

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 13-CR-30024-DRH
)	
DOUGLAS W. OLIVER,)	
)	
Defendant.)	

DEFENDANT’S SENTENCING MEMORANDUM

I. Introduction

In the 25 years the undersigned has been an attorney this is one of the hardest cases to understand. Douglas (Doug) Oliver was involved in the deaths of two women and did nothing.

The undersigned feels an odd kinship to this case. The undersigned remembers as if it were yesterday Jessica “Jessie “James” Williams testifying against Tavis Doyle.

Generally, asking for a 30 year sentence for a client in his mid to late 40’s is a “slam dunk.” However, the undersigned is aware of how this Honorable Court will view Doug’s actions regarding the treatment of these two women after they overdosed.

The undersigned will be blunt and to the point in requesting a 30 year sentence. Very little in this case is beneficial to Doug, and is why a 30 sentence is appropriate.

II. True Victims

It is disheartening to read that Doug is somehow part of the *courthouse scandal*. Doug sold heroin to someone who in turn sold it to someone else. That hardly makes Doug part of Joe Christ’s death or the courthouse scandal brewing in St. Clair County.

The offensive part of this headline grabbing claim is that it takes away from and demeans the memories of Jessica “Jessie James” Williams and Jennifer Herling. These women are the true “victims” in this case. They never met, did not know and were not involved with any of the individuals in the courthouse scandal.

These two women had loving families. They had families who cared about them. They had families who worried about them. The entire focus of Doug's sentencing should be on these two women.

Jennifer and Jessie's families knew that heroin addiction could lead to their deaths. In a morbid sort of way, their parents had a "special" fear when the phone rang at night. The "best case" scenario could be that they were in police custody. The fear these families had was the hospital calling to say that Jennifer or Jessie overdosed. It could not have been a huge surprise that these two women overdosed.

The elephant in the courtroom is how Doug behaved once these women died. It is reprehensible how Doug treated these corpses. It is unspeakable how these two women were treated after they died. They were treated like garbage. No fancy "lawyer spin" can sugarcoat what happened.

The families of these two women deserved for Jennifer and Jessie to be treated with some dignity upon their death. A 30 year sentence will hopefully give these families some closure.

The undersigned can remember with surprising clarity Jessie James' testimony. When she overdosed at Tavis Doyle's house he resurrected her by placing an ice cube in her rectum. Jessie James discussed the horrors of addiction and how she tried to get off of dope. She talked about how much she wanted to get off of drugs so that she could return to being the woman her family knew her to be. She referred to it as a "normal life." And now, her family will be in the very same courtroom where she testified.

III. Douglas Oliver

There is no comparison between Douglas Oliver and Tavis Doyle. Doug has a soul. As this Honorable Court will see, his sorrow is profound. Jessie and Jennifer are gone and cannot be brought back. Doug will have to deal with that burden for the rest of his life.

A 30 year sentence is incredibly harsh under the circumstances and does justice to the memories of Jessie and Jennifer. No one will be able to claim that Doug got off easy for his crimes.

The undersigned was fortunate enough to have studied at Chaminade in high school. Each year Chaminade played a football, basketball and baseball game against Lincoln High from East St. Louis. Doug was a star athlete at Lincoln High. He is approximately the same age as the undersigned and when the subject of high school athletics came up, Doug remembered playing baseball at Chaminade. Doug said how lucky the undersigned was to attend a “nice school like that.” In all probability the undersigned played on the same baseball field against Doug.

Doug used his athletic ability to get out of the East St. Louis ghetto. He received a full scholarship to Texas Southern University. But Doug had already become a proficient drug abuser which caused him to lose his scholarship.

After losing his scholarship, Doug went into the family business. Ma Barker is the perfect nom de guerre for Deborah Perkins. Instead of ensuring that her children stayed out of the drug trade, she welcomed them with open arms and taught them her craft.

Education is the road out of the ghetto. A college degree almost assuredly means upward mobility for someone like Doug. A parent who allows her offspring to be kicked out of college for drugs is pathetic. Doug was well on his way to exiting the ghetto, yet he somehow allowed it to drag him back.

Doug is an intelligent man who means well. His addiction to drugs is profound. It is sad that Doug has squandered his potential and will now plead for mercy. The “mercy” he is requesting ---30 years--- really means he is pleading for a sentence which will allow him to have some sort of a life when he is released from prison as an old man.

IV. 18 U.S.C. §3553

The undersigned has a tendency to be long winded in writing Sentencing Memorandums. Fortunately, that is not necessary here.

Gall discussed the nature and circumstances of the offense and the history and characteristics of the Defendant. This Honorable Court will make short shrift of these elements and correctly conclude that they work against Doug.

Going through the factors set out in §3553 is what will hopefully convince this Honorable Court that a 30 year sentence is appropriate.

§3553 requires the consideration of the general purposes of sentencing, including:

"the need for the sentence imposed --

"(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

"(B) to afford adequate deterrence to criminal conduct;

"(C) to protect the public from further crimes of the defendant; and

"(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner." § 3553(a)(2).

If this Honorable Court believes that Doug is profoundly sorry for his actions, then a 30 year sentence would be considered “just.” Because, if Doug is truly sorry, then he will live with the guilt of his actions for the rest of his life. That is punishment in and of itself. Requiring Doug to be incarcerated 30 years certainly adds to the moral punishment that he will have.

When (and really if) Doug gets out of prison he will be an old man. He will not be able to commit other crimes against society during the 30 years he is incarcerated. His hope in reality is for this Honorable Court to give him an “out date.” Once out of prison, he will not, in all probability, be much of a nuisance to society, for the simple reason that he will be too old to cause much trouble.

Doug’s background is the wedge which along with his profound sorrow, will hopefully convince this Honorable Court that a 30 year sentence is appropriate. In all candor, Doug never stood much of a chance to succeed. Mr. Garrison has prosecuted, the undersigned has represented, and this Honorable Court has sentenced thousands of “Doug Oliver clones.” Born and raised in the ghetto by parents who could care less about their children’s futures.

Doug had the wherewithal to “escape” his upbringing. Sadly, he allowed himself to be dragged back into the ghetto, and into a life of crime with Ma Barker.

The federal criminal justice system, while much maligned has worked in Doug's case. Doug started off in the State system and "graduated" to the federal system where he received a fairly harsh sentence. Incapable of staying out of trouble, Doug now faces a "best case scenario" sentence of 30 years.

Conclusion

The undersigned is not requesting compassion for Doug. The undersigned is not requesting that Doug receive a "break." The undersigned is not requesting that Doug be treated in a special way.

The undersigned is requesting that this Honorable Court take into consideration the elements of §3553 and sentence Doug to 360 months in the Bureau of Prisons.

DOUGLAS W. OLIVER

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CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2013, 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:

Mr. Robert Garrison
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