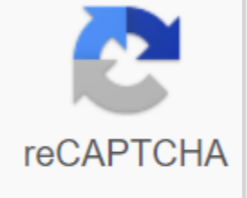




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Sample letters to judge requesting leniency

Thinking about an effective sentencing strategy includes reflections on character reference letters. Each defendant has the opportunity to submit character reference letters that can make an impression on the judge. But what makes a good character reference letter for the court? In addition to reading this article, (I invite you to visit my new site at PrisonProfessors.com. You'll find plenty of free resources to help you get ready. Scroll down the PrisonProfessors.com resources page.) In the fall of 2016, I interviewed Judge Mark Bennett and he specifically spoke about character reference letters. Justice Bennett said he had read between 30,000 and 40,000 letters of reference of character. He based his estimate on the fact that he sentenced more than 4,000 people. On average, Bennett J.A. said that defendants submit between seven and nine letters of reference of character. Some defendants, however, go overboard. He referred to a defendant who submitted 100 letters of reference of character. Elsewhere, I have written about the study of the speech that Justice Bennett orchestrated. In the findings published in the *Alabama Law Journal* that described judges' views on sentencing enforcement, he spoke of what he learned from an investigation he distributed to more than 900 federal judges. It would appear that all character reference letters consider character reference letters to be a useful resource when deliberating on the appropriate sentence. Bad Character Reference Letters Before thinking about a strategy on character reference letters, I encourage readers to look at the excerpt from my interview with Justice Bennett. It tells the story of the wife of a defendant who sent a template on the ideal character reference letters. Many people who received the model followed it word for word. As a result, the judge received dozens of character reference letters that had the same phrasing. He dismissed these letters as insincere, which did not help the defendant achieve the result he wanted. The judges also reject an amateur strategy that many defendants consider; they ask for letters of reference of character to high-ranking people. Yet Bennett J.A. said that he paid no attention to the letters of the senators or further, unless there was the truth. Too often, he said, larger people can write character reference letters out of obligation, but not because they know something about the defendant. The worst character reference letters involve an appropriate sentence length. The don't want someone to tell them how to do their job. Many judges have resisted federal sentencing guidelines because they believe Congress should not influence the length of the sentence, because members of Congress do not know the facts about an individual defendant. Similarly, the judges do not want friends and family members to talk to him about an appropriate sentence. These do not know all the facts of the case, the law, or what constitutes an appropriate sentence. When you think of character reference letters, start from the premise of what to avoid: submitting more letters than necessary doesn't always help. Letters from high-status people fail unless the writer really talks about the character of the accused. Form or model letters can do more harm than good. Never submit character reference letters that tell the judge how to do their job, recommending an appropriate sentence. Best Character Reference Letters When the character reference letters avoid the above defects, they improve a defendant's sentencing performance. As Bennett J.A. said, he wants to hear about the character of the accused. He prefers to hear from a janitor or street sweeper talking about knowing the accused for 10 years. This person should write about what he has seen, or what he knows about the accused. There is no need to write about crime, and there is no need to write about the sentence. The letters of reference of good character help the judge to understand the defendant as an individual. Ideally, the author should express how he or she knows the defendant. If the author has known the defendant for decades, the author can share personal stories or experiences. For example, the author may remember when he saw the defendant give private lessons to others so that they can advance their careers. Another example of good character may reveal how the defendant volunteered with vulnerable populations, such as the elderly or children at risk. Any example or personal experience with the defendant may reveal that the author really knows the character of the accused. Such insight may encourage the judge to see the defendant differently from what the prosecution presents. The length of the letter is not as relevant as providing crucial details about the character and integrity of the defendant. Good-character reference letters can be as short as a few paragraphs, or they can extend over a few pages. More importantly, they should be personal, and they should not be construed as being dictated or orchestrated by the defendant's advocacy group. By committing to helping more defendants who struggle with character reference letters, we encourage them to write a personal letter to friends and family. Explain how a character reference letter should be in the author's own words and not follow any kind of pattern. In fact, explain model can backfire. An example of requesting character reference letters can follow this example: Write on your header Dear friends and family: As you know, I'm going through difficult times. I am about to be convicted of a federal crime. The judge who will determine the appropriate sentence knows nothing about my personal life. He only knows that I have been of a federal crime. The sentencing process is not the time to talk more about my guilt or innocence. I am asking you for help because I need the judge to know me as a human being. For this reason, I ask you to write a character reference letter. If you choose to write a character reference letter, please know that you can help me the most if limit your thoughts to what you know about me as an individual. The sentencing process is a formal process, and federal judges take their responsibilities very seriously. If you would like to know more about this, please watch this three-minute video where a federal judge speaks of character reference letters: Bennett J.A. refers to character reference letters: Bennett J.A. indicated that character reference letters should not indicate an appropriate length of sentence, but should indicate how long the author knew the accused, and what the author knows about the character of the accused. The letter should also reveal that I have been honest about my complications with the criminal justice system. Finally, the letter can help me more if you commit to staying with me as a source of support, even if I face these challenges ahead. In your own words, I hope you will write about our history, about how you know I strive to live as a good person, about everything you have seen in my character. Please address your letter to (name of your judge), but please send your letter to me or my defense attorney at the following address: (insert address where you want letter sent). Thank you so much for your help. I will work hard to prove myself worthy of your support. Honestly, (your name) Finally, against everything I mentioned above, I provide the contents of an excellent character reference letter that proved influential in sentencing for a client we represented in our mitigation work. We suggest that you do your best to submit between eight and 12 such letters with your sentencing kit. Letterhead Date The Honorable (Judge's Full Name) United States District Court Judge Name of District Court Address of District Court City, State, Zip Regarding: U.S. v. (Your Last Name) Dear Judge: I have represented Tom Smith since 1995 and I am writing this character reference letter to express my support. I have informed Tom that, as a lawyer, our communications are protected from disclosure. Yet Tom asked that I be open about his troubles and waived solicitor-client privilege for this purpose. I have done legal work on Behalf of Tom for the past 21 years. We have worked together in a variety of areas related to its business ventures and estate planning. I started representing Tom shortly after he moved to Newport Beach in New York. Throughout this As a lawyer-client relationship, I have not only developed a great respect for Tom as a businessman, as an employer, but also as a human being. I consider Tom a close friend. Tom discussed his troubles with me almost immediately after he became aware of the criminal investigation. I have tried to help him get a competent lawyer because I do not practice criminal law. From the beginning, Tom expressed great remorse for his actions. He expressed his sincere regret not only for the criminal or civil responsibilities he faced, but also for the harm to which he contributed. Tom told me that he had a sincere understanding that his actions were immoral and wrong. In our many conversations about his problems, he has never tried to defend, minimize or explain his activities. He never tried to blame others morally. As surprised as I was that Tom had engaged in behavior that was completely out of character for the man I knew he was, the one who I believe was more surprised than me was Tom himself. Tom knew he was above such behavior and was, and remains, ashamed that he had fallen so far below his own standards to himself. Tom is a man who often volunteers and strives to contribute to our community. I am eternally grateful to Tom for inviting me to accompany him on a Saturday for an afternoon of fun. He didn't tell me his plans or where we were going, so I was a little surprised to drive to a community center in Santa Ana; I expected us to take advantage of his box seats at a professional baseball game. When I asked Tom what we were doing in Santa Ana, he told me that we would spend the day teaching homeless people how to prepare for job interviews. Side by side, we sat at a table for six hours advising people who wanted to make the transition to the job market. While Tom offered advice from the perspective of a successful employer, I sat in fear of his ability to inspire and guide people, offering everything I could. At the end of the day, Tom gave his direct contact information to four people he committed to hire. I left that day, grateful for the experience. Tom told me that he not only funded the program anonymously, but spent one day each month volunteering. Tom is a good person. Since I have known him for decades, I sincerely believe that his unwarranted actions represent an aberration that he will never repeat. He has demonstrated honesty, integrity and fairness in more than 100 transactions to which I have been directly Tom is a loving father, grandfather and conscientious citizen. Thank you, Your Honour, for taking these thoughts into consideration when deliberating on the appropriate sentence. I am prepared to offer Tom additional support as he may require. Respectfully, Name and signature Notice that the example of letter above is very personal. It reveals how the writer knows Tom. Lla Lla shows that Tom has been honest about his problems with the criminal justice system, suggesting that he has really learned from experience. The writer does not suggest a sentence to the judge, but focuses exclusively on what he knew about Tom's personal character, and revealing a story. It is clearly not a standard letter, but a sincere letter that expresses Tom's good character. Consider this example of excellence in your quest to find character reference letters that can help your cause. Our course on sentencing stories can help. If you have resources for one-on-one assistance, call me or text me at 415-419-1728/email: — Remember: The RSP can influence the length of the federal prison sentence. The RSP may influence the type of prison where the Bureau of Prisons will designate the offender. The RSP may affect the amount of access the defendant has to the telephone calls. The RSP may affect the amount of access the defendant is eligible for a time reduction under the Institutional Drug Abuse Program (RSAP). The RSP may influence the person's supervised release time. Defence counsel will limit their direction to matters relating to judicial proceedings. Few defence counsel are very concerned about the presentation investigation because they do not understand the importance of the attendance investigation while the accused is going through federal prison. A competent prison consultant will have extensive and extensive experience navigating federal prisons. Prison consultants with extensive experience will know how to influence the current investigation report in a way that will position the defendant: to serve the lowest possible sentence. To serve the sentence in the best possible environment. To have the best possible experience in the halfway house. To complete his supervised release period as soon as possible. Prison Consultant Services Alternative Prison Sentencing Office Camp Council Prison Consultant Residential Drug Abuse Program Sentencing