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7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 UNITED STATES OF AMERICA,	)	
	)	Case No. CR.S-06-0035-MCE
12 Plaintiff,	)	
	)	
13 v.	)	Date: December 11, 2007
	)	Time: 9:00 A.m.
	)	Judge: Hon. Morrison C.
	)	England
15 LAUREN WEINER,	)	
	)	
16 Defendant.	)	

17

DEFENDANT LAUREN WEINER'S SENTENCING MEMORANDUM IN

18

SUPPORT OF HER REQUEST FOR AN ALTERNATE SENTENCE

19

20 \_\_\_\_\_The defendant, Lauren Weiner, by and through her  
undersigned counsel, hereby respectfully submits this  
21 Sentencing Memorandum in support of her request for a  
22 sentence of "time served" followed by three years of  
23 supervised release as provided for in the statute, which is  
24 below the guideline range and the statutory maximum (60  
25 months). The defense respectfully suggests that the proposed  
26 sentence is "sufficient, but not greater than necessary, to  
27

28 Defense sentencing memorandum

1 comply with the purposes set forth" in 18 U.S.C. §3553(a) for  
2 all the reasons set forth in this sentencing memorandum.  
3 However, undersigned counsel would highlight two specific  
4 reasons for this Court to consider in fashioning a sentence  
5 of "time served".

6 A. Similarly situated co-defendant received a sentence  
7 of "time served"

8 18 U.S.C. §3553(a)(6) provides as a factor for this  
9 court to consider in sentencing a defendant the need to avoid  
10 unwarranted sentence disparities among defendants with  
11 similar records who have been found guilty of similar  
12 conduct.

13 First, Lauren Weiner's similarly situated co-defendant  
14 Zach Jensen received a sentence of six months incarceration  
15 with credit for the six months he was in custody prior to  
16 entering a guilty plea and being released on bond. It is  
17 undisputed that Lauren Weiner and Zack Jenson were equally  
18 culpable in the case and much less culpable than the clear  
19 leader, Eric McDavid.

20 Lauren Wiener should be accorded this slightly lesser  
21 sentence because her cooperation began almost immediately  
22 after her arrest, was more extensive than Zack Jenson. She  
23 provided essential and critically important assistance to the  
24 FBI and the United States in this case and other related  
25 matters. Perhaps most important to this request for a  
26 sentence just below that this Court gave to Zack Jenson is  
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1 the fact that her cooperation was a key factor in Zack Jenson  
2 entering a plea of guilty and cooperating himself. Please  
3 note that Zack Jensen began cooperating approximately 6  
4 months after his arrest, and in large part because of Lauren  
5 Weiner's agreement that despite her feelings for him she  
6 would testify against him if called by the government in his  
7 trial. Lauren Weiner, in contrast, began her cooperation  
8 almost immediately upon her arrest.

9 B. Lauren's immediate and extensive cooperation

10 Lauren's decision to cooperate did not come without  
11 great personal and emotional trauma. Still in shock from the  
12 arrest, having never been arrested before, and trying to cope  
13 with being in custody and the fact that someone she  
14 considered "family" had in fact been a government informant,  
15 Lauren began to cooperate with the government. While she was  
16 in custody Lauren was visited by individuals claiming to want  
17 to help her but that, in fact, were placing pressure on her  
18 not to cooperate and to "stay true" to the Earth Liberation  
19 Front. They intimidated her and in essence threatened her so  
20 that she would not cooperate. Yet, Lauren rejected their  
21 advice and cooperated fully and even reported their  
22 activities to the FBI. After Lauren was released on Bond,  
23 ELF individuals attempted to make contact with her in New  
24 York to further intimidate her and Lauren reported those  
25 attempts to the FBI as well.

26 Lauren also cooperated with other FBI and law  
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1 enforcement agents who flew in to meet with her in Sacramento  
2 and in New York where she assisted in identifying individuals  
3 involved in the "movement" and provided other information.  
4 Her cooperation was extensive, immediate and truthful.  
5 Lauren's cooperation even extended to a local New York State  
6 investigation in which Lauren assisted law enforcement on an  
7 unrelated matter.

8 Lauren's cooperation was important to the government but  
9 was even more important to her. Lauren understood her  
10 illegal and out of character acts in the instant case. She  
11 immediately decided that the only way to rectify her wrongs  
12 and to permanently reject the violent ideals of ELF was to do  
13 her part in making sure nothing like this could happen again.  
14 In that regard she began a campaign of cooperation.

15 The agents and the prosecutors in this case used  
16 Lauren's intimate knowledge to assist them in preparing their  
17 case against both McDavid and Jenson. Perhaps most difficult  
18 was Lauren's decision to cooperate and possibly even testify  
19 against her close personal friend Zack Jenson. In large part  
20 because of her cooperation against Mr. Jenson, he ultimately  
21 entered a plea and began cooperating as well.

22 This court is aware of Lauren's testimony in McDavid's  
23 trial, which was really the culmination of two years of  
24 cooperation. To say that the trial testimony was traumatic  
25 is an understatement. This Court is in a unique position to  
26 understand the emotional difficulty cooperating witnesses go  
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1 through when called upon to testify. This case presented  
2 even greater emotions due to the fact that all the  
3 individuals in the case became close friends and described  
4 each other as "family". Yet, Lauren put aside her own  
5 personal anguish and testified at the trial. At trial  
6 personal aspects of Lauren's life were exposed, even  
7 questions about her sexual preference were brought up. In  
8 part because of all of Lauren's cooperation with the  
9 government, including her pre-trial assistance and testimony,  
10 McDavid was convicted.

11 Lauren's immediate willingness to cooperate and the way  
12 in which she did so shows this court that she has repudiated  
13 the ideas and ideals of ELF. The acceptance of her own  
14 personal conduct as well as her willingness to bring others  
15 who were also culpable to justice shows this court that  
16 Lauren Weiner respects the law and echoes all who have  
17 evaluated and supported her that she is no future danger to  
18 the community.

19 Accordingly, and for all the reasons set forth below, a  
20 sentence of "time served" is sufficient, but not greater than  
21 necessary, to comply with the purposes set forth in 18 U.S.C.  
22 §3553(a).

1 I. THERE ARE NO LEGAL OBJECTIONS TO THE PSI OR THE  
2 ADDENDUM TO THE PSI

3 The PSI concludes that Lauren Weiner's guideline  
4 calculations result in a Total Offense Level of 30 and a  
5 Criminal History Category of VI. This results in a  
6 sentencing range of 168 to 210 months in the custody of the  
7 Bureau of Prisons. However, since the statutory maximum  
8 penalty is 5 years, the guideline range is 60 months. There  
9 are no legal objections to the PSI as the guidelines are  
10 calculated correctly. However, one reason for our requested  
11 variance below a guideline sentence and the 60 month  
12 statutory sentence is that the guidelines and their  
13 adjustments under the facts and circumstances of this  
14 particular case are for policy reasons inconsistent with the  
15 directives of 18 U.S.C. §3553(a). The Supreme Court has  
16 specifically held that reasonable policy disagreements with  
17 the sentencing guidelines are an appropriate reason for  
18 determining a sentence outside of the guideline range.  
19 *Kimbrough v. United States*, 552 U.S. , 128 S.Ct.  
20 558,570, 169 L.Ed.2d. 481 (2007).

21 Lauren Weiner was 19 years old when she met her two  
22 co-defendants in Philadelphia in June 2005. Before that  
23 fateful meeting, she attended college, volunteered at  
24 homeless shelters, provided food for the hungry, read what  
25 she could about ecological movements and saving the earth and  
26 had, on one occasion, attended an anti-war rally as a high  
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1 school senior. While McDavid and Jenson had pursued a cause  
2 for some time, Lauren Weiner was impressionable and  
3 vulnerable with a teenage crush. There is no indication she  
4 had ever fostered ideas of anarchy prior to meeting her  
5 co-defendants and, by every indication, she was recruited by  
6 Eric, encouraged by "Anna", and easily influenced by the  
7 group during a time in which she was most vulnerable. Her  
8 involvement in this group lasted from August 2005, when  
9 McDavid first mentioned making bombs to her, until her arrest  
10 on January 13, 2006. When the defendant was with the group  
11 and was not being encouraged by Anna to stay "involved," she  
12 did all of the cooking and cleaning, especially at the cabin  
13 in California, and had taken care of Jenson when he had hurt  
14 his leg at the gathering in Bloomington, Indiana.

15 But for § 3A1.4(b), Lauren Weiner is a criminal history  
16 category I, as a first time offender. However, another  
17 defendant, also subject to the criminal history category  
18 enhancement of § 3A1.4(b), might have a prior history of  
19 serious felony convictions, perhaps criminal history category  
20 III, IV or V, and, yet, that defendant would also be enhanced  
21 to the same category VI as Lauren. That is not fair.

22 Lauren Weiner committed the instant offense between the ages  
23 of 19 and 20 and had no prior criminal involvement before she  
24 met McDavid and Jenson. In fact, her short-lived involvement  
25 in this offense was clearly contrary to her ideas of social  
26 justice, charity and community service and the manner in  
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1 which she led her life before she met McDavid and Jensen.  
2 For these reasons, and other reasons best elaborated in her §  
3 3553 argument that follows, Lauren asks this Court to  
4 consider that she is not the typical criminal history  
5 category VI offender (and that she certainly does not pose  
6 the same risk of recidivism), whether it be an offender with  
7 13 or more criminal history points, a career offender, an  
8 armed career criminal, or a defendant, as such is the case,  
9 subject to the enhanced criminal history provisions of §  
10 3A1.4(b). All indications in this case by all the experts  
11 who have evaluated and treated Lauren Weiner and because of  
12 the acceptance of her wrongdoings, her immediate cooperation  
13 to attempt to rectify her wrongs and her dramatic improvement  
14 as a result of treatment should provide this Court with  
15 sufficient comfort that Lauren Weiner is a true first  
16 offender who likelihood of re-offending is low if not nil.

17 II. DETERMINATION OF THE SENTENCE UNDER §3553(A) SHOWS  
18 THAT A SENTENCE OF TIME SERVED IS APPROPRIATE

19 *Post-Booker*, a District Court is required to impose a  
20 reasonable sentence based upon factors set forth in 18 U.S.C.  
21 §3553(a).

22 A District Court should begin all sentencing proceedings  
23 by correctly calculating the applicable Guidelines range. As  
24 a matter of administration and to secure nationwide  
25 consistency, the Guidelines should be the starting point and  
26 the initial benchmark. The Guidelines are not the only  
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1 consideration, however. Accordingly, after giving both  
2 parties an opportunity to argue for whatever sentence they  
3 deem appropriate, the district judge should then consider all  
4 of the 3553(a) factors to determine whether they support the  
5 sentence requested by a party. In so doing, he may not  
6 presume that the Guidelines range is reasonable. He must  
7 make an individualized assessment based on the facts  
8 presented. *Gall v. United States*, U.S. , 128 S.Ct.  
9 586, 596-597 (2007).

10 Accordingly, the Guidelines are but one, and only one,  
11 of the factors to be considered by the District Court who  
12 must, after consider all the sentencing factors, "tailor the  
13 sentence in light of other statutory concerns." *United*  
14 *States v. Ellis*, 419 F.3d 1189, 1193 (11th Cir. 2005). Title  
15 18 U.S.C. §3553(a) sets forth a list of at least ten (10)  
16 separate sentencing factors which this Court is required to  
17 consider in fashioning a sentence which is "sufficient, but  
18 not greater than necessary, to comply with the purposes" set  
19 forth in the Act. Lauren Weiner offers compelling evidence  
20 for this Court to consider in sentencing her to a variance  
21 sentence of time served:

22 Lauren Weiner appears before this Court for sentencing  
23 after having pled guilty on May 30, 2006, to an information  
24 charging her with conspiracy to violate 18 USC § 844(f) and  
25 (I), in violation of 18 USC § 371, after she began  
26 cooperating with the United States immediately after being  
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1 arrested. Counsel has already provided details of her  
2 extensive and early cooperation for this court's  
3 consideration.

4 In determining a "reasonable" sentence in her case,  
5 Lauren Weiner asks this Court to consider her young life in  
6 three parts; the years before she met McDavid, Jenson and  
7 Anna, the six months (August 2005 until January 2006) she was  
8 with them, and her life subsequent to her arrest. She also  
9 asks this Court to consider the extensive psychological  
10 evaluation completed by Dr. Jeanne C. Dietrich, Miguel A.  
11 Firpi, Ph.D. and psychiatric evaluation completed by Dr.  
12 Susan Fiester, as well as the many letters written by those  
13 who know Lauren best. A comprehensive sentencing exhibit has  
14 been provided under separate cover in support of this  
15 sentencing memorandum and includes character letters,  
16 psychological evaluations, photographs and additional  
17 material to show the marked changes in Lauren since her  
18 involvement in the instant offense. In asking for this  
19 Court's consideration, Lauren does so, not by making excuses  
20 for her criminal conduct, for which she accepts full  
21 responsibility and continues to express great remorse, but to  
22 explain her conduct and place it into its proper context.

23 Lauren Weiner is a 23-year-old single female who is a native  
24 of Westchester County, New York, the oldest of four children  
25 born to Jess and Elizabeth Weiner. Her mother is a radiation  
26 technologist and medical assistant and her father and uncle

1 are second generation owners of a family plumbing supply  
2 business.

3 Lauren's early years were marked by academic challenges.  
4 She was a late reader and spelling was always a problem.  
5 Though she excelled artistically at a young age, core  
6 academic subjects were challenging. As the oldest of four  
7 children, Lauren became responsible for caring for her  
8 siblings after school and her youngest brother, who was  
9 diagnosed with ADHD and often presented problems. Lauren  
10 complained, but at the same time she felt needed.  
11 In high school, Lauren was a chubby kid who was somewhat of  
12 an outcast. She was clinically depressed and suffered from  
13 low self-esteem, but she refused to lose weight because she  
14 felt her weight was a way to insure that her friends liked  
15 her for her real self, not for superficial reasons. She was  
16 viewed as rebellious in both her manner of dress and social  
17 causes and she became involved with peers who were not  
18 mainstream. Still, it was difficult for her to make friends  
19 and boyfriends were even fewer.

20 According to all the information provided to this court,  
21 it was during her high school years that Lauren's interest in  
22 social activism flowered. Lauren's parents had always been  
23 involved in environmental causes and served as role models.  
24 Lauren volunteered for Habitat for Humanity, provided food  
25 for the hungry by organizing food drives, volunteered at  
26 homeless shelters, volunteered on projects to keep the Hudson  
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1 River clean, participated in park cleanups and taught  
2 environmental education classes. She organized and  
3 participated in forums that opposed racism and homophobia.  
4 Over time, Lauren became increasingly entranced with  
5 activism, as she perceived that this was a major means of  
6 helping others. She began to read about peace, particularly  
7 reading about Gandhi and the non-violent resistance movement.  
8 She could not understand how people could be so cruel to each  
9 other.

10 Lauren left her family home after high school to attend  
11 art school in Philadelphia. She lived in the dormitory,  
12 smoked marijuana on occasion and drank alcohol and ingested  
13 mushrooms, on occasion. She was unhappy. Her mother began  
14 sharing with her the marital problems she was having with her  
15 father, told her how much she missed her and that her  
16 youngest brother's condition was further deteriorating.  
17 Lauren felt burdened. In June 2005, when she was 19 years  
18 old. she met McDavid, Jenson and Anna for the first time. She  
19 instantly developed teenage crushes on both McDavid and  
20 Jenson and in Anna; she thought she had found a big sister.  
21 As her relationships with her new friends grew, so did  
22 Lauren's personal problems. By the time she met up with the  
23 group in California on that November 2005 weekend, she had  
24 become disinterested with school, she was having problems  
25 with her roommate and had decided not to return. She had  
26 recently been robbed at gunpoint at the bookstore she had  
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1 been volunteering at and was experiencing flashbacks. She had  
2 also learned her parents were divorcing after more than  
3 twenty years of marriage and, admittedly, she was abusing  
4 drugs and alcohol. Lauren was about to turn twenty years  
5 old, and she thought she had found true friends. She thought  
6 she was part of a new "family" and she just wanted to belong.  
7 Subsequent to her arrest and release on bond, Lauren  
8 returned to her mother's home and reestablished close  
9 relationships with her family. She has remained free of both  
10 drugs and alcohol. She has changed not only her physical  
11 appearance but also her outlook on life. She has established  
12 new, positive friendships and she now knows she wants to  
13 become a chef. She recently opened up a café, Sunflour Café,  
14 and has expressed that she now understands that if you want  
15 to effectuate change you need to be a positive and  
16 contributing member of society and not just merely against  
17 society. But most important, Lauren is remorseful,  
18 embarrassed and ashamed of her participation in this offense.  
19 She continues to struggle with the taped-statements she made  
20 to the group and how they contradict everything she had felt  
21 and experienced before those months in late 2005. And yet,  
22 but for those months, the criminal justice system would never  
23 have heard of Lauren Weiner.

24 The overwhelming and abiding theme of many of the  
25 letters and psychologists and psychiatrists is about the  
26 incredible change in this young woman. She went from a  
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1 depressed lost soul looking to anyone to validate her to a  
2 young woman with greater understanding of her self worth and  
3 has found a true passion and purpose. Her treatment, both  
4 psychiatric and through AA and Alanon, have been nothing  
5 short of life changing. Lauren used to describe herself as  
6 completely helpless and now she feels completely hopeful even  
7 with her pending sentencing and the prospect of  
8 incarceration. Lauren has made incredible advances and  
9 incarceration in this case would not act to further the goals  
10 of 18 U.S.C. 3553(a) but in fact would frustrate them.  
11 Accordingly, a sentence of time served is not only  
12 appropriate but also just.

13 a.) Due to the maximum statutory penalty proscribed,  
14 certain guideline reductions that the commission intended to  
15 benefit specific defendants are not considered and therefore  
16 are a basis for a variance.

17 An additional argument in support of a time served  
18 sentence lies with paragraph 39 of the PSR and the probation  
19 officer's accurate reference to § 2X1.1(b)(2). The probation  
20 officer's conclusion is that the defendant is entitled to a  
21 three-level downward adjustment, pursuant to this subsection,  
22 since, "In this case, the defendants had not agreed which  
23 government entity they were going to attack, they had not  
24 perfected their explosives, nor agreed on their exact course  
25 of conduct." §2X1.1(b)(2) provides for a three level  
26 decrease if the offense involved was an uncompleted  
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1 conspiracy. The commission intended for the reduction is  
2 cases where defendants were not acting alone and involved  
3 "talk" of an offense but no completed acts necessary for the  
4 substantive offense.

5 Notwithstanding the probation officer's above  
6 conclusions and the application of § 2X1.1(b)(2), the  
7 three-level downward adjustment is negated by paragraph 40 of  
8 the PSR and § 3A1.4, by the "terrorism" adjustment. And  
9 although the defendant does not take issue with this  
10 application, she appeals to this Court to consider that the  
11 probation officer's findings have not changed, yet the  
12 defendant has now been subjected to the same 12 level  
13 enhancement had the group actually agreed which government  
14 entity to attack, that they had actually perfected their  
15 explosives and that they had actually agreed on a course of  
16 conduct. Note: § 2X1.1(b)(1) and (2) allow for a three-level  
17 reduction in both attempts and conspiracies in which all of  
18 the acts were not completed to successfully commit the  
19 offense. Further, although subsection (d)(1)(A) precludes an  
20 adjustment under subsection (b) for certain offenses  
21 involving terrorism, and lists many Title 18 offenses, the  
22 case before this Court involved a conspiracy to violate 18  
23 USC § 844, which does not appear on this list.

24 Likewise, Lauren Weiner does not get the benefit of her  
25 much-earned acceptance of responsibility, which in this case  
26 is clear and deserved. A brief discussion of Lauren's  
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1 immediate and extensive cooperation is set forth above. This  
2 is clear evidence of her acceptance as well as her guilty  
3 plea. To deny her credit for her acceptance is not only  
4 improper but under the facts of this case would represent a  
5 true travesty of justice and would result in an inequitable  
6 sentence. In essence, the statutory maximum sentence  
7 vitiates the three level downward adjustment for acceptance  
8 of responsibility.

9 U.S.S.G §5G1.1(a) provides that in cases where the  
10 statutory maximum sentence is less than the Guideline  
11 sentence, the statutorily authorized maximum sentence shall  
12 be the guideline sentence. Courts have departed downward in  
13 those cases where the operation of §5G renders a defendant's  
14 acceptance of responsibility meaningless. *United States v.*  
15 *Rodriguez*, 64 F.3d 638 (11th Cir. 1995).

16 In the instant case, there was a lot of external and  
17 internal pressure on Lauren not to cooperate and yet she  
18 forged ahead not only because it was the right thing to do  
19 but also in large part so that she would receive a benefit.  
20 Undersigned counsel respectfully suggests that a sentence of  
21 time served will promote respect for the law and provide just  
22 punishment for the offense while giving Lauren Weiner credit  
23 for her immediate, true, complete and extremely productive  
24 cooperation and acceptance of responsibility.



1 b.) The factors set forth in 18 U.S.C. §3553(a)(2)(A-D)  
2 actually support a sentence of time served

3 These four factors discuss the need for deterrence both  
4 in general, to promote respect for the law and to provide a  
5 just punishment for the offense, and specifically to deter  
6 this defendant from further criminal conduct and to protect  
7 the public from further crimes of the defendant.

8 In the Addendum to the PSI, United States Probation  
9 Officer Linda Alger does an excellent job of highlighting  
10 Lauren's recent achievements and concludes that she is not a  
11 threat to the community. Furthermore, at sentencing,  
12 undersigned counsel will present brief testimony from Susan  
13 J. Fiester, M.D. who evaluated Lauren Wiener over the course  
14 of the last two plus years. Dr. Fiester will be able to  
15 provide this Court with valuable information regarding the  
16 defendant's future risk to the community in accordance with  
17 §3553(a)(2)©.

18 Also attached to this filing and in a separate exhibit  
19 are letters from friends and family of Lauren Weiner. In  
20 addition to testimony from Dr. Fiester, it is expected that  
21 this Court will hear from Rosa Boone, Executive Director of  
22 the Westchester Coalition for the Hungry and Homeless, Inc.,  
23 where Lauren has completed her community service as  
24 previously ordered by this Court. A letter from Ms. Boone  
25 and some materials on the coalition are attached to this  
26 memorandum.

1 It is unquestionable that Lauren Weiner is remorseful  
2 and ashamed of her conduct that is so completely contrary to  
3 her previous law abiding and peace driven life. Her  
4 immediate and continuous cooperation with law enforcement is  
5 but one example of her efforts to make this wrong situation  
6 right. Often remorse is discussed as an important factor in  
7 assessing future risk of a defendant.

8 Furthermore, this Court has at its disposal a number of  
9 ways to protect the public and to give weight to the  
10 seriousness of the offense and the need to promote respect  
11 for the law. Linda Alger repeats in her addendum a question  
12 so many courts have to grapple with and that is that a  
13 sentence must "serve as a warning to others considering  
14 criminal conduct that such conduct will result in significant  
15 punishment." Oftentimes, punishment can take many different  
16 forms. Lauren, though not in custody, has been serving a  
17 sentence of sorts and has been under the supervision of this  
18 Court for the past 3 years. Her release came with special  
19 conditions all of which she has performed perfectly. Almost  
20 three years without knowing what your future holds has many  
21 punitive aspects. Not the prospect of future incarceration  
22 nor the inability to plan for her future deterred Lauren  
23 Weiner. In fact, it forced her to mature and face her life  
24 head on. She returned to school and completed to course to  
25 become a certified EMS and she attended culinary school  
26 knowing that neither job was an option because of her current  
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1 situation. She planned and subsequently opened a business  
2 even though her future was in question.

3 So the question for this Court as to what is a fair and  
4 just punishment that will both provide the necessary  
5 punishment, promote respect for the law and protect the  
6 public from further crimes of the defendant is in undersigned  
7 counsel's humble opinion not as difficult as it may at first  
8 appear. Lauren Weiner at the young age of 23 will be a  
9 convicted felon. Too many times we discuss incarceration as  
10 if it is the only punishment associated with committing a  
11 crime. For a young woman with no prior criminal record to be  
12 a convicted felon has far and deep reaching consequences.  
13 For Lauren, not being able to participate in the election  
14 process is a real punishment. Much has been said of her  
15 ideals and her great wish and need to make this a better  
16 country and world and yet she will no longer have the right  
17 to be a part of that process.

18 Furthermore, undersigned counsel believes that this  
19 Court is in a unique position to actually provide true  
20 deterrence by using Lauren Weiner's gifts and her new insight  
21 to warn others about the perils of involvement with groups  
22 such as ELF. Many young people feel the way that Lauren  
23 felt. They search for acceptance and approval from groups  
24 like ELF or cults or even worse, gangs. Lauren and this  
25 Court have an opportunity to reach out to others and perhaps  
26 stop crimes like this from ever incurring instead of just w

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Accordingly, a sentence of time served followed by supervised release actually conforms to the directives of 18 U.S.C. 3553(a) and is sufficient but not greater than necessary to comply with its purposes. Undersigned counsel, Lauren Weiner and her witnesses look forward to providing further information and argument before this Court prior to imposition of sentence.

1 Dated: December 4, 2008

Respectfully submitted,

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/s/  
Jeffrey S. Weiner, Esquire  
Attorney for Defendant  
Lauren Weiner

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