 7201 offense is found in USSG. §2T1.1. That section provides that the base offense level for tax offenses is determined in accordance with the tax table found in USSG. §2T4.1, which corresponds to the tax loss. In this offense, the total amount of evaded taxes is \$27,000. According to USSG. §2T4.1(D), the base offense level for tax losses of more than \$12,500 but less than \$30,000 is twelve. 12
22. **Specific Offense Characteristics:** Pursuant to the provision found in USSG. §2T1.1(b)(1) since the defendant failed to report or to correctly identify the source of income exceeding \$10,000 in any year from criminal activity, the offense level is increased by two levels. +2
23. **Adjustment for Role in the Offense:** None. 0
24. **Victim-Related Adjustment:** None. 0
25. **Adjustment for Obstruction of Justice:** None. 0
26. **Adjusted Offense Level (Subtotal):** 14
27. **Adjustment for Acceptance of Responsibility:** The defendant has shown recognition of responsibility for his conduct and a reduction of two levels for acceptance of responsibility is applicable under USSG. §3E1.1(a). -2
28. **Total Offense Level:** 12
29. **Chapter Four Enhancements:** None. 0
30. **Total Offense Level:** 12

**PART B. THE DEFENDANT'S CRIMINAL HISTORY****Juvenile Adjudications**

31. None

**Criminal Convictions**

32. None

**Criminal History Computation**

33. A check with the FBI and the local police authorities reveals no prior convictions for Frank Jones. Therefore, Jones has a criminal history score of zero. According to the sentencing table (chapter five, part A), 0 to 1 criminal history points establish a criminal history category of I.

**Other Criminal Conduct**

34. None

**Pending Charges**

35. None

**Other Arrests**

36. None

**PART C. OFFENDER CHARACTERISTICS****Personal and Family Data**

37. Frank Samuel Jones was born on January 1, 1950, in Breaker Bay, Atlantis, to the union of Samuel and Patricia Jones, nee DeAngelo. Jones is an only child and was raised by his parents in the upper river section of Breaker Bay in an upper-middle-class socio-economic setting. Jones has fond memories of his developmental years, advising that he was reared under Roman Catholic traditions by concerned, loving parents who emphasized hard work, respect, and honesty.
38. The defendant's father was a partner in the Atlantis Tallow Company, a refinery and exporting company which manufactured tallow, the main ingredient in soap. When the defendant was 18 years old, his father became critically ill with tuberculosis and was not expected to recover. Jones withdrew from his daytime studies at college and worked in the

father's business. According to the defendant, his father fully recovered approximately three years later, and eventually returned to the tallow business, allowing the defendant to pursue other interests.

39. According to the defendant, his father died in 1988 at the age of 68, following a massive heart attack. While reporting a positive relationship with his father, Jones advised us that he felt much closer to his mother, who died of natural causes in 1997 at the age of 80. Prior to her retirement and failing health, the defendant's mother was employed by the Breaker Bay Electric Company as a secretary. According to Jones, after his father's death, he assisted his mother financially and she moved into an apartment in Breaker Bay, closer to the defendant's residence, in view of her declining health. As her health continued to decline, Jones eventually placed his mother in a retirement home where she eventually died.
40. Jones married the former Nancy Lipson Smith on June 17, 1981, in Spring Hill, Atlantis. This union produced two children: Frank, Jr., and Mellisa, ages 13 and 15, respectively, who both attend boarding schools in Central City, Atlantis. According to Mrs. Jones, age 46, the couple were married in 1981. For the past 13 years, the defendant and his family have resided at 1701 Seagull Lane, in a rather reclusive, wooded, upper-class area in Breaker Bay. A home investigation found this 5-bedroom bilevel, ranch-style home to be impeccably maintained and tastefully furnished. Prior to the birth of their children, Mrs. Jones was employed by the Breaker Bay school system and later employed by an investment banking firm in Bodega Bay, Atlantis. Mrs. Jones has not been employed outside the home in over 15 years, although in recent years she has participated in charities and other volunteer work.
41. Mrs. Jones describes her marriage in harmonious terms and states that the defendant is a kind, considerate, and devoted husband and father. Jones, for the most part, is a private person, and has suffered embarrassment as a result of the publicity in this case. The defendant's wife believes that her husband's actions "were not very well thought out," adding that "he never thinks about the impact his actions may have on his life or family." Mrs. Jones considers the defendant's conduct in this offense as an isolated incident contrary to his otherwise "law-abiding lifestyle." According to Mrs. Jones, her husband has been described by his children as a "workaholic," but he never allows himself to neglect the needs or concerns of his family. Mrs. Jones added that she rarely attended functions such as the one described in this offense, and considered her husband's involvement as a business-related activity.

### **Physical Condition**

42. The defendant is 5'10" tall and weighs 180 pounds. He has brown eyes and slightly greying brown short hair. At our request, the defendant's private physician, John W. Brown, M.D., provided a summary of Jones' overall health, which was described as excellent and free from hospitalizations.

### **Mental and Emotional Health**

43. The defendant states that he has never been seen by a psychiatrist and describes his overall mental and emotional health as good. We have no information to suggest otherwise. Jones was polite and cooperative during the presentence process and presented himself as a professional and soft-spoken businessman voicing normal stress and concerns affiliated with pending legal difficulties.

### **Substance Abuse**

44. Jones states that he rarely drinks alcohol and has never used narcotics. A urine specimen collected by the probation officer tested negative for illicit drug use.

### **Education and Vocational Skills**

45. The defendant graduated from the Breaker Bay Military Academy in 1968 and continued his education at Atlantis University, where he received a bachelor of science degree in marketing on June 12, 1972. Jones advised that he received a master's in business administration (MBA) from Atlantis University in 1973; however, according to university records, Jones enrolled in the MBA program in September 1972 but left the program without completing the requirements in February 1977. Jones maintains that he completed the requirements, but "failed to pick up the degree."

### **Employment Record**

46. Since March 1992, Jones has been employed by the commodity and securities firm, Greater Life Securities, Inc., in Breaker Bay, where he earns approximately \$700,000 a year as senior vice president in charge of the commodities division.
47. From December 1984 until March 1992, Jones was a senior vice president and director of the commodity division at Bruger Securities, where he earned \$275,000 per year until he resigned. According to Bruger Securities president John Bruger, the defendant was a talented commodities broker who was an asset to the firm. From October 1971 until December 1984, Jones was employed by the Marshall, Jones, and LaBelle securities firm in Breaker Bay as the company's vice president and director of commodity research. Jones earned approximately \$65,000 a year and resigned to accept employment with Bruger. In the late 1960's and early 1970's, Jones worked for an economic consulting firm and an economic forecasting firm as a price index analyst. Jones also worked at his father's tallow business for several years, where he was responsible for the purchase of raw materials, such as animal carcasses, used in the production of tallow.

**Financial Condition: Ability to Pay**

48. A review of the defendant's amended personal income tax returns for 2002 through 2004 (which now reflect the \$57,000 in additional income previously reported as charitable deductions) reveals that the defendant earned \$616,973 in 2002; \$652,751 in 2003; and \$704,448 in 2004 in salary and wages from Greater Life Securities. In addition, interest income ranging from \$1,231 (2001) to \$22,013 (2002) is also shown. In each tax year, Jones appears to have noteworthy long- and short-term capital losses, and in each year he takes the maximum loss allowed (\$3,000) on his Schedule D. In addition, Jones reports substantial losses from tax shelters (set up in the form of limited partnerships and trusts), ranging from \$91,234 (2002) to \$221,008 (2003).
49. Jones submitted a signed joint financial statement and accompanying documentation, which supported the following verified financial profile summarized below:

**Assets**

**Cash**

Cash on Hand	\$ 5,000
Bank Accounts (4)	206,000
Securities	250,000

**Subtotal:** \$ 461,000

**Unencumbered Assets**

2003 Mercedes Benz 450	\$ 45,000
2002 BMW	30,000
2002 Nissan Altima	15,000
1968 Camero	20,000

**Subtotal:** \$ 110,000

**Equity in Other Assets**

1701 Seagull Lane Breaker Bay, Atlantis (family residence)	\$ 580,000 (See Note A)
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1471 Vermont Avenue Lake Shore, Atlantis (vacation residence)	\$ 150,000 (See Note A)
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**Subtotal:** \$ 730,000



Total Assets: \$1,301,000

Unsecured Debts

Credit cards (3) \$ 13,000

Total Unsecured Debts: \$ 13,000

NET WORTH: \$1,288,000

Monthly Cash Flow

Income

Defendant's Net Salary \$ 11,038

Stocks and Securities 10,000

Interest income 20,000

Total Income: \$ 41,038

Necessary Living Expenses

Property mortgages	\$ 1,100	
Food	750	
Utilities	900	
Telephone	300	
Credit cards	300	
Life insurance		800
Car insurance	1,200	
Health insurance	200	
School tuition	700	
Other expenses	5,000	

Total Expenses: \$ 11,250

Net Monthly Cash Flow: \$ 29,788

*Note A:* The market value of the family residence is \$650,000 and the market value of the vacation home is \$160,000, based on sales of comparable homes in the property areas. The outstanding mortgage balance on the family home is \$70,000 and the vacation home has a \$10,000 mortgage balance.

50. The defendant retained counsel in this offense and states that his attorney's fees have been paid in full. Based on the defendant's financial condition, he has the ability to pay a fine within the guideline range.

## PART D. SENTENCING OPTIONS

### Custody

51. **Statutory Provisions:** The maximum term of imprisonment for this offense is 5 years pursuant to 26 U.S.C. § 7201.
52. **Guideline Provisions:** Based on an offense level of 12 and a criminal history category of I, the guideline range of imprisonment is 10 to 16 months. Pursuant to USSG §5C1.1(d), if the applicable guideline range is in Zone C of the Sentencing Table, the minimum term may be satisfied by: 1) a sentence of imprisonment; or 2) a sentence of imprisonment that includes a term of supervised release with a condition that substitutes community confinement or home detention according to the schedule in subsection (e), provided that at least one-half of the minimum term is satisfied by imprisonment.

### Impact of Plea Agreement

53. Under the plea agreement, Jones has entered a plea to one count of tax evasion, in return for the dismissal of two other tax evasion counts. Pursuant to USSG §3D1.2(a), counts involving the same transaction are grouped together into a single group. Because all of the evaded taxes have been taken into account in determining the sentence guideline range, a conviction on the additional counts would not affect the offense level or any other guideline calculation.

### Supervised Release

54. **Statutory Provisions:** If a term of imprisonment is imposed, the court may impose a term of supervised release of not more than three years, pursuant to 18 U.S.C. § 3583(b)(2), since this is a Class D felony.
55. **Guideline Provisions:** The court shall order a term of supervised release to follow imprisonment when a sentence of imprisonment of more than one year is imposed, or when required by statute, pursuant to USSG §5D1.1(a). The court may order a term of supervised release to follow imprisonment in any other case, pursuant to USSG §5D1.1(b). The authorized term of supervised release for this offense is at least two years but not more than three years, pursuant to USSG §5D1.2(a)(2).

**Probation**

56. **Statutory Provisions:** The defendant is eligible for a term of probation in this offense, pursuant to 18 U.S.C. § 3561(a). The authorized term for a felony is not less than one nor more than five years, pursuant to 18 U.S.C. § 3561(c)(1).
57. **Guideline Provisions:** According to USSG §5B1.1, Application Note 2, where the applicable guideline range is in Zone C or D of the Sentencing Table (i.e., the minimum term of imprisonment specified in the applicable guideline range is eight months or more), the guidelines do not authorize a sentence of probation. As the defendant's guideline range falls within Zone C and his minimum sentence is 10 months, he is not eligible for probation.

**Fine**

58. **Statutory Provisions:** The maximum fine for this offense is \$250,000, pursuant to 18 U.S.C. § 3571(b)(3).
59. The special assessment of \$100 is mandatory, pursuant to 18 U.S.C. 3013(a)(2)(A).
60. **Guideline Provisions:** According to USSG §5E1.2(c)(3), the minimum fine for this offense is \$3,000 and the maximum fine for this offense is \$30,000.

**Restitution**

61. **Statutory Provisions:** Pursuant to 18 U.S.C. § 3663, restitution may be ordered. In this case, the defendant's outstanding tax obligation has been paid. Interest and penalties are outstanding to the Internal Revenue Service, and can be forwarded to the following address:

Internal Revenue Service  
111 IRS Tower  
Breaker Bay, Atlantis 11111  
Attention: Mr. Sam Claim

62. **Guideline Provisions:** In accordance with the provisions of USSG §5E1.1, restitution shall be ordered.

**PART E. FACTORS THAT MAY WARRANT DEPARTURE**

63. The probation officer has no information concerning the offense or the offender which would warrant a departure from the prescribed sentencing guidelines.

**PART F. FACTORS THAT MAY WARRANT A SENTENCE OUTSIDE OF THE  
ADVISORY GUIDELINE SYSTEM**

64. No factors have been identified under 18 U.S.C. § 3553(a) that would warrant the court sentencing the defendant outside the advisory guideline range.

Respectfully submitted,

Chief U.S. Probation Officer

by

\_\_\_\_\_  
Craig T. Doe  
U.S. Probation Officer

Approved:

\_\_\_\_\_  
Mark T. Clark  
Supervising U.S. Probation Officer

**ADDENDUM TO THE PRESENTENCE REPORT**

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ATLANTIS  
UNITED STATES v. FRANK JONES, DKT. # CR 05-002-01-KGG**

**OBJECTIONS**

**By the Government**

On May 21, 2006, Assistant U.S. Attorney Robert Prosecutor advised the probation officer that he had no objections to the presentence report.

**By the Defendant**

On May 23, 2006, defense counsel Arthur Goodfellow advised the probation officer that he had no objections to the presentence report.

Respectfully submitted,

Chief U.S. Probation Officer

by

\_\_\_\_\_  
Craig T. Doe  
U.S. Probation Officer

Approved:

\_\_\_\_\_  
Mark T. Clark  
Supervising U.S. Probation Officer

## SENTENCING RECOMMENDATION

### UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF ATLANTIS UNITED STATES v. FRANK JONES, DKT. # CR 05-002-01-KGG

TOTAL OFFENSE LEVEL: 12  
 CRIMINAL HISTORY CATEGORY: I

	<u>Statutory Provisions</u>	<u>Guideline Provisions</u>	<u>Plea Agreement Provisions</u>	<u>Recommended Sentence</u>
<b>CUSTODY:</b>	5 years	10-16 months	None	5 months
<b>PROBATION:</b>	1 - 5 years	N/A	None	N/A
<b>SUPERVISED RELEASE:</b>	2 - 3 years	2 - 3 years	None	2 years, 5 months home confinement
<b>FINE:</b>	\$250,000	\$3,000 to \$30,000	None	#30,000
<b>RESTITUTION:</b>	\$0	\$0	None	\$0
<b>SPECIAL ASSESSMENT:</b>	\$100	\$100	None	\$100

#### Justification

Frank Jones is a successful and respected businessman who appears to be a situational offender, having been motivated by opportunistic greed. While his acceptance of responsibility and remorse are reflected in the guideline calculation, Jones has also paid restitution to the Internal Revenue Service prior to sentencing.

As the guidelines adequately addressed any 18 U.S.C. § 3553(a)(1)-(7) factors, a sentence within the guideline range is recommended. As such, a split sentence of five months in custody followed by five months of home confinement as a condition of supervised release is the recommended sentence in order to reflect the seriousness of the defendant's conduct and to provide just punishment.



The defendant earns a considerable income, has accumulated an impressive financial portfolio of over \$1,000,000, and is employed with a reputable commodities firm. Given his financial acumen, his evasion of the payment of taxes by participation in a fraudulent scheme in the guise of charity merits a sentence reflective of the seriousness of the offense.

In view of Jones' financial profile, a fine of \$30,000 is also recommended to be paid immediately in addition to the \$100 penalty assessment. Inasmuch as he does not appear to pose a risk to the community nor to be in need of correctional treatment, the minimum term of supervised release of two years will be sufficient. Since the defendant will owe interest and penalties to the Internal Revenue Service as soon as they are calculated, it is recommended that collection of these monies be a condition of supervised release. A restriction against incurring any new debts until the criminal sanctions are paid is an additional recommended condition. Disclosure of financial information is also recommended. As this is a felony conviction, Jones must submit to DNA testing.

### **Voluntary Surrender**

Jones has no prior criminal record, has solid ties to the community, and appears to be a good candidate for voluntary surrender.

### **Recommendation**

It is respectfully recommended that sentence in this case be imposed as follows:

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the court that the defendant, Frank Jones, is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 5 months.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of two years. Within 72 hours of release from the custody of the Bureau of Prisons, the defendant shall report in person to the probation office in the district to which the defendant is released.

While on supervised release the defendant shall not commit any federal, state, or local crimes, and he shall be prohibited from possessing a firearm or other dangerous device. The defendant shall not possess a controlled substance and he shall comply with the standard conditions of supervised release as recommended by the United States Sentencing Commission.

In addition, the defendant shall comply with the following special conditions: The defendant shall be placed on home confinement for a period of five months with said placement to commence on a date to be determined by the probation officer. The defendant shall pay any fine that is imposed by this judgment and that remains unpaid at the commencement of the term of supervised release. Further, the defendant shall incur no new debts or open additional lines of credit without the permission of the probation officer unless the fine has been paid in full. The defendant shall provide the probation officer with access to any requested financial information.

Finally, the defendant shall cooperate in the collection of a DNA sample at the direction of the probation officer, pursuant to Public Law 108-405 (Revised DNA Collection Requirements Under the Justice for All Act of 2004), if such sample was not collected during imprisonment.

THE COURT FINDS that the defendant has the ability to pay a fine and it is further ordered that the defendant shall pay to the United States a fine of \$30,000. This fine, including any interest required by law, shall be paid in full within 30 days. In addition, the defendant is ordered to pay a special assessment in the amount of \$100, which shall be due immediately.

Respectfully submitted,

Chief U.S. Probation Officer

by

\_\_\_\_\_  
Craig T. Doe  
U.S. Probation Officer

Approved:

\_\_\_\_\_  
Mark T. Clark  
Supervising U.S. Probation Officer

U.S. PROBATION OFFICE

MONTHLY SUPERVISION REPORT FOR THE MONTH

October 31

20 16

Name: Michael G. Santos		Court Name (if different): Western District of Washington	
PART A: RESIDENCE (If new address, attach copy of lease/purchase agreement.)			
Street Address, Apt. Number: Own or Rent? Own		Home Phone: n/a	Cellular Phone: 415-419-1728 Pager:
City, State, Zip Code: Irvine, CA. 92618		Persons Living With You:	
Secondary Residence: Own or Rent?		Did you move during the month? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, date moved: Reason for Moving:	
Mailing Address (if different): E-Mail Address: MichaelSantos0624@gmail.com		Name on Lease/Deed: Carole Santos N/A Name on Utilities: Michael Santos Pets (description): No pets	
PART B: EMPLOYMENT (If unemployed, list source of support under Part D.)			
Name, Address, Phone Number of Employer: Prison Professor, LLC / MGS Group, LLC 3333 Michelson Drive, Suite 500, Irvine, CA 92618 949-334-9119 / Cell: 415-419-1728		Name of Immediate Supervisor: Self employed	Is your employer aware of your criminal status: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Did you change jobs? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, I did not change jobs		How many days of work did you miss? Zero Why?	
Were you terminated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Position Held: Communications	Gross Wages: 8,000 per month Normal Work Hours: Trainer/ 5:00 am to 8:00 pm
If changed jobs or terminated, state when and why: fulltime building my business			
PART C: VEHICLES (List all vehicles owned or driven by you.)			
1. Year/Make/Model/Color: 2016 /MBZ Blue E400	Mileage: (+/-) 16,500	State Registered: CA	Tag/License Plate Number: 7MHT401
New Vehicle? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Vehicle I.D. #: WDDKJ6FB2GF315266	
2. Year/Make/Model/Color: 2015 MBZ Red GLK 350	Mileage: (+/-) 11,000	State Registered: CA	Tag/License Plate Number: 7MHT387
New Vehicle? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Vehicle ID: # WDCGG5HB4FG402367	
PART D: MONTHLY FINANCIAL STATEMENT			
Net Earnings from Employment: (Attach Proof of Earnings) See Attached		Do you rent or have access to: a post office box? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No a safe deposit box? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No a storage space? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Other Cash Inflows:		Name and Address of Location: Box No. or Space	
TOTAL MONTHLY CASH INFLOWS:			
TOTAL MONTHLY CASH OUTFLOWS: Attached			
Do you have checking <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Bank Name: Account Balance:		Does your spouse, significant other, or dependant have a checking or savings account that you enjoy the benefits of or make occasional contributions toward? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Joint Accounts, see attached list	
Do you have savings account(s)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Bank Name: Account Balance:		Bank Name: Account No.: Balance: \$	
Attach a complete listing of all other financial account information, if you have multiple accounts. Attached			
List all expenditures over \$500 (including e.g., goods, services, or gambling losses)			
Date	Amount	Method of Payment	Description of Item
See attached			

**PART E: COMPLIANCE WITH CONDITIONS OF SUPERVISION DURING THE PAST MONTH**

<p>Were you questioned by any law enforcement officers? <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>If yes, date: <u>See attached, Work</u></p> <p>Agency: <u>Related only--no citations</u></p> <p>Reason: <u>or charges</u></p>	<p>Were you arrested or named as a defendant in any criminal case? <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p>If yes, when and where: _____</p> <p>Charges: _____</p> <p>Disposition: _____</p>
<b>(Attach copy of citation, receipt, charges, disposition, etc.)</b>	
<p>Were any pending charges disposed of during the month? <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p>If yes, date: _____</p> <p>Court: _____</p> <p>Disposition: _____</p>	<p>Was anyone in your household arrested or questioned by law enforcement? <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p>If yes, whom? _____</p> <p>Reason: _____</p> <p>Disposition: _____</p>
<p>Do you have any contact with anyone having a criminal record? <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>If yes, whom? <u>Work related</u></p>	<p>Do you possess or have access to a firearm? <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p>If yes, why? _____</p>
<p>Did you possess or use any illegal drugs? <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p>If yes, type of drug: _____</p>	<p>Did you travel outside the district without permission? <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p>If yes, when and where? _____</p>
<p>Do you have a special assessment, restitution, or fine?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p>Special Assessment: _____    Restitution: _____    Fine: _____</p> <p style="text-align: center;"><b>NOTE: ALL PAYMENTS TO BE MADE BY MONEY ORDER (POSTAL OR BANK) OR CASHIER'S CHECK ONLY.</b></p>	
<p>Do you have community service work to perform? <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p>Number of hours completed this month: _____</p> <p>Number of hours missed: _____</p> <p>Balance of hours remaining: _____</p>	<p>Do you have drug, alcohol, or mental health aftercare? <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p>If yes, did you miss any sessions during this month? <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Did you fail to respond to phone recorder instructions? <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>If yes, why? _____</p>
<p><b>WARNING: ANY FALSE STATEMENTS MAY RESULT IN REVOCATION OF PROBATION, SUPERVISED RELEASE, OR PAROLE, IN ADDITION TO 5 YEARS IMPRISONMENT, A \$250,000 FINE, OR BOTH.</b></p> <p style="text-align: center;">(18 U.S.C. § 1001)</p>	<p>I CERTIFY THAT ALL INFORMATION FURNISHED IS COMPLETE AND CORRECT.</p> <p style="text-align: center;"><u>Michael G. Santos</u>    <u>10 / 31 / 2016</u></p> <p>SIGNATURE    DATE</p>
<p>U.S. Probation Office Use Only</p> <p><input type="checkbox"/> No Changes Noted    <input type="checkbox"/> Employment Change    <input type="checkbox"/> New Arrest</p> <p><input type="checkbox"/> Law Enforcement Contact    <input type="checkbox"/> Address Change</p> <p><input type="checkbox"/> Other Changes: _____</p> <p>Special Instructions or Remarks: _____</p> <p>_____ U.S. Probation Officer    Date</p>	<p>RECEIVED: _____    PACTS No.: 39698</p> <p>_____ Fax    _____ _____ Mail    _____ _____ HC    _____ _____ E-mail    _____ _____ OC    _____ _____ CC    _____</p> <p>RETURN TO:</p> <p style="text-align: center;">US Probation Officer 411 West Fourth Street, Suite 4170 Santa Ana, CA 92701</p>

Santos, Michael

Reg. No. 16377-004

Case No. CR87-122(M)RT  
Date Sentence Imposed: April 29, 1988  
Date Supervision Began: December 8, 2015  
District of Supervision: Central California

The Commission has issued the following order:

**YOU ARE HEREBY DISCHARGED FROM SPECIAL PAROLE**

By this action, you are no longer under the jurisdiction of the U.S. Parole Commission.

After a careful review of your case, the Commission has decided that you deserve an early discharge. You are commended for having responded positively to supervision.



Deirdre J. McDaniel, Case Services Administrator

February 13, 2017

Date



June 8, 2012

United States Probation Office  
Northern District of California  
450 Golden Gate Ave  
San Francisco, CA 94102

Regarding: Michael G. Santos, Federal Prison Number 16377-004

To Whom It May Concern,

We are Professors of Law at Stanford University and Co-Directors of the Stanford Criminal Justice Center, the University's research and policy program dealing with issues of criminal law and sentencing. We are writing to strongly support Mr. Michael Santos's petition for parole release. The key facts are in the record before you: Mr. Santos will have served more than 25 years for a nonviolent drug crime; he has no history of weapons or violence; he has a good disciplinary record; and he has achieved many educational accomplishments during his time in prison.

Let us emphasize that while both each of us has been involved in criminal justice studies for over 30 years, neither one of us has ever before written a letter supporting any action for any other prisoner. We have always trusted the parole and clemency systems to operate by their traditional criteria. But Mr. Santos's case is so amazing and compelling that we are making a unique exception for him.

One of us (Professor Petersilia) has long been acquainted with Mr. Santos and indeed has made classroom use of documentation of his life, record, and imprisonment to enhance student's understanding of the possibilities of rehabilitation. In addition, as former Director of the RAND Corporation's Criminal Justice research unit and head of the Center on Evidence-Based Corrections at the University of California, Irvine, she has spent much of her career evaluating and refining empirical models for predicting recidivism. And on the basis of her and others' research, Mr. Santos can be seen as the safest possible candidate for release, someone who poses virtually no risk to the public. Not only does Mr. Santos already enjoy an existing support network from his family and in the wider community, but he also has a great future awaiting him in highly productive work. Remarkably, while in prison Mr. Santos has become a serious scholar of the criminal justice system. His extensive writings transcend any ideological criticism of the American criminal justice and or any personal self-justification. Rather, he has read and written widely about contemporary policy debates on penal policy. As a result, once released, he will be able to work steadily and productively as a writer and researcher as



well as counselor to other released inmates. In that regard, as noted in more detail below, we have already told Mr. Santos that we look forward to an association between him and our Stanford Criminal Justice Center.

One of us (Professor Weisberg) has more recently become familiar with Mr. Santos, specifically through reading his recent essays on criminal justice. Both of us have recently contributed chapters to the newly published *Oxford Handbook of Sentencing and Corrections* (Prof. Petersilia is co-editor as well). Colleagues throughout the country have been receiving commentaries from Mr. Santos, as he has been reviewing each chapter and posting them online through his wife. We are flattered by these writings, because they are respectful and thoughtful reviews of our own work, and they spurred us to read his commentaries on other chapters as well.

Mr. Santos's essays on the various book chapters are dazzling in their analytic precision and elegance of writing. Stanford is one of the three highest-ranked law schools in the nation, with brilliant students drawn from Ivy League and other elite colleges. Yet if we had assigned our students to write commentaries on the chapters in this very demanding academic treatise, we would have given an "A" grade to any student who produced papers on the level of Mr. Santos's work. One of the striking features of his essays is that he weaves personal experience into his intellectual analysis, and yet he never does so in ways that portray himself as the victim of injustice. Rather, he takes advantage of his personal perspective in offering general insights about penal policy and feasible programs for reform. Thus, in one essay, on the need for better reentry programs, he notes that rigid prison rules denied him the right to visitation by California State University professor who was serving as his mentor. Clearly Mr. Santos knew he had other ways of receiving help from his mentor, and other intellectual resources as well, but he used this incident simply as an objective example of the inefficacy of some prison rules for other, less fortunate inmates. Similarly, in his essay on education programs in the prisons, he argues that more investment in education would better serve the long-term goals of public safety and successful reentry. Mr. Santos did not have as much access to formal education as he might have liked, but he recognizes in this essay that he himself did not suffer significant deprivation in this regard, because his self-directed education had already advanced him to such a high-level. (Indeed, he was reading Plato and Aristotle early in his prison years!) Instead, once again Mr. Santos used his personal observations of prison policy to illustrate the need for reforms to help those less able to self-educate. Another example concerns women prisoners. Obviously Mr. Santos has had no direct opportunity for observation of the conditions of women prisoners, but he has read much on the subject and he goes on to recognize the unique deprivations that female inmates face and to call for reforms in women's prisons. Thus, one of the key features of Mr.

Santos's writing is that he has a capacity for empathy that in turn enables him to write with thoughtful objectivity.

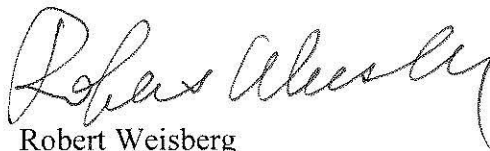
Finally, let us say something about Mr. Santos's post-prison future. On the basis of the work he has already done, we regard Mr. Santos as a writer and very eminent policy analyst in the field of sentencing and corrections. We also welcome his great wisdom about the most needed and feasible improvements in reentry practice and programs. We therefore hope to have him work with us in a number of roles, including teaching guest classes in our course at Stanford Law School and serving as a research collaborator on key projects with both faculty and students. Here at the Stanford Criminal Justice Center, we are selective about who we collaborate with or to whom we offer any formal institutional association. We have politely declined requests from many full-time professors who seek a partnership with us, because their work, however worthy, is not relevant enough to our academic goals. So Mr. Santos has passed quite a difficult screen in garnering this invitation from us. We anxiously await his release so that we can involve him in many activities at Stanford Law School and beyond.

We hope this letter provides a helpful enhancement to Mr. Santos's very strong application for parole release. If you require any additional information, please do not hesitate to call upon us. We have absolutely no hesitation in recommending Mr. Santos for release – in fact, his release is long overdue.

Sincerely,



Joan Petersilia



Robert Weisberg

CC: Ms. Leticia Ortiz  
Case Manager, Atwater Federal Prison Camp  
PO Box 019001  
Atwater CA 95301

**UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA**

**Evo A. DeConcini U.S. Courthouse**

405 W. Congress

Suite 6500

Tucson, Arizona 85701-5055

**Charles R. Pyle**

United States Recall Magistrate Judge

Telephone: (520) 205-4650

Fax: (520) 205-4259

June 20, 2016

Michael Santos  
3333 Michelson Bldg., Suite 500  
Irvine, CA 92612

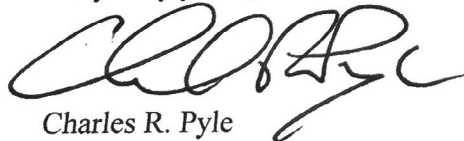
*Dear Michael:*

Thank you for all your help with the Second Chance Tucson Community Forum on April 20, 2016, at the Fox Theatre. Your informative and inspiring presentation was the keystone to a very successful event. It has been astounding how positive the response has been from those who attended the Forum. People are energized to help Second Chance Tucson support those making the challenging transition from prison to jail.

I am very hopeful you will have the opportunity to work with jail and corrections people in Arizona. Your message of personal responsibility, goal setting, and living transparently is a critical lesson for those of us on both sides of the walls. I am impressed with how much thought and work you have put into this. Corrections and the community have a critical role in rehabilitation of prisoners, so your ideas are important to all of us.

Thank you again for your outstanding presentation. It was the essential part of an incredibly successful event. I hope to work with you again soon.

Very truly yours,



Charles R. Pyle

CRP:cjm



# Merit-Based Sentencing Reductions: Moving Forward on Specifics, and Some Critique of the New Model Penal Code

RORY K. LITTLE\*

In the Essay that follows, Michael Santos tells a remarkable story. Arrested at age twenty-three, Santos served twenty-six years in the federal prison system. While in prison, Santos published articles and books,<sup>1</sup> and earned college and master's degrees, despite what he describes as affirmatively obstructionist decisions by "corrections" personnel.<sup>2</sup> Immediately after his release in 2013, Santos began lecturing at a respected state university.<sup>3</sup> Today, he has a website;<sup>4</sup> course materials for persons facing lengthy prison sentences; scores of supporters and mentors;<sup>5</sup> and the charisma and character to hold a law symposium audience spellbound for every minute of his thirty-minute presentation. Those who teach know how difficult that can be!

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\* Professor of Law, University of California Hastings College of the Law, San Francisco. My thanks go to Allen Dreschel (UC Hastings '15) for indefatigable research assistance; Rob Taboada (UC Hastings '15) for his invitation and support for the Symposium, of which this Essay is a small part; and to Emily Goldberg Knox (UC Hastings '15), the Editor-in-Chief for Volume 66 of the *Hastings Law Journal*, and my sometimes student, for her always stimulating yet understanding patience.

1. MICHAEL G. SANTOS, *ABOUT PRISON* (2003); MICHAEL G. SANTOS, *EARNING FREEDOM: CONQUERING A 45-YEAR PRISON TERM* (2012); MICHAEL G. SANTOS, *GANGSTERS AND THUGS: CONSEQUENCES THAT HUSTLERS PAY* (2007); MICHAEL G. SANTOS, *INSIDE: LIFE BEHIND BARS IN AMERICA* (2007); MICHAEL SANTOS, *PROFILES FROM PRISON: ADJUSTING TO LIFE BEHIND BARS* (2003); MICHAEL G. SANTOS, *TRIUMPH!: STRAIGHT-A GUIDE: CONQUERING IMPRISONMENT AND PREPARING PRISONERS FOR RE-ENTRY* (2013); MICHAEL G. SANTOS, *WHAT IF I GO TO PRISON?: LONG-TERM PRISONER DESCRIBES CRIMINAL JUSTICE SYSTEM, PRISON, AND ISSUES TO CONSIDER WHEN CONTEMPLATING THE POSSIBILITY OF IMPRISONMENT* (2003).

2. See Michael Santos, *Incentivizing Excellence: A Suggestion for Merit-Based Reductions from a Twenty-Six-Year Prison Insider*, 66 HASTINGS L.J. 1549 (2015).

3. See Michael Santos, *Fall 2013 Syllabus for Criminal Justice 451: The Architecture of Imprisonment*, S.F. STATE UNIV., <https://syllabus.sfsu.edu/syllabus/view/20134-R-11878> (last visited Aug. 5, 2015).

4. MICHAEL G. SANTOS: *EARNING FREEDOM*, <http://michaelsantos.com/> (last visited Aug. 5, 2015).

5. See, e.g., *Former Inmate Speaks Out Against U.S. 'Commitment' to Mass Incarceration*, PBS NEWSHOUR (Apr. 2, 2014, 6:29 PM), <http://www.pbs.org/newshour/bb/santos-former-prisoner-looks-help-others/>; *Partial List of Endorsements (More Available upon Request)*, MICHAEL SANTOS: *ENSURING FREEDOM*, <http://michaelsantos.com/endorsements/> (last visited Aug. 5, 2015).

[1535]



**U.S. Department of Justice**

Federal Bureau of Prisons

*United States Penitentiary*

*#1 Federal Way, Castle Airport  
Atwater, CA 95301*

My name is Andre Matevousian and I serve as Warden of the United States Penitentiary in Atwater, California. I write this letter as a testimonial for Michael Santos.

I was in the audience when Mr. Santos made a luncheon keynote presentation at a symposium sponsored by the Ninth Circuit Court of Appeals in Sacramento. More than 300 people were in the audience made up of federal and state judges, prison wardens, and others associated with corrections. Mr. Santos spoke about his experience of serving 26 years in prison, and the relationship between a person's adjustment in prison and his prospects for success as a law-abiding, contributing citizen upon release.

After listening to Mr. Santos's presentation, I invited him to visit USP Atwater to make a presentation for the Executive Staff at our institution. He then addressed approximately 150 high-security prisoners, sharing his story and inspiring them to pursue values-based, goal-oriented adjustment patterns. By avoiding disciplinary infractions and participating in positive programming, Mr. Santos assured the men that they would advance opportunities for success in prison and beyond. His message resonated with the men. They found him authentic by virtue of the time he served and the success he experienced upon release.

We purchased the Earning Freedom Mastermind Course, a program he designed to teach values-based, goal-oriented adjustment strategies for people in prison. Out of 75 people that signed up for the initial class, 70 people earned graduate certificates. He continues to support the program by visiting our institution when appropriate.

Since working with Mr. Santos, I have been in contact with other law enforcement officers about his work, including US Attorneys and other federal prison wardens. I endorse his efforts to contribute to the building of safer prisons and safer communities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andre Matevousian", is written over a large, stylized blue oval.

Andre Matevousian  
Warden, USP Atwater

ShonHopwood  
GEORGETOWN UNIVERSITY LAW CENTER  
600 New Jersey Avenue N.W.  
Washington, DC 20001  
(402) 889-0588  
Srh90@law.georgetown.edu

## **TEACHING AND RESEARCH INTERESTS**

*Primary:* Criminal Law and Procedure, Sentencing & Prison Law, Federal Courts  
*Secondary:* Administrative Law, Civil Rights, Appellate Practice

## **PUBLICATIONS**

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### **Book**

SHON HOPWOOD WITH DENNIS BURKE, *LAW MAN: MY STORY OF ROBBING BANKS, WINNING SUPREME COURT CASES, AND FINDING REDEMPTION* (Crown/Random House 2012)

### **Articles**

*Judicial Guessing and the Rule of Lenity* (In progress)

*Clarity in Criminal Law*, 54 AM. CRIM. L. REV. 695 (2017)

William Blake, Hans Hacker, & Shon Hopwood, *Seasonal Affective Disorder: Clerk Training and the Success of Supreme Court Certiorari Petitions*, 49 LAW AND SOCIETY REVIEW 973 (2015)

*The Not So Speedy Trial Act*, 89 WASH. L. REV. 709 (2014)

*Failing to Fix Sentencing Mistakes: How the System of Mass Incarceration May Have Hardened the Hearts of the Federal Judiciary*, 43 GEO. L.J. ANN. REV. CRIM. PROC. iii (2014)

*Slicing Through the Great Legal Gordian Knot: Ways to Assist Pro Se Litigants in Their Quest for Justice*, 80 FORDHAM L. REV. 1229 (2011)

*A Sunny Deposition: How the In Forma Pauperis Statute Provides an Avenue for Indigent Prisoners to Seek Depositions Without Accompanying Fees*, 46 HARV. C.R.-C.L. L. REV. 195 (2011)



## **EDUCATION**

---

**GEORGETOWN UNIVERSITY LAW CENTER** 2015-2017  
*L.L.M. Clinical Advocacy (Candidate 2017)*

**UNIVERSITY OF WASHINGTON SCHOOL OF LAW** 2014  
*J.D.*  
Graduated with Honors in Law  
Gates Public Service Law Scholar (three-year full scholarship)

**BELLEVUE UNIVERSITY** 2011  
*B.S. | Magna Cum Laude*

## **EMPLOYMENT AND LEGAL EXPERIENCE**

---

**GEORGETOWN UNIVERSITY LAW CENTER** Washington D.C.  
*Associate Professor of Law* 2017-Present

**GEORGETOWN UNIV. LAW CENTER APPELLATE CLINIC** Washington D.C.  
*Graduate Teaching Fellowship* 2015-2017

**UNITED STATES COURT OF APPEALS, DISTRICT OF COLUMBIA CIRCUIT** Washington D.C.  
*Judicial Clerk to the Honorable Janice Rogers Brown* 2014-2015

**OFFICE OF THE FEDERAL PUBLIC DEFENDER, W.D. OF WASHINGTON** Seattle, WA  
*Internship* Summer of 2013

**UNITED STATES DISTRICT COURT, W.D. OF WASHINGTON** Seattle, WA  
*Judicial Intern to the Honorable John C. Coughenour* Summer of 2012

**COCKLE LEGAL BRIEFS** Omaha, NE  
*U.S. Supreme Court Consultant and Blogger* 2008-2011

**UNITED STATES NAVY** Manama, Bahrain | 1994-1996  
Served two years and was honorably discharged. Received the Joint Meritorious Unit Medal, Navy Unit Commendation Medal, Southwest Asia Service Medal, and National Defense Medal

## **OTHER WRITINGS AND LEGISLATIVE TESTIMONY**

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### **Book Reviews and Essays**

Book Review: *Caught: The Prison State and the Lockdown of American Politics*, by Marie Gottschalk J. Legal Educ. (2016) (forthcoming)

Krista A. Dolan & Shon Hopwood, *Kentucky's Penal Code Prognosis: Is Further Treatment Necessary?*, KENTUCKY BENCH & BAR Vol. 3 (2015)

*Masters of the Craft: The Top Five Questions Presented from the 2010 Supreme Court Term*, THE GREEN-BAG ALMANAC AND READER (2012)

### **Online Articles**

*Give Former Prisoners A Second Chance*, THE SEATTLE TIMES (Jan. 10, 2013)

*I Got a Second Chance After Robbing Banks—And Others Should, Too*, THE ATLANTIC.COM (Dec. 21, 2012)

*Giving Prisoners A Second Chance Means Removing the Barriers to Reentry*, HUFFINGTON POST (Aug. 20, 2012)

*Opinion Analysis: The Court Goes Back to School*, SCOTUSblog (Mar. 1, 2012)

*Argument Recap: Contending with Old Precedent*, SCOTUSblog (Nov. 14, 2011)

*Preemption under the Locomotive Inspection Act*, SCOTUSblog (Nov. 8, 2011)

*From A Prison Law Library to the New York Times*, THE CHAMPION (Nov. 2010)

### **Legislative Testimony**

Written Testimony to the U.S. Senate Judiciary Committee, in support of the Justice Safety Valve Act of 2013 (Sept. 2013)

Testified before the Public Safety Committee of the Washington State House of Representatives about Sentencing Reform (Jan. 22, 2014)

Testified before the Public Safety Committee of the Washington State House of Representatives about Prison Reentry (Nov. 22, 2013)

## **REPRESENTATIVE CASES**

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Served as primary person researching and writing the briefs, either for other attorneys or prisoners in all cases listed below.

### **U.S. Supreme Court Cases**

- *Fellers v. United States*, cert. granted 538 U.S. 905 (2003) (prepared pro se petition for certiorari) (judgment reversed and vacated by unanimous opinion, 540 U.S. 519(2004))
- *Davis v. United States*, 543 U.S. 1099 (2005) (prepared pro se petition for certiorari) (writ of certiorari granted, Eighth Circuit opinion vacated, and remanded)
- *Robey v. United States*, No. 16-7725 (2016) (filed amicus brief on behalf of the National Association of Criminal Defense Lawyers in Speedy Trial Act case)

### **Federal Circuit Court Cases**

- *In re Shelton*, 295 F.3d 620 (6th Cir. 2002) (prepared pro se briefs) (judgment reversed), opinion cited with approval in *Castro v. United States*, 540 U.S. 375, 382 (2003)
- *Griffith v. United States*, No. 15-3122 (8th Cir. 2016) (counsel of record) (court of appeals granted the request for authorization to file a second 28 U.S.C. § 2255 petition)
- *O'Dell v. Plumley*, No. 15-6247 (4th Cir. 2016) (lead attorney) (court of appeals summarily reversed in favor of habeas petitioner)
- *Lane v. Anderson*, No. 15-2153 (4th Cir. 2016) (lead attorney) (court of appeals reversed for client raising qualified immunity, sovereign immunity, and Rooker-Feldman issues)
- *Cruz v. Marshall*, No. 15-6130 (4th Cir. 2016) (argued case) (court of appeals reversed district court judgment finding defendant's federal habeas petition was untimely)

### **Federal District Court Cases**

- *Brown v. United States*, No. 2:04-CV-73 (W.D. Mich. 2004) (defendant filed pro se motion to vacate under 28 U.S.C. § 2255 and obtained 10½-year sentence reduction)
- *Dunn v. United States*, No. 2:03-cr-00025-RL-APR (N.D. Ind. 2008) (defendant filed pro se 28 U.S.C. § 2255 and 18 U.S.C. § 3582 motions, government agreed to stipulation and defendant's sentence was reduced from 360 months to 262 months)
- *Pitts v. United States*, No. 97-cr-00254-PAM-RLE-1 (D. Minn. 2008) (defendant filed a pro se 18 U.S.C. § 3582 motion and was resentenced from 210 to 168 months imprisonment)

## **SELECTED PRESENTATIONS**

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*The Need for Federal Sentencing and Prison Reform*, Aspen Institute at the Congress (June 23, 2017)

*Using Time to Reduce Crime: Federal Prison Reform Briefing with Families Against Mandatory Minimums*—American Conservative Union Foundation at Rayburn House Office Building (June 6, 2017)

Jeff Sessions and the Federal Criminal Justice System, The John Marshall Law School (Feb. 16, 2017)

Unnecessary Imprisonment and the Need for Sentencing Reform, University of Chicago Law School (Feb. 16, 2017)

How to Reform the Federal Criminal Justice System, Cornell Law School (Feb. 3, 2017) Sentencing Reform, University of Nebraska College of Law (Nov. 14, 2016) University of Arizona School of Law (Apr. 20, 2016)

Keynote Speaker, Kamm Memorial Lecture on Law and Society, Wheaton College (Feb. 29, 2016)

*Do's, Don'ts & Heretofores, How to Write Appellate Briefs*, Howard University School of Law (Oct. 27, 2015)

*Limited Government Criminal Justice*, George Mason University School of Law (Jan. 21, 2015)

Commencement Speaker, Washington State Penitentiary (Jun. 5, 2014)

*Talking Criminal Justice Reform and Legal Brief Writing*, Washington State Bar Association, Senior Lawyers Division (May 9, 2014)

Webinar Presenter, Pro Se Committee of the Ninth Circuit Court of Appeals (May 1, 2014) Introductions and Program Creator, *Reversing the Effects of Mass Incarceration*, University of Washington School of Law (Apr. 29, 2014)

*Law Man: My Story of Robbing Banks, Winning Supreme Court Cases and Finding Redemption*, Kentucky Bar Association Annual Convention (Jun. 21, 2013)

*Trends in Certiorari Review: From the Burger Court to the Roberts Court*, Southwestern Political Science Convention (Apr. 18, 2013)

*Criminal Justice Reform*, Nebraska Criminal Defense Attorneys Association Conference  
(Mar. 14, 2014)

Keynote Speaker, *The Need for Prison Reform*, ACLU of Nebraska & Nebraska Criminal Defense  
Attorneys Association (Mar. 13, 2014)

Webinar Presenter, *Lawman: An Interview with Shon Hopwood*, U.S. District Court for the District of  
Arizona (Feb. 28, 2014)

*From Law Man to Law Clerk*, University of Denver Sturm College of Law (Feb. 21, 2014)

*Criminal Justice Reform*, Pepperdine School of Law (Feb. 14, 2014)

Criminal Law Society, University of Michigan School of Law (Nov. 8, 2013)

Keynote Speaker, *Redemption from Within*, Washington Appleseed Breakfast (Oct. 15, 2013)

Speaker, *Mass Incarceration and the Jailhouse Lawyer*, New York University School of  
Law (Mar. 27, 2013)

*Handling Pro Se Litigants*, U.S. District Court for the Southern District of New York  
(Mar. 26, 2013)

*Law Man*, Drexel University School of Law (Oct. 26, 2012)

Introductions, *Supreme Court Review and Preview*, University of Washington School of Law  
(Oct. 15, 2012)

*Freedom to Incarceration*, U.S. District Court for the Western District of Washington  
(Sept. 13, 2012)

*The Innocence Project Presents*, University of Virginia School of Law (Mar. 22, 2011)

Keynote Speaker, *The Plight of Pro Se Litigants*, Fordham Law Review Symposium (Jan. 15, 2011)

Keynote Speaker, *ASU Lecture-Concert Series*, Arkansas State University (Nov. 18, 2010) Speaker,  
*Q&A with Seth P. Waxman and Shon R. Hopwood*, Harvard University (Mar. 7, 2010)

## **SELECTED MEDIA**

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Susan Svrluga, *Her robbed banks and went to prison. His time there put him on track for a new job: Georgetown law professor*, WASHINGTON POST (Apr. 21, 2017)

Adam Liptak, *Supreme Court's End-of-Summer Conference: Where Appeals 'Go to Die,'* NEW YORK TIMES (Aug. 31, 2015)

Tim Wu, *Who's to Judge*, THE NEW YORKER (Feb. 29, 2014)

Mark Memmott, *The Incredible Case of the Bank Robber Who's Now a Law Clerk*, NATIONAL PUBLIC RADIO'S ALL THINGS CONSIDERED (Sept. 5, 2013)

Adam Liptak, *The Robber, the Judge, and the Case for Leniency*, NEW YORK TIMES (Aug. 26, 2013)

Adam Liptak, *A Mediocre Criminal, but an Unmatched Jailhouse Lawyer*, NEW YORK TIMES (Feb. 8, 2010) **BAR**

## **MEMBERSHIP AND COURT ADMISSIONS**

Member, State Bar of Washington

Admitted, U.S. Court of Appeals for the District of Columbia Circuit

Admitted, U.S. Court of Appeals for the Fourth Circuit

Admitted, U.S. Court of Appeals for the Sixth Circuit

Admitted, U.S. Court of Appeals for the Eighth Circuit

Admitted, U.S. Court of Appeals for the Ninth Circuit



Michael G. Santos  
3380 La Sierra Avenue, Suite 104-477  
Riverside, CA 92503

[Michael@MichaelSantos.com](mailto:Michael@MichaelSantos.com)

URL: MichaelSantos.com

Cell: 415-419-1728

## CURRICULUM VITAE

### **Current Position:**

**Earning Freedom, Inc.** Principal (2017-present)

Create products and offer services for business communities.

**Prison Professors, Inc.** Principal (2014-present)

Provide sentence-mitigation services and consulting for defendants who face criminal charges.

**MGS Group, LLC**, Principal (2013-2017)

Create programs and offer services to help people understand prisons, the people hold, and strategies for growing through confinement. Keynote speaking. Host Earning Freedom podcast and webinars.

**San Francisco State University**, Adjunct Professor (2013-2014)

Designed and taught Architecture of Incarceration for two semesters.

### **Educational Background**

**Hofstra University**. Hempstead, New York. 1992-1995.

Master of Arts. Completed at the New College through independent study in May 1995. Began studies while confined in USP Atlanta. MA in Inter-Disciplinary Studies.

**Mercer University**. Atlanta, GA. 1989-1992.

Completed Bachelor of Arts, cum laude, in Human Resources Management. Received my degree in May 1992. Enrolled in program while confined in USP Atlanta in 1989.

## **Books Published**

- *Success After Prison: How I Built Assets Worth \$1,000,000 Within Two Years of Release From 26 Years Inside (And How You Can Succeed, Too!)*
- *Earning Freedom Mastermind Workbook and Facilitator Guide*
- *Earning Freedom: Conquering A 45-Year Prison Term*
- *Triumph! Straight-A Guide to Preparing for Success Through Prison and Beyond*
- *Prison! My 8,344th Day*
- *Success! The Straight-A Guide For At-Risk Youth*
- *Inside: Life Behind Bars in America*
- *About Prison*
- *Profiles from Prison*
- *What If I Go To Prison?*

## **Other Publications**

Santos, M “Incentivizing Excellence: A Suggestion for Merit-based Reductions From a 26-year Federal Prison Insider.” (*UC Hasting’s Law Journal*. Volume 67, Summer of 2015.

Santos, M “Living Life Behind Bars in America” for the *Oxford Handbook on Sentencing and Corrections* with Joan Petersilia, PhD and Kevin Reitz, PhD. Oxford University Press. 2012.

Santos, M. “Going In on the Chain” for *American Corrections* Michael Reisig’s *American Corrections*. Belmont, CA: Cengage. 2011.

Santos, M. with Mary Bosworth, Debi Campbell, Bonita Demby, and Seth M. Ferranti. “Doing Prison Research: Views from Inside.” *Qualitative Inquiry*. Vol. 10(1). 2004.

Santos, M. “Inmate Volunteers” in M. Bosworth. (Ed.). *Encyclopedia of US Prisons and Corrections*, Volume One and Two. Thousand Oaks, CA: Sage Reference. 2004.

Santos, M. “Contraband” in M. Bosworth.(Ed.). *Encyclopedia of US Prisons and Corrections*, Volume One and Two. Thousand Oaks, CA: Sage Reference. 2004.

Santos, M. “Maintaining Community Ties While in Prison” in M. Bosworth. *The US Federal Prison System*. Thousand Oaks, CA: Sage Publications. 2002.

“Prisoner Education Programs” in Todd Clear and George F. Cole’s *American Corrections*. 4<sup>th</sup> Edition, Belmont, CA: Wadsworth. 1997

“One Man’s Walk Through Atlanta’s Jungle” in George Cole and Christopher Smith’s *Criminal Justice in America*. Belmont, CA: Wadsworth. 1995.

“Prison Commissaries” in Marilyn McShane and F.P. Williams (eds.) *Encyclopedia of American Prisons*. New York: Garland Press. 1995.

“Positive Programs Instead of Chain Gangs” *Bradford Era*, May 22, 1995.

“Transcending the Wall”, *Journal of Criminal Justice Education*, Volume 6, Number 1. Spring, 1995.

“Facing Long-Term Incarceration” in Tim Flanagan’s (ed.) *Long-Term Imprisonment: Issues of Policy, Science and Correctional Practice*, pp. 33-36. Thousand Oaks, CA: Sage Publications. 1995.

“Fighting Crime from Behind Bars” in *Atlanta Journal Constitution*. Friday, February 11, 1994.

### **Conference Presentations**

“Safe Schools Conference, 2017” July 19-21, 2017. Workshop: Restorative Justice: An Insider’s Perspective. Garden Grove, CA.

“Ninth Circuit Corrections Summit: Collaborating on Common Concerns.” November 4, 2015: Sacramento, CA.

“Federal Sentencing Reform” UC Hastings Law Symposium, February 13, 2015.

“The Crusonian Prisoner” Paper delivered at the annual conference of the Academy of Criminal Justice Science. Chicago, March 15, 1994.

“Prisoner Perceptions in a Maximum-Security Prison” Video and paper presented at the annual conference of the American Society of Criminology. Miami, 1994.

### **Professional References**

[Michael Colwell](#), Assistant Director, Correctional Industries, Washington State Department of Corrections, [mccolwell@DOC1.WA.GOV](mailto:mccolwell@DOC1.WA.GOV)

→ [Ioan Petersilia](#), Professor of Law, Stanford University: [petersilia@law.stanford.edu](mailto:petersilia@law.stanford.edu)

→ [Dr. Edward Rhine](#), Currently at Robina Institute. Former Deputy Director for the Office of Offender Reentry, Ohio Department of Rehabilitation and Corrections, [erhine3997@aol.com](mailto:erhine3997@aol.com)