

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
STEVEN SAMPSON,)	***TO BE FILED UNDER SEAL***
)	
Defendant.)	

**DEFENDANT'S MOTION TO BE RELEASED
ON BOND PENDING SENTENCING**

Comes now Defendant STEVEN SAMPSON, by his attorney, John D. Stobbs II, and for his Motion to be Released on Bond Pending Sentencing states:

I. Introduction

At the outset, the undersigned wants to make clear that Assistant U.S. Attorney Norwood has lived up to his reputation of treating Defendants fairly. Because of the nature of the charges which Mr. Sampson¹ will plead guilty to, it is understandable why Assistant U.S. Attorney Norwood is taking such a cautious approach to the question of whether or not Mr. Sampson should be released on bond pending his sentencing.

As will be shown below, though, Mr. Sampson is **not** a pedophile and would **not** pose a risk to any minor child if he were released on bond. Furthermore, Mr. Sampson's medical condition constitutes an exceptional circumstance insofar as he needs to continue with his therapy sessions and also continue meeting with his treating physician to regulate his medications, if necessary. The kind of treatment Mr. Sampson requires **cannot** be received from a county jail.

¹Defendant is an ordained Roman Catholic priest, who has been suspended by his Bishop because of the charges herein. He therefore is no longer able to refer to himself as "Father" and similarly should not be referred to as "Father" by others. He respectfully requests to be called "Mr. Sampson" throughout these criminal proceedings.

II. Basic Legal Principles

The “mechanism” available to this Honorable Court regarding its ability to allow Mr. Sampson to be released on bond is 18 USC § 3145 (c) which states:

“. . . A person subject to detention pursuant to section 3143 (a)(2) or (b)(2), and who meets the conditions of release set forth in section 3143(a)(1) or (b)(1), may be ordered released, under appropriate conditions, by the judicial officer, if it is clearly shown that there are exceptional reasons why such person’s detention would not be appropriate.”²

Obviously, before this Honorable Court can find exceptional circumstances for purposes of Section 3145, it must first conclude that pursuant to Section 3143 (a)(1) Mr. Sampson is not a flight risk and will not pose a harm to the community if released. Mr. Sampson’s lifelong ties to Southern Illinois would seem to moot the issue of “flight risk” and as such this Motion will not discuss that aspect of Section 3143. Because of the nature of the charges against Mr. Sampson, the obvious concern is the “harm to the community” prong of 3143.

Attached hereto and marked as Exhibits A, B, C, D, E and F are letters from parishioners of Trinity Catholic Church, which is where Mr. Sampson was pastor for the last 30 years. The one thing all of these letters have in common is that the authors describe the person they know and do not focus solely on the crime that was committed. Each of these parishioners have young children and they all state that notwithstanding the charges Mr. Sampson will plead guilty to are *not* concerned about leaving their young children alone with him.

Dr. Charles David and his brother Joseph (Exhibits A & B) were very close to Mr. Sampson while he was their pastor, and they never felt physically, emotionally or sexually uncomfortable with him. Dr. David has two young children and has “no reservations about

²Technically, pursuant to 18 U.S.C. § 1956, the crime of possession of child pornography constitutes a “crime of violence.” The undersigned is not convinced that is correct (see *U.S.A. v. McBroom*, 124 F. 3d 533 (3rd Cir 1997), and rather than argue this issue, will rely on other evidence and caselaw to convince this Honorable Court that a bond should be set for Mr. Sampson. By not arguing this issue now, Mr. Sampson is not conceding that possession of child pornography is a “crime of violence.”

bringing my daughters for more visits to Trinity or to Father Sampson's home. I have never had difficulties having my daughters attend services, play, or otherwise be around Father Sampson with me not being present."

Shane Roberts (Exhibit C) taught elementary school for 34 years and "never once detected anything in Fr. Sampson's behavior around children that raised concern." Neither Mr. Roberts nor his wife Grace "consider him a threat to children." Dr. and Mrs. Bob Stiverson (Exhibit D) also have been in the field of education for a great number of years and have two young children in whose care they would continue to entrust to Mr. Sampson "without reservation." They state that this "trust is not based on blind trust in a religious leader. As educators, it is based on our concern for children and who serve as and teach the importance of serving as mandated reporters of the court. *It is based on our experience as very protective parents.*" (emphasis added) The Stiversons discussed Mr. Sampson's present situation and asked questions that any loving, concerned parent would ask their child. The Stiversons' children "indicated that they have never felt ill at ease around him. . . A hand shake at the church door following services has been the extent of his physical contact with adults and children throughout the years, including the last few months."

This sentiment is echoed by Gregory and Maybelle Crafterso (Exhibit E) and Donna James (Exhibit F). Again, knowing that Mr. Sampson will plead guilty to possession of child pornography these individuals indicate that they would have no trouble entrusting their children to Mr. Sampson's care.

III. Mr. Sampson is NOT a Pedophile

In today's "pop culture" it is automatically assumed that if someone views child pornography they are automatically a pedophile or will become a pedophile. *That assumption is wrong.* Exhibits G and H, from Mr. Sampson's therapist Rhonda Craber and his Bishop, the Rev. XXXXXXXXXXXXXXXX demonstrate that Mr. Sampson is *not* a pedophile and does *not* have pedophile tendencies.

This is most clearly demonstrated in Ms. Craber's June 10, 2002 letter where she states:

"Having said that there is a point that needs to be made given Mr. Sampson's current legal problems. Nothing in his mental health evaluation nor in any of the psychotherapy sessions suggests that Mr. Sampson is sexually attracted to or sexually aroused by children or that he poses any threat to children. While he may still need to explore his sexuality regarding sexual orientation, this is not related in any way to an attraction to children. Sexual orientation relates to the gender of the person to whom someone is attracted."

The clinical/psychological reason that Mr. Sampson used the internet to view child pornography will be fully explored and explained at sentencing, but at this point in the proceedings it is crucial to make clear to this Honorable Court that Mr. Sampson is *not* a pedophile and does *not* have pedophile tendencies. Mr. Sampson's problems are related in large part to his clinical depression which was not diagnosed until after he concluded his criminal activity and was in a lock-down mental facility.

Mr. Sampson's Bishop does not mollicoddle priests who are under his care. He is a retired Lt. General in the United States Marines. He is viewed as a "very stern bishop." He is a "man's man." In his letter, the Bishop shows that he is not seeking that Mr. Sampson be treated in any special way by writing:

"If for one moment I thought STEVEN SAMPSON in any way were a personal threat of any kind to others, particularly children, or if he were likely to continue at all in this activity, I would move as soon as possible to depose him. **In addition, I would personally encourage the secular court to incarcerate him immediately for the maximum period of time.**" (emphasis added)

The Bishop concludes "However, in this case I am willing to stake my reputation as a bishop, a military officer (retired) and a gentleman" that Mr. Sampson does not pose a harm to children now or in the future. One need only read the Bishop's statement that "I consider my word to be a sacred pledge and my personal character and reputation hold the highest earthly value for me," to know that he did not lightly make the statement that he feels Mr. Sampson poses no harm to children.

III. Clinical Depression

The foregoing clearly demonstrates that Mr. Sampson would not pose a harm to the community if he were released. Once this Honorable Court makes that determination, the next hurdle for Mr. Sampson to clear is to show why his medical condition of clinical depression constitutes “exceptional circumstances” pursuant to Section 3145.

Shortly after Mr. Sampson gave permission to law enforcement to search his premises he was placed in a lock-down mental facility because it was feared that like his mother, he would commit suicide. While at this lock-down mental facility, Mr. Sampson was diagnosed with clinical depression, which he had been suffering from for a great part of his life. Mr. Sampson’s mental illness is something he was born with and is something which has run rampant in his family. When he was six years old, his mother who also suffered from clinical depression committed suicide. Two aunts also had clinical depression. Both of Mr. Sampson’s sisters suffer from clinical depression and one sister attempted suicide. Also, one of Mr. Sampson’s daughters, Belinda Sams has been diagnosed with clinical depression (Exhibit I) and his other daughter lives with the fear that one day she too will be diagnosed with clinical depression (Exhibit J). Surprisingly, it was *not* until *after* law enforcement searched his residence and he was placed in a lock-down mental facility that Mr. Sampson was diagnosed with clinical depression.

The diagnosis was made after law enforcement searched Mr. Sampson’s residence, and there was great fear on the part of almost everyone close to Mr. Sampson that he would commit suicide because of the stress caused by this incident. Fortunately, law enforcement’s involvement has acted as an “interdiction” and for the first time in his life, Mr. Sampson sought the psychological help he so desperately needed.

Physically, the STEVEN SAMPSON who will appear before this Honorable Court to enter a plea of guilty is vastly different than the STEVEN SAMPSON who law enforcement encountered only eight weeks earlier. Mr. Sampson’s condition had deteriorated to the extent that his wife thought he had a brain tumor and was close to death (Exhibit K).

The Bishop (Exhibit H) would not accept Mr. Sampson's attempt to renounce his Holy Orders, in part because:

“there appear to be a number of mitigating circumstances in addition to the fact that Fr. Sampson has been a very good priest for over thirty-one (31) years with no hint of misconduct of any kind. He came to me admitting his wrongdoing. He did not offer any excuses for what he had done. He was willing to forfeit his future as a priest of the Catholic Church. His involvement in internet pornography was for a relatively short period of time. His involvement with child pornography was even shorter. He stopped on his own. He did not pay for any pornography. He made no in person contacts with anyone. He did not make any personal contacts involving child pornography. Finally, a case can be made that his involvement in pornography was associated with an ongoing struggle with an acute depressive psychological condition. Fr. Sampson would be the first to say, and I would concur, that none of this justifies what he has done. Nor should there be any attempt to condone his actions. **Nevertheless, context is always important.**” (emphasis added)

“*Context*” is a very crucial aspect of this entire case, and Ms. James explains the *context* of why it is important that Mr. Sampson be released on bond pending sentencing when she writes:

“If Mr. Sampson is imprisoned there are several issues that are critical to address regarding his safety. First and foremost is his illness. Mr. Sampson suffers from Major Depression for which he is taking medication and is receiving regular psychotherapy. Both are critical to his continued recovery; the medication must be provided as prescribed daily. This is critical because not only is he currently suffering from Major Depression, but, due to the circumstances which have led to his potential imprisonment, he is feeling an overwhelming amount of shame and guilt. In addition, the issues that are currently on the surface, but are still unresolved, may tend to overwhelm him. If imprisoned, he will lose the support of his wife who has not only stood by him, but has also monitored his physical condition. He has little appetite and has recently lost approximately 15 lbs. As he is a man of small stature, this represents a major concern. He currently has difficulty sleeping, has nightmares, is withdrawn, and has difficulty engaging in activities. It should be noted that Mr. Sampson has a tendency to underreport symptoms. This

could have very serious consequences in a prison environment. The most serious concern about his well being is his risk of suicide. While he believes suicide is wrong, his level of despair and depressive mood, especially if placed in a hostile environment, will place him at high risk for suicide. He also has a significant family history of suicidal ideation, planning, and completion which adds to my concern.”

The possibility of Mr. Sampson committing suicide would increase if he were incarcerated after his change of plea. Because he has a “tendency to underreport symptoms,” a jailer in a local county jail would not know what symptoms to look for or ask about, and the result could very well be that Mr. Sampson would become so despondent that he would commit suicide. Quite simply, a clinically depressed inmate with suicidal tendencies would overwhelm the resources of a local county jail.

Not only is it necessary that Mr. Sampson continue on with his regular therapy sessions, but it is also necessary that he be allowed to see his personal physician, Dr. Robert W. Robertson as needed. Dr. Robertson states in his June 4, 2002 letter (Exhibit L), that Mr. Sampson:

“has recently become depressed and is on Wellbutrin 150 twice daily and has responded quite well. He will require frequent office visits and will also require counseling sessions on at least a weekly basis. It is my understanding that Mr. Sampson would be incarcerated in one of the local Southern Illinois jails as soon as he enters a plea prior to sentencing in the Federal Prison System. I am very much not in favor of this because of the medical problems that Mr. Sampson has had for over 30 years requiring medication and treatment. So many of the jails will not continue home medication when barbiturate or other tranquilizing medicine is used. He would require both Fiorinol and Wellbutrin to maintain his physical and mental well being. **The medication may need to be regulated or changed.**” (emphasis added)

A county jail where Mr. Sampson would be incarcerated pending his sentencing would be hard-pressed to ensure that he *not* commit suicide *and* find a physician who would be able to properly medicate him. Mr. Sampson is presently “balanced,” thanks to the regular psychotherapy he is receiving from Ms. James and the regular medical visits with

Dr. Robertson. He has made great strides in a very short period of time and all of that will be ripped away if he were incarcerated pending sentencing. A strict adherence to Section 3143 would actually put Mr. Sampson at *greater* risk of committing suicide and that is something this Honorable Court must consider when determining if all of Mr. Sampson's medical factors constitute "exceptional circumstances" pursuant to Section 3145.

Mr. Sampson's wife (Exhibit K) describes the absolute importance of not interrupting the mental and medical regimen that Mr. Sampson is currently undergoing. She describes what happens when Mr. Sampson misses one dose of his medications and discusses how the therapy sessions have helped bring him back from the brink of death. The letter is a beautiful tribute to the man Mrs. Sampson loves, and of all the exhibits being presented with this Motion, Mrs. Sampson's is the most compelling as to why a bond should be set for Mr. Sampson pending sentencing.

Dr. Pathos (Exhibit A) concludes his letter by stating:

"I have been a physician for twelve years; a practicing Internist for eight of those years. In the course of a typical year, I have several hundred patient visits which revolve around depression, its several manifestations and co-morbid conditions. I and several of my family, living and deceased, suffer or suffered from depression and associated disorders. I understand that depression is a condition from which Father suffers. Purely as a health issue, once depression is diagnosed, confidence and continuity of care in the physicians and therapists, as well as compliance with medication regimens, are the key for response and remission of this disease. "

Finally, Mr. Sampson's sisters Jamie and Dolly (Exhibits M & N) describe the importance of maintaining close contact with therapists and physicians, especially early on when depression is diagnosed.

Mr. Sampson's medical condition is real. It is something which constitutes exceptional circumstances under Section 3145 and as such a bond should be set and Mr. Sampson should be released on bond pending sentencing.

Conclusion

Wherefore, Mr. Sampson requests that this Honorable Court determine that he has met the conditions of 18 USC § 3143 and that pursuant to 18 USC § 3145 there is clear and convincing evidence that his medical condition constitutes “exceptional circumstances. As such, Mr. Sampson respectfully requests that he be released on a recognizance bond pending sentencing.

STEVEN SAMPSON

STOBBS LAW OFFICES

BY:

John D. Stobbs II, NO. 06206358
Attorney for Defendant
346 West St. Louis Avenue
East Alton, Illinois 62024
Telephone: (618)259-7789
FAX: (618)259-4145

CERTIFICATE OF SERVICE

The undersigned certifies that on the 17th day of July, a copy of the attached **DEFENDANT'S MOTION TO BE RELEASED ON BOND PENDING SENTENCING** was served on the following persons by depositing a copy of same in an envelope with postage prepaid in the United States Mails in the Post Office in East Alton, Illinois addressed as set out, namely:

Mr. George Norwood
Assistant U.S. Attorney
402 West Main, Suite 2A
Benton, Illinois 62812

STOBBS LAW OFFICES

346 W. St. Louis Ave.
East Alton, IL 62024