

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 14-CR-10237-DJC
)	
JOHN GEORGE, JR.,)	
Defendant.)	
_____)	

DEFENDANT JOHN GEORGE’S SENTENCING MEMORANDUM

INTRODUCTION

Sentencing is the most difficult decision a judge must make -- what amount of punishment is necessary and appropriate in a particular situation is a complex issue, with significant and long lasting consequences. The ramifications of this decision requires the Court to consult not only the sentencing guidelines and evaluate the §3553 factors, but also to employ commonsense and life experience to achieve a just decision.

There are no charts, graphs or guidelines that can adequately substitute for a trial judge’s experience and commonsense. Written guidelines, unlike a judge, cannot observe a defendant and evaluate his character and whether the acts committed were a consequence of mistake or ignorance of the law or a product of a conniving soul.

The experience gained from the development and use of the (now advisory) sentencing guidelines presently best serves as a funnel to collect statistically what others have done in similar circumstances. But, just as each person who appears before the bar is an individual and the circumstances, manner and setting in which crimes are committed are distinct, each sentence must consider the unique convergence of these factors. A just and fair sentence cannot merely be determined and meted out mechanically, by some sort of *judicial accountant*, but must consider and take into account the full panoply of a defendant’s circumstance in conjunction with the

purposes of punishment set out in §3553.

ARGUMENT

THE BEST WAY TO DETERMINE WHO JOHN GEORGE IS AT THIS MOMENT IS TO EXAMINE WHO HE HAS BEEN THROUGHOUT HIS LIFE AS REFLECTED IN THE OBSERVATIONS OF THOSE WHO KNOW HIM.

The Court sat through a week-long trial and heard evidence about John George's acts and those of the employees he managed. It is this abbreviated and corralled picture of George from which the Court must assess his character. But, the unfinished book of John George's life and character is much more than what was related during the trial. As Edmund Wilson, the noted literary critic for the *New Republic* once said: "No two persons ever read the same book." The same is true here. Each person George has come in contact with over his long life will have a different perspective of who he is – each will see him differently. From the composite of all their views, however, a picture of John George emerges.¹

The core of who John George is, the depth and strength of his character, and his core values were not recently acquired to impress this Court or to get elected to some political office, rather they are engrained in his personality. At the start of his teaching career in the late 50's, Douglas M. Pfeninger was John George's seventh grade teacher. In the over 55 years that he has known George he relates that he has "always known John to be a hard worker and have a smile on his face. He was the type of student and player that you would love to have a room full of. John never stopped trying to succeed and to please. Most students in class and on the team merely had to prepare for the day ahead. John did so after working on his father's farm before class even began. However, I never heard him complain. He just went about doing what he had to do." *Exhibit A*.

¹ A compilation of the letters and notes intended by the writers to be submitted to the Court is submitted under separate cover and labeled *Exhibit A*. All the statements made herein are set out in *Exhibit A*.

Richard Ferreira a retired Deputy Fire Chief of Dartmouth and a parent of a special needs child, relates how George has donated food, his time and many other items from his farm to both the fire department and Kennedy Donavan Center for special needs children. Deputy Chief Ferreira tells about a fire at a dwelling a week before Christmas [where] children were involved, the men and women from the fire departments went out to purchase gifts and clothes for the family. John donated a Christmas tree, wreaths and food without wanting any recognition.

Exhibit A. Bruce W. Duarte Sr. says that the “conviction does not represent the John George Jr. that [he has] known and loved as a brother over the last forty (40) years. The John that [he] know[s] is a loving and caring individual who would not hurt anyone but go out of his way to help them.” Joan-Marie Proulx says: “Mr. George is part of the fabric of our community, a factor that should not be discounted. The George name and well-earned positive reputation in the town of Dartmouth is exceeded by no other.”

James H. Mathes writes about George’s commitment to, and care for his life partner, Sandra who has had a very difficult time with serious ailments. And, as she herself, and anyone else who knows them would tell you, John devoted himself to caring for her and seeing to it that she got the best medical care possible. As a further example of John’s character Mr. Mathes says that he was able to witness the respect and love and care and concern John had for his Mom and Dad. John was a good son, and he's a great Dad. My own late father used to say, "You can get a good measure of a man by how he treats his parents and his kids." John measures up as well as anyone I know in that regard. See *Exhibit A*.

The more consistent and similar those perspectives are over the continuum of his life and the variety of situations, the more the Court can rely on the opinions of the writers and be assured of John George’s true character – a kind and giving man; a good man. This sentiment is

expressed by one of George's friends, Richard Barry, who wrote:

It's not my place to assess the legal decisions made concerning John George. I have to trust the judicial process for that. What I have tried to convey is that John is a person I respect. Yes, he is a friend, and nothing will change that. One thing I think I have learned in 35 years of teaching and coaching is that one can't encapsulate a person's life, career, and deeds in one particular mishap. If the Judge can look at the entirety of John George's life up to this time and render leniency in his sentencing, I think justice would be done.

Exhibit A.

Steve Maraboli, another of George's friends and colleagues, captured the sentiment of many of the letter writers when he wrote: "We all make mistakes, have struggles, and even regret things in our past. But you are not your mistakes, you are not your struggles, and you are here NOW with the power to shape your day and your future". Echoing Maraboli's sentiments, Nathalie L Dias, a former office holder in Dartmouth wrote: "John is a good man deserving of the opportunity to shape his future." *Exhibit A.*

John George has a long history of doing good deeds and helping others. This trait did not begin after he got in trouble, but has been the essence of George's life since childhood. John George is a hardworking and generous person, a person who gives back to his community, and helps those who cannot always help themselves. Joseph Cosentino, the government's first witness said what everyone in Dartmouth already knew – John George worked too hard and too long, especially during the growing season.

One might not like the corn he grew or the decisions he made at USBC, but no one can say that he did not work hard at each job. George's neighbor, Thomas F. Burke wrote that he has lived directly across the road from the George Farm and says that "[n]o one in the Town of Dartmouth worked harder or more hours than John and his father. While other farms faded away and John's father aged, the 'George Farm' continued solely because of the labor of John. He is by

nature ‘a farmer’ - driving a tractor, planting the seed, fertilizing, weeding, watering and cutting the crop.” Another friend, Albino Dias, a CPA who has known John George for 30 years explains in his letter that although George “is eligible under Chapter 61A to pay reduced real estate taxes on his farm land, [he] chooses to pay the real estate taxes in full each year.” This trait, Mr. Dias writes “is truly an example of John's character and love of his community” which is also shown by John “donat[ing] and deliver[ing] produce and other food items to local organizations in the greater New Bedford and Dartmouth areas that provide food and shelter to families in need.”

Exhibit A.

Walter P. Faria, an attorney who has known George for over 50 years wrote: “I have never met a man who works harder, who is more generous to those in need and who never seeks recognition for his good deeds.” Trying to give an example of George’s character and love for his community Attorney Faria tells how George “operated a farm in the Town of Dartmouth and while most of the farms have disappeared to major housing subdivisions, Mr. George refused to cash in and ‘grow’ houses. Every day, seven days a week, one could find Mr. George in his fields planting and cultivating his land.” *Exhibit A.*

Michael A. Kehoe respectfully asks the Court to “[p]lease consider the whole picture-this man has spent decades helping his neighbors, preserving (despite economic enticements to sell or develop) a working farm, and representing his constituents with passion and zeal. He is not someone whose past finally ‘caught up with him’. He is not someone who will not help his neighbors. He is someone who adds value to our community.” Mr. Kehoe went on to say that “[a] love for the Town and the farming way of life demonstrates a selflessness that probably was not seen during his trial. Although the characteristics I described are not an excuse, they should come into play in determining his sentence. One cannot ignore a lifetime of sacrifice and

achievement. John has many admirable traits and years of dedicated service to others. He has volunteered his time and talent to many charities and charitable events.”

Thomas E. Kelly, writes that “[w]hatever led [George] to make the unfortunate decisions leading to his convictions, I don't believe his life should be defined by those mistakes, In coming to your sentencing decision, I implore you to weigh the positive evidence of John's lifetime record of valuable community service against the negative impact on society of the mistakes he has made.” *Exhibit A*.

Thomas H. Perry wrote: “We lived side by side as neighbors for twelve years and in that time there was a serious wind storm that knocked a tree branch across my driveway. My wife and I were trying to cut the branch so we could get to a doctor’s appointment and Mr. George was just coming home and came over to give us a hand as I am handicapped and it was a big branch but Mr. George helped us in spite of his shoulder being recently operated on. That is the type of person he is.” *Exhibit A*.

Trying to impart the essence of John George to this Court, Zelma Braga wrote that “I also saw the personal side of John George Jr. as a caregiver to his father after the passing of his mother. Without going into a great deal of detail, his patience, kindness and dedication to the wellness of his father was very commendable. To add a light touch to a very serious situation, John cared for, treated and fed all the critters inherent in a farm including feral cats he adopted. I know John as a very caring, compassionate human being.”

John George’s good deeds are real and not merely for show. He does good deeds when no one is looking and sometimes on a very small and personal level. Bruce Oliveira tells how, when he shops at the Farm Stand, his grandson “takes the opportunity to view the tractors and John has always welcomed his curiosity. Now and again he has offered a ride on the ‘big’ tractor

to him, something that my grandson cherishes. I state these events to try and explain John's value to the community as a caring and valued member.”

Michael Travers offers that “[a]mong the lists of modern adages I have found one that has always resonated with me, *The Law of Accumulation*: Everything great and worthwhile in human life is an accumulation of hundreds and sometimes thousands of tiny efforts and sacrifices that nobody ever sees or appreciates. Such is the description of my longtime friend, John George, Jr.” Exhibit A.

A strong work ethic, the kind that drives a man to work two jobs, explains why the Farmer also ran a bus company.

A. JOHN GEORGE HAS ALWAYS UNSELFISHLY HELPED THOSE WHO NEEDED HELP

David Faria tells a story that captures the essence of John George’s character. He wrote:

Approximately 30 years ago, a friend and I decided to travel 330 miles north to my Maine camp to do some ice fishing. While shoveling deep snow, my good friend Joe Rapoza developed chest pain and fell face down into the snow. This was in the middle of February. As a police officer, I understood Joe to be having a heart attack and the need to be taken to a hospital some 30 miles away, in the town of DoverFoxcroft. While the doctors rushed Joe into the emergency room, I contacted his wife Elsie in Dartmouth, Massachusetts. Elsie began to cry, explained she had no way of getting to Maine, or DoverFoxcroft. Not having a telephone service at the cabin, I provide[d] Elsie with directions and explained the roads are too icy and more snow expected. I would call in the morning. The doctor informed me that Joe is stable but in critical condition. I made my way back to the cabin to light a fire and keep warm.

In the early morning hours, prior to sun light, I could hear someone calling my name. It was John George walking toward my cabin. I could not understand why John George is walking through deep snow toward my camp. While pushing snow away, I open the door and asked him ‘what in hell are you doing here’? John explained that Joe and Elsie are friends and she called him during the night to explain what had happened to Joe and the need to have someone to drive her to Dover-Foxcroft Maine hospital. John explained that they have been driving all night and Elsie is at the hospital. ...

John George is generous in many different ways. Annette D. Gamache tells how, as a

customer of the farm stand she is impressed at his loyal and fair pricing for the community he sells to is a mirror of his personality. More importantly she tells how much a “pleasure [it is] to shop there with [her] husband Jerome Gamache.” She explains how “John is always so courteous to him, and as a man with severe dementia, John has always treated him as he would a brother, with acceptance and a friendly hug and handshake to make his visit there comforting. That says a lot ...”. Elizabeth Isherwood-Moore relates that her grandson had some serious medical issues that resulted in major medical expenses not covered by insurance and how John “willingly presided as auctioneer for the many donated items. He did not know my daughter or grandson, but stepped forward to participate as he has for so many other people through the years.” Ms. Isherwood-Moore predicted that the Court “will hear from many others who also have an intimate knowledge of John's strong belief in helping people. He is the kind of person who touches people from all walks of life.” *Exhibit A*. She was correct. The letters submitted on George’s behalf are replete with numerous story of unselfish generosity.

Sidney H. Kaplan, a 91 years old farmer has known John George Jr. and his family for over 60 years. He says “without hesitation, that he is the hardest working man that [he has] ever met.” *Exhibit A*. Mr. Kaplan tells of George’s community involvement and generosity he observed when Mr. Kaplan served on the Town of Dartmouth's Finance Committee while Mr. George served as a Planning Board member and later as a Selectperson for the Town of Dartmouth. “Mr. George was a dedicated public servant, who [would] spend hours helping the people of our town, and making our community a better place. Mr. George was actively involved in helping the youth of our Town as well as the elderly. He never shied away from volunteering his time and energy.” *Exhibit A*.

Anne Marie Labonte tells a touching story about John George:

In 1985, as a freshman in college, my father became seriously ill, and doctor suggested he eat more spinach. My mother arrived home after a long day at the hospital to find a crate of fresh spinach from John George Farms at her door, simple as that. When my father had open heart surgery, 20 years later, John George's name was on the top of a list of individuals to call to advise the surgery's outcome. In December 2013, my father suffered a severe stroke, severely debilitating his dexterity and mobility. He remained in the hospital for several weeks, then a nursing home, and then an assisted living facility before he came home seven months later. His progress to return to his home has been challenging and oftentimes lonely, both for him and my mother. John was the one who drove my mother in a snowstorm to the hospital. He was the regular visitor at the acute care, rehab and assisted living locations. He was the one who phoned regularly, stopped by with ice cream samples for the expert to try, and most of all he was the visitor who provided what was truly needed: love, support and respect in a situation that has been my parents' greatest challenge.

Ms. Labonte concluded her letter by noting: "It is in difficult times when we can identify who truly cares and who is a true friend. John George, Jr. has unfailingly exhibited these qualities to my family for decades."

Stanley M. Mickelson writes that he has known Mr. John George Jr. for over 30 years both professionally and personally. They served on the Dartmouth Select Board together this past year. Mr. Mickelson says that he has "not met a more honest and sincere individual, giving of his time and energy to his town. As a Resident he has volunteered his time year after year to many organizations and has donated food and clothing without fanfare. He has been a leader in supporting our local Senior Center, again donating food and clothing and in some cases, transportation to our seniors."

Selflessness, not greed, typifies the life of John George.

B. JOHN GEORGE HAS ALWAYS BEEN A TIRELESS ADVOCATE FOR HIS COMMUNITY.

John George's friend Robert A. Gracia Ph.D. said it cogently and succinctly: "Every community needs people who are willing to serve, to care for the common good." Dr. Gracia said

that “John George is such a man and I ask that you consider his life of service to his community.”

Some public officials stand tall and others move with the tide. John George always stood tall and advocated from his heart. Donald C. King, the former Principal of Dartmouth High School, writes that in his tenure both as an educator and as principal of Dartmouth High School, he watched John, “each year, hire and employ many of our teenagers as workers at his local farm. Additionally, he also donated to the school's many causes.” He continues by relating that George’s “service to our town in his position as selectman is *legendary*, and his work with our farming community is without peer.” Explaining that George also served as a State Representative in Boston for their district, he tells a story about George having been treated less than honorably by the leader of the House. Principal King says that George “was assigned an office in the basement because he refused to be intimidated/influenced by other members; instead, he chose to vote his conscience - always for the good of his constituents.”

Matt L. Barron, a political consultant who once worked as George’s administrative assistant when George was a State Representative says it most plainly: “John was a wonderful boss, and the best person I've ever worked for in my 35 years in politics and public service.” Matt says that in his work with Mr. George, he “only observed him adhere to the highest ethical standards of conduct as a public official. John never let a lobbyist buy him as much as a cup of coffee so as to remain totally impartial and he only decided how to cast his votes on the merits of each issue.” He concludes as most of the people who speak of John George: “The John George I know is a kind and generous person who displayed an extraordinary work ethic on behalf of his district and constituents.”

John R. Beauregard, a Vice President of Sylvia Group, wrote that “John [George] has been a tireless supporter of local small businesses. He has advocated for a lower tax rate so that

small businesses can survive and prosper. As a Select Board member, he always had the Town's best interests in mind and the Town is better off for it.” *Exhibit A*. This same view of George was expressed by Wayne Botas, who said:

I remember one summer I asked him if my neighbor's kid could get a summer job in his farm. This poor working family struggled financially, and a job would be her first introduction to the workforce as well as a way to improve her self-esteem. Mr. George did not hesitate to accommodate this request to help this family.

Wayne Botas concluded his letter by writing that “[t]here are so many stories I can recall regarding Mr. George. In all of them, I could see his devotion to his community, his advocacy for the people in need and when one needed direction, Mr. George took time to always listen and offer his knowledge and advice. In my interactions with Mr. George, he was always selfless, respectful and a person of integrity.”

Charles Flaherty, the former Speaker of the Massachusetts House of Representatives explained he served in the Massachusetts House of Representatives with John George. The former Speaker says that “[i]n all of [his] interactions and collaborations with John, [he] found him to be a person of high moral character and strong convictions, with a determined commitment to doing his very best for his constituents and our Commonwealth. He was a staunch and trustworthy ally when we were on the same side of an issue, and a tough, but fair, opponent when we were not. At all times, he was conscientious and diligent, rational in his positions and reasonable in his arguments, and always respectful. I found John George to be a true gentleman, and just an all around *good guy*.” *Exhibit A*.

Jennifer L. D. Fletcher tells how she worked at SRTA with John and had seen him go out of his way to help the employees, the Company, and the City of New Bedford. On many occasions, he has stood “toe to toe with SRTA management and the Mayors of New Bedford to

prevent policies that were not profitable or good for the City. He has been outspoken and lost many friends over plans that might profit a few, but hurt the City.” Ms. Fletcher further writes that:

On every occasion, he had people like me, investigate and prepare sheets showing what was really happening with the bus service and why an issue was either good or bad. Even when issues were not in his best interest, he remained true to his convictions and did what was "right" rather than go along with those who could later hurt him. On several occasions, I saw him make choices that cost him personally, both financially and with friendships, because he saw that the choices were best for the business and the service to New Bedford.

Michael Gagne, shared his interactions with John George by explaining that when working with the newly appointed Agricultural Commission in Dartmouth, the first in the Commonwealth, John George championed the efforts of the Commission and secured over four million dollars in farm preservation funding to acquire and protect valuable farmlands through perpetual Agricultural Preservation Restrictions. Mr. Gagne wrote that the work was so successful that the then US Secretary of Agriculture during the Clinton Administration came to Dartmouth to be briefed on the Agricultural Preservation efforts and a Summit of Agricultural Farmers and Officials was organized by John George to bring these successful efforts to the forefront of Agricultural Protection in Massachusetts.²

Jane L. Gonsalves, in addition to knowing John George as a local farmer, also worked with him on matters related to the operation of Union St Bus Company in her role as City Councilor for the City of New Bedford. Ms. Gonsalves says how she “contacted John many times over the years to discuss issues related to the bus routes, placement of signs, fares, and the speed at which the buses travelled.” She tells how “in every instance John treated her with respect and attempted to work out a compromise to satisfy the residents, but often indicated that

² Recall that with regard to his own farm, the CPA informs the Court that Mr. George voluntarily pays real estate taxes without taking advantage of the tax break afforded by G.L. c. 61A. Pages 4 and 5 above.

he could not help her out because, for example, the routes that were prescribed by vote of the advisory board, and procedural rules required advertising of any changed and public hearings. She concludes her letter by saying that she “never [knew] John to ‘take a shortcut’ in order to respond to [her] request[s]. She ended: “I know him to be the type of person who follows the rules.”

Robert Martin wrote to tell the Court he became friends with George while he served on the Dartmouth Police Dept and John was a town selectman. “John was always a good friend to the police as well as a fine selectman and friend to all. I must say that in my 28 years as a police officer, John showed great respect for the law by never asking for any favors from myself or any of my brother officers. John also takes great pride in supplying so many jobs for people, young and old alike.”

William Mosher wrote “His family farm is no more than 200 yards from our home. I became closely acquainted with John when we both served as elected officials in Dartmouth, a town that we both love and where we grew up. John and I collaborated on a number of improvements for the town. As members of the Planning Board, we worked closely to propose and see enacted into the zoning by-laws of Dartmouth the first aquifer protection by-law in the Commonwealth.”

Larry Cameron, the Executive Secretary (town administrator) to the town Board of Selectmen from 1978 to mid-1984, did work for the Selectmen for four years while John was on the Board. Mr. Cameron “found John throughout this professional relationship to be of great ethical character and extremely earnest serving as a Selectman. Mr. Cameron recalls that at that time “[t]here were [] stringent changes made to the state imposed local procurement regulations and civil service hiring requirements. John and the Board as a whole were scrupulous in adhering

to these new regulations and requirements while meeting the demand for increased municipal services.” Service to others, not self-aggrandizement, is the characteristic these letter writers identify when speaking of Mr. George as a “farmer politician.”

C. JOHN GEORGE HAS WORKED WITH THE YOUNG PEOPLE OF DARTMOUTH AND MENTORED MANY TO BE GOOD, HARDWORKING AND RESPECTFUL CITIZENS.

Many teenagers in Dartmouth had their first job at the John George Farm. When work was hard to find because of the economy, John knew young people needed a chance to earn money for school and he was always willing to give them a chance. He was a great role model for hard work and helped to explain business principles to these young minds. Although he was tough, he was fair and he helped these young people grow and mature with important life principles that they will have for the rest of their life. In many ways, working for him, was like being in a classroom on life. See, e.g., the Letter of Jennifer L. D. Fletcher referenced on page 12 above, relating a story about her daughter.

Kevin Lee, who works with the young people in the Dartmouth area, tells how on numerous occasions over the years he could count on John to consider and hire many teens who needed a break due to severe financial distress at home or, for others who came from dysfunctional families, etc. He explained that at other times John would call him when he thought that one of his seasonal high school-aged employees was in trouble in some way, rather than just fire them outright for poor performance at work, etc. He finished his letter by writing: “The bottom line here is that John George, in every instance, is known in our community as a boundless compassionate and generous person, in heart, spirit and financially too, in his tireless support of individuals needing help, or to area programs and agencies whose mission is to serve others in need.”

Paul Medeiros wrote John employs many high school age teens on his farm providing dozens with their first jobs. They all remember their time there and have fond memories, long into their adulthood, of the hard work on the farm and the fun they had with John. John is also a great supporter of local business choosing to purchase supplies and services from locally owned Stores. They may cost a little more, but he knows that it is the right thing to do, supporting them supports the community.

Kelly Cunha and Diana Curran express the view of many of the young people in Dartmouth – Kelly tells about being a single mother in need of work and how George allowed her to bring her newborn to work until she found suitable daycare. Diana explains she worked at the Farm when she was in high school and tell that “Mr. George has helped myself and countless other young people by teaching us the value of a dollar and showing us the fruits of labor.” Diana says that “Mr. George mentored [her] and guided [her] into higher education and a rewarding career.” She says: “As a matter of fact, most high school students who work summers for Mr. George move on to graduate college.”

James Travers, a retired Dartmouth high school teacher tells about a program he developed called Youth and Government. The students would develop their own bills and follow them through the legislative process. Local, State, and Federal Legislators would work with the students at our school. They also worked with them when we would spend a weekend at the State House in Boston. John was always there to mentor each student and help them understand the difficult lawmaking process. He spent many hours contributing to the success of my program.

John Mosher tells a touching and uplifting story about John George that typifies his spirit. Mr. Mosher writes:

My family met Mr. George years ago when my father was an elected official serving with John on the Select board in Dartmouth. I was a young man of 24 years struggling with life outside of school. I was struggling with alcohol and substance abuse issues. Mr. George never held that against me and always looked to help me, outside of his friendship with my father. Most importantly he provided non-judgmental friendship for my parents as I struggled with my addiction. He was always there for them, especially when I could not be. I am now in recovery living a life of sobriety and peace. I am a high school mathematics teacher and a coach. I spend every day working in an urban high school trying to help guide some of the most at-risk youth in our state. I know John's impact on my life helped me achieve these goals. Two plus years ago my father had open heart surgery. Coming out of surgery he had a major stroke that left him with partial left side paralysis. My mother is 72 and I am the only child living in proximity. My schedule as a teacher and coach made it difficult for me to assist them through what was an extremely trying period. John drove my mother to Boston. He drove my mother to doctor's appointments when there was snow. He visited my father in the nursing home. I truly don't know what my parents would have done without his love and caring. Without a phone call, he was always there to help. I know there are countless stories of individuals in the region he has helped expecting nothing in return. I hope you consider this information in regards to the sentencing Mr. George is facing. I want it to be known that John is a positive caring person in our community, and sending him to prison will harm more than it will help. Thank you for taking the time to hear my thoughts on this.

George has gone to college, worked at Almedia Bus Company, held public office in Dartmouth and as a State Representative and operated the Union Bus Company for almost 20 years. But, above all else George is a farmer, with a farmer's sense of work and respect for sowing seeds and reaping harvests. That picture clearly emerges with respect to the farm. As John Abreu, one of George's long time friends wrote: "He was always there when you needed help. ... He is such a hard worker and ... It would be tragic if John was not able to continue the farm for the community." It is also true of the seeds he planted in the young people of his community. Karina Almeida, an employee of George's relates that John George was "the best boss I could ever ask for. He knows how to teach without getting angry." Karina also said "I only grew up with one grandfather and spending most of my days with John and sharing many laughs with him helped to fill that void."

D. APPLYING 18 U.S.C. §3553(A), THE COURT SHOULD IMPOSE A SENTENCE OUTSIDE OF AND SUBSTANTIALLY LOWER THAN THE GUIDELINE RANGE IN ORDER TO AVOID UNWARRANTED DISPARITY AND TO AVOID A SENTENCE GREATER THAN NECESSARY.

The circumstances of this case strongly militate in favor of varying from the advisory guideline. 18 U.S.C. §3553(a)(6) requires the Court to consider “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.” This is a “key premise” of the statutory scheme. *United States v. Williams*, 891 F.3d 962, 967 (1st Cir. 1989). See also *United States v. Gall*, 552 U.S. 38 (2007)(court properly considered sentences imposed on other defendants); *United States v. Jackson*, 30 F.3d 199, 201(1st Cir. 1994)(guidelines “intended to alleviate disparity in sentencing and to make it reasonably likely that similarly situated offenders will receive comparable punishments, regardless of where they are prosecuted or which judge presides at sentencing.”)

Among the other factors this Court must consider are: (1) the need for the sentence to (a) reflect the seriousness of the offense, 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. Our highest court has recognized that even the standard conditions of probation represent a substantial restriction of the liberty of a probationer. See *Gall v. United States*, 552 U.S. 38, 44 (2007); *United States v. Knights*, 534 U.S. 112, 119 (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 (1987) (footnote omitted)).

Indeed, the Court in *Gall* stated that, “a sentence of imprisonment may work to promote, not respect, but derision, of the law if the law is viewed as merely a means to dispense harsh

punishment without taking into account the real conduct and circumstances involved in sentencing.” 552 U.S. 459, 460 (2007). A sentence of home confinement for an individual who, but for this offense, has lived his life to the highest personal, professional and ethical standards will feel the sting of that sentence with a force that will well serve the goals of deterrence. The substantial monetary fines and penalties Mr. George faces will create a financial hardship on his family.

Respect for the law and general deterrence are not undermined when a court recognizes that the circumstances of a particular defendant's conduct and the defendant's character favor probation. For this defendant, there is little doubt that probation can reflect a reasonable and narrowly tailored sentence well-suited to him and that such a sentence could be sufficient but not greater than necessary to effectuate the purposes of the Sentencing Reform Act.

There is no need for the sentence in this case to either protect the public from future criminal activity or provide the defendant with training, care or treatment. This defendant does not have the characteristics of a re-offender and has the skills he needs to live his life.

CONCLUSION

When considering everything that has been said for and against John George I ask you to consider the words Bonnie J. Vincent wrote in her letter to the Court. She candidly acknowledged that “[t]hroughout these proceeding, John has not been shown at his very best.” Ms. Vincent cautions that “[c]onclusions and opinions were formed with no knowledge of, or understanding of his heart. ... No one saw the heartbreak or perseverance of a man just trying to do the very best he could for others. I believe with 100 percent of my heart that everything John George, Jr. does is for the betterment of those around him.”

The sentiments of the letter writers reflect the fundamental judicial principle that a sentence must be fair. See, for example, *United States v. Proseri*, 686 F.3d 32, 42 (1st Cir. 2012), where the Court recognized that “sentencing necessitates a case-by-case approach, the hallmark of which is flexibility.” See also, *United States v. Martin*, 520 F.3d 87, 91 (1st Cir. 2008) (the range of reasonable sentences is a universe with “expansive boundaries”). There is “no single reasonable sentence in any particular case, but, rather, a universe of reasonable outcomes.” *Proseri*, 686 F.3d at 43, quoting *United States v. Walker*, 665 F.3d 212,234 (1st Cir. 2011); *United States v. Ocasio*, 914 F.2d 330,336 (1st Cir. 1990) (“reasonableness is a concept, not a constant”).

Recently, in *United States v. Millan–Isaac*, 2014 WL 1613683 (1st Cir. April 18, 2014) the Appeals Court reaffirmed the process the sentencing courts must follow when determining a proper sentence. Noting that “[a]lthough the Sentencing Guidelines are now advisory rather than mandatory, [the] district courts are still required to ‘begin all sentencing proceedings by correctly calculating the applicable Guidelines range.’” *Id.*, citing *Gall*, 552 U.S. at 49. In proceeding, “[o]nly after a court has correctly calculated the applicable GSR and evaluated the factors set out in 18 U.S.C. § 3553(a) can it properly exercise its discretion to sentence a defendant within or outside the applicable Guidelines range.” *Id.* This process should not be perfunctory. It serves an important function; “it provides a “framework or starting point” to guide the exercise of the court's discretion.” *Id.*, citing *Freeman v. United States*, —U.S. —, —, 131 S.Ct. 2685, 2692 (2011). Even though sentencing judges are free to impose non-Guidelines sentences in

appropriate cases, “district courts must still give respectful consideration to the now-advisory Guidelines (and their accompanying policy statements).” See *Pepper v. United States*, — U.S. —, —, —, 131 S.Ct. 1229, 1247 (2011) (internal quotation marks omitted).

Respectfully submitted,

John George, Jr., defendant
By his attorney,

/s/ *William J. Cintolo*

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William J. Cintolo, BBO No. 084120
COSGROVE EISENBERG & KILEY
One International Place, Suite 1820
Boston, MA 02110
617.439.7775 (tel)
617.330.8774 (fax)
WCintolo@CEKLAW.Net

Certificate of Service

I, William J. Cintolo, hereby certify that on this date, July 28, 2015, a copy of the foregoing document has been served via email upon the United States Attorney’s Office.

/s/ *William J. Cintolo*

William J. Cintolo

