



HOW FEDERAL JUDGES CAN HELP OUR COMMUNITIES — AND HOW DEFENSE ATTORNEYS CAN ASSIST

BY

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In February 2014, on Valentine's Day, a Federal Judge in Rochester, New York gave a program in that community the best present possible. At a sentencing hearing that morning, the Judge granted probation and home confinement to a 64-year-old defendant with the expectation that he would continue a community service commitment to a camp for disabled and autistic children in the area. This defendant had pled guilty to a \$2.5 million tax evasion charge and had an advisory sentencing guideline range of 30-37 months. He made full restitution to the Internal Revenue Service and recognized the significant obligation and responsibility with which the Court had entrusted him. Rather than mowing lawns or doing laundry at a Federal Prison Camp, he had the opportunity to make a difference for a group of children with disabilities who could benefit from his skills. With a background in construction and knowledge of the building trade industry in the area, he set out to fulfill the vision of the Executive Director of the camp — to build a sensory room for the children with special needs.

Fifteen months later, I had the privilege of attending the grand opening of not just a sensory room, but a 7,000 square foot sensory building. This defendant personally worked over 1,000 hours, raised over \$150,000 dollars, and solicited more than 40 local businesses to make this agency's dream become a reality. This defendant, who 17 months earlier was facing a prison sentence, was given a commendation by the local State Representative. I believe the Judge should also have been given an award for his courage and foresight which allowed this to happen.

And this is not an isolated case. In the past 18 months, NCIA has developed numerous community service proposals for defense attorneys and their clients which have been endorsed by various Federal Courts. These include:

- A major UBS tax case in the Northern District of Illinois, where the defendant is working in an inner-city high school teaching manufacturing, sales and distribution to business students;

- A fraud case in the Middle District of New Jersey, where the defendant is working to secure employment for adults with disabilities in the recycling industry;
- A securities case in the Southern District of New York, where the defendant is working at an agency to assist ex-offenders with job placement;
- A federal election campaign act case in the Eastern District of New York, in which the defendant is training and employing youthful offenders in the restaurant and hospitality industry.

These examples, and numerous others, support the objectives of the United States Sentencing Commission's initiatives on alternatives, and federal legislation now being introduced with bipartisan support.

In 1997, the National Institute of Justice issued a report entitled "Intermediate Sanctions in Sentencing Guidelines." In that report, they determined that community service "...is a burdensome penalty that meets with widespread public approval, is inexpensive to administer...produces public value...and to a significant extent, be scaled to the seriousness of crimes."

As sentencing advocacy continues to develop, defense lawyers should look to how they can assist the Federal Judges in their Districts better their communities. It is a win-win proposition.

To help determine if your client is a candidate for community service, or to develop a specific alternative sentence, please call or write.



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