

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

2008 JUL 10 AM 11:00

LORETTA G. WHYTE
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL ACTION NO. 05-186
v. * SECT. J, MAG. 1
STANFORD BARRÉ *
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**DEFENDANT, STANFORD BARRE'S MOTION AND INCORPORATED
MEMORANDUM FOR SENTENCE REDUCTION**

NOW INTO COURT, comes Stanford Barré who joins with the Government in moving for a downward departure from the advisory sentencing guidelines for the reasons stated below and in the Government's Motion and Incorporated Memorandum for Sentencing Reduction. Defendant further urges the Court to adopt the recommendation of the U.S. Probation Officer of Three Hundred Fifty-Four Thousand Seven Hundred and Eighty-Seven Dollars and 36 Cents (\$354,787.36) for restitution in this matter.

The motion of the Government and the letters addressed to the Court by Counsel and Mr. Barré are adopted herein. Defendant urges the Court to adopt the lower of the two recommended restitution amounts. Defendant's extensive cooperation with the Government has all but ostracized

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Process _____
X Dkt'd _____
CrimDep _____
Dec. No _____

Mr. Barré from participation in the New Orleans community where he was a major figure. His ability to re-start his life, once he completes his sentence, has been severely limited because of his direct and indirect testimony regarding his many business associates and the politicians with whom he associated. Mr. Barré has become a pariah in his community. He has lost all of his business and he and his wife are placing their family home for sale so she can move to Florida.

In addition to our request that the Court sentence Mr. Barré to a three year term, we ask the Court to limit the restitution to the lower of the two recommended restitution amounts. The Court has the discretion to order joint and several restitution (see *United States v. Tzakis*, 736 F.2d 867 (2nd Cir 1984)). However, in this case, given Mr. Barré's extensive cooperation, the impact his cooperation has had and will have on his ability to generate further income, and the fact that Mr. Barré will likely be the defendant who, in the long run, will pay a share of the restitution far in excess of his fellow conspirators, we ask the Court to limit the amount of his restitution.

Further, Mr. Barré's only direct payment of funds in this case was approximately \$109,000. The remainder of the approximately \$540,000 disbursed by Mr. Barré was paid to his co-conspirators and to the Internal Revenue Service.

For the aforesaid reasons, we submit that the Court should depart downward from the advisory sentencing guidelines establishing a sentence of 36 months in prison, restitution in the

amount of \$354,787.36, court ordered alcohol treatment by the Bureau of Prisons, and incarceration at the Bureau of Prisons Pensacola Prison Camp.

Respectfully submitted,

MARTZELL & BICKFORD



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ATTORNEYS FOR STANFORD BARRÉ

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served on all known counsel of record by hand delivery and/or fax transmittal as follows on this 8th day of July, 2008:

Jan Maselli Mann, AUSA (via hand delivery)

500 Poydras St., 2nd Floor


New Orleans, LA 70130

Ken T. Luhning (via e-mail)

Supervising U.S. Probation Officer

500 Poydras St. Rm BB-505

New Orleans, LA



SCOTT R. BICKFORD