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By ECF

May 8, 2013

Honorable Jack B. Weinstein
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: *United States v. Shirley Huntley*
Docket No: 13 cr 54 (JBW)

Dear Judge Weinstein:

Pursuant to This Court's Order dated May 7, 2013, the attached sentencing memorandum has been publicly filed with the Court.

Respectfully Submitted.

Sally Butler
Attorney for Shirley Huntley

cc: Roberta Houton, USPO
Daniel Spector, AUSA

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May 1, 2013

Honorable Jack B. Weinstein
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: *United States v. Shirley Huntley*
Docket No: 13 cr 54 (JBW)

Dear Judge Weinstein:

This letter is submitted for Your Honor's consideration in the sentencing of Mrs. Shirley Huntley. The purpose of this letter is to set forth the defendant's objections to the presentence report and to present to the Court factors relevant in sentencing the defendant to a fair and reasonable sentence that complies with Title 18 U.S.C. §3553(a).

I am in receipt of the probation report prepared by United States Probation Officer Roberta Houlton dated April 11, 2013, I have reviewed and discussed with my client the report.

Submitted simultaneously with this letter are letters of support from Mrs. Huntley's family and friends and a petition of support from members of the community. Due to the sensitive nature of the materials contained in this letter, the defendant respectfully requests that The Court permit this letter to be filed under seal.

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Offense Conduct

On January 30, 2013, Shirley Huntley pled guilty by information to mail fraud in violation of 18 U.S.C. 371. Ms. Huntley admitted that she had made false representations on certification forms that were mailed to the New York State Department of Education.

By way of background, in 1994, Ms. Huntley established a nonprofit organization that's mission was to assist parents dealing with issues relating to New York City Public School system. Ms. Huntley had volunteered on the District 28 Community School Board and the PTA. Her philosophy has always been that education was key to success.

A portion of the funding for the nonprofit organization came from grants sponsored by New York legislators. While the majority of the funds were spent on the intended purpose, some funds were spent on items outside the stated mission. A portion of those funds was spent by Mrs. Huntley for personal items.

Ms. Huntley has admitted to the government that she did on at least two occasions along with another individual use the funds to shop for personal items. These shopping expeditions were toiletries and household items-not extravagant undertakings.

Ms. Huntley has also admitted to the government that she paid for community expenses that were not within the mission statement of the not-for-profit organization. These expenditures included, among other things, a funeral for a child that died in the community, cap and gowns for low income high school seniors, and contributions to charitable endeavors.

An exact accounting of the inappropriate spending has been hampered by a lack of records which Mrs. Huntley acknowledged she failed to properly maintain. She has accepted responsibility and has admitted to the government that the between 2005 and 2008 she diverted funds from the nonprofit organization in a manner inconsistent with the stated mission. Because of the failure to properly maintain the records, both parties have agreed that restitution of \$87,700 is acceptable. The Huntley's are not wealthy people and the restitution payment will be difficult.

As discussed in paragraphs 12 through 15 of the Probation Report, Mrs. Huntley has admitted to the government that during her term as a New York State

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Senator, she did receive a sum of one thousand dollars from a businessman wanting to do business at JFK airport.

{Portion remains under seal}

The government, however, has accepted Mrs. Huntley's representations as true. As a result, the government has been able to ban the businessman from further association with JFK airport. The activity admitted to by Mrs. Huntley is not relevant conduct to the charged offense but was included in the plea agreement to enhance and assist the government with their law enforcement efforts. Mrs. Huntley's assistance to the government should be considered as a mitigating factor.

Total Offense Level

The parties participated in substantial plea negotiations. The total offense level as determined by probation is consistent with the plea agreement. The defendant is in agreement with probation's calculation and stands by the plea agreement.

Adult Criminal Convictions

The defendant is a criminal history category one. During the pendency of this case, the defendant was prosecuted by the New York State Attorney General for assisting another individual with drafting a letter that was intended as a response to a subpoena issued by the NYS Attorney General. A third individual adopted portions of that letter and submitted to the Attorney General his letter which contained false statements. The defendant admitted to the government her role in the drafting to the letter. The defendant's admission was the strongest evidence of any wrong doing. The defendant pled guilty in State Court.

Mitigating Factors

Family History

Shirley Huntley was born in 1938 in Riverhead, New York and is 74 years old. She married her high school sweetheart 53 years ago. The union produced three bright and hard-working children. Mrs. Huntley devoted herself to raising the children and volunteering in her community. Her husband, Herbert, worked for the Board of Education as a guidance counselor and is now retired. Shirley

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and Herbert live in a modest two bedroom home in South Jamaica, Queens.

{Portion remains under seal}

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Physical Condition

Mrs. Huntley suffers from sciatica. The root of her spinal nerve is compressed. She regularly receives a cortisone injection into her spine to reduce the inflammation surrounding the nerve root. Unfortunately, her last two scheduled injections were terminated as her blood pressure was dangerously high. She is presently taking prescription medications. Her blood pressure has become increasingly worrisome during these stressful months. On April 15, 2013, her doctor has increased the dosage of medication. She is currently prescribed Metoprolol and Nisedical.

Charitable Works

Shirley Huntley has spent her entire life volunteering in her community, working hard to improve the schools and the quality of life. She was not only committed to raising her own children to be productive members of society but also the children in the depressed community of South Jamaica, Queens. Mrs. Huntley currently volunteers full time at the Veterans-In-Command and has been offered a permanent job if her legal situation permits. A letter attesting to the employment offer has been submitted to the Court.

The number of charitable works and volunteer jobs Ms. Huntley has participated in and presently participates in are so numerous, I have chosen to simply list them for your review:

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Initiated a Cub Scout Troop at Merrick Park Baptist Church

Girl Scout Troop Leader

PTA President at PS 123, PS 160 and Shimer JHS

PTA Vice President at John Bowne HS, August Martin HS and Francis Lewis HS

Organized, funded, and conducted yearly Halloween parties for children at various schools

Elected member of Community School Board District 28 (12 years)

President of Community School Board District 28

Named several schools while on Community School Board District 28: August Martin HS, The Duke Ellington School, The Thurgood Marshall School, The Ruby S. Couche School and The Arthur Ashe School

Initiated the aeronautics program at August Martin HS and arranged for the students to study aeronautics at MacArthur Airport with the Black Pilots Association

Was appointed to the Community Education Council by Queens Borough President Helen Marshall

Named and brought The Gateway School to Queens

Community Board 12 member and Education Chair

NAACP member and Education Chair

Initiated the building of the PS 99 Annex

Volunteered at the Read Aloud Program at the Sutphin Blvd Library in Jamaica, NY

Worked for over forty years to rebuild PS 48 in Queens and was able to get

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a new school built upon becoming Senator

Marched in Washington with Rev. Jesse Jackson

Fought for the building of Roy Wilkins Park and founded the Southern Queens Park Association

Board member with the Southern Queens Park Association

President of the Locust Manor Civic Association. The Locust Manor Civic Association sponsored Christmas toy drives, neighborhood Christmas caroling, block parties and Thanksgiving turkey giveaways

Founded the Locust Manor Neighborhood Civic Association Neighborhood Watch

Vice President of the 113 Precinct Council

Member of Kiwanis Club

Planned and implemented Bazaars at the Merrick Park Baptist Church

Volunteered at various church soup kitchens

Presently volunteering with Veterans-in-Command, a program designed to house and assist homeless and displaced veterans

Senator Shirley Huntley

In 2006, members of the community persuaded Shirley Huntley to run for the New York State Senate. Her family was opposed to the idea from the start. The world of politics was not consistent with Shirley Huntley's demeanor. Her family was also concerned that the demands of the job would impact her physical well being. Despite their concerns, Shirley saw the opportunity as a chance to make a difference in her community. She agreed to run. Shirley Huntley's name was well known in the community due to her years of public service. She was overwhelmingly elected to office.

During her six years in the State Senate, she concentrated her efforts to improving the lives of the less fortunate and continued to support education and community out reach. She sponsored legislation for children and the mentally

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disabled. A list of the Bills she sponsored is attached.

Acceptance of Responsibility and Assistance to the Government

Shirley Huntley pled guilty to an Information. She self-surrendered and accepted responsibility. The crime Shirley Huntley pled guilty to occurred nearly five years ago. The crime was unrelated to her position as State Senator. When she was contacted by the government about the misappropriation of funds, she agreed to meet with them and answer their questions.

Mrs. Huntley met with attorneys for the government and FBI agents regularly over a six-month period. During her interviews with the government, she advised them that she had knowledge of what she believed to be corruption involving public officials. She was asked by the government's attorneys and FBI agents to invite certain individuals into her home and record conversations on behest of the Federal Bureau of Investigation. She willingly did as they had requested. During the summer of 2012, Ms. Huntley upon the prompting of the U.S. Attorney's Office and the FBI recorded and photographed the following individuals on multiple occasions:

State Senator John Sampson

Melvin Lowe, (former political consultant and associate of New York State Attorney General Eric Schneiderman)

State Senator Eric Adams

State Senator Ruth Hassel-Thompson

State Senator Jose Peralta

State Senator Malcolm Smith

City Councilman Rubin Wills

State Senator Velmanette Montgomery

Curtis Taylor, (former press advisor for Malcolm Smith)

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{Portion remains under seal}

The defense is aware that the government is currently investigating public officials based in part upon the information provided by Ms. Huntley and her recorded conversations. Ms. Huntley has not revealed her proffers or recordings publicly so as to maximize the government's current efforts. The full extent to which she assisted the government has not yet been made available to the defense.

Conclusion

In conclusion, the prosecution of Shirley Huntley ended her political career and devastated her family. Despite her downfall, she continues to volunteer in her community as she has done for her entire life. She has agreed to payback the money that was misappropriated and/or unaccounted for. In determining a sentence that is sufficient but not greater than necessary, Mrs Huntley asks that This Court consider her years of good works and selfless service, her family circumstances, the declining health of her children and her husband, and her assistance to the government.

Respectfully Submitted.

Sally Butler
Attorney for Shirley Huntley

cc: Roberta Houton, USPO
Daniel Spector, AUSA

