

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

United States of America,

- v. -

Dean Skelos and Adam Skelos,

Defendants.

S1 15 Cr 317 (KMW)

**SENTENCING MEMORANDUM FOR DEAN SKELOS**

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## INTRODUCTION

For over 34 years, Dean Skelos has devoted his life to public service and improving the lives of New Yorkers. His conviction represents a complete aberration in an otherwise extraordinary and honorable record of service. Furthermore, and tragically, the conduct which led to his conviction was fundamentally driven by Dean's love and concern for his only son and ultimately his son's young family, a love that is the hallmark of his family life.

The many letters submitted in support of Mr. Skelos paint him as the man he is. He is a man of great decency and genuine compassion for others. Mr. Skelos' life is not defined by being a legislative leader; but rather, from his earliest years he has demonstrated that he is a caring and compassionate man who has always taken the time to help and support those in need. For these reasons, and others described herein, we request that the Court impose a non-Guidelines sentence, one which is "sufficient, but not greater than necessary" to provide a just punishment for the unique circumstance of this offense. We respectfully submit that a sentence of probation with a condition of significant, multi-year community service, which takes advantage of Mr. Skelos' unique talents and demonstrated lifelong commitment to his community – one which puts him to work for the good of the community he has served so well – is best tailored both to Mr. Skelos' particular circumstances and to accomplish the law's purposes.

## BACKGROUND

### I. Personal Background

Dean Skelos was born on February 16, 1948 in Rockville Centre, New York. He was the only child of Ann Stratigos Skelos and Basil Skelos. Dean's early years were marked by the tragic illness and death of his mother, the love of grandparents and an extended family, who each took turns caring for him as a toddler and small child, and then the love of a new mother, who cared for him as though he were her first son. These relationships, forged in Dean's most formative years, laid the cornerstone for Dean's bond with his son Adam.

Dean's father, Basil Skelos, a self-educated World War II veteran of the Merchant Marine Service, explains:

“[Dean's] birth mother was Ann Stratigos. We were married in the middle of the war. In 1945 Ann developed abdominal cancer. We did not think we could have children, but in 1947 Ann became pregnant and Dean was born prematurely on February 16, 1948. He was less than 3 pounds and it was quite a miracle that such a tiny baby would survive in those days. Because of Ann's illness, we lived in the Stratigos family home in Rockville Centre. Ann suffered very much and passed away in 1951.”

*Basil Skelos*;<sup>1</sup> *see also Ann Vanech Philippou*.<sup>2</sup>

Following Ann's death, Basil's parents, Greek immigrants, raised Dean. Again, Basil explains:

“After her death and until Dean was school age, he spent most of his time with my parents in a mostly Greek tenement in Manhattan. He was mothered by my mother. When it was time for Dean to go to school he came back to Long Island to live with me in Ann's family home. He knew very little English as he entered elementary school.”

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<sup>1</sup> This is one of 181 letters submitted on behalf of Dean Skelos. The letters have been separately provided to the Court in a compendium and will be referred to herein by the name of the author.

<sup>2</sup> “My mother raised him alongside her terminally ill sister & his young father, who was pursuing an education & employment.”

*Basil Skelos.*

When Dean was seven years old, his father, Basil, married Helen Stamatakis and they moved into their own home where there was to be a rapidly expanding family. Basil further writes:

“Those were difficult times financially, but they were filled with family love. I was working at 2-3 jobs and Helen was home raising our rapidly growing family. In addition to Dean, we had 3 children in the first 4 years of marriage and our 4<sup>th</sup> a few years later. Helen was a wonderful wife and mother to all of our children . . . Helen knew and understood that those were difficult times for Dean emotionally. By the time he was 7 years old, Dean had been mothered by 4 different women.”

*Id.*

As he entered elementary school, Dean gradually learned English and went on to become, as described below, an active and contributing member of every community of which he became a part. Dean has never forgotten the lessons learned from his early adversity and he always sought to pay forward the compassion, love and support given to him by his entire family. Because of his personal life-lessons and the values instilled in him by his parents, Dean overcame the turmoil of his early life and became a person known for giving to, and acting for, others.<sup>3</sup>

His personal and family story has not gone unnoticed by others. “I respect and honor him because he also comes from a family of immigrants that came to this country to work hard and pursue the American dream.” *Welquis and Miriam Lopez*. “I grew up in a hard-

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<sup>3</sup> His brother, Peter Skelos, writes: “helping those in need is how we were raised by our parents.” *Peter Skelos*.

working Greek immigrant family that escaped the persecution of their home country much like the Skelos family.” *Peter Michelis*.<sup>4</sup>

From an early age, Dean returned the love he had received: “Dean became a wonderful and loving big brother to his four siblings. He mentored them, taught them and loved them all in different ways depending on each one’s particular needs.” *Basil Skelos*.<sup>5</sup>

During his formative years, at the age of twelve, Dean began to work at George’s Bakery, a local bakery owned by his maternal grandfather, George Stratigos. His family was known for its willingness to help those in need and, at the bakery, Dean cultivated his family’s values.<sup>6</sup> There, he also learned about humility, service, and the value of hard work, as the job often required long hours in front of an oven and serving customers. Community members fondly remember Mr. Skelos’ work in the bakery and helping others at an early age:

“Dean introduced and recommended many of his classmates seeking to obtain employment [at George’s Bakery]. Helping others came naturally to Dean.”

*Donald Wolfson*.

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<sup>4</sup> “What I really want you to know about Dean and the entire Skelos family is what honorable, hard-working, caring and dedicated public servants they are. The senior Skelos parents are first generation Greek Americans, who are proud of their Greek heritage and roots, but even prouder Americans.” *Faith Skelos*.

<sup>5</sup> “The Skelos family was an educated Greek American family, a generation removed from the immigrant story but a family that deeply embraced it . . . Basil raised his family within the Greek Orthodox Church and was one of the founders of St. Paul’s Cathedral in Hempstead, NY. All of the Skelos kids went to Sunday school or served within the Church as volunteers or Altar boys . . . [o]n any given Sunday, my 95 year old father in law [Basil] (and often his three sons) can still be found in the pews of St. Paul’s Cathedral in Hempstead, NY. . . [t]hey lived the church; the priests were family friends that were often invited to their home for the holidays.” *Peter Michelis*.

<sup>6</sup> Justine DiBrita: “He comes from a caring, humble, loving family who is and was always ready to step up to the plate to help one in need – never looking back or boasting.” *Justine DiBrita*.



“Dean has always been a kind, hardworking, helpful, dedicated and fair individual; not only as a State Senator and an Assemblyman but also as a young man working in his grandfather’s bakery shop and in his day to day life.”

*George Lavas.*

In 1962, Dean entered South Side High School in Rockville Centre where he actively contributed to his high school community. “Dean was active in sports and Village affairs already showing the leadership skills which eventually lead him into state politics.”

*Donald and Denise Wolfson.* “While attending South Side High School, Dean [] actively participated in the student government, as a class representative and as a class officer,” and also lettered in soccer and track and field. *Id.*

In 1966, during his senior year in high school, Dean contracted a severe case of the mumps. This illness rendered Dean infertile and also resulted in a permanent loss of hearing. *Basil Skelos.* Dean’s infertility, particularly because he was part of such a large family, was a source of sadness that he privately carried throughout his life.

In 1970, Dean graduated from Washington College with a degree in history and a minor in political science. At Washington College, Dean once again actively contributed to his community. He, along with several friends, started a crew team and he served as president of the student government association.

After graduation from college, Dean worked his way through Fordham Law School where he attended classes at night and worked during the day. Again, Dean amply demonstrated his capacity for hard work and a constant regard for the needs of others, both characteristics learned from the lessons and experiences of his youth. “When it came time for law school & family finances were tight, Dean worked during the day then on weekends at our grandfather’s bakery, attending classes at night. Never complaining & once again excelling.”

*Ann Vanech Philippou.* Mr. Skelos' sister Anastasia writes: "As a young teenager growing up in the 1970's, I would often wait for my brother Dean to come home after a long day at work and night law school. It was difficult for me to understand how he could work all day, commute by train and subway to attend law school at night. When he arrived back home late at night, he wanted to hear about my day and would offer me support when I needed it, whether it be my academics, or the issues teenagers face. As I got older I began to understand that perseverance is what propelled Dean forward through his life." *Anastasia Skelos Lester.*

In 1974, while still in law school, Dean married Nancy Moffitt and the young couple moved into Nancy's parents' house in Rockville Centre. Dean worked as a personal officer for The Honorable Thomas P. Farley in Nassau County Supreme Court, and then at a few local law firms and as a legislative counsel, all as he became more active in local politics.

In 1982, after years of being unable to have a child of their own, Dean and Nancy adopted Adam Basil Skelos. To this day, it remains one of the happiest days of Dean's life. Dean's joy was shared by his entire family. As Basil Skelos writes, "[f]or Helen and I and all of our kids that was one of the most joyous days of our lives." *Basil Skelos.* As described more fully below, from the outset, there was an extraordinary bond between Dean and Adam, a bond which remains to this day.

Unfortunately, only a few months later, Dean's marriage came to an abrupt and surprising end. "Nancy told Dean she did not love him anymore and wanted a divorce. That was a shock to the system that lasted years." *Peter Skelos.* Nancy walked out on both husband and son, largely leaving to Dean the care and custody of Adam.

As the letters submitted to Your Honor describe in detail, Adam, like many young people, has had his share of personal turmoil. But, the one constant in his life was, and is, the love and support of his father. As Dean's brother Peter Skelos describes:

“And, I was there for the other difficulties Adam and Dean endured together. In one way or another, on many occasions, the wagon of life somehow came unhitched for the two of them. Please do not think I am casting blame here – for reasons only a psychologist can fully comprehend, life was difficult for them. Indeed, only in the last few years have I come to learn that Adam had more difficult issues than even I was aware of as he was growing up. But, Dean stood by Adam's side, as he does today, even under the darkest cloud. He is his father.”

*Peter Skelos.*

Nine years later, on August 24, 1991, Dean married Gail Bernhardt. Gail and Dean have had a remarkably loving and successful marriage. They have supported each other through the highs and lows of life. Adam was always at the center of their family life. But, even with the demands of balancing a demanding political career and their family life, Dean and Gail did not use family time to isolate themselves. They “always opened their home to anyone” and “warmly welcome people from all walks of life in to their home for holidays, Sunday dinners, etc.” *Anastasia Skelos Lester.*

In more recent years, Dean has been blessed by two grandchildren, little Dean and Dylan, who are four and two years old, respectively. Regrettably, both grandsons suffer from autism. *Ann Marie Skelos.* Dean has been a rock of support for these young boys as well as their mother Ann Marie Skelos.<sup>7</sup> Because of the challenges faced by the family, Ann Marie and her two sons plan to move into Dean and Gail's home. As Ann Marie explains: “Despite the separation of his son and I, Dean and Gail have opened up their home for me and the boys. No

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<sup>7</sup> Mr. Skelos has very much assumed a fatherly role with his grandchildren, and, to some extent, to Ann Marie as well. Ann Marie writes: “I look at him as a father who is always there to help guide me through tough times and show me there is always a light at the end of the tunnel.” *Ann Marie Skelos.*

matter what he has never and will never let me and his family down.” *Ann Marie Skelos*; see also *Gail Skelos*. Dean is “the glue that holds the family together. He is generous, loving and nurturing for anyone who comes his way.” *Ann Marie Skelos*.

All of these values, inculcated in him from his youth, and unceasingly demonstrated over a lifetime, are on display even in the present hard times. Whether the abandonment by a spouse or the instant criminal conviction, Dean does not seek to blame others or to distance himself from responsibility for them. Even in times of great personal distress, Dean displays his unfailing decency, humility, loyalty, and rectitude to shoulder blame and accept responsibility:

“On Christmas 2015, after dinner at our home, Dean gathered everyone in the living room, from my father and my 94-year-old mother-in-law, to all of the nieces and nephews and the in-laws. Speaking first to the manner in which we were raised, including the love of a mother who was not his natural mother, but who raised and loved him as though he were her first born, he proceeded to apologize to each and every one of us, individually and collectively. It was a very emotional and cathartic end to the evening with tears from all.”

*Peter Skelos*; <sup>8</sup> see also *Alexis Skelos* (recalling Dean’s words of apology to the family).

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<sup>8</sup> Peter Skelos writes:

“[f]or me, that night became a flashback of our life together. As children, especially in the early years, our father worked two jobs. Mom was tending to the needs of the younger children. Dean was the big brother who taught me to play baseball, made me a Willie Mays fan, taught me how to tie fishing knots, let me hang out with his friends and did all of the other things big brothers did in simpler times. As we were young men and I was thinking about staying in Atlanta where I went to college, Dean encouraged me to come home, to be with family, to follow him at Fordham Law School and to make my career here. For a time, we worked together in the law. He got me involved in politics and helped me become a judge. I had more than 20 wonderfully fulfilling years on the bench. I believe I acquitted myself quite well because Dean taught me by example. He taught me to never bow to political wind or popular pressure but rather to be an independent thinker.”

*Peter Skelos*.

## II. Service in the New York State Senate

Mr. Skelos has dedicated virtually his entire adult life to public service, and he has brought an increasingly rare style to this service, a style that brought the admiration and respect of his rivals on the other side of the political aisle.<sup>9</sup> Rather than engage in gridlock and posturing, Mr. Skelos has served New York by building consensus and seeking compromise, often at personal political risk.

Mr. Skelos began his political career in 1980, when he ran for the Assembly in the 19<sup>th</sup> District, which, of course, included his home town of Rockville Centre. He was elected and served as an Assemblyman for a two-year term. In 1982, Mr. Skelos ran for the New York State Senate in the 9<sup>th</sup> District and lost. Characteristically Mr. Skelos did not give up. In 1984, he ran again for the Senate Seat in the 9<sup>th</sup> District and won. For the next thirty years he served in the New York State Senate rising to become the Deputy Majority Leader in 1994 and ultimately becoming the Majority Leader.<sup>10</sup> Throughout, his service was exemplary: “As a legislator,

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<sup>9</sup> Eugene Bechtle writes, “I was an active Democrat in Rockville Centre, a Zone Leader, President of the Democratic Club, and one-time losing candidate for the Assembly seat that Dean eventually held before he was elected to the State Senate. Dean Skelos was a political rival, a major figure in the ‘other’ Party to which I was actively and adamantly opposed . . . But what was striking about Dean was that his path to success in politics was, in many ways, *in spite* of his personality and character. He was unusual. He was polite, considerate, never boastful, never projected an image of an aggressive, ambitious egotist trying to claw his way up the ladder. I always found it odd how successful Dean was despite the fact that he had a gentle, courteous way about him. He’s just not the kind to use his elbows. It was refreshing to see someone in politics be successful largely on merit and good character.” *Eugene Bechtle* (emphasis in original); see also *Roy Lester* (similar views expressed by a self-described “vocal” Democrat, whose vote and admiration Dean earned, because Mr. Lester found “a compassionate ear in Dean”).

<sup>10</sup> In 1994, Mr. Skelos was appointed Deputy Majority Leader where he served until 2008. He then won the Majority Leadership seat in 2008. But, this position was short-lived. The Democrats won back the Senate majority in 2008. Two years later, in 2010, the Republicans gained a 32-30 advantage in 2010. In January of 2011, Mr. Skelos was elected Senate majority leader where he served until he stepped down in 2015.

Senator Skelos' legacy is virtually unmatched. During my tenure on Senator Skelos' staff, I observed a tireless, principled and uncompromising advocate for seniors, crime victims, children and hardworking, middle-class families." *Thomas Dunham*.

#### **A. Legislative Initiatives**

During his three decades in the New York State Senate, Mr. Skelos had the opportunity to do a great deal of good for New York, and he seized that opportunity to accomplish that purpose. During his tenure, he sponsored and ushered in landmark legislation in a variety of areas of public concern. He did so without fear or favor of the potential political consequences. Mr. Skelos has been a fierce advocate for the underrepresented and those unspoken for, leading and supporting initiatives for the elderly, the education of children including special needs children, the poor, women, and families. Some of Mr. Skelos' most notable legislative achievements are:

- An unprecedented five consecutive on-time state budgets; during his tenure as Majority Leader;<sup>11</sup>
- Serving as chairman of the Senate Aging Committee, among his many other efforts to protect the elderly, Mr. Skelos sponsored and ushered into law the Elderly Pharmaceutical Insurance Coverage ("EPIC") program that allows hundreds of thousands of senior citizens access to affordable prescription drugs;
- Orchestrating middle-class income tax relief to reduce tax rates for the working class New Yorkers to their level lowest in 60 years;

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<sup>11</sup> Late budgets have historically been a problem in New York State government. *See e.g.*, 125 Days Late, A State Budget With New Taxes, New York Times, (August 3, 2010) available at [http://www.nytimes.com/2010/08/04/nyregion/04albany.html?\\_r=1](http://www.nytimes.com/2010/08/04/nyregion/04albany.html?_r=1) (noting that in 2010 (the year before Dean was appointed Senate Majority Leader in January 2011) "Lawmakers completed one of the latest budgets in New York State history"); 11 years, 11 Late Budgets: Divided Albany Misses The Deadline Again, New York Times, (April 1, 1995) available at <http://www.nytimes.com/1995/04/01/nyregion/11-years-11-late-budgets-divided-albany-misses-the-deadline-again.html> ("[a]s the midnight deadline for passing the New York State budget loomed, Gov. George E. Pataki and legislative leaders conceded tonight that negotiations had collapsed and that the state would have a late budget for the 11<sup>th</sup> consecutive year.").

- Working to eliminate a \$10 billion deficit for New York State;
- Leading a number of initiatives designed to improve the quality of life for most “impoverished and needy communities” in his district and the State;
- Authoring New York’s version of Megan’s Law requiring the registration of sex offenders in online databases and other initiatives to protect against sexual offenders;
- Spearheading women’s rights initiatives, including the Women’s Equality Act; and
- Supporting the passage of the SAFE Act which is one of the strictest gun control laws in the country.<sup>12</sup>

It is not just his legislative legacy, which has been described as “virtually unmatched,” (*Thomas Dunham*) that accurately describes Mr. Skelos as a politician. He was widely regarded as a “courageous” politician, one who led initiatives for what was right, not merely what was popular or to best position himself politically. *Gil Bernardino*. Scores of letters describe Dean Skelos as not only a person who was extraordinarily valuable to New Yorkers but also as someone who genuinely cared about other people. His “heart was as big as his public persona.” *Barbara DeGrace*.

Because of the family values instilled in him by his large family, elderly New Yorkers were very near to his heart. He once told Ambassador Vassilios Philippou “we owe them what we are today, each of them helped create us.” *Ambassador Vassilios Philippou*. The Ambassador further writes: “In my long diplomatic career, I have met many world leaders as well as kings, queens & princes. I always saw Dean in a similar light, noble & proud while

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<sup>12</sup> Paul Weidenbaum writes: “although it was not popular within the ranks of his own party, Dean, in his capacity as Senate Majority Leader, was instrumental in the passage in January 2013 of the NY SAFE Act, a law which has been fairly described as the toughest gun control law in the country. He did so over the strong opposition of the natural constituency of his party, based upon their firmly held beliefs, because he believed that shepherding the bill to passage was the right thing to do for the people of New York State. That is, in my view, an example of enlightened and courageous leadership.” *Paul Weidenbaum*.

working tirelessly. One of my fondest recollections was at my mother in law's memorial service. Everyone was bereaved at the loss of the beloved grande dame of the family, the woman who raised Dean as her own during his formative years. Most thinking of the loss, he instead said how lucky he was to have had 3 mothers; his birth mother, her sister & then his stepmother. Always struggling to see the positive. I hope the same love & compassion he showed for so many may now be shown to him." *Id.*

For much of the first decade that Mr. Skelos was a New York State Senator he sat as chairman of the Senate Aging Committee, where he not only "championed [] notable laws for senior citizens that remain on the books today . . . but remarkably devoted his personal time and attention in abundance. There was the landmark EPIC legislation, which "allowed millions [over the years] of senior citizens access to affordable prescription drugs." *Tracy Lloyd.* There was also the "Golden Gathering Senior Health Fair which provides free flu shots and health needs to the many elderly citizens of Nassau County." *Dennis and Janet Corbi.* He was an ardent supporter of the Sandel Senior Center in Rockville Centre, which is a haven for seniors in which they can remain connected and involved in their community. *Buddy and Christine Haunss.*

Yet, the extraordinary aspect of Mr. Skelos' efforts did not end with legislative support and funding. Rather, it was punctuated by the personal time and attention he gave to the elderly beneficiaries of his legislative efforts. For instance, Dean's dedication to the Sandel Senior Center in Rockville Centre, apart from his advocacy and legislative push, encompassed his personal presence and engagement with the seniors. Christine Haunss reveals: "I, Christine, know Dean's dedication to the seniors first hand as my mother was extraordinarily involved at Sandel for more than 26 years up until her passing at age 101 in 2014. She would often say, "if it wasn't for Dean . . ." *Buddy and Christine Haunss.* "Mr. Skelos was always generous with his



time and treated each individual with total respect. Mr. Skelos made each individual feel very special. He was genuinely interested in their issues and concerns.” *Dennis and Janet Corbi*. Rita Orefice describes an instance where Mr. Skelos spoke with a woman at a senior facility whose oven was broken and true to his word, he ensured that someone came to fix the problem the next day. *Rita Orefice*.

Mr. Skelos was a champion for people’s welfare in other areas too. At an event he sponsored to help the unemployed connect with potential employers, Mr. Skelos demonstrated his “hands-on” approach. *Marguerite Peugeot* (noting that Mr. Skelos “not only had organized this event but made it a point to stop with each and every company represented to offer his thanks and support in getting our community back to work in difficulty times”). For those young people vulnerable to, and victims of, sexual offenders, he was the driving force for many initiatives ranging from the Sex Offender Registration Act (Megan’s Law) to a law granting legal privilege to communications between rape victims and their counselors (Rape Shield Law). For poorer communities, he carried out initiatives without regard to the risks of political popularity or backlash. Gil Bernardino, the Founder and Executive Director of Circulo de la Hispanidad, describes Mr. Skelos’ support for the Hispanic community as “courageous.” *Gil Bernardino*. He states that he “will never forget the act of courage that he made to support our community when no one would give us their ear. He did it because it was the right thing to do.” *Id.* Mr. Bernardino also comments on a facility in Hempstead built to provide services which helped the Hispanic population: “[t]his facility would not have been possible if Senator Skelos had not taken the high political risk some decades earlier to support Hispanic causes and to listen to the voice of Hispanics. No elected official that I know of, and I have known many, has done a similar act with nothing to win and lots to lose politically. At that time, there were a small

number of Hispanic voters in his district, and they had little influence. He took a risk and did the right thing by responding to emerging needs. He has not only my respect and admiration but also of my community.” *Id.* (emphasis in original).<sup>13</sup>

Courage was also a theme discussed in other aspects of Mr. Skelos’ commitment to the public he served. Mayor of Island Park Michael G. McGinty, who has known Mr. Skelos for 35 years, writes:

“Consider the year 1984. It was prior to the break-up of the evil Soviet Empire. It was a time that Long Island Jewry was crying out for its people trapped behind the Iron Curtain. Dean joined several rabbis and brought religious items to Soviet Jews in contravention to Soviet prevention of religious freedom. He flew to Moscow with these rabbis, all knowing that the probability of arrest and seizure was real! This man joined Long Island religious leaders to show solidarity and personal Commitment to a beleaguered and religiously persecuted people. This was an act of bravery.”

*Michael G. McGinty.* On women’s issues, longtime staffer Kelly Cummings testified to Mr. Skelos’ interest in promoting protections for women including “workplace safety, domestic violence protections, [and] equal pay for equal work.” 12/3/2015 Tr. 1804 (Cummings). To get the controversial legislation passed, Mr. Skelos was required to, and did, use extraordinary effort to break apart the consolidated legislation and to pass stand-alone initiatives in order to ensure that those essential provisions were passed into law. In her letter to the Court, Ms. Cummings writes: “I was proud to work for Senator Skelos because he fought to protect and improve the lives of New Yorkers. During his tenure, he was often confronted with difficult decisions which

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<sup>13</sup> Gregory Peterson writes of a time when he asked Mr. Skelos to speak to the “Coalition for Community Services” to explain addiction problems and to otherwise support their efforts: “[i]t is unusual for elected officials to get involved with people or organization outside of their immediate constituency because, selfishly, there are no votes to be garnered there. Dean, however, didn’t hesitate in spite of the fact that most were from Brooklyn, Bronx and Manhattan.” *Gregory Peterson.*

put his career at risk. On the strength of his convictions and with the belief that it was in the best interest of New York State, he made those decisions nonetheless.” *Kelly Cummings*.

Although these few anecdotal examples do not convey the enormity of the scope of the many legislative accomplishments in which Mr. Skelos had a hand and for which he deserves significant credit, they are illustrative of certain immutable characteristics of the man. In his person, he displays great affection for people, enough so to devote not only his career, but his personal time, attention, and even love, in hands-on, one-on-one encounters that go beyond the requirements of the job. That he has done so selflessly in significant respect and without regard to political risks is even more indicative of the authenticity of the character of the person Dean Skelos is.

#### **B. Leadership Qualities**

There is little dispute that Mr. Skelos was a voice of reason and compromise in State government, and the result was that the citizens of New York were very well-served. We have touched on some of those successes above, including the State’s passing of on-time budgets five years in a row, ending a long and ignominious record to the contrary. Mr. Skelos led by consensus and always valued the opinions of other Senators and staff members. To accomplish these things, Mr. Skelos used his human touch to work both with members of his party and the opposite party. He was a vigilant opponent of gridlock and well-understood the responsibility of ensuring that certain controversial legislative initiatives deserved the light of the democratic process even if he was personally opposed to them.<sup>14</sup>

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<sup>14</sup> “One example that I personally witnessed was when Senator Skelos brought the Marriage Equality Act to the floor of the State Senate for a vote in 2011. Same-sex marriage was the most contentious issue of that year, and Senator Skelos was under enormous pressure from advocates on both sides of the issue who held rallies and lined the hallways of the Capitol building for weeks loudly expressing their positions on the bill. As Majority Leader, Senator Skelos had the

But the force of his good personal characteristics was not restricted to his approach to parliamentary procedures. He showered his decency and compassion on the people he encountered in the legislature, whether elected officials, staffers, or laborers. Mr. Skelos' Chief of Staff, Robert Mujica, writes, "I truly believe that Dean Skelos is an exceptional person who treated me more like a friend than a staff person." *Robert Mujica*. Beatrice Armony, a staffer who worked for Mr. Skelos for more than 27 years writes, "Senator Skelos always treated staff and his fellow colleagues with the greatest respect and had an open door policy to address any matters or concerns that were brought to his attention. He made it a point to take time out of his busy schedule to listen and assist others even during the most hectic work days." *Beatrice Armony*. She continues, "[h]e not only touched the lives of his constituents, but also personally touched my life in many positive ways by his genuine acts of kindness, honesty and caring nature." *Id.* Secretary of the Senate Francis Patience observed, "[h]e loved his staff and they loved him . . . . Even as Majority Leader, Senator Skelos always found the time to say hello to staff and visitors. He treated all of the staff very well. . . . He was just a very kind man." *Francis Patience*. Dawn Harrington offers similar observations, "Senator Skelos always greeted me by name whenever he saw me and always asked how I was doing. To me that is amazing – knowing how many people he met each and every day. He was always thinking of others and made everyone feel important." *Dawn L. Harrington*. Another person remarked that the people surrounding Mr. Skelos engendered his personal qualities because he selected staffers who

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authority to bring legislation to the Senate floor, but customarily majority leaders only allow legislation they support to be voted on. Despite being personally opposed to same-sex marriage, Senator Skelos knew that it was an issue affecting hundreds of thousands of New Yorkers and because of that, he believed all senators should be able to voice their opinions on the legislation. On June 24, 2011, knowing that a majority of senators wanted to vote in favor of same-sex marriage, Senator Skelos allowed a vote on the bill and same-sex marriage is now the law in New York State." *Kelly Cummings*.

likewise were “generous, compassionate, selfless men and women who would fall on their sword for this man, mostly because he has already done so for them. . . . I’ve seen him ridiculed and humbled by colleagues for doing what was right instead of what was popular.” *Jeffrey Harrington*.<sup>15</sup> Alison Horgan contributes: “[o]utside of work, Senator Skelos and his family welcomed me and made me feel like one of their own. . . . When I was going through a very difficult and emotional time, because of serious health issues, Senator Skelos and his family offered their help and support. I never had an employer who cared so much about his staff, the way Senator Skelos did. I am forever grateful to Senator Skelos for his kindness and compassion.” *Alison Horgan*. Even to a new intern, Mr. Skelos extended his time, easy demeanor and impressed his caring mark: “he always took time out of his busy schedule to help a 21 year old intern understand the ins-and-outs of state government which resonated very strongly with me.” *Frank Alleva*.

Mr. Skelos went above and beyond for his staff members exhibiting “many acts of kindness and compassion” including making accommodations for an employee with substance abuse issues, seeing to it that an employee’s child with mental health issues received the appropriate referral and treatment, giving time off to senior staff members with an ailing family

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<sup>15</sup> Staffer Mark Turan writes: “As a person born with Cerebral Palsy, I have been a victim of discrimination my whole life, but when the Senator was looking for someone to fill an opening in his office, he looked beyond my disability and hired me. In the political world it’s easy to say that you care about people with disabilities and take photos to show it, but Dean did more, he gave me an opportunity. For that opportunity I will always be grateful . . . After leaving the Senate seven years ago, I am proud to say that Dean and I have remained friends. He has and continues to be very supportive of my endeavors.” *Mark Turan*.

member and securing medical treatment for ill employees. *Francis Patience*;<sup>16</sup> *see also Frank Alleva; Kelly Cummings.*

New York State Senator Simcha Felder writes in support of Mr. Skelos:

“I have personally observed how Senator Skelos treated everyone in his path with the same degree of respect, regardless of their socio-economic status, rank, or lot in life. I can vividly recall how he made sure to greet the cleaning and clerical staff at the Senate in Albany, often asking about their families. I made special note of it then as it struck me as so special at the time. He wasn’t the Senate Majority leader in those moments. He was a concerned human being showing concern.”

*Sen. Simcha Felder.* Senator Felder also recalls the time Mr. Skelos visited his elderly 95-year old mother, “[t]he level of compassion that he exuded was tremendous. He left such an impression with my mother, that she mentioned his name time and time again following the visit.” *Id.* “Senator Skelos personifies the word ‘mensch.’ Senator Skelos’ good heart, sensitivity and compassion is what has left a lasting impression with me.” *Id.* Mr. Skelos exemplified this characteristic frequently. Frank Alleva recalls Mr. Skelos’ instinct to assist people in need, including Mr. Alleva’s unemployed father. “[w]hen my dad had almost given up hope, having been out of work for over 2 years, Dean gave him an opportunity in the Senate where he has taken that opportunity and made it into a second career. Through this small act of kindness by Dean, my family has seen a rejuvenation in my father and an outlook on life that we have never seen before. This is all because of the compassion, moral fiber and love that Dean has for others.” *Frank Alleva.*

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<sup>16</sup> Francis Patience goes on to describe how Mr. Skelos consoled him when his father passed away, allowed his mother who was afflicted with Alzheimer’s take her wheelchair onto the Senate floor, and, when Francis’ health took a turn for the worse “[h]e called me in the hospital every time and offered encouragement, support and humor . . . Senator Dean G. Skelos has had a tremendous impact on my life. I would not be where I am today in life if it hadn’t been for him. I am extremely grateful for his friendship, guidance, and support.” *Francis Patience.*

This “stand-up” quality transcended party politics. Former Deputy Nassau County Attorney Eileen Goggin, a life-long Democrat who was fired by a newly elected county Republican administration, credits Mr. Skelos for saving her job. “Senator Skelos crossed party lines when he helped me . . . I will never forget and will be forever grateful for this act of kindness by Senator Skelos, especially since at the time I was a single mother with an eight year old daughter and the consequences of abruptly losing my job would have been devastating.” *Eileen Goggin*. Indeed, Mr. Skelos consistently hired staff members of other politicians and legislators who were fired for purely political reasons. *See Francis Patience*.

His characteristic empathy for those in need was so much a part of his nature that it figuratively flowed out of him. One of Mr. Skelos’ former constituent caseworkers describes her time working for him as “warm and welcoming” and that it made her feel like a “miracle worker; all thanks to Mr. Skelos.” *Jessica DiBrita*. She goes on to describe Mr. Skelos’ service to his constituents: “[i]t was incredible to see how helpful Dean was to all his constituents.” *Id.* “He would fight for these people, most of whom he didn’t even know.” *Id.* Another staff member recalls: “[f]rom personally welcoming a young African-American family to their new home in Valley Stream which had been vandalized with hate messages before they moved in, to bringing controversial equality legislation to the Senate Floor which he could have easily blocked, Dean is a rare politician who always lead from his heart.” *Michael Arens*.

These vignettes of Mr. Skelos’ nature and character are merely illustrative, not comprehensive. When determining an appropriate sentence, we ask the Court to consider Mr. Skelos’ lifelong record of positive contributions to the public-at-large and the positive person-to-person impact Mr. Skelos has had on so many others, even in the face of personal adversity, as demonstrated by the numbers of people imploring leniency for the man.

### C. Extraordinary Service to His Community

Through initiatives, programs, and legislative action, Mr. Skelos has been an extraordinarily positive force for the citizens of his community. Perhaps even more significant is the one-on-one time he constantly spends with community members — which is particularly unique given his senior position. For Mr. Skelos, this was not a “‘game’ for personal gain, [or] a rush to cover as many houses as he could that day, but to let his people know he truly cared about them, especially the elderly.” *Elizabeth Finlay*.<sup>17</sup> His “focus was always on helping others, whether it was helping an individual in a hospital get out of the emergency room and into a private room, reading to elementary school children, or contacting the phone company or power company to assist an elderly person by getting those services restored.” *Frank Alleva*. “No issue was too small for him to address, and no person was too insignificant to help because everyone he represented in his district mattered to Senator Skelos.” *Id.*<sup>18</sup>

These sentiments are not limited to those who have submitted letters to the Court. The local newspaper, the Rockville Centre Herald, named Mr. Skelos its Person of The Year in 2006 in an article titled “*Dean Skelos – A Native Son Who Takes Good Care of Rockville Centre*” Rockville Centre Herald. “[B]y all measures, Skelos goes above and beyond the requirements of his position, working tirelessly to make the lives of Rockville Centre residents easier and safer.”

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<sup>17</sup> Referencing a time when Mr. Skelos met with her elderly mother in her bedroom because she was unable to walk, Justine DiBrita remarks: “[h]e has always been attentive to the needs and concerns of his constituents in the district he has represented for almost *30 years*. Dean is a humble man, a family man, a man of strong religious beliefs, and someone always ready to listen and lend his support to the issues at hand . . . [I have] always found Dean Skelos to be an honest and caring individual.” *Justine DiBrita* (emphasis in original).

<sup>18</sup> “Dea[n] is real. He is adored and revered for his sound advice, his adeptness at getting things done without fanfare and the respectful and fair manner in which he has always treated people. Dean was our ‘local kid’ who made it, our ‘local kid’ who never forgot his roots.” *Jeffrey Greenfield*.



*Id.* From securing funding for sports complexes and renovating the Long Island Rail Road, to getting the police and fire departments the most up to date equipment, to ensuring that the schools had computers, Mr. Skelos has fought for Nassau County and all New Yorkers.<sup>19</sup>

Letters from constituents make clear their continuing support and echo these remarks. They variously describe Mr. Skelos as a “caring, loving man who worked tirelessly for his community and family,” (*Angelo Siconolfi*), “a fair hardworking man that cared deeply about his commitment to public service and the communities he represented,” (*Marguerite Peugeot*), “an honorable servant of the people; available to one and all [who] exemplified all that was good and admirable in a leader and his reputation was impeccable,” (*Lois Beedenbender*), “a good son, father, husband, uncle brother and a great friend [who] spent his adult life working tirelessly for the people of New York always in a well-respected honest manner,” (*Eileen Dahlem*), “a humble man, a family man, a man of strong religious beliefs, and someone always ready to listen and lend his support,” (*Elizabeth Finlay*), “Dean went all out to help our small village recover. He went very much above board to get us on a great recovery plan, and we can never thank him enough,” (*Henry Hastava*), “[n]o one has ever given a helping hand and support like Dean Skelos,” (*Joan and Donald MacNaughton*), and “a true part and parcel of the fabric of our community as a force for harmony, unity, and assistance, not only helping our community through every aspect of daily life and governmental issues, but in the nitty-gritty of people’s personal needs and problems.” *Rabbi Mordechai Kamenetzky*.

In the end, the consensus of the many who have written the Court on behalf of Mr. Skelos is that his unique and indelible good personal characteristics and his devotion to

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<sup>19</sup> Judy Rattner, ROCKVILLE CENTRE HERALD, *2006 Year in Review, Person Of The Year, Dean Skelos A Native Son Who Takes Good Care of Rockville Centre* (collecting benefits that Mr. Skelos brought to the people of Nassau County).

hands-on, face-to-face encounters with his citizen-constituents is what separated him from most other politicians. It is these qualities, along with his humility and care for others, that have earned Mr. Skelos the fidelity that members of the community, even now, still express. And they beg the Court for leniency upon him.

Rabbi Mordechai Kamenetzky recalls Mr. Skelos' long legacy of personal devotion to the community: “[f]rom the large issues of infrastructure to helping individuals get proper insurance or solving problems with utility companies, Dean was there for us for close to thirty years. During the terrible period of Hurricane Sandy, like every circumstance that preceded it, never did a phone call go unanswered or a problem ignored.” *Rabbi Mordechai Kamenetzky*. Rabbi Kamenetzky continues: “[d]espite the scores of calls, meetings, encounters and requests that I presented to Mr. Skelos, not once, did he ever ask me for anything in return – not a fundraiser, not a parlor meeting, not a letter. The only response I ever received was that he would try to do whatever was possible within the boundaries of his position and the law. Unlike any other politician I have ever met, Dean Skelos, always conducted himself in a manner that engendered true friendship embodied in the regal demeanor of professionalism and the ideals of good government.” *Id.* Rabbi Kamenetzky concludes with a request for leniency: “I humbly ask Your Honor, on behalf of our entire community, to take into consideration the decades of selfless devotion to so many families, and institutions and his wholehearted commitment to the greater good. We beseech you to be merciful in the sentencing and consider the decades of goodness that preceded this terrible misfortune, by meeting his sentence in a merciful and compassionate manner.” *Id.*

Angelo Siconolfi, recounting Mr. Skelos' visit to the school where he was the principal, writes: “[i]t was evident from his talk and interaction with the children that he is a

man involved, committed and passionate about doing what is right for his community. He talked openly and with a manner that engaged the children . . . I now pray that the system that he worked so long and hard for can get to know Dean Skelos as the caring, loving man who worked tirelessly for his community and family. I know that I speak for myself and many community members when I say that I hope the legal system is as kind, helpful and understanding as he has been to all of us.” *Angelo Siconolfi*.

Based on the impact Mr. Skelos had through his service, Jean Profeta asks for appropriate consideration of his good work: “[h]e worked tirelessly to make himself a[cc]essible in our community. I can recall a time when Senator Skelos rang every doorbell on my block asking if anyone needed to voice any concerns because he was there to listen . . . I most respectfully plead to your honor that Senator Skelos’ 30 years of public service and good will be taken into consideration and leniency be granted to Senator Skelos for the crimes he is convicted.” *Jean Profeta*.

Senator Alfonse D’Amato touches on the same qualities noticed by others. In his testimony, Senator D’Amato lauded Mr. Skelos’ devotion to the community stating that “[h]is service was fabulous.” 12/4/2015 Tr. 2094 (D’Amato).<sup>20</sup> Peter Skelos summarizes Mr. Skelos both as a man and a politician:

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<sup>20</sup> After Mr. Skelos turned himself in, Senator D’Amato who has known Mr. Skelos for nearly forty years, wrote an article which aimed to remind the public that “[a]lthough these are tough times, we must not forget that Skelos has been a true champion for the people of New York, especially us Long Islanders, for 35 years.” Alfonse D’Amato, LONG ISLAND HERALD, *Thank you, Senator Skelos*, available at <http://liherald.com/eastrockaway/stories/Thank-you-Senator-Skelos,67746>. “During his five-year tenure as majority leader, the Senate passed five consecutive on-time budgets and ended a period of true dysfunction when New York City Democrats ran the state . . . [o]ver those five years, [that Mr. Skelos was the Senator Majority Leader] the State eliminated a \$10 billion deficit left by the Democrats, and created a surplus. Skelos worked tirelessly to reduce taxes on the middle class and promote New York’s businesses. This led to an increase in job creation around the state and allowed the middle class

“Whether it be dealing with bureaucratic red tape in obtaining a new prosthesis for a local couple’s growing daughter when an insurance company refused to authorize payment, or opening his apartment in Albany to a Long Island family whose son was in a tragic, life-threatening accident, or obtaining government funding for hundreds of local organizations and government projects, Dean was there for his constituents. Also, my brother was not someone to merely go with the political wind. It took courage and independent thinking for him to open the Senate floor to debate on issues such as gun control and gay marriage, both of which are anathema to the conservative-leaning leaders and members of the political parties who are among his staunchest supporters and from whom he took much flak. This is how Dean lead his life, because, in the first instances described, helping those in need is how we were raised by our parents and, in the second, because, as Senate Majority Leader, Dean believed in the democratic process. That is the person I know Dean Skelos to be.”

*Peter Skelos.*

## DISCUSSION

### **I. An Application of the 18 U.S.C. 3553(a) Factors Strongly Supports a Variant Sentence**

Although the Court must consider the Guidelines calculation as part of the sentencing process, the Guidelines are advisory only and merely “serve as one factor among several courts must consider in determining an appropriate sentence.” *Kimbrough v. United States*, 552 U.S. 85, 90 (2007). “The Court must consider the whole range of factors in 18 U.S.C. § 3553 and determine the sentence that is ‘sufficient but no greater than necessary,’ to accomplish the goals of sentencing.” *Id.* at 90 (quoting 18 U.S.C. § 3553). Courts are permitted and encouraged to “consider every convicted person as an individual and every case as a unique

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to continue to live in New York, raise families and thrive here . . . Skelos’s extensive list of accomplishments could match or surpass that of any elected official in the history of New York state. He took part in the creation of the STAR program, which provides New York homeowners with partial exemptions from school property taxes. In addition, he introduced the EPIC program, which helps more than 265,000 income eligible seniors age 65 and older to supplement their out of pocket Medicare Part D drug plan costs.” *Id.* Senator D’Amato then described Mr. Skelos’s efforts to help some of the most vulnerable New Yorkers, including enacting New York’s version of Megan’s Law and concludes: “[t]here is no doubt in my mind that New York state is a better place than it was five years ago, and that is directly correlated to the leadership of Dean Skelos.” *Id.*

study in human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue.” *Gall v. United States*, 552 U.S. 38, 50, 52 (2007). When courts engage the 18 U.S.C. § 3553(a) analysis, they may also give “consideration [to] the[ir] own sense of what is a fair and just sentence under all the circumstances.” *United States v. Jones*, 460 F.3d 191, 195 (2d Cir. 2006).

**A. The Extraordinary Nature and Circumstances of This Offense Warrant a Sentence Well-Below the Guidelines Range**

What makes this case both extraordinary - and far outside the heartland of public corruption cases - is that it arises from a father’s love for his son. This case, perhaps more than most, calls for the Court to examine the uniquely human qualities of the defendant and, here, a father’s relationship with his son. To understand the full context of what brings this compassionate good man before the Court for sentencing, it is necessary to juxtapose the unique circumstances of Mr. Skelos’ own childhood against his inability to naturally father children and the adoption of his son Adam. For Mr. Skelos, who was mothered by four women (*Basil Skelos*) before he was seven or eight years of age, and raised in the culture of a large and loving family, his ‘infirmity’ brought an abiding sadness because he was unable to carry the family legacy. Thus, the adoption of his son, Adam Basil Skelos, was a day of enormous joy for Mr. Skelos and his family. *Peter Skelos; see also Basil Skelos*.

Regrettably, this joy was followed almost immediately by hardship. A few short months after Adam’s adoption, Mr. Skelos’ then wife told him that she no longer loved him and wanted to end the marriage. *Peter Skelos*. Occurring at essentially the same time that Mr. Skelos lost his first effort to be elected to the New York State Senate, Adam became both his strength and solace. Perhaps more than many men of his generation, Mr. Skelos participated in the care of his young son: responsible for the bathing, feeding and diapering of his son and, from

this, a remarkable and life-long bond between father and son was forged. “Adam having been abandoned before the adoption was, in effect, abandoned a second time.” *David Lewis*. Mr. Skelos, having lost his own mother at an early age, “has spent his entire fatherhood trying to understand and fill that void.” *Basil Skelos*.

“The world became him and Adam. Period. Dean poured all his attention into the boy, willfully trying to be both parents and more to the child that he loved. Dean undertook to heal the unhealable wounds of abandonment in Adam.” *David Lewis*.

In 1984, Mr. Skelos was elected to the New York State Senate, but as the many letters note, the relationship between father and son never wavered. “There has always been a sparkle in [Mr. Skelos’] eye when he talks about Adam since he was a little boy.” *Kelly McCready*. “When Adam was a little boy, and as a teenager, Dean was there for him each step of the way. He knew life for an adopted child in a split family was difficult and brought with it a magnified sense of emotional rejection.” *Peter Skelos*. “Dean was always looking for ways to help Adam, to provide services for Adam and most of all, he always loved Adam and made sure Adam knew that he loved him. I know Adam reciprocated. And, that is their bond.” *Id.*; *see also Kelly McCready*.

Longtime colleague David Lewis writes: “the wisest man can be a blind father and so it was with Dean.” *David Lewis*. Perhaps no truer words could be spoken to describe their relationship. Throughout their lives the two have been inseparable and Mr. Skelos has always been loyal to Adam, sometimes, to a fault. Mr. Skelos throughout his parental life “sought to meet the un-meetable needs of his son.” *Id.* He was ever-present, and ever-supportive, “but he also could not bring himself to discipline Adam.” *Id.* Countless times, Mr. Skelos went to bat for his son, and, more often than not, he would only face further difficulties in

copied with his loving, but, sometimes wayward son. Adam struggled with academics and behavior, and when he would make excuses or blame others, Dean would accept and advocate for his son full stop “because he both believed in and believed Adam.” *Id.* “Time after time Dean forgave Adam for his misdeeds hoping each time that it would be the last time Adam diverted to a negative direction.” *Charles Silverstein.*

It was Mr. Skelos’ extreme – often blind – loyalty to his son that led him to constantly take Adam’s side, no matter what. Throughout Adam’s adult life, Mr. Skelos always encouraged Adam to be self-sufficient and entrepreneurial. *David Lewis.* “Adam believed himself to be a great salesman and Dean believed it if Adam believed it.” *Id.* When business opportunities fell through, it sent “Adam into screaming fits and self-destructive behavior.” *Id.* Adam would “call repeatedly and incessantly,” and his father was always there for him, as “it would be only Dean that could talk him down and bring him to reality.” *Id.*

“Dean has always had an untiring love for [Adam], always hoping he would have a family of his own someday.” *Sherry Durnan; see also Donald and Denise Wolfson.* At the time of the events that bring father and son before the Court for sentencing, there was good reason Mr. Skelos to believe that Adam was turning the corner from what had been a tumultuous decade or more. *Basil Skelos; see also Peter Skelos.* Adam appeared committed to developing business opportunities, largely of a sales nature, that played to his personality strengths. In November of 2012, “[a]s Adam met Ann Marie, married and had two children, I know Dean saw this as the time when, finally, his family life was achieving a sense of equilibrium and he wanted to maintain that balance.” *Peter Skelos.*

Plainly, Mr. Skelos was hopeful and eager that his son was going to succeed and that his life was coming together. This was the background against which Mr. Skelos made the

requests of Glenwood and PRI which formed the basis for the conviction. From the many people who have submitted letters of support, including political rivals, it is clear that these were not the acts of a man possessed by self-aggrandizement. To be sure, there are no bags of cash, no slush funds, no special earmarks, or any of the other sorts of self-enriching payments which are typically associated with public corruption. Rather, these are requests by a father who wanted to see his son succeed and, as time went by, provide for his young family. This very human failing lies at the heart of the nature and circumstances of this offense.

We respectfully urge the Court that these circumstances provide a compelling basis for leniency and for the Court to fashion a sentence that would allow Mr. Skelos to continue to support his grandchildren and family and to provide service to the community that he has served so well.

**B. Mr. Skelos' History and Characteristics Warrant a Sentence Well-Below the Guidelines Range**

In determining the sentence to be imposed, 18 U.S.C. § 3553(a)(1) specifically allows the Court to consider the “history and characteristics of the defendant.” The scores of letters written in support of Mr. Skelos establish beyond reproach that he is a person of exceptional character who has shown a life-long passion and concern for the needs and well-being of others. The presentence investigation report notes as factors that may warrant departure Mr. Skelos’ lifetime of charitable service and good works and that the “Guideline range substantially overstates the seriousness of the offense.” Draft PSR ¶¶ 136-137.<sup>21</sup> In addition, the “mitigating circumstances regarding the offense and the defendant’s social circumstances may warrant a variance from the applicable sentencing guideline range.” Draft PSR ¶ 138. We respectfully urge the Court that, especially here, where the father-son dynamic suffuses the

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<sup>21</sup> The “Draft PSR” refers to the first disclosure dated January 29, 2016.



entirety of the case, Mr. Skelos' lifetime of human decency and good works - much of which were not performed in the public eye - provide a compelling basis for leniency.

### 1. Acts of Kindness and Compassion

Perhaps the keenest insight into Mr. Skelos' character is his tireless support for those in need. From giving the keys to his house to a family faced with a medical emergency, (*Donna and Bruce Zides*), to the countless letters describing his emotional support during times of death and mourning of family members, (*Marie Gange; Lewis Bazakos; Francis Patience; Beatrice Armony; Charles Casolaro; Olga Gazonas*), to his mentorship and guidance to so many young people, (*Russell Newkirk; John and Karole Rapant; Thomas Dunham;*<sup>22</sup> *Frank Alleva; Diane Burman*), Mr. Skelos' ongoing compassion for the suffering and needs of others and his willingness to extend not only the services of his office but also his personal hand of friendship can only be described as extraordinary. These acts of kindness were far removed from any press release and campaign trail and were extended to all. The letters attesting to Mr. Skelos' character describe him as "exceptional," "honest," "unselfish," "admired," "kind-hearted," "generous," and "compassionate."<sup>23</sup> Father Joakim Valasiadis writes: "As a priest and an educator for sixty-one years, I have met many men. I can say without any fear of being extravagant, that Dean Skelos is one of the finest men I have ever met." *Fr. Joakim Valasiadis*.

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<sup>22</sup> "At 23 years of age, I began working for Senator Skelos. As a mentor, employer, colleague and friend, Senator Skelos shaped virtually [every] aspect of my adult life. From my decision to attend law school to starting a family and surviving colon cancer, Senator Skelos has been a source of support and strength in my life." *Thomas Dunham*.

<sup>23</sup> See, e.g., *Paul Durnan; Rabbi David Zwiebel; Jean Profeta; Jeffrey Harrington; Rita Orefice; Robert Mujica; Beatrice Armony; Justine DiBrita; Welquis and Miriam Lopez; Kelly McReady; Margaret Martinez Malito; Constantine N. Katsoris; William Adelhelm; Anastasia Skelos Lester; Lois Beedenbender; Dennis and Janet Corbi; Patricia Banhazl; Ann Marie Skelos; Lewis Bazakos; Olga Gazonas*.

Mr. Skelos' exceptional character is perhaps best illustrated by one example provided by the Zides family. Their nineteen-year old son was in a horrific car accident. He suffered a traumatic brain injury and having only a 5% chance to live, he was immediately sent to Albany Medical Center's trauma unit. His family rushed to Albany and "day after day [we] sat by Jordan's bedside praying for a miracle." *Donna and Bruce Zides*. "We were out of money to pay for hotel rooms for our family, when our phone rang from the heavens above." *Id.* "It was Sen. Skelos asking us to meet him and his wife at the hospital." *Id.* Jordan's parents write:

"I was in the waiting room and Dean handed us the keys to their Albany town house and told us to move in. My entire family moved in that day giving us a roof over our head and place we could call home for the time being. They food shopped for us, made the beds, and made us feel like family. I don't know how we would have ever made it through those dark days and weeks without Sen. Skelos!"

*Id.*

Mr. Skelos has spent a lifetime "serving others" and "look[ing] out for the less fortunate, disabled and persons in need." *Nicholas Skelos*. His "whole life has been about giving, helping, and serving others." *Id.* "In life there are givers and takers, Dean has always been a giver." *Nicholas Skelos*. Paul Durnan has been a friend of Mr. Skelos's for over 50 years and writes that "Dean Skelos is one of the most honest and unselfish individuals I have known" and that he "never places his own personal needs ahead of the needs of others." *Paul Durnan*.

Letters attesting to Mr. Skelos' character describe him as a "hardworking family man who is community-minded" and is a "sincere, kind hearted and generous person." *Patricia Banhazl*. He is also described as a "caring and loving husband, concerned and loving father and grandparent, loving son to his elderly dad and more importantly, a kind, compassionate, decent and respectful human being;" (*Jean Profeta*), and "a truly family man and a compassionate

human being that truly cares about the people he represents.” *Welquis and Miriam Lopez*. William Adelhelm writes that Mr. Skelos is an “honest, considerate, [] loving father, husband and son . . . who truly cares for the community he served.” *William Adelhelm*.<sup>24</sup> He is further described as “the epitome of a good, hard-working man who loves his family” who is “generous, warm, friendly.” *Alison Horgan*.

An example of his devotion to his family, and his instinct to pay forward the beneficence of those who cared for him as a toddler and young boy, is his immediate assumption of a fatherly role to his nephew, Charles Silverstein. His mother, Carla Silverstein, writes: “within one month of [Dean and Gail Skelos’] marriage, my 44 years old, non-smoker, husband was diagnosed with lung cancer and passed away three months later . . . Dean immediately became a guiding hand helping me to function as a single parent and young mother. He became a second father to my son.” *Carla Silverstein; Charles Silverstein; Michael McGuinness*.

Mr. Skelos’ has also been extraordinarily devoted to his nephew, Jason, who has “multiple disabilities, including cerebral palsy and seizures.” *Thomas Lester*. Jason’s father writes:

“Dean has loved and cherished Jason since the day he was born. When we gather for family holidays, Jason sits next to Dean. Jason has a love of firemen, and Dean has given Jason the Fireman’s hat presented to him by the fire department in Rockville Centre as a gift. Jason keeps the hat next to his bed. It is one of his most cherished possessions.”

*Id.*

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<sup>24</sup> William Adelhelm further describes Mr. Skelos: “Dean Skelos is a good caring man. When people needed him he was there to help and didn’t ask for anything in return. Dean operates with integrity, and never has a bad word to say about anyone. He is hard working and dedicated to what he believes.” *William Adelhelm; see also Constantine Katsoris* (“over the years, he has, in my judgment, been a loyal and compassionate: son, husband, brother, father, friend, and public servant.”).

Mr. Skelos has also been described as a “second-father” to a number of people, who are not biologically related, but whom he has made very much a part of his family. *Kelly McCready; Beatrice Armony; Frank Alleva*. One of those who views Mr. Skelos as a “second-father” writes of his good character and their special bond:

“There is no one that I would put above Dean Skelos when it comes to honesty, integrity, compassion, love for his family and friends, and a true dedication to his community and New York State. Dean Skelos is not arrogant, selfish or greedy. He does not possess a cruel bone in his body and I am proud to say that he is the closest person I have to a second father in my life.”

*Kelly McCready*.

His longtime executive assistant Beatrice Armony writes:

“He not only has made a lasting mark in his community helping his constituents but has been a positive influence in my life. As a devoted husband, father, grandfather and friend, Senator Skelos personally made me feel like a part of his family and after losing my father at the age of 55 to pancreatic cancer, I considered him like a ‘second father’.”

*Beatrice Armony*.

Frank Alleva, yet another person who calls Mr. Skelos a “second father” writes:

“He has been the most influential person in my life during that time . . . [h]e is a mentor, a confidant, one of my closest and dearest friends, and I know without a shadow of a doubt that I would not be the person I am today without him there to guide me.”

*Frank Alleva*.

Mr. Skelos has always lent a helping hand to those in need of medical care and has been instrumental in helping ailing members of his community find appropriate healthcare. *Don DiBrita; Elizabeth Finlay*.<sup>25</sup> Equally significant is his support for others in times of their

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<sup>25</sup> Don DiBrita writes of how Mr. Skelos was “instrumental in helping my gravely ill brother-in-law receive the hospice care he so desperately needed.” *Don DiBrita, Sr.* Elizabeth Finlay describes how her husband had been diagnosed with cancer and, after running in to several roadblocks finding a hospice center near her home, “within two days of contacting his

personal tragedies. *Olga Gazonas*;<sup>26</sup> *Marie Gange*; *Francis Patience*; *Beatrice Armony*; *Lewis Bazakos*; *Robert Mujica*; *Deborah Bass*; *Charles Casolaro*.<sup>27</sup> Marie Gange, widow of Nassau County Police Department Officer Paul Gange, writes of a time when both her husband and mother were in the hospital, on the same floor as Mr. Skelos' mother. *Marie Gange*. Though dealing with his own mother's illness, and, ultimately, her passing, he "took a personal interest in my family and made it a point to see how we were doing during that difficult time even though he too was experiencing personal family difficulties." *Id.*

Others that attest to Mr. Skelos' character "respect and honor him because he also comes from a family of immigrants" that have always been hard-working, positive forces in their communities and genuinely nice people. *Welquis and Miriam Lopez*; see also *Peter Michelis*; *Faith Skelos*. Welquis and Miriam Lopez have known Mr. Skelos for over 38 years and he "has been there to support [their] family in good times and bad, always with an encouraging word and

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office, my husband was transferred to Mercy Medical Center in Rockville Centre, where he remained until his passing." *Elizabeth Finlay*. She continues: "[w]ith Dean's efforts and that of his staff, my husband lived out the short remainder of his life with dignity and the care he needed. I will be forever grateful to Dean for his understanding and compassion." *Id.*

<sup>26</sup> "Whenever I would see Senator Skelos, be it at church or at a social event, he always took time out to sit with me and discuss my father's health and the effect it was having in our family." *Olga Gazonas*. When Olga's sister was diagnosed with breast cancer "once again Senator Skelos made himself available to talk at any time. He was like a big brother to me offering his time and knowledge . . . Senator Skelos has touched my life and my families, in a number of ways with his kind, considerate, compassionate nature and he has always been available with his time. No matter how busy he was he always made time for what is really important in life and for that I am forever thankful and appreciative of his giving nature, his faith and his ability to ease ones mental suffering. I thank God that Senator Skelos has been part of my life." *Id.*

<sup>27</sup> "When my father unexpectedly died in 2010, and my world collapsed out from under me, he called me to offer words of encouragement and consolation. He then took the time to send me a handwritten letter, which I keep on my nightstand and often quote to others in their times of despair and grief, it reads . . . always remember the good times with your father, but life is for the living, so get on with it." *Charles Casolaro*.

endless support.” *Welquis and Miriam Lopez*. The couple recount an example of Mr. Skelos’ support for them during a very difficult time:

“Senator Skelos supported my family when we faced real difficulties. For example, when in 1980 we had the Mariel boat lift I went to Cuba for 30 days to bring my brothers to this country. My wife was left behind with my 1 year old son. We had planned a party for my son’s 1st birthday and I was not able to make it back in time. Senator Skelos was there in support helping my wife in dealing with the stress of not knowing if I was still alive. This is just one example of Senator Skelos values of compassion. He did this as a friend to help my family.”

*Id.*

No matter how busy Mr. Skelos was or what time of night it was, or whether it was a holiday, he was always on call to “drop[] everything” and to pitch in and help others facing trying circumstances. Barbara Drago. Ms. Drago writes:

“I recall his devotion and care not only for his family, but for me and my daughter. Over 17 years ago Christmas Eve, Senator Skelos received an urgent call that I had heart failure and my 12 year old daughter had administered CPR and may have saved my life, but it didn’t look very good. He dropped everything that Christmas Eve night and rushed to the hospital to see what he could do for me, my family and most of all, my young daughter. My point in sharing this very personal story is to demonstrate the Senator’s compassion and care for those in need, especially children.”

*Barbara Drago*.

Mr. Skelos has also mentored a great number of young people. *John and Karole Rapant; Frank Alleva; Russel Newkirk; Diane Burman*. John and Karole Rapant credit Mr. Skelos with helping their daughter ultimately graduate from the Nursing School at Molloy College, noting that “she would not have attended Molloy without [his] help.” *John and Karole Rapant*.<sup>28</sup> Russell E. Newkirk, a Lieutenant in the United States Coast Guard attributes his

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<sup>28</sup> “I want you to know that we think of you and your family everyday and pray for you all at this time of need . . . We know you always tried to do your best for your district, your constituents and long delivered and never asked for anything in return.” *John and Karole Rapant*.

interest in the military to Mr. Skelos because it was Mr. Skelos who first brought him to the United States Military Academy at West Point and assisted him through the application process. *Russel Newkirk*. Lt. Newkirk writes: “[t]hroughout my career I have been able to rely on Senator Skelos for leadership advice and help with decision making.” *Id.*

Mr. Skelos has demonstrated, over the course of his life, that he is a person who would “drop everything” to help someone in need. Even if only for emotional support, his instinct (and conduct) was to act to help others. The letters written for Mr. Skelos establish beyond doubt that he has selflessly devoted a huge amount of time and effort to a very wide variety of socially beneficial activities. Perhaps more significant, is the one-on-one care and support that he provided for those individuals who needed his help the most. Those attesting to Mr. Skelos’ good character admire him for his big heart and helping hand, which he extended over and over again without fanfare or self-promotion, to all with whom he came in contact.

It is readily apparent that the offenses for which Mr. Skelos stands for sentencing are a complete aberration from an otherwise exemplary life, both in the public eye through his legislative office and community outreach, and more importantly as exemplified by his acts of kindness and compassion to individuals in need. Thus, we urge the Court to consider Mr. Skelos’ exceptional character and lifetime of good works when sentencing him.

## **2. Lifetime of Public Service**

In determining a sentence, the court may consider not only a defendant’s good deeds but his exemplary record of public service. *See, e.g., United States v. Rita*, 551 U.S. 338, 365 (2007) (Stevens, J., concurring) (noting that a sentencing judge may consider public service under § 3553(a); *United States v. Adelson*, 441 F. Supp. 2d 506, 513-14 (S.D.N.Y. 2006) (recognizing defendant’s good deeds, including numerous acts of compassion and generosity).

As described more fully above,<sup>29</sup> for over 30 years, Mr. Skelos has devoted his life to public service and truly has been a “voice to the voiceless and strength to the powerless.” *Barbara DeGrace*. “He has always demonstrated a sincere dedication to providing meaningful and far reaching support for his community.” *Greg Banhazl*. From his legislative history which has been described as “virtually unmatched,” (*Thomas Dunham*), to his initiatives to support the most needy communities, which have been described as “courageous,” (*Gil Bernardino*), and his willingness to find appropriate legislative solutions to the most thorny political issues. *See Kelly Cummings*. Mr. Skelos’ public service is most aptly described as exemplary. Respectfully, this, too, should weigh heavily in favor of leniency when this Court issues its sentence.<sup>30</sup>

### 3. Strong Family Ties

As discussed in great detail above, Mr. Skelos has extraordinary family ties. The loss of Mr. Skelos to an incarcerative sentence would have significant negative impacts on the rest of the Skelos family, particularly under the circumstances of this case, his daughter-in-law

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<sup>29</sup> See pages 12-24.

<sup>30</sup> Mayor Michael G. McGinty characterizes Mr. Skelos’ service as a “caring went well beyond his senatorial district, and his impact on Long island will stand for years to come.”

“Time and time again Dean has stood for, and actively sought to correct, injustice to protect and care for people. . . Whether it was a blizzard, Hurricane Irene, or the Super-Storm, his constituents and neighbors could find him shoulder to shoulder with them solving problems and seeking solutions . . . During his senate career, Dean stood up for Long Islanders, protecting school districts and their students, as well as unions and their membership. His public service has been a model for public servants and it is a great shame and loss that we all find ourselves in this position today . . . I write to you to request that you consider all Dean has done, the fine example he has set for public servants, and the difference he has made to the lives of those who were his constituents, those he came in contact with and those Long islanders who he labored so hard and so often to protect.”

*Michael G. McGinty.*



Ann Marie and his two grandsons and, of course, his wife Gail. Ann Marie Skelos writes: “[t]he day before the verdict, my family suffered great loss, the passing of my father Arthur Diaz. Dean is so involved in my children’s lives that I cannot even imagine having them lose another male role model. Adam and I named our first born son Dean Arthur because we have such pride in the men they are and all the values they have to share with our children.” *Ann Marie Skelos*. “I look at [Dean] as a father who is always there to help guide me through tough times and show me there is always a light at the end of the tunnel.” *Id.* “I have two boys, both diagnosed with autism and are non verbal. It would break my heart for Dean to miss any of their progress, or worse, have them digress and suffer developmentally from losing two grandparents a father, and all the family stress that will come with these changes.” *Id.*

Although Mr. Skelos has been a rock for others in their time of need, there have been times when life for him and his son have become so “unhitched” that Dean has fallen into great despair. *Peter Skelos*. But, in those moments of despair “[t]he one sure thing to get Dean engaged [is] a visit from little Dean and Dylan. As you know, the boys do not verbally communicate. But, when they see their Papou Dean, their eyes light up as do Dean's when the boys come running to his open arms.” *Id.* But clearly, Ann Marie and the two little boys need Mr. Skelos as much as he needs them. “He is the glue that holds the family together. He is generous, loving and nurturing for anyone who comes his way.” *Ann Marie Skelos*.<sup>31</sup> “Despite the separation of his son and I, Dean and Gail have opened up their home for me and the boys. No matter what he has never and will never let me and his family down. We know the real Dean, I just don’t want my kids to miss any time learning and loving the Dean we know. I love

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<sup>31</sup> “Dean Skelos is the core of a number of people’s lives and to punish him would be to severely punish others.” *Michael McGuinness*.

Dean with all my heart and my boys love him as unconditionally as I do. Please take them into consideration as well as all the good Dean has done in sentencing.” *Id.*

Mr. Skelos’ wife Gail concludes her letter with a prayer for leniency: “Please try to see the man that Dean is and the good he has done in his life for others and the fact that our two beautiful grandsons whose progress will be impacted and reversed if they lose both their devoted grandfather and their father. Please don’t punish these two little babies who already have to struggle so hard. We are with them several times a week and they will be moving into our home with their mother.” *Gail Skelos.*

**C. Mr. Skelos’ Trial and Conviction Have Sufficiently Promoted the Deterrence Goals of Sentencing**

This very public trial and conviction and its effect on Mr. Skelos’ professional and legislative career have certainly met the general deterrence goals of the criminal justice system. Mr. Skelos was expelled from the New York State Senate and his felony conviction results in his automatic disbarment. *See* NY Judiciary Law § 90(4)(e). Surely, any potential offender would view Mr. Skelos’ conviction and its attendant consequences on his career and the inability of this 68-year-old man to retool himself together with the shame and public humiliation he has already incurred as strong deterrents to unlawful conduct. *See, e.g., United States v. Stewart*, 590 F.3d 93, 141 (2d Cir. 2009) (sentencing court properly considered under § 3553(a)(2)(A) that the “conviction itself already visit[ed] substantial punishment” on defendant by barring him from future work in his profession) (internal quotation marks omitted). Peter Skelos writes of the impact that the charges, trial and conviction have had on his older brother:

“[S]ince the day the prosecution announced that charges would be levied against Dean and Adam, and continuing to the present, Dean has been demonized by the prosecution and the press as though his life-long record of exemplary public service and good deeds does not exist. Today, Dean is a shattered person. He is a shell of himself. There is hardly a day that goes by when the local newspaper

does not run a story mentioning his name. The other night, I was home in bed falling asleep in front a non-descript movie when I was suddenly awakened as I heard my brother's name being shouted out on television in a political advertisement as though it were synonymous with the term public corruption. I know Dean and Gail read those articles and see those advertisements. They will have to live with that for the rest of their lives. That is not who my brother is."

*Peter Skelos.*

Carla Silverstein writes: "Dean is a good man who is now a mere shell of his former self. He has lost everything that he worked so hard for so many years. He has been disbarred. He can no longer vote." *Carla Silverstein.*

Mr. Skelos' brother Nicholas writes: "Dean's professional life and his reputation are destroyed. He lost his career that he worked so tirelessly to build up over 34 years and his ability to work. The collateral damage has been enormous. Dean's loyal staff are also [] victims; they have stuck by and supported Dean throughout this past year with nothing to gain. The Senate staff has remained loyal to Dean because of the man he is." *Nicholas Skelos.*

"This arrest and trial have been a public shaming/humiliation for Dean and Adam and our entire family." *Gail Skelos.* "I think its near impossible for Dean to get his good name back and I don't understand how Adam a 32 year old man can ever start his life again at least in New York State where his 2 babies will remain living." *Id.*

Gail also writes of the impact the conviction has had on Mr. Skelos' father Basil:

"You can only imagine what Dean's 95 year old father is going through. He is our patriarch and is destroyed at the thought of his first born son being incarcerated because he knows the person Dean is better than anyone and knows the suffering he endured in his life at such an early age, losing his mother, sickness that resulted in profound hearing loss, a painful divorce and basically raising an infant on his own. He will not be able to survive knowing the pain Dean will be suffering. Our family has been torn apart in so many ways."

*Gail Skelos.*

Margaret Malito cites the suffering Mr. Skelos has already endured and asks for leniency: “[i]n your wisdom and benevolence, consider the weight and yoke of shame that has already been placed on Dean Skelos by the loss of his leadership, position and livelihood – the punitive and societal sentence paid by an imperfect, but good man.” *Margaret Malito*.<sup>32</sup>

Because the significant negative consequences that Mr. Skelos has endured, and will continue to endure, serve as powerful deterrent, both generally to others, and specifically to Mr. Skelos, a lengthy prison sentence is not warranted.

**D. The Public Does Not Need to Be Protected from the Commission of Future Crimes by Mr. Skelos**

Among the factors the Court is to consider is the need to “protect the public from further crimes of the defendant.” 18 U.S.C. § 3553(a)(2)(C). Mr. Skelos poses no risk to society and there is no risk of recidivism. Mr. Skelos’ political career is over. Because of the foregoing collateral consequences of his conviction, Mr. Skelos will never again be in a position to commit the sort of crimes for which he is convicted, nor, would he if given the opportunity. Before this incident, Mr. Skelos’ reputation was beyond reproach. Mr. Skelos is fortunate enough to have a strong support system of family, friends, neighbors and colleagues who will help him through this dark period of his life. Put simply, recidivism is plainly not a concern in this case. The total absence of the concern for recidivism weighs heavily in favor of a lenient, and non-Guidelines sentence. *See United States v. Adelson*, 441 F. Supp. 2d 506, 514 (S.D.N.Y. 2006).

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<sup>32</sup> Letters written for Mr. Skelos refer to the severe consequences that this trial and conviction have had upon him. The letters attesting to his character and asking for the Court’s leniency cite the injury he has already suffered including his loss of accreditation, career, civil liberties and reputation and the effect it has already had on his family. *See Marie Gange, Marguerite Peugeot; Lois Beedenbender; Sherry Durnan; Steven Dahlem; Mary Perinelli; Don DiBrita, Sr.; Elizabeth Finlay; Greg Banhazl.*

**E. A Sentence Below the Guidelines is Needed to Avoid Unwarranted Disparities**

18 U.S.C. § 3553(a)(6) provides that the Court should “avoid unwarranted disparities among defendants with similar records who have been found guilty of similar conduct.” Given the unique father-son relationship which lies at the heart of these convictions, the fact that with respect to Mr. Skelos there was no self or personal aggrandizement ever sought or received, and his extraordinary public and civic service, it is difficult to identify a public corruption case where more significant mitigating factors exist. *See* 18 U.S.C. § 3553(a)(6). These reasons for leniency – in the form of a non-Guidelines sentence – have recently been found persuasive.

In the prosecution of former Virginia Governor Robert McDonnell and his wife, the former Governor was convicted of 11 counts of public corruption-related allegations including extortion and theft of honest services arising from official action in exchange for payments. *United States v. Robert F. McDonnell*, No. 3:14-cr-12 (E.D.Va. 2015).<sup>33</sup> In that case, as here, a family relationship was intrinsic to the corruption charges. The sentencing Court rejected the government’s request for a 121-151 month Guidelines sentence in those circumstances, and instead imposed a sentence of 24 months. The Court also based its sentence

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<sup>33</sup> U.S. Representative Richard Renzi, received a 36-month prison sentence after being convicted of supporting federal land exchange legislation in exchange for personal benefits. *United States v. Renzi*, 4:08-cr-00212 (D.Ariz. 2013). In imposing that sentence, it is notable that the Court declined to impose a Guidelines sentence that would have been a range of 97-121 months.

on McDonnell's many years of public service and exceptional character and good works, factors which are indisputably present here - and exist here with even greater force.<sup>34</sup>

Mr. Skelos has shown an extraordinary devotion, not only to the community-at-large, but also to individual human beings in their times of need. Many of these acts were far removed from his political office or function or the public eye. We respectfully submit that these considerations, as applied in *McDonnell*, are even more compelling in this case and that the just result and the appropriate sentence would be the imposition of a multi-year period of community service as discussed below.<sup>35</sup>

**F. A Sentence Based on the Guidelines § 2B1.1 Loss Table Would Be Unjust in This Case**

As of the date of this submission we have been in continuing discussions with the Probation Office as to the correct Guidelines calculation, and the government has advised us that they will not be taking a position until they have a chance to review the defense position. We have provided to the Probation Office under separate cover a submission which describes our position with respect to the loss amount. We note there is an increasing recognition that the §

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<sup>34</sup> Moreover, in *McDonnell*, the allegations included that the former Governor accepted travel, golf and loans for himself from the government cooperator. There are no such allegations in this case.

<sup>35</sup> As a final point on unwarranted disparities, it would be particularly inequitable to sentence Mr. Skelos to a prison term when the four witnesses centrally involved in the misconduct were given non-prosecution agreements and will receive no punishment at all. The charges reflected that all four were payors of bribes, and the government expressly identified the Glenwood executive who testified (and the owner and founder of Glenwood) as co-conspirators. Moreover, the CEO of Abtech received immunity that included securities fraud charges which extended beyond the charges at trial. Additionally, a senior Nassau County executive received immunity for his testimony during which he acknowledged that he was under criminal investigation by a United States Attorney's Office for at least two separate areas of activity. An outcome in which Mr. Skelos serves prison time while these individuals suffer no criminal consequences will not promote respect for the law, especially for those similarly situated to the government's witnesses, and will not be a just resolution to this case.

2B1.1 loss table is not an appropriate measure of the seriousness of an offense, and, moreover, the Draft PSR recognizes as a factor that may warrant departure that the “Guideline substantially overstates the seriousness of the offense.” (Draft PSR ¶ 137 citing §2B1.1, Application Note 20(C)).

**G. An Alternative Sentence of Extensive Community Service Is Sufficient, But Not Greater than Necessary, to Fulfill the Statutory Goals**

By suggesting a sentence of extensive community service we do not seek in any way to minimize the seriousness of the offense. Rather, we respectfully ask the Court to balance Mr. Skelos’ lifetime of good works against the aberrational conduct that resulted in the conviction, and to further consider the significant positive contributions Mr. Skelos’ service could provide to his community. Such a sentence would be consistent with the mandate of 18 U.S.C. § 3553 (a) that calls for a sentence that is “sufficient but not greater than necessary.”

Courts have recognized that in certain appropriate cases, sentences other than incarceration—such as probation, home imprisonment, community service, or some combination thereof—can provide a just punishment that is sufficient, but not greater than necessary, to satisfy the § 3553 factors. Here, such an alternative sentence would have real benefits for the community. The Administrative Office of the U.S. Courts has also endorsed community service as “a flexible, personalized, and humane sanction” in appropriate cases that “addresses the traditional sentencing goals of punishment, reparation, restitution, and rehabilitation” and “may be regarded as . . . a form of symbolic restitution when the community is the victim.”<sup>36</sup>

Community service and other alternative sentences are particularly appropriate in non-violent cases where a defendant has lifetime experience that might significantly benefit

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<sup>36</sup> Court & Community: An Information Series About U.S. Probation & Pretrial Services: Community Service, Office of Probation and Pretrial Services, Administrative Office of the U.S. Court (2007), available at [http://www.miep.uscourts.gov/PDFFiles/court\\_community\\_all.pdf](http://www.miep.uscourts.gov/PDFFiles/court_community_all.pdf).

community service organizations that would otherwise be wasted by a prison sentence. Paul Weidenbaum writes: “[d]espite his conviction, there is much good which Dean Skelos can still do for others . . . I would hope that any sentence will afford this good man, who has spent most of his adult life serving others, the opportunity to earn a measure of redemption through service to others in the future.” *Paul Weidenbaum*.

Several charitable and educational organizations have offered to structure intensive programs of community service for Mr. Skelos. These programs serve the dual purpose of providing an appropriate punishment for a 68-year-old man while allowing the community to benefit from his many years of education, service and knowledge. His service would have a significant impact on improving the lives of the people in his community. There are a number of community-service organizations that would be willing to structure community-service programs, including:

- Achiezer Community Resource Center: This program would benefit from Mr. Skelos’ extensive experience – and advocate – for the elderly. He would transport the elderly to hospital care and other medical appointments. Additionally, he would hand deliver food to the impoverished.
- Circulo de la Hispanidad, Inc.: Mr. Skelos would serve as an asset to the grass roots community outreach programs, including those focused on education, youth services, housing, domestic violence, and the treatment of those suffering from HIV/AIDS.
- Lawrence Schools Close-to-Home Program: This program would pull upon Mr. Skelos’ personal experience with children with disabilities. He would serve as an aid and educator to disabled children in an array of areas including vocational training and personal and social skills.
- Jewish Community Council of the Rockaway Peninsula: Mr. Skelos would provide hands-on service to historically underprivileged communities including work in connection with SNAP (Food Stamp) program, the JCCRP food pantry, crisis intervention, career and financial counseling, and the housing and tenant support service.



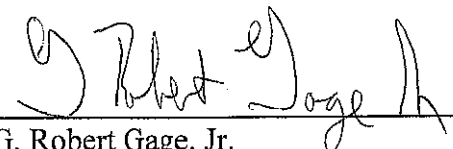
Under any of these plans, or any others, we propose that Mr. Skelos provide 4,160 hours of community service, which is the equivalent of two years of full-time service.<sup>37</sup> We respectfully suggest that an appropriate community service program for Mr. Skelos could be created with the Probation Office that would impose a punishment that is onerous and humbling and yet, unlike prison, would provide substantial benefits to the community.

**CONCLUSION**

For the foregoing reasons, and because the Sentencing Guidelines fail to account for Mr. Skelos' long history of public service and good works, and the unique nature of this case, we respectfully request that the Court impose a sentence of probation with a multi-year community service.

Dated: March 23, 2016  
New York, New York

Respectfully submitted,

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<sup>37</sup> The proposed term of 4,160 hours of community service would be far greater in length than any previous community service sentence that we have been able to identify.