

IN THE UNITED STATES DISTRICT COURT  
FOR THE \_\_\_ DISTRICT OF \_\_\_  
\_\_\_ DIVISION

UNITED STATES OF AMERICA     §  
  §  
          vs.                         § No. \_\_\_  
  §  
ROBERT LEONARD GEORGE       §

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MEMORANDUM IN SUPPORT OF SENTENCING

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Judge Ellison:

When I talk to Robert George, and when I read about his life (especially in paragraph 34 of the Presentence Investigation Report), I wonder: who are we lawyers to judge this human being?

At age six Mr. George saw his father execute his mother in the street. Four years later he was nearby when his cousin murdered his father. How, without having undergone comparable trauma, can we lawyers possibly have the wisdom to understand what Mr. George deserves?

Mr. George is 49 years old. He attends 12-Step program meetings every two weeks. He has been under pretrial supervision for three years and (unlike either of his codefendants) has had no problems. He has been employed full-time at the same company, Southeast Trailer Painting, for more than three years while under conditions of release. His employer there describes him as “one of our most loyal and dedicated employees” (please see David Barnes’s letter, attached, as well as the other attachments). He and his wife provide

for themselves and for their sixteen-year-old daughter and three-month-old granddaughter (who is not mentioned in the PSR because she was born after the PSR interview).

Before Mr. George's arrest and release on conditions in this case, he was employed for six months by the Salvation Army as a warehouse foreman. Before and during that time that he was in the Salvation Army's Adult Rehabilitation Center (ARC) for nine months -- he attended a six-month program and decided to remain at the ARC for an additional three months. Before rehab he was an unemployed crack addict for two years, from age 43 to age 45, during which he became involved in this conspiracy.

Mr. George challenges the roles attributed to him in Paragraph 7. He believes that he was not involved in either the 3.87 gram transaction or the 2.93 gram transaction on July 14th, 2004, and that he was involved in only one transaction on September 14th, 2004. In the single September 14th, 2004 transaction that Mr. George recalls, Mr. Scott was not the supplier; some youths in a nearby apartment complex provided the drugs. This does not affect the numbers under the sentencing guidelines (the base offense level is the same for five grams of crack cocaine as for 19.99 grams), but it does provide a more accurate picture of Mr. George's involvement in the conspiracy, which was that of a crackhead carrying dope for his dealer in exchange for small amounts of crack cocaine or small sums of money.

How, without having been addicted to crack cocaine from age 39 to age 45, can we lawyers fathom Mr. George's conduct during the last two years of that period in his life?

Before he became addicted to crack cocaine at about age 39, Mr. George was a law-abiding member of society, never charged with any other crime. (The 1993 arrest referred to in Paragraph 32 was a mistake, the result of a theft by check committed by a *white* man named Robert *Earl* George.) He has been certified since 1984 as a dialysis technician; he did that work from age 20 to age 34, before which (from age 19 to age 20) he was a prison guard in Attica.

Crack cocaine is illegal because it is bad for people. It is unwholesome and dangerous to the human using it. It is also unwholesome and dangerous to society because otherwise-honest people addicted to crack cocaine sometimes do things that are far outside their characters. The acts just don't fit. Robert Leonard George is at least as much a victim of crack cocaine trafficking as he is a malefactor. He has overcome his addiction and returned to being a productive member of society. And so we are presented with a 49-year-old man who, for 43 of those years, was a law-abiding and contributing member of society.

That Mr. George was able to turn his life around (not under the compulsion of pretrial supervision, but before he was even arrested in this case) and again become a productive member of society is a tribute to the resiliency of the human spirit and (probably not incidentally) to the power of the love of a good woman, Sally Mae Jordan, to whom Mr. George has been married for 28 years.


So we lawyers are left wondering what to do about his antisocial acts committed while he was under the sway of that addiction. His crimes merit

some sanction, but his life before and after those crimes merits great consideration. But “we lawyers” don’t have to judge Mr. George. The Government’s lawyer and I get to dump that responsibility on the court, then step back. The Government has said that it will file a 5K1 motion in this case, so any sentence will be available to the court, from time served to life in prison.

Section 3553 requires that sentences promote respect for the law, but the law will be respected as far as the law is respectable, and no farther; respect cannot be deliberately manufactured. The factors set forth in Section 3553 provide no more wisdom than does the sentence-by-number scheme of the Guidelines. A judge can justify virtually any sentence in the terms of Section 3553. A good judge will consider each individual and each case on its own merits, recognizing the limits of his own knowledge and so erring on the side of mercy.


I can sum up Section 3553’s requirements in six words: Do justice; love mercy; walk humbly. Everything else is window dressing.

Respectfully Submitted,  
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#### CERTIFICATE OF SERVICE

I emailed a copy of this document to the attorney for the Government before filing it with the court.

  
Mark Bennett  
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