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SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA
CASE MANAGEMENT BRANCH

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Criminal Division – Misdemeanor Branch

2004 JUN -1 A 9: 32

UNITED STATES OF AMERICA,)
)
v.)
)
ELENA RUTH SASSOWER,)
)
Defendant.)

Case No.: M4113-03
Calendar 1: Judge Holeman
Sentencing Date: June 1, 2004

FILED

GOVERNMENT'S MEMORANDUM IN AID OF SENTENCING

The United States, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits the following memorandum to assist the Court in fashioning an appropriate sentence in this case.¹

PROCEDURAL HISTORY

On May 22, 2003, Defendant was arrested at the Dirksen Senate Office Building and charged with violating D.C. Code § 10-503.16(b)(4). After lengthy pretrial litigation, the case proceeded to a jury trial on April 12, 2004. On April 20, 2004, a jury convicted Defendant of a single charge of disruption of Congress in violation of D.C. Code § 10-503.16(b)(4), which carries a penalty of up to six month in jail and/or a \$500 fine.

SENTENCING RECOMMENDATION

The United States recommends a sentence of five days of incarceration, all suspended, and six months of probation conditioned on completion of an anger-management course.

¹ The United States intended to submit this memorandum well in advance of the sentencing hearing in this case, but decided that it was wiser to wait until it had reviewed the presentence report, which it received on May 28, 2004. In light of Defendant's repeated demands for the Government's sentencing recommendation, the Government has chosen to submit a written memorandum rather than merely present oral argument at the hearing.

**DEFENDANT HAS FAILED TO TAKE
ANY RESPONSIBILITY FOR HER ACTIONS**

Defendant has shown no remorse whatsoever for her actions. Indeed, she has sent correspondence to the press and to Erika Westry, the Community Supervision Officer who prepared the presentence report in this case, describing herself as a wrongfully convicted defendant. For example, on May 10, 2004, she wrote to *Roll Call*, stating that she was "wrongfully convicted of 'disruption of Congress.'" She added that the Judiciary Committee's leadership "'set [her] up' to be arrested" and that she had been convicted of a "concocted 'crime.'" In a May 25, 2004, letter to Ms. Westry, Defendant signed herself "Wrongfully Convicted Defendant – Soon to be Appellant – *Pro Se*." Defendant also asserted that the disruption of Congress charge of which she was convicted was "bogus and malicious." And in the "Defendant's Statement" section of the presentence report, Defendant argued at length that she is innocent.

Indeed, Defendant not only has not acknowledged that her actions were in any way wrong, but has engaged in continual and baseless attacks on the other parties involved in her case. In addition to accusing the Senate Judiciary Committee of "setting her up," she stated, in a May 28, 2004, letter to Senators Orrin G. Hatch, Patrick Leahy, Charles E. Schumer, Hillary Rodham Clinton, and Saxby Chambliss, that the Senate Legal Counsel had filed a "fraudulent motion" to quash her subpoenas for their testimony. In fact, these Senators' testimonial immunity under circumstances such as those presented in this case is explicitly established by the United States Constitution. Defendant also accuses Leah Belaire, the Assistant United States Attorney who papered this case, of "misfeasance" in her former capacity as a staffer for the Senate Judiciary Committee, and insists that Ms. Belaire's involvement in this case was "prejudicial." Ms. Belaire did nothing more than

paper this case and prepare the initial discovery packet. After arraignment, this case was assigned to Assistant United States Attorney Aaron Mendelsohn, whom Defendant also has launched scurrilous personal attacks. On December 3, 2003, for example, in a sworn affidavit filed with this Court, Defendant accused Mr. Mendelsohn of "obfuscation and deceit." According to Defendant, Mr. Mendelsohn's opposition to her motion to compel discovery was a "fraud." Throughout the course of this case, Defendant has engaged in repeated and unwarranted personal attacks on the representatives of the other parties.

DEFENDANT IS NOT A FIRST OFFENDER

Defendant is not a first offender. As the presentence report indicates, she was convicted of obstructing government in North Castle Town Court in 1994. For that offense, Defendant received the benefit of a conditional release. She has been treated leniently in the past and should receive a harsher sanction for the instant offense.

**DEFENDANT SHOULD BE REQUIRED TO ATTEND
AN ANGER-MANAGEMENT COURSE**

As her testimony on the witness stand and her post-trial correspondence plainly shows, Defendant has anger-management issues. During the trial, Defendant shouted at the Assistant United States Attorney who cross-examined her and disregarded this Court's instructions not to discuss certain matters. The evidence at trial established that Defendant yelled at Senate staffers, including Leecia Eve and Josh Albert, when they refused to accede to her demands. Clearly, Defendant is an angry individual who could benefit from anger-management treatment.

WHEREFORE, the United States submits that a sentence of five days of incarceration, all suspended, and six months of probation conditioned on completion of an anger-management course would be an appropriate sentence in this case.

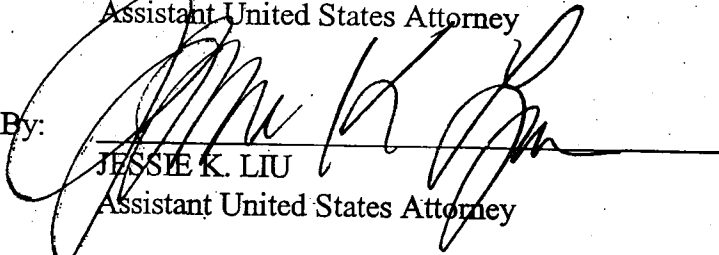
Respectfully submitted,

KENNETH L. WAINSTEIN
United States Attorney

ANTHONY ASUNCION
Assistant United States Attorney
Chief, Misdemeanor Trial Section

AARON MENDELSON
Assistant United States Attorney

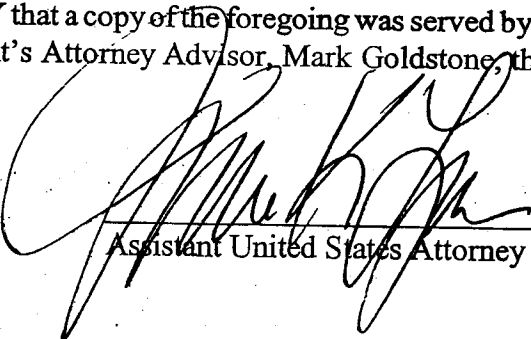
By:



JESSE K. LIU
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served by hand on Defendant, Elena Ruth Sassower, and Defendant's Attorney Advisor, Mark Goldstone, this first day of June, 2004.



Assistant United States Attorney