

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 00-CR-0000-JPG
	)	
DEFENDANT 1,	)	
	)	
Defendant.	)	<b>***To Be Filed Under Seal***</b>

**DEFENDANT'S SENTENCING MEMORANDUM**

Comes now Defendant, by one of her attorneys, John D. Stobbs II, and for her Sentencing Memorandum states:

***I. Introduction***

DEFENDANT 1 will be sentenced on July 1, 2010. The parties have filed joint objections to the Presentence Investigation Report and agree that the advisory Guideline sentence should be a range of 33-41 months. DEFENDANT intends to request that this Honorable Court vary from this advisory Guideline range to a 12 month sentence consisting of 6 months of home confinement and 6 months of probation.

*Gall* requires that before making any sort of final sentence the District Court must first make Guideline calculations. As such this Sentencing Memorandum will be divided as follows: 1. The crime; 2. DEFENDANT'S background; 3. *Gall v. United States*; and 4. Conclusion.

**II. The Crime**

***A. THE SNAKE***

The normal "selling ice to Eskimos" analogy does not properly sum up who THE SNAKE truly is. The more appropriate analogy that applies to The Snake would be that she could sell Hades a heat pump and make him wonder how he was able to live in such frigid conditions for so long.

The Snake is insidious. The Snake is vile. The Snake is a snake. The perfect sobriquet for Ms. Snake would be "*Lyin' Laura*." As this Honorable Court is aware, the best way to know when The Snake is lying is to observe her lips. When they're moving she's either lying or about to lie. When they're not moving, it means she is asleep dreaming of her next fraud.

From her previous conviction for the same type of offense, The Snake was rewarded with a Rule 35. While cooperating in this case, and in the hopes of yet another Rule 35, The Snake lied to the investigators, claiming that her pastor was passing along threats from DEFENDANT. Pastor Joneser took time out of his Sundays to tend to The Snake's spiritual needs. After Sunday services, he and his wife would go to The Snake's house to read Scripture and pray with The Snake. In the hopes of a greater sentence reduction, while Pastor Joneser and his wife were at her residence, The Snake wore a wire and tried to induce Pastor Joneser into saying something incriminating.

What happened is surreal. The Government obviously believed "*Lyin' Laura*" enough to send two agents to her house on a Sunday morning to install recording devices. The videotaping device that the Government installed in The Snake's house to "capture" Pastor Joneser's alleged misdeeds showed a man and woman reading Scripture with The Snake, praying the Gospel and singing religious hymns. From time to time, The Snake tried to bring up the lie that she perpetrated on law enforcement about Client's alleged misdeeds. Each time Pastor Joneser returned to prayer. Had "*Lyin Laura*" been successful in tricking Pastor Joneser into saying something incriminating he could have been charged with the federal felony of obstruction of justice.

The Snake was willing to sell out her pastor—a man of God—for her own benefit. Some pretty hardened and despicable criminals have appeared before this Honorable Court, and it would be surprising if any of these individuals were willing to stoop as low as The Snake and perpetrate a lie about a good and innocent man and then compound the lie by wearing a wire on their own pastor. But The Snake only cares about one person—herself.

The undersigned wants to be very clear at the outset. Tara pleaded “guilty” to the crimes herein, because **HER** actions were criminal. Client freely went into business with The Snake expecting that things were going to be fine.

Tara Prince allowed herself to be sucked into The Snake’s world. Client treated The Snake like a sister. The Snake was her best friend. Tara believed The Snake when The Snake claimed that she was not guilty of her first fraud. Client did not follow the advice of family, friends and loved ones who told her to be careful about getting involved in a business with a felon. Because Client did not heed these warnings she will be sentenced on July 1, 2010.

#### *B. Role in the Offense*

Because neither side has filed objections to the Presentence Investigation Report, for Guideline purposes “role in the offense” vis-a-vis leadership type culpability is a non-issue. It is however, something that is useful when considering how much of a departure should be made. Since it is not a Guideline issue this Honorable Court will not be constricted by the Guidelines’ narrow definitions of role in the offense. This Honorable Court can use its common sense in determining who fits where.

This Honorable Court consistently asks Defendants at Sentencing, “why did you do what you did?” Here, the logical question to ask Client would be “why would you get into bed with this snake?” Like most good con-artists The Snake is adroit at making people believe in her goodness. The Snake is able to dupe people into believing she has good motives. A perfect example of this is that The Snake convinced everyone at her church that she was honest. In spite of being a felon who was convicted of fraud, The Snake was elected treasurer whose duties included overseeing the church’s finances!!! It would be a miracle if the church’s books balanced after an audit.

Nevertheless, Client was president of The Company and cannot shirk her responsibilities. The issue of role is unique in this case because the “players” are The Snake Bob Jones and The Defendant. All three played roles in committing the crime. Without Bob

Jones the crime would have been detected in its infancy. Similarly, without Client assisting The Snake in the cover-up, the crime would have been detected much sooner.

At one time in this case, the Government made a big deal out of the fact that The Company was formed while The Snake was in prison. The inference was that RJ was established to commit frauds. But, The Company was successful during its first year in existence. It did things by the book. The Government looked long and extraordinarily hard at the first year RJ was in existence to try and determine if a crime had been committed. It could not locate any irregularities.

Then NFL came along. It was The Snake's connections that allowed The Company to become involved with NFL. It was her idea. As with most small businesses there was a loose arrangement as to each individual's responsibility in running the business. At the time, the arrangement for The Company was that Client—albeit president of the corporation—was in charge of sales and The Snake was in charge of running the office. NFL looked like a good deal for a growing business and Client agreed to allow The Company to get involved with NFL. Very quickly things went horribly wrong.

The Snake concocted a scheme to cover up her criminal activities. Eventually, Client helped to try and cover up the irregularities. They needed an insurance agent to dupe the insurance companies, so Bob Jones was enlisted by his best friend—The Snake's husband.

The difficulty here is trying to separate Client from Bob Jones. The argument can, and undoubtedly will be made by the Government, that for purposes of role in the offense Client is closer to The Snake than to Bob Jones. Client was president of The Company. The Snake was the "R" in RJ and Client was the "J." They were "partners" who divided the proceeds of the illegal activity.

A great deal of time and paper could be wasted in trying to show this Honorable Court why this type of Guideline approach will not fly here. This Honorable Court can look at the participants and using common sense make a determination of each individual's role. To try and convince this Honorable Court of anything other than the fact that The Snake was at the

top of the heap would be ludicrous. The Snake had the great misfortune of having the initials “JPG” at the end of both of her case numbers. The Snake hoodwinked this Honorable Court once and learned firsthand the meaning of the axiom “fool me once, shame on me, fool me twice, shame on you.”

The Snake is a living, breathing, walking fraud. Any venture The Snake becomes involved in, including selling German Shepard dogs on the internet, ends up with her becoming involved in some sort of fraudulent activity. At this very moment, The Snake is undoubtedly scamming her fellow inmates out of their commissary.

Client formed The Company with good, honest and decent intentions. Unlike The Snake, Client was not committing ongoing frauds in other activities. Like Bob Jones Client made one mistake after another when it came to trying to cover up the criminal activity.

### *C. NFL Enterprises*

Every parent tells their children to stay away from something that looks too good to be true. The deal that The Company entered into with NFL was a deal that looked too good to be true. The deal was for The Company to assist NFL Enterprises with its worker’s compensation insurance. Money which should have been paid to insurance companies was pocketed. The “gamble” was that no NFL employee would file a worker’s compensation claim during this time period. Had no claims been filed, no one would have discovered what had happened.

Practically overnight, due to the deal with NFL, the principals of The Company, The Snake and Client Prince became flush with cash. Money flowed in and it was spent by these two women.

Like all things that look too good to be true, the wheels eventually began to fall off of the wagon. Like Bo Linzee, once problems popped up with the NFL deal, Client tried to do “damage control” instead of either stepping away from the deal altogether or hiring someone like Irl Gon to assist The Company. “Damage control” ended up becoming a cover-up of criminal actions.

### **III. Client**

Defendant is blessed to be surrounded by a wonderful, loving family. During the past several years the undersigned has been privileged to get to know Client. She is a good daughter, a good sister and an even better mother. Through all of this horrible turmoil, Client has stayed focused on her boys Fran and Robert. Fran, who is 18 has accepted a full academic scholarship to the Illinois Institute of Technology in Chicago. He was also offered academic scholarships to Southern Illinois University and New York University. 13 year old Robert is a straight A honors student preparing to enter high school.

Client has endured a great deal of turmoil in her personal life as witnessed by the suicide of one brother, a cancer diagnosis for another brother and abandonment by her mother.

It is impossible to gauge what impact the loss of Client's brother, Tyler, has truly had on her. When asked about it by the probation officer—and the undersigned—Client “shuts down.” Out of all of her siblings, Client was closest to Tyler.

Client reveres her father Jason Strong. Client's Dad is her hero. He has worked his entire life as hard as any human being can work to provide for his family. All of his surviving children are successful. To tarnish the “Strong name” in little Jerseyville, Illinois is a horrible thing in Client's mind. Jason has suffered a son committing suicide, his wife abandoning the family and his eldest son being diagnosed with cancer. He has endured an awful lot and Client did not want to add to his grief. Complicating this is that her sister Janice works as a dispatcher for the local police force in town. The most difficult thing Client had to do in this entire ordeal was to go to her Dad and tell him that she committed a federal crime in the town where her sister works.

Oftentimes it is difficult to understand why Defendants wait so long to plead “guilty” to a particular crime. Here, Client had charges pending for over 2 years before she pleaded “guilty.” Generally, a Defendant pleads “guilty” after being backed into a corner and does so kicking and screaming. Perhaps, this is an argument that might be made at Sentencing by

the Government. A factor that weighed in Client's mind is that by pleading "guilty" to a federal crime she would besmirch the "Strong name" and let down her Dad. To a jaded person this might not seem like a valid reason to wait so long to plead "guilty" but it certainly factored into Client's decision.

An unfortunate and unintended result in criminal cases is that the sentencing Judge sees the worst side of the Defendant. Here, a woman who bilked the system. Pre-*Gall* it was practically impossible to humanize a Defendant because once the Offense Level was decided, the sentencing concluded. As will be shown below, post-*Gall* this Honorable Court can see the "entire" Defendant and hopefully impose a 12 month split sentence.

Normally, letters of support for Client would have been forwarded to this Honorable Court to be used to show why a split sentence would be appropriate. One time, it was pointed out to the undersigned by a District Court Judge that letters of support do not carry much weight in determining a sentence because they are written by people who have an interest in the outcome. This is a valid point, and the undersigned is certain that this Honorable Court understands that Client is a loved and respected member of her community and has the support of her family.

#### **IV. Gall v. United States**

##### *A. Introduction*

The Sentencing Guidelines were enacted to ensure that "the crime fit the time." The goal was to reduce sentencing disparities. Over time though Circuit court decisions slowly eroded a sentencing judge's ability to ensure that a particular Defendant is treated fairly. Relevant conduct was liberalized in such a way so that a first time non-violent drug offender could easily receive a 20 year sentence. Appellate decisions ensured that various enhancements were practically "automatic." Downward departures of practically any kind were frowned upon.

*Booker* began the slow and seemingly tedious return to a system where the sentencing judge could view the entirety of the circumstances including *who* the Defendant is and not

rely solely on the Guidelines. A sentencing judge could now have true input into the sentence that he handed out.

The culmination of *Booker* is *Gall v. United States*, 128 S. Ct. 586; 169 L. Ed. 2d 445; 2007 U.S. LEXIS 13083; 76 U.S.L.W. 4009 (Dec. 2007) But for *Gall*, Client would be hamstrung to try and argue what she feels is an appropriate sentence. Once this Honorable Court determined the Guideline calculations, realistically the sentencing would conclude.

The language in *Gall* is breathtaking. The Supreme Court held that a District Judge “may not presume that the Guidelines range is reasonable but must make an individualized assessment based on the facts presented.” (p. 3) As will be shown below, a 12 month split sentence is appropriate and meets all of the factors set out in 18 U.S.C. §3553 (a).

*Gall* allows the District Court to use its own judgment and common sense in determining what sentence should be imposed on a particular Defendant based in part on *who* the Defendant is.

Defendant does not want to go to prison. She is hopeful that this Honorable Court will fashion a sentence which will not require incarceration. A split sentence of 12 months would satisfy that request. The argument against this type of a sentence would be that “Client Prince got off. She didn’t go to jail.” *Gall* beautifully rebuts this argument. Just going through this ordeal for the past 4 years has had a huge impact on Client. The undersigned is not prone to agree with or quote Joe Samuelsondorfer who represents Bob Joneser. Mr. Samuelsondorfer however summed up at Bob Joneser’s sentencing why a 12 month split sentence would be appropriate for Client:

“Now this means our effect on him has already been achieved. We’ve scared the dickens out of him, so there really isn’t anything that’s going to detour him other than the incredible ordeal he has been through.”

As will be shown below, Client has already paid the price for what she did. Pre-*Gall*, the best sentence Client could hope for would be 2 ½ years. Post-*Gall*, this Honorable Court can vary from this draconian Guideline sentence and depart downwards to a split sentence of 12 months.



*B. 18 U.S.C. 3553(a)(1)*

At page 22, *Gall* lists and discusses the seven factors that a sentencing court **must** consider. The first factor is a broad command to consider "the nature and circumstances of the offense and the history and characteristics of the defendant." *18 U.S.C. § 3553(a)(1)*. It is the undersigned's position that Client comes out ahead on this point.

Quite frankly, it would be a long and convoluted discussion regarding the nature and circumstances of the offense. "Lyn' Laura" Snake would claim that the whole scheme was Client's idea. Client would claim that she didn't know what was going on until late in the game and ultimately with the aid of Bob Joneser assisted The Snake in covering up the crime. The nature and circumstances of the offense are complex but in reality it is a fraud perpetrated on insurance companies.

The history and characteristics of Client are trumpeted in the family that she has. She has led a law abiding life. She has worked her entire adult life without even a whiff of impropriety. Through this entire ordeal she has focused on ensuring that her boys continue doing well. They are straight A students who have a bright future thanks to Client.

The second factor 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).

The undersigned has written numerous Sentencing Memorandums going through each of the foregoing sections in excruciating detail to show why his client deserves a particular

sentence. The bottom line for any sentencing is to ensure that the Defendant has learned their lesson, won't break the law again and become a productive member of society.

Starting with (c), protecting the public from further crimes of the Defendant assumes that there will be further crimes. Client is willing to be placed on as tight a leash as this Honorable Court deems just. Client had a spotless and exemplary record prior to being charged in this case. Client took the easy way out when things went bad. Instead of fessing up to what she had done, Client participated in a cover-up. There came a point where her conduct got out of hand. She is a convicted felon as a result of this. It is implausible to think that she has not learned her lesson.

Subsections (A) and (B) are the difficult hurdles to clear. Requesting what might be considered a "light" sentence seems to be contrary to just punishment and deterrence. The argument will go that if Client gets off easy, no message will be sent to others similarly situated who might bilk the system.

The carrot and stick analogy seems to fit. Each crime and Defendant have their own unique set of circumstances. A Defendant like The Snake who constantly breaks the law and for whom prison is a home away from home needs the stick.

The question is how big does the "stick" need to be to ensure just punishment? For example, how is it possible to quantify the fear that someone like Client has of going to prison? How is it possible to quantify the humiliation and degradation that Client's family has been caused as a result of her actions? How is it possible to quantify the stress and anxiety that Client has felt since she was charged? How is it possible to quantify what it means to a mother like Client who because of her actions might not be able to take her son to college? How is it possible to quantify the stress that a mother like Client must feel knowing that if she is sent to prison her youngest son Trevor will be required to live with his Dad, which is something Trevor doesn't want to do?

A lot of people, perhaps the Government included, would say that Client should have thought of that before becoming involved in criminal conduct. That's a fair point. At the

same time though post-*Gall* these seemingly small matters figure into the just punishment and deterrence equation.

The third factor § 3553(a)(3) pertains to the kinds of sentences available and is a perfect segue regarding just punishment and deterrence. *Gall* discussed **PROBATION** which to a casual observer is viewed as “getting off easy.” *Gall* held:

“We recognize that custodial sentences are qualitatively more severe than probationary sentences of equivalent terms. Offenders on probation are nonetheless subject to several standard conditions that substantially restrict their liberty. See *United States v. Knights*, 534 U.S. 112, 119, 122 S. Ct. 587, 151 L. Ed. 2d 497 (2001) (“Inherent in the very nature of probation is that probationers ‘do not enjoy the absolute liberty to which every citizen is entitled’” (quoting *Griffin v. Wisconsin*, 483 U.S. 868, 874, 107 S. Ct. 3164, 97 L. Ed. 2d 709 (1987))).

4 Probationers may not leave [\*596] the judicial district, move, or change jobs without notifying, and in some cases receiving permission from, their probation officer or the court. They must report regularly to their probation officer, permit unannounced visits to their homes, refrain from associating with any person convicted of a felony, and refrain from excessive drinking. *USSG* § 5B1.3. Most probationers are also subject to individual “special conditions” imposed by the court. *Gall*, for instance, may not patronize [\*\*\*19] any establishment that derives more than 50% of its revenue from the sale of alcohol, and must submit to random drug tests as directed by his probation officer. App. 109.

4 See also Advisory Council of Judges of National Council on Crime and Delinquency, *Guides for Sentencing* 13-14 (1957) (“Probation is not granted out of a spirit of leniency . . . . As the Wickersham Commission said, probation is not merely ‘letting an offender off easily’”); 1 N. Cohen, *The Law of Probation and Parole* § 7:9 (2d ed. 1999) (“The probation or parole conditions imposed on an individual can have a significant impact on both that person and society . . . . Often these conditions comprehensively regulate significant facets of their day-to-day lives . . . . They may become subject to frequent searches by government officials, as well as to mandatory counseling sessions with a caseworker or psychotherapist”).”

Incarceration is no longer mandated. It is wholly unfair to take the position that the **only** just punishment is imprisonment so as to act as a deterrence to other fraud Defendants.

To follow this approach would violate the legislative history to Section 3553 (a) where a sentencing court should not show a preference for one purpose of sentencing over another.

The fourth and fifth elements discuss the Sentencing Guidelines and policy statements and have been thoroughly discussed above.

3553(A)(6) deals with "the need to avoid unwarranted sentence disparities." The distinguishing factor between "Lyn' Laura" Snake and Client is that The Snake had a criminal record and was the "captain of the ship." The Snake justifiably received a harsher sentence than that anticipated here. The dilemma as discussed above is where Client fits vis-a-vis Bob Joneser. If Client is more culpable than Bob Joneser, is a 12 month sentence consisting of 6 months of home confinement and 6 months of probation appropriate? Hopefully, when this Honorable Court takes everything into consideration it will conclude that this sentence is appropriate.

Preceding the 3553 list is a general directive to "impose a sentence sufficient, but not greater than necessary, to comply with the purposes" of sentencing described in the second factor. It has been discussed above that home confinement or probation can be deemed a sentence which is not greater than necessary to comply with the purposes of sentencing. The undersigned is requesting a 12 month sentence consisting of 6 months of home confinement and 6 months of probation split which is greater than probation.

## **V. Conclusion**

This case has shredded Client's personal life. She is keeping her family together by a thread.

The undersigned has developed a great deal of respect and appreciation for Client Prince. It has been hard getting to know someone like Client realizing that the "best" she can hope for is a 12 month split sentence. But for these crimes Client has led an unblemished life, loved and respected by everyone who crosses her path.

For the foregoing reasons, Defendant requests a 12 month sentence consisting of 6 months of home confinement and 6 months of probation.

DEFENDANT

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 17 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:

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