

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ELIZABETH RAMSEY,)
)
Defendant.)

DEFENDANT’S SENTENCING MEMORANDUM

I. Introduction

On March 22, 2015, Elizabeth Ramsey (Betty) will be punished twice. She will be punished by this Honorable Court for the crime she committed while working at First Bank.

Betty will also be punished because she and her husband Ben will have to relive the horrors of Betty’s youth when she was molested by her father.

Betty’s Advisory Guideline range commences at 21 months, and on March 22, 2015 she will request a 7 month variance to 14 months which can be served by this Honorable Court placing her on home confinement for 7 months and probation for 7 months.

II. Molestation by Father

The role of a parent, especially a father is to protect their child. The role of a father is for their daughter to always be their little girl. The role of a father is to keep his daughter innocent and pure.

Rather than protecting his youngest daughter, Betty’s father began sexually abusing her when she was only 8 years old. To put this in perspective, 8 year olds still believe in Santa Claus, the Easter Bunny and the tooth fairy. The abuse ended when Betty was 13 years old.

It defies logic that someone whose function in life is to protect their offspring would force a little girl to endure 5 years of Hell on Earth. Attached and marked Exhibit A is a letter from Cheyenne Kearney who works at the One Harmony Fellowship New Counseling Center.

Ms. Kearney states that Betty told her that:

“[w]hen she was 8 years old her father started sexually abusing her and this continued until the age of 13. She stated each evening he would have her take a bath before bed and then have her lay in front of him. He would then proceed to rub on her and fondle her body. She stated that she dreaded coming home every day because she knew what he would do to her. Her mother worked in the afternoons so she was never around when this would happen. Her father told her she should never tell her mother it was their secret.”

It is difficult to fathom the fear, anxiety and stress that a simple walk home from the bus stop caused Betty. Instead of running from the bus stop to tell her Dad about her day at school, Betty dreaded going home because of “bath time.” Those memories do not vanish.

For the most part, human beings are geared towards remembering positive moments. Bad events are able to be stored away so that a person is generally able to go on with their life unfettered by various setbacks they might have had. Unfortunately for Betty, the demons she took with her through adolescence and adulthood reared their ugly heads once her Dad died. *ALL* of the horrible memories about “bath time” flooded through her conscious and her behavior changed.

Ms. Wallace mentions that “[D]uring the progress of relating the account of these details Betty was sobbing at times almost uncontrollably.” The same thing occurred when Betty told the probation officer about the abuse during her presentence investigation report interview.

For obvious reasons, Betty told very few people knew about this abuse. One of the people Betty told about the abuse was her husband Ben who on March 22, 2015 will tell this Honorable Court the impact that the molestation had on him and the rest of their family.

III. The Crime

Betty stole from elderly customers. She stole from the most vulnerable customers First Bank had. Betty abused the trust the bank had in her as well as the trust the customers had in her.

Betty was ham handed in the way she went about stealing \$106,000. No one in Betty's position could have remotely thought they would get away with a crime as simplistic as the one Betty committed.

There is no way to try and sugar coat or "spin" what Betty did. She committed a crime against vulnerable people and she has to be punished.

IV. 3553 Factors

The rub is what punishment should be imposed? Gone are the days where a Sentencing Court mechanically looks at the Guideline range and plugs in a Defendant's conduct to the sentencing chart.

Courts now are required to look at the sentencing factors contained in 18 USC §3553 which encompass the crime committed, but more importantly the individual the Court is sentencing.

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.

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 look at the nature and circumstances of the offense and the history and characteristics of the defendant.

The nature of this crime is simple. Betty abused her position at FIRST Bank and stole \$105,827.62 from elderly customers. Betty blew the money on various trinkets. Betty has nothing to show for the money she stole.

B. Circumstances of the Offense

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

Betty's Dad sexually abused her for 5 years. Once the abuse stopped, her Dad went on with his life as if he had done nothing. He forgot the sins he committed against his daughter. As Betty progressed into adulthood, she married Ben, raised two children, and enjoyed success at First Bank. To everyone who knew Betty, there was nothing wrong.

Once Betty's Dad died, things changed dramatically. Ben told the probation officer:

“According to the defendant, her problems with depression are the result of the abuse she suffered from her father. She reported that her depression increased at the time of his death, as she had to accept at that time that he would never admit to the wrongdoing or apologize for his behavior. Her husband confirmed this information, and relayed that the defendant's sleep was often interrupted with nightmares, following the death of her father. He believes the nightmares are due to the abuse she suffered as a child.”

Ms. Kearney believes that Betty has “Major Depressive Disorder & Post Traumatic Stress Disorder” which is no surprise considering what her Dad put her through as a child.

“In 2011 her father became ill and ultimately passed away. Elizabeth had wanted desperately to hear her father tell her he was sorry for what he had done to her as a child. When this did not happen it devastated her and she became angry and bitter and deeply hurt. These feelings persisted and approximately 1 ½ years after his death she started taking money from the

bank. She reported that she would use the money to buy gifts for friends and family and to help some people in need. She stated it made her feel good and took away some of the pain and anger she was feeling related to the memories of the abuse that had resurfaced.”

“*[T]he memories of the abuse that had resurfaced.*” How is one supposed to deal with a father on his deathbed not having the grace to apologize to his daughter for the horrors he wrought upon her? Betty tried to live a “normal” life, but upon her Dad’s death, without closure, she was like a rowboat cast out to sea in the middle of a typhoon.

The memories of the abuse took time to resurface, but the nightmares, the torment and the stress returned in full force. According to Ms. Kearney, Betty stole as a way to medicate herself.

It is easy to be a cynic when looking at someone else’s problems. It is easy to say that Betty should have sought help as soon as she started feeling depressed. It is easy to say that Betty should have known better and not stolen money. It is easy to scoff at stealing as a way to medicate oneself for abuse that occurred decades ago. The cynic though rarely has walked in the shoes of the other person.

C. History & Characteristics of Betty

Apart from the sexual abuse Betty suffered as a child, she has lived a normal, law abiding life.

Betty is a loving wife and mother. She is also a good friend. Rob Shaemus, a Certified Public Accountant is a friend of the Ramseys. Attached hereto and marked Exhibit B is a letter that Mr. Shaemus wrote on behalf of Betty. Mr. Shaemus tells this Honorable Court:

“I want to let you know about the Betty Ramsey that I know. Betty and Ben have two girls, who are now in their 20’s. Ever since I can remember, Betty has been a doting mother who has always taken great care to raise their children as good individuals. Further, I know that these two young ladies are very successful in their accomplishments because of the influence of their parents. I have seen the interaction between Betty, Ben and their daughters and it is very tight knit and has been since I have known them.

Betty Ramsey has always been active in helping our Volunteer Community Center. She and Ben have devoted many hours to helping our center with

volunteering their time and energy. At Christmas time Betty and Ben were the ones helping put up decorations and making sure there were gifts for the attendees and their children.

For years, Betty's husband has responded to most medical emergency and fire service calls our Center has been dispatched to. Recently, after Betty had pled guilty to the charges against her, I was directing traffic at a two car accident scene. Her husband pulled up to assist. For 20 minutes, I directed traffic and directed motorists around the accident. I happened to look over at Deputy Chief Ramsey's car and Betty was sitting in the passenger's side seat. For many years Betty has accompanied Ben on many of his Community Center emergency medical calls.

After I recognized Betty sitting in the car, I went over to talk to her. As I approached the vehicle Betty rolled down her window and I could see she was crying. Betty told me how sorry she was for what she had done. She said that she had no idea what had gotten into her and that she had let down the people who trusted her. She then mentioned about how bad she felt for embarrassing her husband and her two daughters and the public humiliation she had put them through." (Emphasis added)

Like most white collar Defendants, Betty has no criminal history and never thought about the impact her crime would have on her family. Her family name is tarnished and her children will forever be identified as "children of the crook." To tarnish the "Ramsey name" in little Friedens, Missouri is a horrible thing in Betty's mind. The most difficult thing Betty had to do in this entire ordeal was to go to her husband and tell him that she committed a federal crime by stealing from the bank she worked at. Betty's crime is a burden the Ramsey family will have to carry for the rest of their lives.

But, that burden pales in comparison to the burden Betty's Dad gave her when she was a child.

Physically, Betty has fully recovered from a 2010 double mastectomy which she underwent due to a cancer gene she carries. She has all of the normal maladies a 53 year old woman would be expected to have, so physically Betty enjoys good health.

Betty's mental and emotional health are another story. Literally, the best thing that happened to Betty was being charged federally, because she was forced to realize the

mental problems she faced, was able to get referrals from the probation office for counselling and continues to undergo counselling.

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

D. 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.

(a)(2)(A) is the subsection of 3553 which the crafters of the Guidelines latched onto when they decided that draconian sentences needed to be meted out and discretion removed from District Judges.

The argument went, and goes, that if Betty is not incarcerated for 21 months that she is somehow “getting away with it.” Or that anything less than 21 months will not be sending a message to other would be thieves that the federal Government does not take Betty's crime seriously.

When combining the sexual abuse Betty went through as a child, *any* sentence reflects the seriousness of the offense, especially considering that her counselor feels there is a cause and effect of the death of Betty's father and the crime Betty committed. Betty is publicly humiliated for having committed this crime. She has had to tell strangers the most intimate and darkest parts of her personal life.

Betty's sentence will not end once she is released from probation. She will be placed on supervised release for at least 2 years. This Honorable Court should include in its sentence the statutory maximum for supervised release with the warning to Betty that one slip up will result in her being incarcerated.

In all candor, promoting respect for the law is one area that should cause this Honorable Court concern. Bank employees simply cannot go around stealing money from the accounts of elderly clients.

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 number of individuals embezzling from their places of employment in the United States has not diminished. Violent crime has not subsided. Drug use and drug sales have not diminished.

Why is being charged with a federal crime not considered a "deterrent?" Why is being a felon, with all of its negative connotations not considered a "deterrent?" Why is probation or home confinement not considered deterrence in the Guidelines? After all, the Supreme Court in *Gall* determined that all of the hoops someone on probation has to go through constitutes punishment and deterrence. The requested sentence of 7 months home confinement followed by 7 months of probation, combined with the unimaginable abuse Betty suffered through at the hands of her father should be considered by this Honorable Court as a deterrence.

Most white collar Defendants like Betty have some skills they can fall back on so that after sentencing they will be productive members of society. As such 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" is generally not something which needs to be considered at sentencing.

Betty has skills which prospective employers desire. Of course, the fact that she stole from her employer and is a felon are two things which will make it more difficult for Betty to be gainfully employed regardless of if she is incarcerated.

V. Conclusion

The preamble to 18 FIRSTC. 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.”

A 14 month sentence to be served by being placed on home confinement for 7 months and probation for 7 months would be such a sentence.

ELIZABETH RAMSEY

STOBBS LAW OFFICES

BY:

/s/John D. Stobbs II
John D. Stobbs II, No. 06206358
Attorney for Defendant
307 Henry St. Suite 211
Alton, Illinois 62002
Telephone: (618)462-8484
FAX: (618)462-8585
Email: jds2@stobbslaw.com