

[Appellant's Appendix: A-1720-1730]

**Excerpt of Amended Transcript of June 28, 2004
Sentencing**

[1720]

Judge Holeman: ...Ms. Sassower, I am ready to impose sentence.

Ms. Sassower: May I just add something, please?

[1721]

Judge Holeman: Very briefly.

Ms. Sassower: Yes. We are all familiar with what took place on May 7th with the Senate Armed Services Committee hearing at which Donald Rumsfeld testified because, among other things, there were protesters in the back that unfurled a banner and shouted out for Defense Secretary Rumsfeld to be fired.

What is not well known, at all, is that with their disruptive conduct, they were not arrested. Now it has come to my attention that not only were they not arrested for disruptive conduct, but apparently there have been other incidents at committee hearings where individuals have interrupted questioning, engaged in colloquy with witnesses while they were testifying, even to the extent of accusing a witness of being a state terrorist or so considered by the people of Honduras.

Judge Holeman: I'm ready to pronounce sentence.

Ms. Sassower: The point I'm trying to make is --

Judge Holeman: You've had ample opportunity to make your point.

Ms. Sassower: -- they were not arrested for --

Judge Holeman: Please be quiet.

Ms. Sassower: -- conduct during a hearing.

Judge Holeman: Please be quiet. I'm about to impose sentence. Very well. Sentence will be as follows:

[1722]

Ms. Sassower, I'm sentencing you to 92 days; I'm going to give you credit for any time served in this case. I'm going to suspend execution as to all remaining time.

I will place you on two years probation. During the probationary term – well, let me back up then before I get into the probationary term.

You will pay a \$500 fine, within 30 days of the sentencing date, so that's within 30 days of today.

You will pay \$250 to the Victims of Violent Crimes Compensation Fund within 30 days of today.

Ms. Sassower: Who is the victim of the violent crime? Where is the violent crime?

Judge Holeman: It's a mandatory assessment, Ms. Sassower.

Ms. Sassower: I was told --

Judge Holeman: It's a mandatory assessment.

Ms. Sassower: But this is not a violent crime.

Judge Holeman: It doesn't matter. You're a convicted misdemeanor, be quiet while I complete this order.

Now general conditions of probation:

You will obey all laws, ordinances, regulations and incur no arrests for probable cause.

You will maintain appointments with your probation officer.

You will abstain from illegal drug use.

[1723] You will submit to a program of graduated sanctions that may include brief periods of residential treatment in the event of illegal drug use or other violations of conditions of probation.

You will notify your probation officer of any change

of your address within 48 hours.

You will obtain the permission of your probation officer if you plan to leave the jurisdiction of your residence for more than two weeks.

With regard to employment, for each year of your probation, there is a minimum 40-hour weekly requirement. You may maintain your current employment with the Center for Judicial Accountability, Inc., hereinafter referred to as CJA. If CJA employment is not a minimum of 40 hours per week, then you must pursue, obtain and maintain additional work to satisfy this employment requirement.

Since CJA is self-employment, you shall maintain daily time records containing a description of the task performed and the time expended. You will record, to the nearest tenth of an hour each entry; block time entries are not acceptable. Each time sheet must be signed by you to certify the accuracy of the information contained therein.

Community service. You will serve 300 hours of community service over this two-year term. Two hundred hours will be served in New York, convenient to your residence.

[1724] Court Services and Offender Supervision Agency, which I will refer to, hereafter as CSOSA, will approve eligible community service through its interstate office.

Twenty-five hours of every six-month period must be served in the District of Columbia. A listing of available programs in the District of Columbia is submitted herewith; you'll receive that list today.

Under no circumstance will CJA work or related activities satisfy this requirement. You will notify CSOSA of the organizations you've selected, the contact persons and information, the organization descriptions and your duties for those organizations.

Assessments. For every year of your probation, you will submit to substance abuse, medical and mental health assessments. Negative findings the first year will not excuse an assessment for the second year. You will comply with any testing or treatment regimen

determined appropriate by CSOSA or its reciprocal entity in New York.

Therapy. For every six-month period, you will undergo anger management therapy. The form, setting and duration of the anger management treatment during each six-month period will be determined by CSOSA or its reciprocal entity.

Stay-away. You will stay away from and inside of any of the buildings that collectively comprise the United States Capitol Complex; maps are provided herewith.

[1725] The United States Capitol Complex consists of the United States Capitol Building, the Congressional Office Buildings, the U.S. Botanic Garden, the Capitol grounds, the Library of Congress Buildings, the Supreme Court Building, the Capitol Power Plant and any other unlisted support facilities.

This order covers generally, though not exclusively, the following topography:

D Street between Louisiana Avenue, N.W. and Third Street, N.E.; C Street between Third Street, S.E. and Third Street, S.W.; Third Street between D Street, N.E. and C Street, S.E.; Third Street between D Street, N.W. and C Street, S.W.; Louisiana Avenue, N.W., between D Street, N.W. and Constitution Avenue; and Constitution Avenue between Third Street, N.E. and Third Street, N.W.

This is a general parameter surrounding the Capitol Complex. The specific buildings are identified as follows:

The United States Capitol, the Canon House Office Building, the Longworth House Office Building, the Rayburn House Office Building, the O'Neill House Office Building, the Ford House Office Building, the Russell Senate Office Building, the Dirksen Senate Office Building, the Hart Senate Office Building, the U.S. Botanic Garden, the Jefferson Library of Congress Building, the Adams Library of Congress Building, the Madison Library of Congress Building, the [1726] Supreme Court Building, the Capitol Power Plant.

Ms. Sassower: Excuse me. May I say something?

Judge Holeman: No. Don't interrupt me again.

Ms. Sassower: Will I be able to speak afterwards?

Judge Holeman: Well, you may not. Be quiet while I complete this.

With regard to the prohibited area, there are two Metro locations that you are prohibited from accessing. One is Capitol South, the other is Federal Center, S.W.

All right, the stay-away not only pertains to physical location, but it also pertains to individuals. Except as permitted elsewhere, you will have no verbal, written, telephonic, electronic, physical or other contact with the following individuals or their respective staffs for the entire period of your probation:

Senator Hillary Rodham Clinton, Tamera Luzzatto, Leecia Eve, Josh Albert, Senator Charles Schumer, Michael D. Tobman, Senator Orrin Hatch, Senator Patrick Leahy, Senator Saxby Chambliss, Judge Richard Wesley, Officer Roderick Jennings, Special Agent Deborah Lippay, Detective William Zimmerman and Sergeant Kathleen Bignotti.

Now because Senators and Clinton and Schumer represent your home state, and New York is within Judge Wesley's appellate jurisdiction, the prohibited contact with these individuals would be limited to any references to [1727] giving rise to, resulting in, or consequent to, your arrests of June 25, 1996 and May 22, 2003. Any facially legitimate contacts may be scrutinized for cause and if found to be pretextual, will constitute a violation of your probation.

Finally, letters of apology. Within 30 days of today, you shall prepare and forward to Senators Hatch, Leahy, Chambliss, Schumer, Clinton and to Judge Wesley letters of apology which state the fact of your conviction for violation of D.C. Code Section 10-503.16(B)4 and your remorse for any inconvenience caused --

Ms. Sassower: I am not remorseful and I will not lie.

Judge Holeman: And your remorse for any inconvenience caused by your actions. Copies of these letters must be sent to me, the presiding judge.

Ms. Sassower: They will not be sent because they will not be written.

Judge Holeman: Be quiet. Any effort to communicate additional information will constitute a violation of your probation.

Now, Ms. Sassower, in this jurisdiction, when a convicted criminal is given probation --

Ms. Sassower: Wrongfully convicted.

Judge Holeman: When a convicted criminal is given [1728] probation, they must accept the probation. The question is very simple. Do you accept the terms of the probation as they have been expressed during my presentation to you?

Ms. Sassower, the answer is either yes or no. Do you accept the terms of probation as I have stated them to you?

(Pause.)

Ms. Sasower: I am requesting a stay of sentence pending appeal. This case will be appealed.

Judge Holeman: Ms. Sassower, the answer is yes or no. Do you accept the conditions of your probation?

Ms. Sassower: No.

Judge Holeman: Very well. Then, sentence is imposed as follows:

You are sentenced to six months incarceration.

You will pay, within 30 days, following your incarceration, \$500 as the fine that attaches to the penalty – to the offense for which you've been convicted.

You will also pay, within 30 days, following your

incarceration, the \$250 compensation – contribution to the Victims of Violent Crimes Fund.

Ms. Sassower, once again, your pride has gotten in the way of what could have been a beneficial circumstance for you. This incarceration begins forthwith; step her back.

The Deputy Marshal: Ma'am.

[1729]

Ms. Sassower: (Indiscernible) are uncomfortable.

The Deputy Marshal: Ma'am, come on.

The Deputy Clerk: The Court stands a brief recess.

(Thereupon, the proceedings were recalled.)

The Deputy Clerk: Recalling the United States versus Elena Sassower, M-4113-03.

Judge Holeman: Very well. Ms. Williams.

Ms. Williams: Amanda Williams for the Government, Your Honor.

Judge Holeman: Very well. Ms. Sassower, when we were last here, I failed to give you your – the notice of your right of appeal. You have the right to appeal your conviction. The time for filing of an appeal is within 30 days of the day of sentencing. The notice of appeal, which is the document that is used for that purpose, should be filed with the Court of Appeals on the 6th floor in this building. You can discuss it further with your attorney advisor, Mr. Goldstone, but I am giving you notice that your 30 day period for filing the notice of appeal begins to run today.

Ms. Sassower: Would Your Honor --

Judge Holeman: Thank you.

Ms. Sassower: -- consider staying sentence pending appeal?

[1730]

Judge Holeman: No. To do so would be to show you favorable treatment that I have not in the past shown any other convicted criminal defendant in this courtroom and I won't start that practice now. So you may step back.

Ms. Sassower: I want to just --

The Deputy Marshal: Let's go, ma'am.

Ms. Sassower: Could I speak with Mr. Goldstone?

The Deputy Marshal: Yes, ma'am, in the back.

(Thereupon, the proceedings were concluded.)