

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 13-CR-40044-JPG
)	
JEREMIEH HODGE,)	
)	
Defendant.)	

DEFENDANT’S SENTENCING MEMORANDUM

I. Introduction

This Honorable Court famously said one time that law enforcement only sees the bad acts a criminal defendant has committed and that a criminal defense attorney sees the “changed” person. Jeremieh Hodge (Jeremieh) is that unique Defendant who bridges the divide between these two visions of an individual about to be sentenced. Upon being arrested on these charges, Jeremiah embraced the “bad” person that he was and has done everything possible to change his life.

Under the Advisory Guidelines, the best sentence Jeremieh can hope for is 9 years, and hopefully this Honorable Court will determine that a variance is in order because of the transformation Jeremieh has made.¹

II. Osvaldo Calderon And Christianity

Nearly 20 years ago, this Honorable Court sentenced Osvaldo Calderon to a significant term of imprisonment. At Sentencing, Mr. Calderon pleaded for a reduced sentence because of his newfound Christianity. This Honorable Court remarked that perhaps Mr. Calderon’s calling was “jail ministry.” The implication was that all criminal

¹ Jeremiah pleaded “guilty” without a Plea Agreement. The undersigned and Assistant U.S. Attorney Robertson are in the process of finalizing a post-plea Plea Agreement, where it is expected Jeremiah’s Guideline range would commence at 9 years. If this ultimately does not transpire, Jeremiah will request a variance based on his PSR to 9 years and then a subsequent variance based on 3553 factors.

Defendants find God at their most dire time of need and that this newfound Christianity is generally fleeting. This stunned Mr. Calderon, who did not have a response.

Jeremieh knows he is going to prison. He truly turned his life around upon being arrested on these charges. Like all Defendants, he wants to be incarcerated for as little time as possible, and hopefully at Sentencing this Honorable Court will see the real changes Jeremieh has made in his life.

Christianity is about helping others and redemption. Shortly after Jeremieh was charged he decided to change his life while helping others.

He formed a group “Celebrate Recovery” to help others like him. When the undersigned learned of Jeremieh hosting recovery meetings his first response was extreme skepticism. The undersigned believed that this was a con put on by someone who wanted to “look good,” but who ultimately would revert to who he truly was. Bluntly, the undersigned felt Jeremieh could talk the talk but would not walk the walk.

The undersigned’s opinion has changed dramatically in the time that he has had the fortune of getting to know Jeremieh. There is a genuineness about Jeremieh that is rare. People seem to crawl out of the woodwork to want to help Jeremieh which in and of itself says a lot about him.

After Jeremieh’s change of plea, the undersigned ran into Amy Geisher who is Jeremieh’s pre-trial officer. Ms. Geisher commented on how she felt Jeremieh was one of the few Defendants she supervised who truly had turned their lives around. This type of praise is indicative of who Jeremieh has become.

Jeremieh has done everything possible to help others who struggle with addiction. He has made and will continue to make a difference in other’s lives. He will do this in jail and outside of jail.

When Jeremiah mentioned he could get a letter from his pastor, the undersigned frankly thought it would be of little, if any help. Pastors are easily fooled by “jailhouse” converts to Christianity.

Jeremieh’s pastor is no “normal” pastor. He is now retired Drug Enforcement Administration (DEA) employee Roger Odom. Pastor Odom had a long career in law

enforcement (Exhibit A) and spent the majority of his career working for the Southern Illinois Enforcement Group out of Carbondale, Illinois. In his letter to this Honorable Court, Pastor Odom states:

“It is not a light thing for me to write this letter. Before becoming a minister I spent over twenty years in law enforcement. Several years of that was in narcotics investigation with the Southern Illinois Enforcement Group in Carbondale, Illinois. In that time I worked very close with the Drug Enforcement Administration on several cases that were successfully prosecuted in the Federal Court in the Southern District of Illinois. The latter part of my working career I spent working as an Asset Forfeiture Specialist for the Drug Enforcement Administration in Cape Girardeau, Missouri. ***With my background in drug enforcement I do not take lightly the responsibility of stepping forward and speaking on behalf of a convicted drug dealer, but I do believe that Jeremiah is worth taking a chance on.*** Any consideration you could extend to Jeremiah in regards to his sentence would be appreciated more than you will ever know.”
(Emphasis Added)

II. Elry Faulkner

Now retired Johnson County Sheriff Elry Faulkner is the Andy Griffith of Southern Illinois. He is someone respected by Defendants, law enforcement, prosecutors, defense attorneys and judges. The undersigned had the honor of sitting in on Jeremiah’s proffer conducted by Sheriff Faulkner and Jackson County Sheriff Bob Burns.

Jeremieh did very well in the proffer and hopes to receive some sort of a sentence reduction for this cooperation. That is part and parcel of the federal criminal justice system.

After the proffer, there were individuals in Johnson County that Sheriff Faulkner was interested in having Jeremieh help to set-up with pill buys. This never came to pass, in part, because Sheriff Faulkner saw the strides that Jeremieh had made in his life. Sheriff Faulkner told the undersigned that he did not want to put Jeremieh in a position where he could relapse and ultimately decided against using Jeremieh proactively.

Sheriff Faulkner commented to the undersigned that he saw true progress in Jeremieh but that part of rehabilitation is avoiding contact with addicts and that it would not be advantageous to Jeremieh to put him in a position where he could fail.

The undersigned has never had a letter written on behalf of a client by someone in law enforcement, especially the investigating law enforcement agency head. Here, (Exhibit B) the former sheriff of the county where Jeremiah resides has written a letter supporting Jeremiah. The undersigned hopes that this Honorable Court will contact Sheriff Faulkner at the telephone number listed in Exhibit B, if it has any questions or concerns about who Jeremiah has become.

Like Sheriff Faulkner, Pastor Odom retired from a long career in law enforcement. These men are not fools. They know and understand the criminal justice system as well as anyone and likewise understand the necessity of giving a break to someone who deserves a break.

III. Family

Jeremieh is blessed with a wonderful mother, LaQuetta, who has supported him emotionally his entire life. She has attended almost every office conference the undersigned has had with Jeremieh and when the initial Presentence Investigation Report was received she cried because it was probably at that time she realized probation or some “light” sentence was not an option.

As is too often the case in today’s world, Jeremieh’s Dad was absent for most of his life, strung out on drugs or incarcerated.

Unlike the majority of Defendants in Jeremieh’s position, he experienced true love while growing up. Jeremieh had “issues” with one of his stepdads and ultimately lived with his maternal grandparents in Creal Springs. While living with his grandparents, Jeremieh began to enjoy an ordinary life. His grandpa was in reality Jeremieh’s surrogate father. Their bond was probably closer than a father/son relationship because Jeremieh’s grandfather had the wisdom that age brings to grandparents.

Jeremieh’s Mom pointed out that the turning point in Jeremieh’s life was the death of his beloved grandfather. He did not begin using methamphetamine until 2002 and only then as a way to stay awake while driving an over the road tractor trailer. His first run-in with law enforcement was in 2001 when he was 22.

There is no telling what Jeremieh's life would have been like had his grandfather lived another 10 years. Perhaps Jeremieh would have finished college. Perhaps he would have settled down and lived a "normal" life. Perhaps he would never have used drugs. Perhaps he never would have had any run in with law enforcement. Regardless, the one thing that is sure, is that there is no doubt that Jeremieh's grandfather would be proud of the man Jeremieh has become.

IV. 3553 Factors

Now that the Guidelines have become advisory, criminal defense attorneys tend to request outlandish variances.

They tend to forget how bleak things were just a short time ago when if someone who had the virtues of Mother Theresa was caught with a rock of "crack" cocaine she would be incarcerated for 6 or 7 years. The crime was punished without any consideration for the life of the Defendant.

The undersigned's view of Jeremieh has become skewed. The undersigned has come to respect Jeremieh for who he has become and for his directness in dealing with this case. When Jeremieh's Mom began crying after seeing the PSR, Jeremieh told her that he had to accept the consequences for his actions. Only a handful of clients have ever reacted so "positively" to the prospect of such a long sentence.

The undersigned is *not* going to recommend how much of a variance is warranted. He is not going to request a specific sentence. This is the first time that the undersigned has done this, and the simple reason is that hopefully, this Honorable Court will ask Jeremieh a plethora of seemingly innocuous questions which Jeremieh cannot prepare for. The undersigned generally cringes when this Honorable Court begins asking questions. The undersigned cringes because Defendants tend to be incapable of answering the simplest questions which generally go to acceptance of responsibility. The undersigned is certain that after talking to Jeremieh, this Honorable Court will understand that a significant variance is in order.

As the mandate of the draconian Guidelines has ebbed, the imposition of well thought out sentences based on 3553 (a) factors and who the individual is has flowed.

A. Nature of the Offense

3553 directs this Honorable Court to impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2), which will be discussed below.

Almost immediately one jumps to paragraph (2) and bypasses paragraph (1) which requires this Honorable Court to take look at the nature and circumstances of the offense and the history and characteristics of the defendant.

The nature of this crime is simple. All drugs are poison. Drug dealers peddle their poison to addicts and oftentimes exacerbate an addict's condition. Jeremie Hodge was no different than any other drug dealer.

B. Circumstances of the Offense

While the nature of the offense is bad, the circumstances surrounding the offense are a little different, and in Jeremie's case tend to lessen what the nature of the crime is.

Jeremie was not a hardcore drug user in grade school, middle school or high school. He attended John Logan College at the behest of his grandfather, but, like his grandfather, had a passion for truck driving.

In 2002 Jeremie was involved in a serious traffic accident as a result of falling asleep at the wheel of his tractor trailer.

As Jeremie related to the probation officer at paragraph 58 of the PSR:

“Mr. Hodge explained that his methamphetamine use began in 2002. He was working as an over-the-road truck driver and would become sleepy. The defendant stated that instead of doing the responsible thing and sleeping more, he began to use methamphetamine to stay awake. Mr. Hodge's use began by him using a quarter-gram while he was working, but this eventually developed into his using while at home on personal time also.”

Obviously, Jeremie's meth. use overtook him. He became a hardcore addict. He also was one of the “smartest” meth-heads of his group and learned how to manufacture methamphetamine.

Profits from the sale of methamphetamine were not used to support a lavish lifestyle. The profits were used so that Jeremie could stay “high.”

B. History & Characteristics of Jeremieh

The best word to describe Jeremieh is humble. Humility is a cornerstone to almost any successful endeavor in life, especially for drug addicts trying to conquer their addiction.

While Jeremieh will always be an addict, his humility is what will hopefully keep him grounded and focused on sobriety and on being a productive member of society. While at the H Group in Marion, Jeremieh showed that he truly wanted a better life. As stated at paragraph 60 of the PSR:

“The defendant participated in substance abuse treatment at The H Group in Marion, Illinois. Initially, Hodge attended a weekly group session and also attended a weekly NA meeting. Progress reports note Mr. Hodge as being very humble and sincere in his recovery efforts. His counselor noted him to be a *“refreshing change of pace”* from what they typically have.” (Emphasis added)

This goes back to Defendants, out of fear, promising everyone around them that they are going to change who they are. Jeremieh “manned up” and used the H Group for its intended purpose --- to get sober.

Jeremieh did not stop there though. Paragraphs 60 and 61 of the PSR are extremely well written and need no “spin.”

“61. Jeremieh Hodge eventually began to attend more NA weekly meetings, and approximately two months after his release on bond, Mr. Hodge established a recovery meeting, Celebrate Recovery, in Creal Springs. This group eventually merged with a group in Carterville, Illinois, and the defendant provides transportation for several individuals to attend. Mr. Hodge is currently working with Larry “Buddy” Walters to establish two more faith-based recovery groups in southern Illinois. Mr. Hodge and Mr. Walters currently spend most of their evenings attending recovery group meetings, or meeting with other agencies to establish additional meeting sites. Mr. Walters confirmed the work they are doing with these recovery groups. **He has been involved with these groups for eight years and believes Mr. Hodge is completely sincere in his efforts.**

62. Mr. Walters explained he is with Mr. Hodge nearly every day and has witnessed Mr. Hodge serve as a mentor for several people and be

completely transparent during meetings. Mr. Walters related that the defendant works to build these programs and help others even when difficult situations arise. **According to Mr. Walters, this is when most people stop working, but the defendant continues to push through the hard times.**” (Emphasis added)

Celebrate Recovery is something Jeremieh created on his own out of concern for others. He uses these recovery meetings as a compass for where he is at personally and as a way to help others.

Jeremieh’s history is set out very well in the PSR. His characteristics are shown in the videos which will be provided to this Honorable Court. Jeremieh generally wants to help others who have his history of drug addiction. In the abstract, getting sober is easy. Stop using drugs. In reality, an addict needs help from someone who is strong enough to support them in their recovery. An addict like Jeremieh, helping another addict, takes a strength that few can appreciate.

The nature and circumstances of the offense are generally an anchor tied around a Defendant’s legs. Here, Jeremieh Hodge’s history and characteristics are the ballast which this Honorable Court can use to give a significant variance to Jeremieh.

C. 3553(a)(2)

Section 3553(a)(2) of Title 18 requires the Sentencing Court, in determining the particular sentence to be imposed, to consider—

“(2) the need for the sentence imposed—

- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
- (B) to afford adequate deterrence to criminal conduct;
- (C) to protect the public from further crimes of the defendant; and
- (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;”

Like so much in Section 3553, subsection (a)(2)(A) seems to require some sort of a balancing by this Honorable Court which must weigh the seriousness of the offense with promoting respect for the law. Any sentence of incarceration in excess of 3 or 4 years reflects the seriousness of the offense.

Jeremieh's sentence will not end once he is released from the Bureau of Prisons. Jeremieh will be placed on supervised release for at least 3 years. This Honorable Court should include in its sentence the statutory maximum for supervised release with the warning to Jeremieh that one slip up will result in reincarceration.

Promoting respect for the law is one area that should cause this Honorable Court no concern. The former Sheriff in Jeremieh's County wrote a letter in support. Jeremieh's pastor is a former law enforcement officer. If either of these men see Jeremieh slip up, there is no doubt that they will immediately report Jeremieh to the probation office.

The word "deterrence" has a bad connotation. It seems to mean punishment. The Guidelines were a failure in part because the deterrent aspect that they were supposed to advance never took root. The amount of drugs in the United States has not diminished. Violent crime has not subsided.

Why can't "deterrence" be something positive? Why can't a positive message be sent with sentences? Jeremieh has truly turned his life around. *ANYONE* who has met him in the last few years, from former law enforcement agents, pre-trial officers and others all say that Jeremieh talks the talk and walks the walk. Why can't the message be "truly turn your life around and do good, because if you do, there will be consideration at the end of the day?"

If Jeremieh is the man that Pastor Odom, Sheriff Faulkner and those who know him best, say he is, then the public needs no further protection from Jeremieh for future crimes. Besides, the reason for a long period of supervised release is so that Jeremieh can tap into the probation office if he needs help with addictive tendencies or to find a job.

The vast majority of drug Defendants who appear before this Honorable Court have zero skills and few hopes that upon completing their prison term they will be productive members of society. As such they probably need a longer period of incarceration to satisfy 3553(a)(2)(D) which encourages a sentencing Court to impose a sentence which will "provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner."

Jeremieh has skills which prospective employers desire. Jeremieh's skills go beyond the back-breaking type of labor that most Defendants must endure when they are released from the Bureau of Prisons. Jeremieh is a natural leader. As an employee, Jeremieh does whatever he can to help his employer. He does a wonderful job. Jeremieh also looks after his co-workers which is a difficult quality to find in an employee. Jeremieh is someone who when released from the Bureau of Prisons will have little trouble finding some sort of gainful employment. This is borne out in paragraph 66 of the PSR:

“Jeremieh Hodge has been employed with Stan Harrawood Trucking in Galatia, Illinois, since October 7, 2012. He works as a full-time truck driver, earning a portion of the truck’s financial yield. The owner of Harrawood Trucking wrote a letter on behalf of the defendant, explained that he is a valuable asset to the company. Mr. Hodge is personable, responsible, and dependable. He works late when needed, provided it would not interfere with his work in the recovery programs. The owner also explained that if the trucks are sitting idle, Mr. Hodge will find work for other truck drivers so they do not lose any pay. Employment verification did not include specific pay information, but Mr. Hodge estimated his pay to be \$1,000 a week (gross), which is 28 percent of his truck’s earnings. The defendant’s primary work is to haul fertilizer and coal by-products. He typically works six days a week.”

V. Conclusion

The preamble to 18 U.S.C. 3553(a)(1) is a good place to end. It mandates that the court “shall impose a sentence sufficient, ***but not greater than necessary***, to comply with the purposes set forth in paragraph (2) of this subsection.”

There is no doubt whatsoever that Jeremieh has to be incarcerated. The hope though is that the period of incarceration reflects not only who Jeremieh was, but who he has become.

Jeremieh has done everything in his power to become the person his grandpa hoped he would be. Jeremieh went through untold valleys to climb to the peak he now finds himself.

Jeremieh will complete whatever sentence is imposed and hopefully will go on to even greater things in his life.

JEREMIEH HODGE

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2015, a copy of the attached *Defendant's Sentencing Memorandum* was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Ms. Amanda Robertson
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