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11 UNITED STATES DISTRICT COURT
12
13 NORTHERN DISTRICT OF CALIFORNIA
14
15 OAKLAND DIVISION

16 UNITED STATES OF AMERICA,
17
18 Plaintiff,
19
20 v.
21 JOHN RUSSELL BELLHOUSE,
22
23 Defendant.

Case No. 22-cr-0066-YGR
**DEFENDANT JOHN RUSSELL
BELLHOUSE'S SENTENCING
MEMORANDUM**

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1 **I. Introduction**

2 Mr. Bellhouse exercised his constitutional right to jury trial. At the conclusion of
3 the trial, the jury convicted him on all counts. He now appears before this Court for
4 sentencing. Having no prior juvenile adjudications or adult criminal convictions, Mr.
5 Bellhouse is in Criminal History Category I. As noted by Probation in the Presentence
6 Report, there remain outstanding objections to the Presentence Report to be decided by
7 this Court prior to determination of the advisory guidelines range. *See Addendum to*
8 *the Presentence Report*. Probation has recommended an upward variance to 50 months'
9 incarceration in the Bureau of Prisons. *See Sentencing Recommendation*, at p. 1. For
10 the reasons set forth below, Mr. Bellhouse respectfully requests that this Court impose
11 a sentence within his advisory guidelines range of 21 to 27 months.

12 **II. Objections to Presentence Report**

13 **A. Clarifications and Corrections**

14 Paragraph 102:

15 Although Mr. Bellhouse did discuss with the Probation Officer challenges that he
16 faced with feelings of acceptance for who he was and his true sexual orientation, he did
17 not say “gay in the late 80s was accepting.” Mr. Bellhouse was a child in the late 80s.
18 Similarly, the sentence attributed to him by quotation regarding “gay men were beaten
19 and a lot of deplorable behavior” is incorrect. Mr. Bellhouse did describe that he saw
20 hazing and harassment in the workplace that had the potential to turn violent.

21 Paragraph 104:

22 Mr. Bellhouse objects to the language that he works on vehicles for “leisure.”
23 Instead, Mr. Bellhouse described that he has been working on vehicles to earn money
24 during the pendency of this case.

25 Paragraph 112:

26 Mr. Bellhouse requests that his degree from community college be described
27 accurately as an “associates degree” rather than an “associates certificate.”
28

1 serve to assist the Bureau of Prisons in making any penological or designation
2 decisions.

3 Paragraphs 56, 62:

4 As noted by Probation, the defense objects to the application of the “vulnerable
5 victim” enhancement in the guidelines calculation.

6 Application Note 2 to U.S.S.G. § 3A1.1 states that, for purposes of subsection (b),
7 “vulnerable victim” is defined as

8 a person (A) who is a victim of an offense of conviction and any
9 conduct for which defendant is accountable under §1B1.3
10 (Relevant Conduct); and (B) who is unusually vulnerable due to
age, physical or mental condition, or who is otherwise particularly
susceptible to the criminal conduct.

11 Application Note 2 goes on to state the knowledge requirement set forth in
12 U.S.S.G. §3A1.1(b) itself: subsection (b) applies to offenses involving an “unusually
13 vulnerable victim in which the defendant knows or should have known of the victim’s
14 unusual vulnerability.” Application Note 2 cautions that subsection (b) is not to be
15 applied if the factor that makes a person a “vulnerable victim” is incorporated into the
16 offense guideline.

17 Probation asserts that Victim 1 constitutes a “vulnerable victim” because (1) she
18 speaks and reads limited English; and (2) she was in the country without proper
19 documentation and is subject to removal to Mexico upon her release from incarceration
20 and these factors make it “less likely that she would trust federal authorities after her
21 release, less likely that she would report the abuse, and less likely that she would be
22 able to participate in any subsequent prosecution.” Probation further states that Mr.
23 Bellhouse, as a correctional officer, had access to intimate details of Victim 1’s life,
24 including the address to which she would be released, which would have been either
25 ICE custody or Mexico.

26 The factors stated by Probation to justify application of the U.S.S.G. §3A1.1(b)
27 “vulnerable victim” enhancement do not find support in the record. Although Spanish is
28 her first and preferred language, she never indicated that her English was “limited.” On

1 direct examination, when asked by the prosecution if she spoke some English, Victim 1
2 answered, “Yes.” [RT 312:17] When questioned about the notes she had written to Mr.
3 Bellhouse, the prosecution asked directly, “[Victim 1], this note is written in English.
4 Are you able to write some English?” to which Victim 1 replied, “A little bit.” [RT
5 321:14-15] Victim 1 further testified that she read the notes Mr. Bellhouse had written
6 to her. Thus, while she may be more comfortable speaking Spanish, by her own
7 admission, Victim 1 has a working proficiency of English. Indeed, outside the presence
8 of the jury, Victim 1 (through counsel) notified the Court that the interpreter was
9 misinterpreting things that Victim 1 said, evidencing a fluency in both languages. (By
10 way of example, in one instance Victim 1 noted that the interpreter said “pressure”
11 instead of “prison” in English.)

12 Further, Probation infers the knowledge requirement that must be established
13 for subsection (b) to apply: because Mr. Bellhouse, as a correctional officer, could have
14 accessed her release address, he must have done so and thus learned that her release
15 address was to ICE custody or to Mexico. But the government does not claim that
16 evidence was presented at trial that Mr. Bellhouse accessed a computer program or her
17 presentence report to obtain the requisite knowledge for application of subsection (b).
18 These suppositions do not satisfy the requisite burden for an enhancement that would
19 have the effect of increasing the advisory Guidelines range.

20 This case is distinguishable from *United States v. Mendoza*, 262 F.3d 957, 960-61
21 (9th Cir. 2001), cited by the government in their objection letter regarding the draft
22 PSR, where application of the U.S.S.G. §3A1.1(b) “vulnerable victim” enhancement was
23 found appropriate. In *Mendoza*, the defendant posed as an INS employee and sold false
24 employment documents to individuals who were not legally in the country. *Mendoza*,
25 262 F.3d at 958. While the court found vulnerability because of the illegal status of the
26 victims, the circumstances pertinent to the finding were that the victims were
27 unfamiliar with immigration law, they were not well educated, they could not read or
28 speak English *at all*, and their immigration status made it less likely they would check

1 on the defendant’s credentials and/or report him. Those circumstances are, simply put,
 2 not present here. As such, this Court should not apply the U.S.S.G. §3A1.1(b)
 3 “vulnerable victim” enhancement to the guidelines calculation.

4 Recommendation 6: Sex-Offender Registration:

5 Mr. Bellhouse recognizes that the current state of the law mandates his
 6 compliance with the Sex Offender Registration and Notification Act (34 U.S.C. § 20911
 7 et seq.) and state sex-offender requirements. Nevertheless, he objects to sex-offender
 8 registration requirements in order to preserve his right to appeal these conditions in the
 9 event that there is a change in law.

10 Restitution:

11 Mr. Bellhouse objects to an order that he pay \$400 in restitution to Victim 1 for
 12 failure of the government to provide appropriate documentation to support the oral
 13 claim of Victim 1. Should the government provide appropriate documentary evidence
 14 substantiating the claim, Mr. Bellhouse will withdraw his objection.

15 **III. Mr. Bellhouse’s Guideline Calculations**

16 Counts 1 and 2: Sexual Abuse of a Ward

17 Base Offense Level: 14

18
 19 Counts 3-5: Abusive Sexual Contact

20 Base Offense Level: 12

21 USSG § 2A3.4(b)(3): +2

22 Adjusted Offense Level: 14

23 Grouping per USSG § 3D1.4 +4

24 Zero-Point Offender USSG § 4C1.1 -2

25 Adjusted Offense Level: 16

26 In a Criminal Category I, Mr. Bellhouse’s United States Sentencing Guideline range is 21-27
 27 months.

1
2 **IV. Objections to Recommended Terms of Supervised Release**

3 1. Paragraph 128 (Recommended JVTA Special Assessment)

4
5 The defense respectfully objects to the imposition of a \$5,000 per count special
6 assessment. Imposition of this special assessment is proper only if the person or entity
7 is “non-indigent.” That is not Mr. Bellhouse. Although he does have some financial
8 assets, Mr. Bellhouse’s earnings have fallen dramatically following the commencement
9 of this prosecution: his income in 2022 was approximately one-quarter of what he
10 earned in 2021. *See* PSR para. 114. It is anticipated that he will be incarcerated in the
11 Bureau of Prisons for some period of time in the near future, bringing his expected
12 income to near zero. Further, Mr. Bellhouse was represented by court-appointed
13 counsel. He is indigent and, as such, the special assessment required by 18 U.S.C. §
14 3014 should not be imposed against him.

15 2. Objection to Search Clause as drafted (Special Condition No. 3)

16 Mr. Bellhouse objects to the inclusion of “computers, cell phones, and other
17 electronic devices” deemed “under his control” in the search provision. The offenses of
18 which Mr. Bellhouse has been convicted did not involve the use of a computer, cell
19 phone, or any other electronic device. Recognizing that this alone is not dispositive on
20 the propriety of this supervised release condition, there still must be a factual finding
21 stating some nexus between computer use and one of the goals articulated in 18 U.S.C.
22 § 3583(d). *See, e.g., United States v. Bare*, 806 F.3d 1011, 1017 (9th Cir. 2015). Just
23 stating that this condition serves the purpose of public protection doesn’t satisfy the
24 requisite finding – indeed, that sweeping assertion could be made in all cases: the more
25 oversight and supervision in any instance, the better protected the public would
26 arguably be.

27 Mr. Bellhouse has no objection to the remainder of the search clause as drafted.

28 3. Objection to Polygraph Requirement as Drafted (Special Condition No. 8)

1 Of concern, should Mr. Bellhouse validly invoke his Fifth Amendment rights
2 during a polygraph examination, he may – in fact, likely will – be discharged from the
3 required treatment program. Mr. Bellhouse requests that it be expressly noted that his
4 supervised release may not be revoked for a valid invocation of his Fifth Amendment
5 right during such an evaluation, even if such a valid invocation results in his discharge
6 from the required treatment program. *See, e.g., United States v. Ross*, 851 Fed.Appx.
7 793, 794 (9th Cir. 2021).

8 4. Objection to Psychological Testing (Special Condition No. 9)

9 Mr. Bellhouse objects to Special Condition No. 9 (“As part of the treatment
10 program, you must submit to psychological testing as recommended by the treatment
11 provider”) as both unconstitutionally vague and overbroad. As this is currently drafted,
12 this could mean any number of things. At the very least, Mr. Bellhouse requests that it
13 be specified that this condition **not** include physiological testing, such as penile
14 plethysmography, which implicates significant liberty interests and, consequently,
15 requires heightened procedural requirements before such a condition of supervised
16 release may be imposed. *See United States v. Weber*, 451 F.3d 552, 562-68 (9th Cir.
17 2006).

18 **V. Argument in Support of Requested Sentence**

19 **A. Applicable Sentencing Law**

20 As set forth in 18 U.S.C. § 3553(a), this Court shall impose a sentence that is
21 “sufficient, but not greater than necessary” to reflect the seriousness of the offense,
22 promote respect for the law, and provide just punishment; to afford adequate
23 deterrence; to protect the public; and to provide the defendant with needed training,
24 medical care, or other correctional treatment in the most effective manner. The Court is
25 to begin by determining the applicable Guidelines range as the Guidelines are the
26 “starting point and the initial benchmark” and are to be “kept in mind” during the
27 sentencing process. *United States v. Carty*, 520 F.3d 984, 991 (9th Cir. 2008) (citing
28

1 *Kimbrough v. United States*, 552 U.S. 85 (2007); *Gall v. United States*, 552 U.S. 38
2 (2007)).

3 Mr. Bellhouse’s guideline range is 21-27months, based on a total offense level of
4 16 and a criminal history category of I. For the reasons set forth below, imposition of a
5 sentence within this range satisfies the sentencing factors set forth in § 3553(a) and
6 would be “sufficient, but not greater than necessary”.

7
8 **B. Application of the 18 U.S.C. § 3553(a) factors supports imposition of a sentence
9 in accord with the advisory Guidelines range.**

10 1. The history and characteristics of Mr. Bellhouse.

11 John Bellhouse was born and raised in Leadville, Colorado. His parents, Sally
12 Chasen and Russell Bellhouse, had him at a very young age. They were not emotionally
13 equipped to raise him and consequently treated him more like a sibling than their child.
14 His grandmother stepped in and served as his surrogate parent and primary caregiver.
15 When Mr. Bellhouse was two, his parents divorced. He lived with his mother and
16 grandmother, with his father visiting two to three times per week. He ultimately
17 graduated with an Associate’s Degree in Environmental Remediation from Colorado
18 Mountain College at the age of 17. *See* PSR ¶¶ 99, 100.

19 Leadville was a very conservative community and Mr. Bellhouse’s immediate and
20 extended family were very socially conservative. This provided a challenging backdrop
21 for being gay. He kept his sexuality a secret and only came out to his parents. *See* PSR
22 ¶ 100. That disclosure was not taken well by either. His father rejected him, and
23 treated him as “sick”. *See* PSR ¶ 100. His father admits, “I did not take it well, and I
24 realize now that my behavior toward him was unsupportive and damaging. I’m deeply
25 ashamed that my personal feelings at the time caused such a deep rift between us.” *See*
26 “Exhibit A”, Russell Bellhouse Letter (hereinafter “Exhibit A”). When he disclosed his
27 sexuality to his mother, she changed the subject. As a result, he grew up pretending to
28 be someone that he wasn’t and experienced feelings of self-hate. *See* PSR ¶ 100.

1 Mr. Bellhouse moved to Pueblo, Colorado in 2004 with his mother and
2 grandmother because of the low cost of living and work opportunities. He started his
3 work in the Colorado State Department of Corrections in 2007 before beginning what
4 would be a twelve year career in the Bureau of Prisons. *See* PSR ¶ 114.

5 Mr. Bellhouse is an introvert and has lived most of his life as a loner, keeping
6 only a few close friends. *See* “Exhibit B”, Sally Chasen Letter (hereinafter “Exhibit B”).
7 He was very close with his grandmother, and devastated by her death in the Spring of
8 2020, which he mostly endured alone due to his placement in California. *See* PSR ¶
9 100.

10 With limited family and a few close friends, he found purpose in his work. He
11 worked his way up the ranks at the BOP and received positive work reviews before his
12 transfer to FCI Dublin. He aspired to become a warden, or even part of a security team
13 for the president. *See* “Exhibit B”. Ken Morris, Mr. Bellhouse’s former supervisor from
14 his service at FCI Florence, describes Mr. Bellhouse as a driven people-pleaser at work.
15 He writes in support, “Mr. Bellhouse was the type of person who would go out of his
16 way to help a staff member when asked or needed. He was shy and timid also at the
17 same time he was eager to learn and was always willing to go above and beyond that
18 was his personality...He would bring extra meals in case a staff member had to work an
19 extra shift and could not go out to get food.” *See* Exhibit C, Kevin Morris Letter
20 (hereinafter “Exhibit C”).

21 Gabriela Carter, a former inmate at FCI Dublin who worked under Mr. Bellhouse
22 appreciated Mr. Bellhouse’s commitment to the inmate’s self-betterment. She writes,
23 “Mr. Bellhouse’s commitment to the well-being and rehabilitation of inmates was
24 unwavering. He went above and beyond to support educational initiatives and ensure
25 the orderly functioning of the facility. His actions were guided by a genuine desire to
26 make a positive impact on the lives of those under his care.” *See* Exhibit D, Gabriela
27 Carter Letter, (“hereinafter “Exhibit D”). Ms. Carter continues, “Mr. Bellhouse’s
28 dedication to bringing positive programs, educational opportunities, and a sense of hope

1 to those within the facility was remarkable. He stood out as a beacon of professionalism
2 and compassion, providing inspiration to others.” *Id.*

3 Mr. Bellhouse is an exemplary son and member of his community. Mr.
4 Bellhouse’s father, Russell Bellhouse, describes his son’s assistance to him. The elder
5 Mr. Bellhouse suffered from a heart attack in 2020. Since that time, he depends on his
6 son to assist with daily living and special projects. The two are actively repairing the
7 damage done by the senior Mr. Bellhouse’s rejection of his son. The elder Mr. Bellhouse
8 writes, “I’ve worked much harder to be accepting of him, and I believe we have made
9 slow yet meaningful progress towards bringing the father-son relationship back to what
10 it always should have been.” As a father, he begs the Court to consider leniency, he
11 writes “If incarceration is where this leads, I pray it’s of a short enough term, that I’m
12 still able to hug my son and spend my last couple years with him. He can do more good
13 for everyone involved as a useful citizen out here, working to better himself, and help
14 others.” *See* “Exhibit A”.

15 Mr. Bellhouse’s mother, Sally Chasen, works as a correctional officer in the
16 Colorado State Prison system. Since Mr. Bellhouse’s return home in 2022, he has
17 become an important fixture in her life and in the community. Ms. Chasen writes,
18 “While John has been home, he’s been immensely helpful to our neighbors and myself,
19 fixing vehicles, and so forth, making sure we’re all safe and ready for the winter
20 months.” She depends on her son and begs the Court to consider this in sentencing: “I
21 am writing this letter on John’s behalf, but pleading with you also, to consider me. I
22 know, that’s selfish, but I’m getting older (64), John has not lived around me since 2011,
23 and I certainly will need his help.” *See* “Exhibit B”.

24 It is clear that Mr. Bellhouse remains dedicated to his parents and his
25 community, even after years of their rejection. His loyalty is a testament to his capacity
26 to see the good in people and practice forgiveness – qualities that benefit not only those
27 close to him, but that serve society as a whole.

28 2. The nature and circumstances of the offense.

1 This Court presided over the trial that resulted in Mr. Bellhouse's conviction, and
2 a resuscitation of those facts is not necessary. It bears emphasis here that, as the
3 government argued in sentencing memoranda for convictions arising from others at FCI
4 Dublin, FCI Dublin flaunted a culture of sexual harassment that overtly violated
5 PREA. In the case against Warden Garcia, the government observed, "The government
6 is not aware of another case where a warden of a federal prison was convicted of
7 sexually abusing multiple inmates under his care, in a prison where multiple other
8 correctional officers were also abusing inmates as a result, in part, of the environment
9 that the warden created." *See United States v. Garcia*, No. 21-cr-00429 (N.D. Cal.),
10 United States Sentencing Memorandum, Dkt. No. 145 at 16. This culture was felt,
11 observed, and experienced by the inmates. As former inmate Tamara Sawyer describes,
12 "starting at the top, the atmosphere at FCI Dubin promoted a sexually permissive and
13 charged environment." *See Exhibit E, Tamara Sawyer Letter* (hereinafter "Exhibit E").

14 The defense has always conceded that Mr. Bellhouse acted inappropriately, and
15 crossed the lines set by PREA. The jury determined that the lines Mr. Bellhouse
16 crossed were criminal. Mr. Bellhouse was observed acting too close and personal with
17 many inmates, not just the inmates who accused him of misconduct. As Lianna
18 testified at trial, Mr. Bellhouse treated the inmates who worked for him more like peers
19 than incarcerated subordinates.

20 As former inmate Tamara Sawyer observed, "Sadly, he likely succumbed to some
21 of those situations in one way or another. I do not believe he ever had any ill intentions
22 or meant for any of it to happen. It is my personal belief that he was a man that was
23 lonely and gave his entire life and career to the BOP not taking a whole lot of time
24 outside of that environment for himself personally." *See "Exhibit E"*,

25 Consent is not a defense to the offenses the jury convicted Mr. Bellhouse of
26 committing because of the power imbalance that exists between an officer and an
27 inmate. Here, where there is no accusation of violent behavior, the advisory guidelines
28 adequately punish the nature and circumstances surrounding Mr. Bellhouse's

1 conviction. *See United States v. Fuentes*, 856 Fed.App. 533, (5th Cir. 2021) (Recognizing
2 the inherently coercive nature of the crime of 18 U.S.C. §2243(b), but imposing a
3 guideline sentence because there was credible evidence that the act was not mutual.)

- 4 3. An advisory Guideline sentence promotes respect for the law, provides just
5 punishment for the offense, protects the public from future crimes and provides
6 adequate deterrence to criminal conduct.

7 a) *Promote respect for the law, provide just punishment for the offense,*
8 *protect the public from future crimes of the defendant.*

9 Mr. Bellhouse appears before this Court as someone who devoted his life to a
10 career in corrections and, as noted, performed his job commendably before his tenure at
11 FCI Dublin. At FCI Dublin he entered a culture that, from the top, flaunted PREA and
12 created an environment that promoted sexual abuse. Mr. Bellhouse will never work in
13 a correctional setting again. The offenses for which he was convicted are, by their
14 nature, crimes that occurred because of the unique circumstance of this case--
15 circumstances that he will no longer face. There is nothing to suggest he presents a risk
16 to the public.

17 As part of his sentence, once released, should the Court overrule Mr. Bellhouse's
18 objections to these conditions, Mr. Bellhouse will be required to participate in
19 outpatient sex offense-specific treatment program at the direction of probation. There,
20 he will be counseled in ways that are targeted to address recidivism. Mr. Bellhouse will
21 also have to register as a sex offender where he will be under intense scrutiny and
22 subject to additional prosecution if he fails to comply. Should the Court overrule his
23 objections to sex-offender registration, as part of these conditions, Mr. Bellhouse will be
24 restricted from working in certain settings, living in certain areas, and restricted from
25 engaging in specified activities. He will live with these restrictions on top of the public
26 stigma that will follow him as a "sex offender." The loss of his career and his status as a
27 registered sex offender serve as significant collateral consequences for his conviction
28 that add additional punishment beyond his incarceration.

1 It is anticipated that the government will cite to cases it previously invoked in
2 *United States v. Garcia, supra*, to support its proportionality argument here. However,
3 those cases are inapposite, insofar as they involve far more aggravated conduct than the
4 facts of Mr. Bellhouse's case. In *United States v. Hosea Lee*, No. 21-CR-00084-DCR-
5 MAS (E.D. Ky, August 1, 2022), the Court imposed an upward departure from an 18-24
6 month guideline range to an 80 month sentence for a drug treatment counselor, who,
7 violating the special position of intimate trust, provided drugs and alcohol to the victims
8 and used force and threats against several inmates, who he sexually assaulted weekly.
9 In *United States v. Grimes*, No. 18-CR-00069 (S.D. W. Wa., Jan. 2019) the Court
10 imposed a 120 month sentence where the advisory Guidelines range was 27-33 months,
11 in a case where the defendant was 3rd in command, and was convicted of having sex
12 with several victims. *Mullings v. United States*, No.15-CR-00538 (E.D.N.Y, May 13,
13 2016) involved a case of forcible rape and obstruction of justice. The Court imposed a
14 sentence of 84 months where the advisory Guidelines range was 12-18 months.

15 Rather, the facts of Mr. Bellhouse's case are either more analogous to, or less
16 serious than other §2243(b) cases where the Court imposed an advisory Guideline
17 sentence. *See United States v. Fuentes*, 856 Fed. App'x 533 (5th. Cir. 2021) (Defendant
18 sentenced to 12 months and 1 day- low end of the guidelines- for two counts of §2243(b)
19 for performing oral sex on an inmate two times. The Court recognized the inherently
20 coercive nature of the crime but found a low guidelines appropriate where there was
21 credible evidence that the act was mutual); *United States v. Ellis*, No. 7:21-CR-167-
22 LSC-SGC (N.D. Ala., October 26, 2021) (Defendant sentenced to 18 months in prison,
23 high end of the guideline, for one count §2243(b) where the crime involved the forcible
24 rape of a female inmate. The defendant sought to cover up the crime by taking the
25 victim's shirt. The victim was a predominately Spanish speaker. Government
26 recommended a within the guidelines sentence.); *United States v. Bailey*, No. 17-CR-
27 504-VEH-JEO (N.D. Alabama) (Defendant received a guidelines sentence of 18 months
28 for two counts of §2243(b) where the crime involved the defendant receiving oral sex

1 from an inmate and digitally penetrating her vagina. The defendant admitted to
2 making false statements to OIG and FBI to cover up his act); *United States v. Raines*,
3 No. 11-CR-00641 (E.D.N.Y. March 2014) (Victim succumbed to having sex with
4 defendant on two occasions after the defendant threatened to have her put in the SHU.
5 Defendant caught because the victim saved her underwear after sex. *Id.* Doc. No. 41.
6 Defendant pled to one count of the 3 count indictment. Court imposed a 16 month
7 sentence where guidelines were 10 to 16 months.); *United States v. Gamez* 18-CR-00100
8 (C.D. Cal., April 2018) (Court denied the United States' motion for an upward variance
9 to 87-month sentence, and instead sentenced the defendant to a guidelines sentence of
10 24 months in prison where defendant pled guilty to two counts of 2243(b) and one count
11 of attempted 2243(b) for having oral sex on two occasions with Victim 1 and on one
12 occasion with Victim 2. Defendant pulled out his penis and asked Victim 3 to orally
13 copulate him, but she declined.)

14 *b) FCI Dublin Cases.*

15 When compared to the facts and circumstances of the related FCI Dublin cases,
16 the facts which led to Mr. Bellhouse's conviction support an advisory Guidelines
17 sentence. *See Garcia; United States v. Highhouse*, No. 22-CR-00016-HSG (N.D. Cal.);
18 *United States v. Chavez*, No. 22-CR-00104-YGR (N.D. Cal.).

19 Warden Ray Garcia was convicted of seven different acts of sexual abuse of three
20 different victims, as well as lying to federal agents. As described by the government,
21 Garcia was able to engage in widespread abuse because, as warden, he "controlled every
22 aspect of the lives of the inmates. He controlled where they slept, who they could talk to
23 and where they worked. He had the power to help them or punish them. He could grant
24 the compassionate release motions or send them to solitary housing." *See Garcia*, USA
25 Sentencing Memorandum, Dkt. No. 145, p.20. It was common knowledge that warden
26 Garcia was notified when an inmate made a PREA complaint, thereby deterring any
27 reporting against him. *Id.* at p.6. He set the standard from the top that allowed for
28 sexual abuse and PREA violations.

1 The behavior surrounding the counts for which he was convicted included forcing
2 inmates to undress for him, grabbing their breasts, forcing them to grab his erect penis,
3 digital penetration, taking photos of them naked and showing them photos of his erect
4 penis. *Id.* at 6-8. Garcia's conduct was not mutual. As described by the government he
5 was so rough when he grabbed the breast of one victim she thought he was going to
6 "pop her implant" and was "rough" when he placed her hand on his erect penis. *Id.* at 6-
7 7. He pushed another victim against a wall, grabbed her buttocks and kissed her. *Id.* at
8 8. Garcia destroyed evidence, instructed others to destroy evidence, lied to federal
9 authorities and committed perjury at his trial. *Id.* at 9.

10 Chaplin John Highhouse pled guilty to two counts of sexual abuse of a ward,
11 which involved penile penetration and oral copulation, two counts of abusive sexual
12 contact, involving the touching of his penis and masturbation in front of the victim, and
13 false statements to federal agents. *See Highhouse.* As chaplain, he used his special
14 position of trust to abuse inmates who went to him for comfort, counsel and confidential
15 support. In its sentencing memorandum, the government noted the aggravated nature
16 of his abuse because of his special position: "Although the offense itself contemplates a
17 corrections officer who sexually assaults someone in custody, it does not account for
18 someone like the defendant, who, as chaplain, occupied and exploited an additional
19 position of trust to facilitate his crimes." *Id.* Dkt. No. 23, at 14-15. He insidiously
20 "exploited" the victim's "faith in God", to coerce and cajole her into having sex with him.
21 Highhouse also repeatedly lied to federal authorities and "deflected and victim blamed"
22 by claiming that he was manipulated, victimized and taken advantage of." *Id.* at 18-19.

23 By contrast to these related cases, the two counts of §2243(b) were, by the
24 victim's own account, mutual. Mr. Bellhouse did not commit perjury, nor did he engage
25 in obstruction of justice or destroy evidence. Quite the contrary, Mr. Bellhouse saved
26 notes and other incriminating evidence that the government went on to showcase at
27 trial.

28 Enrique Chavez received a 20-month sentence after he pled guilty to one count of
abusive sexual contact. *See Chavez.* According to the government's sentencing
memorandum, "Chavez sexually abused multiple women under his care over the course

1 of multiple months.” *Id.* Dkt. No. 36, at 10. Chavez saw the departure of the warden
2 for sexual misconduct not as a lesson, but as a weapon, reportedly stating, “You did it
3 for [Garcia] you can do it for me.” *Id.* He attempted to have one of his victims assaulted
4 by another inmate and was reported to have been seen sexually abusing several other
5 women in his care. *Id.* at 9. In its sentencing memorandum, government recommended
6 a “lengthy” sentence of 16 months, to accomplish specific and general deterrence. *Id.* at
7 10. When compared to the Chavez case, an advisory Guidelines sentence of 27-33
8 months prevents an unwarranted disparity in sentencing.

9 As a notable contrast from these related cases, three former FCI Dublin inmates,
10 who have nothing to gain, offer letters in support of Mr. Bellhouse. They do so not
11 because Mr. Bellhouse engaged in behavior that the government might classify as
12 “grooming” (none of them report any sexual impropriety on his part toward them) but
13 because, in a dehumanizing and degrading environment, Mr. Bellhouse treated them
14 with dignity and respect. Former inmate Gretchan Anderson writes, “I knew the
15 warden, chaplain, counselor, and myriad other officers who were convicted of sex crimes
16 which occurred while I was at Dublin. Even though I liked some of those guys, I could
17 never stick up for them based on what I saw and heard, or the slightly creeped out
18 feeling they gave me. John Bellhouse, on the other hand, was nothing like those men.
19 Nothing.” *See* Exhibit F, Gretchan Anderson Letter (hereinafter “Exhibit F”). Tamara
20 Sawyer writes, “Mr. Bellhouse was the only officer at the entire facility that treated the
21 inmates like human beings.” *See* “Exhibit E”. Gabriela Carter adds, “Despite the serious
22 nature of the allegations against Mr. Bellhouse, I feel compelled to share my
23 perspective. Throughout my tenure at the Dublin Facility, Mr. Bellhouse consistently
24 displayed qualities that set him apart as an exemplary individual.” *See* “Exhibit D”.
25 Ms. Carter goes on to describe Mr. Bellhouse’s “Dedication to Others”, “Respectful and
26 Supportive Nature”, and his “Positive Influence.” *Id.*

27 Ultimately, as compared to related and unrelated cases, the policy of
28 proportionality supports an advisory Guidelines sentence here.

VI. Request for Housing Recommendation in the Bureau of Prisons

1 Mr. Bellhouse and his family reside in the state of Colorado, Mr. Bellhouse
2 requests that this Court recommend to the Bureau of Prisons that he be placed at FCI
3 Englewood, as his family will be able to visit in person. In-personal visitation will
4 provide Mr. Bellhouse hope, will also allow his family to ensure Mr. Bellhouse holds
5 himself to high standards, and allows his family to consistently hold him accountable
6 for doing time in a productive manner¹.

7 Additionally, Mr. Bellhouse will be able to make meaningful connections and
8 plans with state entities for educational and work opportunities during and prior to his
9 release. This will facilitate a smoother transition back into his local community.

10 **VII. Conclusion**

11 For the reasons set forth herein, Mr. Bellhouse respectfully requests that this
12 Court impose a sentence within his advisory guideline range of 21-27 months.

13 Respectfully submitted this 17th day of November, 2023.

14 MOEEL LAH FAKHOURY LLP

15 /s/Shaffy Moeel

16 Shaffy Moeel

17 Kathyrn Ross

18 Attorneys for Defendant

19 John Russell Bellhouse

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27 ¹ This request is supported by 18 U.S.C. § 3621(b), as amended by the First Step Act, which states
28 that the Bureau of Prisons shall, subject to security designation, programming, and health needs,
designate an individual's place of imprisonment "in a facility as close as practicable to the prisoner's
primary residence, and to the extent practicable, in a facility within 500 driving miles of that residence."

EXHIBIT "A"
RUSSELL BELLHOUSE LETTER

Russell Bellhouse

[REDACTED]
[REDACTED]
[REDACTED]

October 30, 2023

Dear Honorable Judge Gonzales-Rogers,

I am writing this character reference for John Bellhouse, my son and only child.

John was born prematurely at 4 pounds 8.5 ounces and was held in the hospital for his medical complications for over two weeks. Despite his rough start, he graduated with an associate's degree from college at the age of 17. He worked in his field of environmental remediation for a number of years but always wanted to work in prisons because he felt he could help people.

He started as a correctional officer with the state prison system and then went into the federal system, working his way up quickly due his diligence and dedication. I wish that he had never gone to Dublin and that environment. I am fully aware of the charges against my son, and the conviction outcome. To say that I was absolutely shocked, would be an understatement.

John and I had a rocky relationship ever since the day he had the courage to come out to me as a gay man. I did not take it well, and I realize now that my behavior toward him was unsupportive and damaging. I'm deeply ashamed that my personal feelings at the time caused such a deep rift between us. In recent years, I've worked much harder to be accepting of him, and I believe we have made slow yet meaningful progress towards bringing the father-son relationship back to what it always should have been.

I had my heart attack in August of 2020 and have relied on John even more since then to help and assist me in my daily living and special projects. I don't expect to live much longer. My days are definitely numbered and it's only a matter of time now. The stress and sadness I feel from all of this has been a great weight on me.

My heart is heavy with grief for everyone involved in this situation. John made some extremely stupid decisions. He understands he was gullible, and made poor choices to befriend the inmates who worked for him. He has always had a hard time making friends. I wish I knew how hard it really is for him. He keeps his feelings very personal. As his parent, all I can do is beg you to show him some mercy in sentencing. His family and our community of friends needs him. We depend on him.

If incarnation is where this leads, I pray it's of a short enough term, that I'm still able to hug my son and spend my last couple years with him. He can do more good for everyone involved as a useful citizen out here, working to better himself, and help others.

Very truly yours,

Russell Bellhouse

EXHIBIT "B"
SALLY CHASEN LETTER

Honorable Judge Yvonne Rogers Gonzales,

This letter is in reference to John R. Bellhouse, my son and his criminal case sentencing. A little about myself, as you may know, I worked for Colorado Department of Corrections in Colorado, and have been employed there for 8 years. It was my plan to retire soon, within 2 to 3 years. Now, in light of John's criminal case, I cannot plan that anymore and must continue to work. We own a home together. This has been a devastating, awful blow to our family, in light of my occupation, and his former occupation.

John has shared with me the details of his case and is very remorseful about the circumstances this has caused everyone. I know he cared about the inmates at his Facility and did his best to help them. As a gay man (he came out to me many years ago) these allegations are even more of a shock to me, but I wasn't there, so I can't speak to what happened.

John spoke to me often during his employment at FCI Dublin, he was very proud of the programs and educational opportunities he helped implement to better these women's lives. From a boy, to man... I've never known of him having a girlfriend. He seemed fully committed to his work and even expressed interest in working his way up to a Warden, and even becoming part of a security team for the President.

John has never had a large friendship group, mainly just a few close friends, and he stays to himself. I'm not exactly sure how he got himself into this situation, he's a really good person. This has deeply damaged his credibility, he's worked for almost 13 years for the Federal Correction system and received numerous awards and promotions. I feel that he allowed himself to get lax and forgot his position, and where he worked. The environment didn't seem to have harsh checks and balances, I just don't know.

He's such a talented, intelligent good person. I've always tried to persuade him to try different facilities and other opportunities... this is just such a waste of a great career. I wish you could have known him before all of this happened.

Back to my circumstances if you'll indulge me. I'm getting towards my last working years, I'm not married and live alone in rural Pueblo West, Colorado. I was looking forward to moving near John, so that I wouldn't have so much to do on my own, as I get older. I have minimal family left, John and one brother, that is estranged. Other than that, there are some distant cousins left, in other States.

While John has been home, he's been immensely helpful to our neighbors and myself, fixing vehicles, and so forth, making sure we're all safe and ready for the winter months. He cares deeply about people. He's valuable, smart, and strong.

In closing, please consider this information for whatever merit it has. I ask you to give a lenient merciful sentence. I understand there are two victims in this case, these actions have already fully destroyed John's life and he is remorseful. I'm writing this letter on John's behalf, but pleading with you also, to consider me. I know, that's selfish, but I'm getting older (64), John has not lived around me since 2011, and I certainly will need his help. I hope these victims heal and I

wish them the best. I apologize for everything that's happened and thank you for your time in reading my letter.

Respectfully,
Sally Chasen

EXHIBIT “C”
KEVIN MORRIS LETTER

June 16, 2023

Dear Honorable Judge Gonzalez Rogers,

I hope that this letter finds you in good health. I am writing this letter today on behalf of Mr. John Bellhouse A little about myself I was born and raised in Queens, NY I left at age of 19 after the fall of the twin towers to join the military. I served in the United States Army and fought in OIF I and OIF III. I ended my military service with an honorable discharge in June 2006. I then began to work for the FBOP going on 17 years now. I have known Mr. Bellhouse for greater part of my career. We met while working at FCI Florence as correctional officers. Mr. Bellhouse was the type of person who would go out of his way to help a staff member when asked or needed. He was shy and timid also at the same time he was eager to learn and was always willing to go above and beyond that was his personality. He would at times drive me from work to my home which was out of his way to go home if my car was messed up or I couldn't get home. He would bring in extra meals in case a staff member had to work an extra shift and could not go out to get food. We always stayed in constant contact after he transferred out to pursue his career goals. With that being said when we discussed his case and what was happening needless to say I was saddened by what was happening. Me and him both discussed that he messed up and has to pay for what has happened it is a bad situation and we have discussed the consequences, during this time and into the future I will continue to help him get through this and continue to hold him accountable for what has happened, and it also get him to be back home and become a productive member of society again. What ever happens now going forward is totally in your control your Honor as me and Bellhouse talked about but I will continue to be a support system for him to get through this and to be held accountable and to make the correct steps to be able to rejoin society whenever that time comes.

Thank you for your time,

Kevin Morris

EXHIBIT “D”
GABRIELA CARTER LETTER

Gabriela Carter

[REDACTED]
September 13th, 2023

Judge Yvonne Gonzalez Rogers
United States District Court
Northern District of California
Oakland Division

Dear Judge Gonzalez Roger,

I am writing to provide a character reference for Mr. Bellhouse, with whom I had the privilege of working closely during my time at the Camp at the Dublin Facility. I served as an instructor for several of the FIRST Step Act programs and as the Head Orderly, and I had the opportunity to witness firsthand Mr. Bellhouse's outstanding character, dedication, and contributions.

I am aware that Mr. Bellhouse has been convicted of engaging in sexual activities with inmates during his time at the Dublin Facility. While I did not personally witness any inappropriate behavior during my interactions with Mr. Bellhouse, I understand the gravity of the situation and the importance of accountability.

Despite the serious nature of the allegations against Mr. Bellhouse, I feel compelled to share my perspective. Throughout my tenure at the Dublin Facility, Mr. Bellhouse consistently displayed qualities that set him apart as an exemplary individual:

1. **Dedication to Others:** Mr. Bellhouse's commitment to the well-being and rehabilitation of inmates was unwavering. He went above and beyond to support educational initiatives and ensure the orderly

functioning of the facility. His actions were guided by a genuine desire to make a positive impact on the lives of those under his care.

2. **Respectful and Supportive Nature:** In an environment where respect and professionalism were not always the norm, Mr. Bellhouse consistently maintained a respectful and supportive demeanor. He treated both staff and inmates with dignity and kindness, creating an atmosphere of trust and collaboration.
3. **Positive Influence:** Mr. Bellhouse's dedication to bringing positive programs, educational opportunities, and a sense of hope to those within the facility was remarkable. He stood out as a beacon of professionalism and compassion, providing inspiration to others.

I understand the need for accountability and the seriousness of Mr. Bellhouse's actions. However, I respectfully request that his case be considered for a reduction in sentence. It is my hope that his commitment to rehabilitation, demonstrated by his dedication to positive programs, can be taken into account in the evaluation of his case.

Please feel free to contact me if you require any further information or have additional questions regarding Mr. Bellhouse's character and contributions.

Sincerely,



Gabriela Carter

EXHIBIT “E”
TAMARA SAWYER LETTER

November 7, 2023

Judge Yvonne Gonzalez Rogers

RE: John Bellhouse

Honorable Judge Gonzalez Rogers~

I am writing this letter on behalf of John Bellhouse. I was an inmate at FCI Dublin as well as the satellite camp and worked for Mr. Bellhouse from the time he arrived at the institution until the time I went home in August of 2019.

Mr. Bellhouse was the only officer at the entire facility that treated inmates like human beings. He was respectful, very caring, came up with ways to make every inmate have hope and something to look forward to in exchange for all the hard work we did, such as movies that he rented, he would bring popcorn for the entire units, came up with ideas on how we could be rewarded for programs that he started etc.. He was funny, humorous, kind, and a very hard worker. His only fault may have been that he got too close and personal with many of the inmates, and I personally feel that he became an easy target in that regard. It was clear that his job required that he move around a significant amount of time, and that he was lonely. Those emotions became clear to many of us.

As a man employed in his position by the BOP, I realize that he had an obligation to first and foremost protect all inmates and abstain from any sort of behavior that would be deemed inappropriate. That clearly did not happen. Starting at the top, the atmosphere at the FCI Dublin promoted a sexually permissive and charged environment. Sadly, he likely succumbed to some of those situations in one way or another. I do not believe that he ever had any ill intentions or meant for any of it to happen. It is my personal belief that he was a man that was lonely and gave his entire life and career to the BOP not taking a whole lot of time outside of that environment for himself personally.

It is my hope that you will take this into consideration when deciding upon his sentence. I experienced things and met people I never thought I would meet while incarcerated and to this day cannot believe some of the behaviors and the lengths people will go to get something that may benefit them in the long run. I firmly believe this behavior had a lot to do in Mr. Bellhouse's case.

I will be forever grateful for how kind and caring this man is. He made my time there bearable.

Sincerely,

Tamara Sawyer

EXHIBIT “F”
GRETCHAN ANDERSON LETTER

Dear Judge Gonzales-Rogers,

20 September, 2023

My name is Gretchan Anderson, and I am writing in support of John Bellhouse, who was recently convicted of crimes relating to PREA. I have had no contact with John since paroling from FCI Dublin in April 2020, and I am drafting this letter of my own free will in the hopes that you will consider my thoughts come sentencing day.

Since 1998, I have served 10+ years and been incarcerated at the following prisons—OWCC, CRCI (co-ed), Shutter Creek, Coffee Creek Correctional Institution and FCI Dublin & camp. Add to that list a minimum of 7 different jails in Oregon. During that time, I had personally witnessed, and been a victim of, all manner of inmate abuse and civil rights violations. As an inmate, and in my former life as a female drug dealer, I had to be acutely aware of my surroundings, as well as the intentions and motivations of those around me.

I am not pro inmate or police. I do not subscribe to the “us versus them” mentality; for this reason, I consider my assessments of things to be as rational and unbiased as possible. When I first saw Officer Bellhouse, in his bright lavender button down and formidable size, I asked about him. The officer told me John had transferred from Sheridan; the federal prison from my home state of Oregon. This gave me an “in” to start a conversation with him to see if he was mean. I was also very curious, because a few of the old timer officers expressed dislike of Mr. Bellhouse, due to his by-the-book nature. There was a lot of embezzling going on, which I won’t get in to, and a particular officer told me that certain officers were very worried.

My purpose in sharing this info, is to illustrate how ethical Officer Bellhouse was perceived as being, so you will understand why he eventually felt more comfortable among the inmates than his peers. At least 3 officers stated, to me, that they “hated” him.

I felt for John, as a result of the hostile, completely unsupportive, work environment he found himself in. Me, and many other inmates, gravitated toward him because of his fairness, kindness, honesty and ethics. He performed his duties as disciplinarian when it was called for not matter who the inmate was that broke the rules. He did not lie, or exaggerate in his account of what happened. He expected us to follow the rules.

The toxic, dysfunctional, abusive, corrupt culture at Dublin was, by far, the worst I’ve seen. The contraband brought in by staff, the sexual favors and favoritism was so rampant and overt, that attempts to conceal these illegal activities were only seen some of the time. Officers routinely made lewd, sexual comments to inmates in front of everyone. They would comment on our bodies and the fit of our clothes. I found myself playfully shoved into walls or tripped; all in good fun. I put my arm around a captain once, and I hugged a few officers in full view of other staff and inmates. PREA was a complete joke. Physical contact, which would technically qualify as a crime under PREA, was so commonplace as to be normalized.

Anyway, I just wanted to paint a clear picture of the culture John Bellhouse was unlucky enough to fall into. I’ve witnessed prison staff groom inmates, and I’ve seen inmates groom officers who look like good “marks”. If Bellhouse eventually engaged in unethical behavior, I can promise you that he did not arrive at Dublin with any intent to victimize anyone. Many inmates who worked for him could attest to this, but the “convict code” makes it unlikely that many women will come forward to help. I am adamant

about Bellhouse being a very good man. I knew the warden, chaplain, counselor, and myriad officers who were convicted of sex crimes which occurred while I was at Dublin. Even though I liked some of those guys, I could never stick up for them based on what I saw and heard, or the slightly creeped out feeling they gave me. John Bellhouse, on the other hand, is nothing like those men. Nothing. He made some poor decisions, and he allowed himself to be compromised. He opened the door by being the nice guy who begrudgingly brought in contraband snacks. I think I am pretty good at reading people, and John is no monster. I highly doubt he will ever put himself in this type of position again. I know the words of a convicted felon don't hold much weight. I work hard every day to be a better person; I am a supervisor at 4D Recovery. I get young people resources, support, and treatment for addiction. I hope the court will have some mercy on John during sentencing. Many of his inmate staff, as well as myself, were shocked and heartbroken when news of Bellhouse's arrest hit the news. I am so over wanting to maintain my status among criminals, which is why I am willing to go on record with this support letter. I have absolutely nothing to gain here. Thank you very much for reading my letter.

Sincerely,

Gretchan Anderson