

SEALED

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA * **CRIMINAL NO: 05-186**
v. * **SECTION: "J"**
STANFORD BARRÉ *
* * *

**GOVERNMENT'S MOTION AND
INCORPORATED MEMORANDUM FOR SENTENCE REDUCTION**

NOW INTO COURT comes the United States of America, appearing herein by and through the undersigned Assistant United States Attorney, who respectfully moves the Court as follows:

I.

On January 14, 2007, the defendant, **STANFORD BARRÉ**, pled guilty to conspiracy to commit mail fraud in violation of Title 18, United States Code, Section 371 and one count of substantive mail fraud and obstruction of justice, Title 18, United States Code, Sections 1341 and 1503. Sentencing is set for July 9, 2008 at 1:30 p.m.

II.

The United States Probation Office has calculated the defendant's total offense level in a revised pre-sentence report as being 31, with a criminal history category of I, which calls for an advisory sentencing range of 108-135 months imprisonment, a fine of \$15,000 to \$150,000 and restitution. The United States Attorney's Office agrees with this calculation. Should the Court determine that this calculation is reasonable, the Government would ask the Court to consider this motion as a request for a sentence reduction. The Government respectfully requests that the Court sentence the defendant to 36 months in prison.

III.

BARRÉ has cooperated with the Federal Bureau of Investigation (FBI) and the United States Attorney's Office since January of 2007. He provided details of criminal conduct beyond the Johnson Controls' conspiracy for which he pled guilty. He sat for many hours of debriefings and traveled out of town with FBI agents in order to work in an undercover capacity. He also agreed to consensually record conversations with Oliver Thomas, who was, at the time, a councilman for the City of New Orleans. He also recorded conversations with David Anderson, the husband of former school board member Una Anderson. In addition, he met at the United States Attorney's Office with one of the individuals who he alleges illegally paid David Anderson to influence his wife and confronted him with this information in the presence of his attorney in order to convince him to be truthful about it. His cooperation included information about cash payments to former Mayor Marc Morial. His truthful cooperation led to the conviction of Oliver Thomas and Joseph Jourdain who acted as the middleman between **BARRÉ** and Thomas. **BARRÉ**'s public role in cooperating with the Government has caused his isolation among his former friends. He is shunned by certain law-

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abiding citizens as a criminal and shunned in other circles as a "rat." **BARRÉ**'s cooperation broke through a previously brick wall of silence and while the Government has not been able to sufficiently corroborate all of his information, his cooperation has been of great value. **BARRÉ** was always responsive, courteous and engaged in the Government's various requests of him. At **BARRÉ**'s age, a 36 month sentence is still a lengthy one although the Government recognizes it is a significant drop below the advisory guidelines.

In light of this his valuable assistance, the Government feels that **STANFORD BARRÉ**'s cooperation was "substantial." The United States Code does not provide guidance as to the meaning of "substantial assistance." However, Section 5K1.1 of the Sentencing Guidelines promulgated by the United States Sentencing Commission states that the Court, in making that determination, may consider several factors. Among these factors are:

- 1) The significance and usefulness of the defendant's assistance, taking into consideration the Government's evaluation of the assistance rendered;
- 2) The truthfulness, completeness, and reliability of any information or testimony provided by the defendant;
- 3) The nature and effect of the defendant's assistance;
- 4) Any injury suffered, or any danger or risk of injury to the defendant or his family resulting from his assistance; and
- 5) The timeliness of the defendant's assistance.

The Government submits that considering all of the above criteria, this defendant's cooperation should be considered substantial. According to the commentary of 5K1.1, substantial weight should be given to the Government's evaluation of the extent of the defendant's assistance,

especially where the extent and value of the assistance are difficult to ascertain.

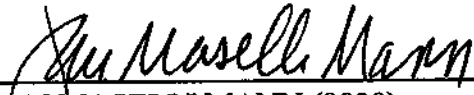
IV.

Notwithstanding this motion by the Government, this Honorable Court must still conduct its own inquiry into the extent of a defendant's cooperation. If this Court should determine that a reduction is warranted, it should state the reasons for reducing the sentence below the advisory guideline range.

WHEREFORE, the Government respectfully requests that the cooperation rendered by **STANFORD BARRÉ** be taken into consideration by the Court in determining that the requested reduction is warranted. The Government also respectfully requests that this motion and order be **SEALED** with an exception of one copy that will be provided to the defense counsel and one copy that will be provided to the United States Probation Office.

Respectfully submitted,

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