

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

UNITED STATES of AMERICA,  
  
v.  
  
ROBERT F. MCDONNELL  
MAUREEN G. MCDONNELL

Case No. 3:14-cr-12 (JRS)

Hon. James R. Spencer

**DEFENDANT MAUREEN G. MCDONNELL'S  
SENTENCING MEMORANDUM**

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 U.S.S.G. § 5A ..... 24

**Other Authorities**

Clay Barbour, *Dictionary Notes Maureen McDonnell’s Image Problem*, *Virginian-Pilot*, Sept. 10, 2014, available at <http://hamptonroads.com/2014/09/dictionary-notes-maureen-mcdonnells-image-problem> ..... 19

Alexander Burns and John F. Harris, *The Tragedy of Bob McDonnell*, *Politico*, Jan. 21, 2014, available at <http://www.politico.com/story/2014/01/bob-mcdonnell-virginia-indictment-scandal-102460.html> ..... 20

Andy Cush, *Maureen McDonnell is an Intolerable Nutbag, Former Chief of Staff Says*, *Gawker* (Aug. 7, 2014, 1:45 PM), <http://gawker.com/maureen-mcdonnell-is-an-intolerable-nutbag-former-chie-1617607876> ..... 20

*The Daily Show* (Comedy Central television broadcast Aug. 7, 2014), available at <http://thedailyshow.cc.com/videos/9x6g2h/the-giving-spree> ..... 19

FBI, *Virginia State Senators Discuss Corruption Laws*, Associated Press, Oct. 9, 2014, available at [http://www.roanoke.com/news/virginia/fbi-virginia-state-senators-discuss-corruption-laws/article\\_060d0551-3a2a-52b0-9ee0-c42eddc9409f.html](http://www.roanoke.com/news/virginia/fbi-virginia-state-senators-discuss-corruption-laws/article_060d0551-3a2a-52b0-9ee0-c42eddc9409f.html) ..... 20

Trip Gabriel, *When Political Spouse Helps Cause a Downfall*, *N.Y. Times*, Jan. 23, 2014..... 20

Valerie Garner, *First Lady McDonnell Visits West End Community Market*, *Roanoke Star*, June 16, 2011, available at <http://theroanokestar.com/2011/06/16/first-lady-maureen-mcdonnell-visits-west-end-community-market/#sthash.djmOHteW.dpuf>..... 18

Todd Haymore, *Virginia’s Wine Industry On The Rise*, *The Daily Progress* (Charlottesville), Jan. 15, 2012, available at [http://www.dailyprogress.com/news/virginia-s-wine-industry-on-the-rise/article\\_2b0f8233-ad3e-56b1-95c7-98d4cbdf848.html](http://www.dailyprogress.com/news/virginia-s-wine-industry-on-the-rise/article_2b0f8233-ad3e-56b1-95c7-98d4cbdf848.html)..... 17

*Maureen McDonnell Struggled to Live Up to First Lady Role, Emails Show*, Associated Press, Mar. 6, 2014, available at <http://www.wjla.com/articles/2014/03/maureen-mcdonnell-struggled-to-live-up-to-first-lady-role-emails-show-100842.html>..... 19

David McGee, *Virginia First Lady Maureen McDonnell Helps Girls Inc. of Bristol Celebrate Anniversary*, *Tricities.com*, Oct. 26, 2011, available at [http://www.tricities.com/news/article\\_5e9bccdc-43fa-5728-9fcb-4d1fd6fc3d90.html](http://www.tricities.com/news/article_5e9bccdc-43fa-5728-9fcb-4d1fd6fc3d90.html) ..... 18

## INTRODUCTION

For more than thirty years, Maureen McDonnell devoted her life to supporting her husband and her family. She worked a series of jobs while raising five children, so that her husband could pursue his calling in public service. In 2009, that calling thrust Maureen into a role that she did not want and for which she felt ill-prepared. Although Maureen worked tirelessly as First Lady to serve the people of Virginia and to promote the causes she believed in (including serving military families, recognizing non-profits serving the less fortunate, preventative healthcare, women in business, and Virginia economic development), she suffered both mentally and emotionally as she struggled to cope with the pressures of her position and the public scrutiny that came with it.

It was in that context that Maureen made the mistakes in judgment that tragically led to this case. That context, combined with Maureen's history and characteristics, the fact that she was not a public official, and the devastating consequences that she already has endured make clear that a sentence within the Guidelines range presently calculated by the Probation Department would be inappropriate. Indeed, imprisonment for any length of time is unnecessary to promote respect for the law, deter similar crimes, or mete out justice to Mrs. McDonnell. Rather, a sentence of probation with a condition of community service for four thousand hours working with an organization such as Mary's Shelter, a transition home in Fredericksburg, Virginia for pregnant mothers who would otherwise be homeless, or another community service organization, would be "sufficient, but not greater than necessary" to provide a just punishment for the offense.

## **MAUREEN MCDONNELL'S BACKGROUND**

### **A. Childhood And Years Prior To Marriage (1954–1976)**

Maureen McDonnell grew up in Fairfax County, Virginia, the third of nine children in a loving, Christian household. Her father, a United States Marine who served in Iwo Jima, Okinawa, and Saipan during World War II, worked as an agent with the Federal Bureau of Investigation and later with the State Department. Maureen's mother also worked for the FBI before leaving the work force to raise the children and keep the family's home in order, then later returned to public service at the State Department. Together Maureen's parents instilled in her and her eight brothers and sisters the importance of faith, service, and hard work. And as one of the oldest children in the family, these values were often on display as Maureen took on responsibility for caring for her younger siblings and managing the household as the burgeoning family continued to grow. When Maureen was eleven years old, her father was relocated to Ciudad Juarez and Nuevo Laredo, Mexico for work, and Maureen attended high school in Texas.

One of the most formative moments of Maureen's life came when she was a high school senior. As recounted by several witnesses at trial, Maureen discovered a lump in her breast that doctors confirmed was a tumor that would need to be surgically removed. Aside from the fear that any person would feel in such circumstances, at that time in the early 1970s, women were required to consent in advance to a complete mastectomy if the biopsy, done while in surgery, indicated the tumor was malignant. Luckily, the tumor was benign, but the fear and anxiety of the ordeal—and a greater likelihood of cancer in the future—stayed with Maureen. The experience triggered a lifetime commitment to health, nutrition, exercise, and a belief in nutritional supplements.

After high school, Maureen returned to Virginia to live with her grandmother and to work as a clerk with the FBI and later the United States Arms Control and Disarmament Agency. She

spent many of her evenings working a second job in retail at Tysons Corner or, when she could, taking modern dance and jazz classes. In later years, in addition to attending practices and charity events as a Washington Redskins cheerleader, she also took classes at Northern Virginia Community College, determined not to let her need to support herself stand in the way of furthering her education. Nonetheless, when the rest of her family moved back to Virginia a few months after she did, Maureen still made time to help out at home.

Maureen's devotion to her family extended beyond caring for her siblings and helping her mother take care of the house—Maureen also went to great lengths to make her father happy. For example, she became a Redskins cheerleader after the Redskins' 1971 and 1972 Super Bowl appearances raised ticket prices so high that Maureen's father could no longer afford to go to the games. When he learned that team cheerleaders received two free tickets to each game, he urged Maureen to try out for the squad. On her first attempt, she made it through six weeks of tryouts only to be cut in the final round. But after a year of training and another six weeks of tryouts, Maureen made the squad, obtaining not only the tickets for her father, but his pride.

Maureen met Bob McDonnell in 1973 when he was a student at Notre Dame on an ROTC scholarship. She found in Bob a man committed to the same values her parents had engrained in her: faith, service, discipline, and hard work. After a few years of long-distance dating while Bob was at school in Indiana, Maureen and Bob married in 1976.

#### **B. Civil Service (1976–1980)**

Shortly after their wedding, Maureen and Bob relocated first to Fort Sam Houston in San Antonio, Texas and then to a base in Grafenwöhr, Germany, a remote town approximately twenty miles from the Czech border. In a matter of months, Maureen went from her life in Northern Virginia, working for the Government and as an NFL cheerleader and helping to take care of her younger siblings, to an Army base in Germany, separated by an ocean from

everything and everyone she knew. The only thing familiar was Bob, and Maureen threw herself into her new life as an officer's wife. She held jobs as an operations clerk, education technician, and a youth activities secretary. These positions, particularly the youth activities secretary, enabled Maureen to serve in the way that was most suitable to her: behind the scenes, keeping families and children happy so that the men and women in uniform could focus on their service to their country. Her supervisor on the base, Rebecca Wilson, became a lifelong friend. In her letter to the Court, Mrs. Wilson described Maureen's tireless work ethic and relentless focus on the military families they served. Even outside of work, Maureen was devoted to providing opportunities for diversion and entertainment for families on base. She and a fellow Army wife started dance classes at the recreation center and developed a dance troupe that choreographed performances and even traveled to neighboring bases to perform. Maureen's experience on base opened her eyes to the difficulties that military families face and left in her an abiding commitment to serve them.

**C. Starting A Family And Supporting Bob Through Law School (1980–1988)**

In 1980, the Army transferred Bob to Fort Eustis, near Newport News, Virginia. Upon returning to Virginia, Maureen and Bob decided to start a family, and when their daughter Jeanine was born, Maureen left her civil service job on base so she could commit to raising her children and working from home. At first, when Bob transitioned to reserve status and took a job in the private sector, Maureen was able to focus on raising the children without significant financial pressure. But when Bob decided to go back to school, Maureen, as she had as a young woman in her parents' home, stepped up to shoulder the burden by tending to the needs of her young children and by taking several jobs to keep the family afloat financially. She installed water filters during the day, ran a Christian toy franchise business, and waited tables at night. Even with Bob working as well, the couple still struggled to make ends meet. In fact, on the day

their third daughter Rachel was born, Maureen installed a water filter in the morning and, with the help of a mid-wife, delivered Rachel at home that evening because they could not afford the cost of a hospital delivery.

**D. Raising A Family And Making Ends Meet While Bob Resumes His Career In Public Service (1988–2005)**

After Bob graduated from law school, he returned to public service as an Assistant Commonwealth's Attorney in Virginia Beach. Maureen continued to shore up the family finances by waiting tables, installing water filters, and continuing home-based businesses that would allow her to earn an income and look after the children at the same time.

Bob's first campaign for House of Delegates in 1991 coincided with Maureen's pregnancy with their two youngest children, Bobby and Sean. As Bob became consumed in the campaign, not only did Maureen pick up the slack at home, she pitched in on the campaign, which could not afford to hire a full campaign staff on an Assistant Commonwealth's Attorney's salary. Maureen was a fixture of the community outreach team, going door-to-door with her ten, six, and two year old daughters in tow. Even when the twins were born six weeks before election day, Maureen remained part of the door-to-door team in the last few weeks, taking the newborns with her in a stroller. In one re-election campaign, Maureen personally knocked on approximately 3,500 doors. Maureen's contributions to Bob's campaign, especially in 1991, fulfilled her sense of duty to her husband and to the public.

Maureen's enthusiasm for Bob's political aspirations came not only from her desire to support her husband's calling to public service, but also from her belief that Bob would serve Virginia well. But Maureen also had misgivings. She was concerned about how they would support a family of seven, and, more than that, about how Bob's life in politics would affect the time he had for her and the children. From the time he would have to spend in Richmond during

legislative sessions, to political events on weekends and evenings when he was in Virginia Beach, to campaigning and fundraising around the state on behalf of others, Bob would have less time to spend with Maureen. All the while, Maureen was left at home to pack lunches, tend to fevers, drive to soccer games, break up fights, and do laundry for five children, at the same time as she developed her nutraceutical business as a franchisee for Starlight Industries. Nevertheless, Maureen supported Bob, even as the demands on Bob's time strained their marriage.

The difficulties reached new levels, however, when Bob began campaigning for Attorney General, spending weeks at a time on the road traveling up to 575 miles to and from events across the state. Even when he had a stop-over in Virginia Beach for a day or two between events, the children, the house, his duties as Delegate, or one of his other myriad obligations quickly occupied any downtime Bob might have had to spend with Maureen. Maureen continued to play a role in his campaign and to contribute when asked, but the tension increased between her desire to help Bob politically and her desire to have him spend more time with the family.

**E. A New Life In Richmond And The Tumultuous Campaign For Governor (2006–2009)**

As several of the letters submitted in support of Maureen make clear, Maureen's life changed drastically when the McDonnells moved to Richmond. Instead of seeing more of Bob now that they were both living in Richmond full-time, in fact she saw less, as he was occupied with his duties as Attorney General and his nascent campaign for Governor. The move to Richmond also meant she was separated from the home, friends, and community she knew and relied on in Bob's absence during his time as Delegate. The move was just as difficult for the children, especially the twins who left behind their friends, their neighbors, their soccer teammates, and every support group aside from their family. The daughters, by then out of high

school, preferred to return to Virginia Beach during college breaks rather than the family's new home in Richmond. And in Bob's absence, it fell to Maureen to hold everything together.

When Bob resigned as Attorney General to campaign full-time for Governor in 2009, his travel schedule required him to be on the road five to seven days a week. To make matters worse, in June 2009, during the chaos of the campaign, Maureen's mother passed away ten days after organizing and hosting a McDonnell for Governor event at her nursing home. In October, Maureen's sister was hospitalized for the second time that year and lapsed into a coma while Maureen sat at her side. Maureen's sister remained unstable through the election until she received a double-lung transplant in January 2010. That same month, days before Bob's Inauguration, Maureen's father was diagnosed with terminal cancer and placed in hospice.

The loss of both parents and her sister's acute illness came at a particularly frenzied time for the McDonnells. As the wife of a gubernatorial candidate, the campaign leaned heavily on Maureen, asking her to hit the campaign trail with Bob and on her own, make public speeches at rallies, and represent her husband in his most important campaign yet. Maureen struggled to cope with the demands of the campaign, and at times, the pressure overwhelmed her. There was high turnover among her campaign staff, and by the time Bob took office, Janet Kelly, Bob's mentee, longest-serving aide, and surrogate member of the McDonnell family, felt her relationship with Maureen had so deteriorated that she could not work in the McDonnell administration if it required regular contact with Maureen. But the campaign was merely the frying pan. The fire of the Executive Mansion was next.

**F. The Glare Of The Spotlight, Maureen's Accomplishments as First Lady, And Her Unraveling Personal Life (2010–2014)**

Maureen's uneasiness with public attention, separation from Bob, and financial insecurity, long simmering over the course of Bob's political career, boiled over when she

moved into the Executive Mansion. As noted above, in the span of a year she lost both of her parents. To her dismay, she also saw even less of her husband, and her last remaining children left home for college. Surrounded by a dedicated staff and the countless guests and events at the Mansion, Maureen had never felt more alone. In fact, as many of the letters submitted along with the Presentence Investigation Report discuss, the hubbub of life at the Mansion only compounded Maureen's discomfort. Thrust in the middle of the Richmond high-end political scene, Maureen was expected to make speeches, host events, and represent Bob on the public stage—things she felt unqualified to do. When called on to give public speeches, Maureen prepared fastidiously, writing down every word she planned to say, soliciting feedback from both her staff and Bob's staff (and when she could, from Bob himself), editing the speech up until the moment she arrived at the event, and yet she was always afraid that her mind would go blank, that she would unwittingly wade into a politically sensitive topic, or that she would simply bore the audience. Ironically, her speeches were always well received as her natural warmth and enthusiasm for people would shine through. But there is no doubt that Maureen was unsuited to this new level of public scrutiny and deathly afraid of letting down her husband. Her fear fed into a vicious cycle of anxiety that spilled out on her staff and sometimes on Bob. *See, e.g.*, Tr. 4035:23–4037:17 (K. Scott); Tr. 3746:15–3747:10 (J. Kelly); Tr. 4258:9–4259:13 (J. Burke); Tr. 2112:24–2113:24 (S. Scarbrough).

Although she struggled with many of the societal and ceremonial aspects of life as First Lady, Maureen thrived when she was able to focus on her policy initiatives, the First Lady's Initiatives Team Effort, or "FLITE." Through FLITE, Maureen could channel her energy toward service and use her role as First Lady to make a difference on the issues that mattered most to her in small group settings where she felt comfortable. The fundamental goal of FLITE was to

honor the unsung heroes who were doing yeoman's work serving the community and making Virginia a better place for everyone. It was Maureen's way to deflect attention away from herself and onto those she believed had earned it and deserved it more than she did. The four pillars of FLITE were (1) service to the military and their families, (2) preventative health care and wellness, (3) women in charities and business, particularly ones that served the less fortunate, and (4) economic development through the promotion of Virginia wine, film, and tourism. With her attention focused on honoring and promoting others, Maureen did not feel the glare of the spotlight as acutely as she did in her other roles as First Lady, and she could enjoy the good she was doing for Virginians.

FLITE's work on behalf of veterans, building on Maureen's experience as a military daughter, wife, and mother (her oldest daughter Jeanine served in Iraq), focused primarily on military families. Through FLITE, Maureen was able to support groups like Operation Homefront and to help organize baby showers for military mothers. Events like these were the perfect respite from life as First Lady, because they allowed Maureen to be just another woman at a baby shower, looking after kids so their mothers could take a break for a few hours and enjoy lunch with friends. Her friends describe Maureen in her element at these events. She listened intently and "conveyed her thoughts and experience as a peer and not as the First Lady . . . . There was no Pomp and Circumstance," said Carol Berg, the former Field Office Director for Operation Homefront. *See Letter from Carol Berg.*

One of Maureen's most lasting accomplishments is the Petersburg Freedom Support Center, which FLITE developed along with other support centers around Virginia to provide a clearinghouse where veterans could find information about all the federal, state, and local resources available to support them. These support centers came about at Maureen's initiative

after she learned that, despite the good intentions of so many organizations trying to help veterans, individual programs and opportunities were getting lost in the herd. The Petersburg Support Center is still in operation today, and the FLITE Foundation still exists to support it.

Another focus was on community organizations serving the less fortunate. “Mrs. McDonnell’s untiring support for the nonprofit community was evident throughout the years she served [as First Lady],” wrote Brenda Skidmore. *See* Letter from Brenda Skidmore. She focused particularly on organizations providing basic safety net services like food and shelter—little known organizations that deserved acknowledgment. *See* Letter from Gail Casteen.

## **ARGUMENT**

### **I. THE PRESENTENCE INVESTIGATION REPORT OVERSTATES MRS. MCDONNELL’S GUIDELINES RANGE.**

Mrs. McDonnell objects to several aspects of the Presentence Investigation Report (“PSR”) compiled by the U.S. Probation Office. First, several factual assertions in the PSR’s description of the evidence introduced at trial are incorrect or misleading because they omit material information. Second, Mrs. McDonnell objects to the PSR’s calculation of Mrs. McDonnell’s offense level under the United States Sentencing Guidelines (the “Guidelines”).

#### **A. Objections and Amendments To Factual Assertions**

Paragraph 24 is misleading because many of the actions listed in this paragraph are not “official actions” as defined by the relevant law as they do not constitute a “decision or action on [a] matter . . . pending . . . before any public official, in such official’s official capacity.” 18 U.S.C. § 201(a)(3). *See United States v. Sun-Diamond Growers*, 526 U.S. 398, 407 (1999).

Paragraph 34 omits that, although Mr. Williams claimed that Mrs. McDonnell made this statement in a phone call in December 2009, *see* Tr. 1034:19–1035:2 (J. Williams), neither Mr.

Williams's nor Mrs. McDonnell's phone records reflect any such call. *See* RM-0104-0306 to -0367 (J. Williams phone records for December 2009); RM-0106-0071 to -0087 (M. McDonnell's phone records for December 2009).

Paragraph 48 states that Mrs. McDonnell entered a calendar event on her electronic calendar, however there was no evidence at trial that the calendar event was entered by Mrs. McDonnell rather than someone else. To the contrary, the evidence at trial established that others had the ability to and did enter events on Mrs. McDonnell's calendar. *See, e.g.*, Tr. 1974:8–22 (M. Sutherland) (“I entered a lot of calendar things. . . . There were times when she would enter things and I would read them off to her. Other times she would sit on the sofa and I would enter them. Sometimes they were entered from the computer in my own office.”). As a result, Paragraph 48 should be amended to read, “On May 17, 2011, a calendar event was entered on Maureen McDonnell's electronic calendar for her attendance . . . .”

Paragraph 56 omits the fact that Mrs. McDonnell's remarks at the Roskamp event were described by attendees as off-the-cuff and unplanned, and that Mr. McDonnell had no knowledge of the remarks. *See* Tr. 1965:7–12 (M. Sutherland) (Q: “Now, the speech that you mentioned, or the brief discussion that Ms. McDonnell provided or gave at Roskamp --” A: “I would say off-the-cuff remarks.” Q: “It was impromptu, right?” A: “Yes.”); Tr. 4524:19–22 (R. McDonnell) (Q: “Did you know she was going to speak or did speak at that event?” A: “I found out she spoke probably a month after the investigation started in March or so of last year.”).

Paragraph 61 omits the fact that Mrs. McDonnell had no knowledge that Star Scientific was using her name in discussions with researchers, did not authorize the use of her name, and never expressed any kind of support to those researchers.

Paragraph 68, like Paragraph 48, assumes that a calendar event on Mrs. McDonnell's calendar was entered by her, even though others had the ability to and did enter events on her calendar. *See* Objection to Paragraph 48, *supra*.

Paragraph 69 omits the fact that Ms. Huffstetler characterized her own email as a "blow-off" and testified that she did not plan to do anything to further Mr. Williams's goals. *See* Tr. 1517:22–1518:12 (M. Huffstetler).

Paragraph 98 omits the fact that Mr. Eige testified that he is not sure whether he ever met with Mr. McDonnell on this topic, and that he followed up with Star Scientific's lawyer and told him that Mr. McDonnell could not get involved with these issues. *See* Tr. 1665:5–11 (J. Eige) (Q: "Did you, in fact, make that request to Mr. Kilgore?" A: "I did. I called --" Q: "What did he -- how did he react?" A: "He seemed to completely understand. He agreed with my assessment; that this is something we can't help out and that he would talk to Jonnie and explain that this isn't something the Governor's Office can do.")).

Paragraph 122 omits that Mrs. McDonnell repeatedly offered to pay Donnie Williams, including prior to her interview by law enforcement. *See, e.g.*, Tr. 3029:20–21 (D. Williams) ("She offered several times during the time I was there to pay."). Paragraph 122 also omits that the McDonnells did, in fact, pay Donnie Williams, as well as the contractors hired by Donnie Williams, for their work. Tr. 3022:8–10 (D. Williams) (Q: "Did Ms. McDonnell, after you sent her this invoice, did she send you a check?" A: "Yes, she did.")).

## **B. Objections To The PSR's Guidelines Calculation**

### **1. The PSR overstates the value of the benefits Mrs. McDonnell received.**

The PSR concludes that the value of the benefits received by the McDonnells was greater than \$70,000 but not greater than \$120,000. *See* PSR ¶ 124. Mrs. McDonnell objects to this calculation for the same reasons put forth by Mr. McDonnell in his objections to his presentence

report, which Mrs. McDonnell incorporates by reference. *See* Robert McDonnell's Obj. to the Presentence Investigation Report at 8–13, Dkt. No. 592. For the reasons stated therein, the value of the benefits Mr. and Mrs. McDonnell received is properly calculated as between \$10,000 and \$30,000.

Mrs. McDonnell recognizes that the Court concluded during Mr. McDonnell's sentencing hearing that the value of the benefits received was between \$70,000 and \$120,000,<sup>1</sup> and that an eight level enhancement was therefore appropriate. *See* Sentencing Proceeding Tr. 27:20–22. However, it would be inappropriate to apply this same range to Mrs. McDonnell given her acquittals on Counts 4, 9, and 11, which correspond to the \$20,000 loan to MoBo in May 2012 and the \$1,424 in golf expenses in January 2012. The fact that Mrs. McDonnell was convicted of the conspiracy charges in Counts 1 and 5, yet acquitted of the substantive charges in Counts 4, 9, and 11, reflect the jury's conclusion that Mrs. McDonnell played no role in negotiating the second MoBo loan or in organizing the January 2012 golf outing, and that this conduct was not reasonably foreseeable to her. This conclusion is not surprising, as there was no evidence presented at trial that Mrs. McDonnell played any role in this conduct. *See* Tr. 804:9–808:21 (J. Williams) (regarding \$20,000 MoBo loan); 4680:20–4685:19 (R.F. McDonnell) (regarding \$20,000 MoBo loan); 4886:18–20 (R.F. McDonnell) (regarding \$20,000 MoBo loan); 609:15–610:7 (R.R. McDonnell) (regarding January 2012 golf outing); 4573:4–24 (R.F. McDonnell) (regarding January 2012 golf outing). The jury's acquittal and the absence of evidence of guilt

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<sup>1</sup> During the hearing, the Court stated "I think we easily get into the range of 97,000 to 121,000, which would be a plus eight enhancement rather than the ten." *See* Sentencing Proceeding Tr. 27:20–22. Given that the Court applied an eight level enhancement, Mrs. McDonnell respectfully submits that the Court meant to state that the appropriate range is \$70,000 to \$120,000. It is possible that the Court was thinking of the guidelines sentence for offense level 30 (97 to 121 months), which the Government had referenced shortly before. *See id.* 21:11–12 ("You would end up with the immediately adjacent 97 to 121 range.").

on Counts 4, 9, and 11 should be reflected in the calculation of the value Mrs. McDonnell received. *See United States v. Grubbs*, 585 F.3d 793, 798–99 (4th Cir. 2009) (sentencing court can consider acquitted conduct only if it finds by a preponderance of the evidence that the defendant committed the conduct); *see also Jones v. United States*, 135 S.Ct. 8 (Scalia, J., dissenting from denial of petition for certiorari) (suggesting that sentencing based on acquitted conduct may be substantively unreasonable, unconstitutional, or both). Giving Mrs. McDonnell the benefit of the doubt<sup>2</sup> and assuming that Mr. McDonnell was at the low end of the range required for an eight level enhancement, Mrs. McDonnell’s acquittal on these charges should reduce the range from \$70,000 to \$120,000 to \$30,000 to \$70,000.

The PSR applies an 8-level increase pursuant to § 2C1.1(b)(2). PSR ¶ 133. Instead of 8 levels, the offense level should be increased by 4 levels because the value of the benefits she received was between \$10,000 and \$30,000. *See* § 2B1.1(b)(2) (incorporated by reference by § 2C1.1(b)(2)). At most, the offense level should be increased by 6 levels, which corresponds to a finding that the value of the benefits was greater than \$30,000 but not greater than \$70,000, to reflect Mrs. McDonnell’s acquittals on Counts 4, 9, and 11. *See id.*

2. The PSR Inappropriately Applies § 2C1.1(b)(1).

The PSR applies a 2-level increase pursuant to U.S.S.G. § 2C1.1(b)(1) on the premise that Mr. and Mrs. McDonnell received more than one bribe or extortion. PSR ¶ 132. Mrs. McDonnell objects to the application of § 2C1.1(b)(1) for the same reasons put forth by Mr. McDonnell in his objections to his presentence report. *See Robert McDonnell’s Obj. to the Presentence Investigation Report at 26–28, Dkt. No. 592.* The Government alleged only a single incident of bribery involving a series of related payments made over time.

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<sup>2</sup> *See* Sentencing Proceeding Tr. 27:18–20 (“I’m going to, as I always do in these matters, give the defendant the benefit of the doubt.”).

**C. The Proper Offense Level Under the Guidelines Is Level 20.**

Based on the Sentencing Guidelines and the evidence introduced at trial, Mrs. McDonnell respectfully suggests that the total offense level under U.S.S.G. § 2C1.1 is **20**, not 26 as suggested by the PSR:

- Base Offense Level: **12**. *See* U.S.S.G. § 2C1.1(a)(2) (base offense level 12 for anyone who is not a public official).
- Adjustment for value of property received: **4**. *See* U.S.S.G. § 2C1.1(b)(2) (incorporating loss guidelines from § 2B1.1(b)(1)).
- Adjustment for involvement of a public official in high-level decision-making position: **4**. *See* U.S.S.G. § 2C1.1(b)(3).

Because Mrs. McDonnell has no criminal history, the sentencing range under the Guidelines is 33 to 41 months.

**II. A GUIDELINES SENTENCE—OR ANY TERM OF INCARCERATION—WOULD BE INAPPROPRIATE IN THIS CASE.**

As this Court aptly noted at the sentencing of Mr. McDonnell, the Sentencing Guidelines are discretionary and with good reason. Mandatory Guidelines can result in profoundly unfair sentences. “Maybe it is fair when it is somebody else’s husband, or brother, or father. But it never seemed fair to me.” Sentencing Proceeding Tr. 175:13–15. The Court’s role is to make an individualized assessment of the proper punishment. *Gall v. United States*, 552 U.S. 38, 50 (2007); *United States v. Mendoza-Mendoza*, 597 F.3d 212, 216 (4th Cir. 2010) (“[A] district court making the initial sentencing decision may not presume that the appropriate sentence in a given case will come from the Guidelines.”). In this case, a sentence of 33 to 41 months (let alone the 63 to 78 months calculated in the PSR) is far greater than necessary to serve the interests of sentencing outlined in 18 U.S.C. § 3553(a). Rather, Mrs. McDonnell’s conduct, her personal characteristics and accomplishments, and the humiliation and ostracization she has already experienced during the trial demonstrate that a term of probation with a condition of two

years or four thousand hours of community service is sufficient to serve the goals of sentencing outlined in § 3553(a). If the Court nevertheless concludes that a term of incarceration is appropriate, Mrs. McDonnell would respectfully request that she be permitted to serve a split sentence.

**A. Mrs. McDonnell's History And Characteristics Support A Non-Guidelines Sentence.**

Section 3553(a)(1) directs the Court to consider the “history and characteristics of the defendant.” A variant sentence is particularly appropriate where a defendant has no criminal history. *See, e.g., United States v. Autery*, 555 F.3d 864, 874 (9th Cir. 2009) (because “Criminal History Level I did not fully account for [defendant’s] complete lack of criminal history, considering it as a mitigating factor was not redundant or improper.”); *United States v. Morales*, 972 F.2d 1007, 1011 (9th Cir. 1992) (“A district court may depart below Criminal History Category I in instances where the court concludes that the offense of conviction is a single aberrant act of criminal behavior”). Maureen McDonnell has never been arrested for or convicted of any crime prior to this case. It is appropriate to impose a sentence below the Guidelines range where a defendant’s criminal conduct is an aberration from a lifetime of abiding by the law, as is the case here. *See, e.g., United States v. Benkahla*, 501 F. Supp. 2d 748, 761 (E.D. Va. 2007); *United States v. Ranum*, 353 F. Supp. 2d 984, 991 (E.D. Wis. 2005); *United States v. Cherry*, 366 F. Supp. 2d 372, 377 (E.D. Va. 2005).

Far from a repeat criminal offender, Mrs. McDonnell has led a lifetime of service—as a clerk with the FBI and State Department, as a civil servant on base at U.S. Army Garrison Bavaria and Fort Eustis, through FLITE as First Lady, and through home and financial support to her husband and family. Governor McDonnell could never have pursued public service with such gusto without Maureen McDonnell keeping their home and family in one piece. Mrs.

McDonnell put aside her reservations and misgivings and never stood in the way of Mr. McDonnell's public service because she knew their sacrifice was for the greater good, even knowing the toll it would take on the family. She should, of course, receive some portion of the credit for Mr. McDonnell's accomplishments throughout his thirty-eight years in public service. She has certainly absorbed her share of the blame for the events at issue in this case.

And Mrs. McDonnell's efforts as First Lady, a volunteer position for which she received no pay, are remarkable in their own right. Her work on behalf of military families, organizations helping the poor, healthy living initiatives, women in business, and Virginia wine, film, and tourism has been widely recognized for its positive impact on Virginia. *See supra* at 9–10; *see also* Letter from Elizabeth Mancano (“She never wanted to highlight herself, nor did she want to create new and costly programs. Instead she created FLITE [to recognize] those people and organizations who were already doing great things.”); Todd Haymore, *Virginia's Wine Industry On The Rise*, *The Daily Progress* (Charlottesville), Jan. 15, 2012 (“Virginia's first lady, Maureen McDonnell, is also leading her First Lady's Initiatives Team Effort to highlight work done by citizens in various economic sectors. A specific focus of FLITE is on Virginia's wine and tourism industries. This public-private partnership is yielding results. With Virginia's wineries leading the charge, the governor and first lady, the Virginia Wine Board Marketing Office, Virginia Tourism Corporation and the Virginia Department of Agriculture and Consumer Services accomplished some great things in 2011 for the wine industry.”), *available at* [http://www.dailyprogress.com/news/virginia-s-wine-industry-on-the-rise/article\\_2b0f8233-ad3e-56b1-95c7-98d4cbdff848.html](http://www.dailyprogress.com/news/virginia-s-wine-industry-on-the-rise/article_2b0f8233-ad3e-56b1-95c7-98d4cbdff848.html); David Mcgee, *Virginia First Lady Maureen McDonnell Helps Girls Inc. of Bristol Celebrate Anniversary*, *Tricities.com*, Oct. 26, 2011 (“Last winter, the local nonprofit agency was one of four recipients to McDonnell's initial First Lady's Initiative Team

Effort, or FLITE, Opportunity Hall of Fame awards. Girls Inc. provides career and life-skills counseling and support for local girls between the ages of 5 and 18.”), *available at* [http://www.tricities.com/news/article\\_5e9bccdc-43fa-5728-9fcb-4d1fd6fc3d90.html](http://www.tricities.com/news/article_5e9bccdc-43fa-5728-9fcb-4d1fd6fc3d90.html); Valerie Garner, *First Lady McDonnell Visits West End Community Market*, Roanoke Star, June 16, 2011 (“The market is one of four of the First Lady’s Opportunity Hall of Fame Award Recipients for 2010–2011. The project brings fresh produce to the low-income neighborhoods of Mountain View and Hurt Park.”), *available at* <http://theroanokestar.com/2011/06/16/first-lady-maureen-mcdonnell-visits-west-end-community-market/#sthash.djmOHteW.dpuf>.

This history of service to her community militates in favor of a non-Guidelines sentence. *See, e.g., United States v. Rita*, 551 U.S. 338, 364–65 (2007) (Stevens, J., concurring) (noting that public service is an appropriate consideration under Section 3553(a)); *United States v. Adelson*, 441 F. Supp. 2d 506, 513–14 (S.D.N.Y. 2006) (at sentencing, a defendant should “receive credit for the good [s]he has done and [her] immediate conduct assessed in the context of [her] overall life”).

**B. Mrs. McDonnell’s Conduct Is Far Outside The Heartland Of Public Corruption Convictions.**

Mrs. McDonnell’s conviction is unique. She stands convicted of taking gifts and loans in exchange for performing official governmental acts, even though (1) she was not a public official and thus was incapable of performing official governmental acts in her own right and (2) the benefit the alleged briber received was little more than access to the Governor and First Lady. This prosecution plainly falls outside the typical public corruption case. Mr. Williams received no state contract, no budget appropriation, no board appointment, no legislation, and no other tangible state benefit. Nor could Mrs. McDonnell as First Lady have provided these things to Mr. Williams had she wanted to. This crucial fact makes the prosecution of Mrs. McDonnell

even more extraordinary than the prosecution of Mr. McDonnell, an unprecedented case in its own right. *See* Robert McDonnell's Sentencing Mem. at 30–31, 36, Dkt. No. 582.

**C. The Public Humiliation And Ostracization Mrs. McDonnell Has Experienced Are Powerful Deterrents Against Criminal Conduct.**

The notoriety of this case and the effect it already has had on the McDonnell family afford significant deterrent effect against the kind of conduct of which Mrs. McDonnell was convicted. In the last two years, personal attacks on Mrs. McDonnell's character have appeared in local and national newspapers, on television, on internet blogs and other websites, and nearly every other form of media. *See, e.g.,* Clay Barbour, *Dictionary Notes Maureen McDonnell's Image Problem*, *Virginian-Pilot*, Sept. 10, 2014 (noting that a picture of Mrs. McDonnell could be found on Merriam-Webster.com next to the definition of the word "harridan"), *available at* <http://hamptonroads.com/2014/09/dictionary-notes-maureen-mcdonnells-image-problem>; *Maureen McDonnell Struggled to Live Up to First Lady Role, Emails Show*, Associated Press, Mar. 6, 2014, *available at* <http://www.wjla.com/articles/2014/03/maureen-mcdonnell-struggled-to-live-up-to-first-lady-role-emails-show-100842.html>; *The Daily Show* (Comedy Central television broadcast Aug. 7, 2014) (referring to Mrs. McDonnell's display of enthusiasm for Anatabloc when she met Ann Romney, "That's [expletive] up. How do those two live with themselves?"), *available at* <http://thedailyshow.cc.com/videos/9x6g2h/the-giving-sprees>; Andy Cush, *Maureen McDonnell is an Intolerable Nutbag, Former Chief of Staff Says*, Gawker (Aug. 7, 2014, 1:45 PM), <http://gawker.com/maureen-mcdonnell-is-an-intolerable-nutbag-former-chie-1617607876>; Alexander Burns and John F. Harris, *The Tragedy of Bob McDonnell*, *Politico*, Jan. 21, 2014, (referring to Mrs. McDonnell as "Lady Macbeth with an Amex card"), *available at* <http://www.politico.com/story/2014/01/bob-mcdonnell-virginia-indictment-scandal->

102460.html. Other articles have accused her of destroying her husband's career. *See, e.g.*, Trip Gabriel, *When Political Spouse Helps Cause a Downfall*, N.Y. Times, Jan. 23, 2014, at A1.

The media attention and scorn directed at Mrs. McDonnell was as pervasive and derisive as any in recent memory, decimating her reputation. Courts recognize that such collateral consequences of a trial and conviction are powerful deterrents to criminal conduct. *See, e.g.*, *United States v. Anderson*, 533 F.3d 623, 633 (8th Cir. 2008) (damage to defendant's reputation was the kind of atypical punishment that justified lower sentence); *United States v. Adelson*, 441 F. Supp. 2d 506, 514 (S.D.N.Y. 2006) ("With his reputation ruined by his conviction, it was extremely unlikely that he would ever involve himself in future misconduct.").

Mrs. McDonnell has lived the worst nightmare of a public official's spouse: vilified in the media and blamed not only for ruining her husband's political career, but for sending him to prison. For any spouse of a public official, this is more than sufficient to give pause. Indeed, Mr. and Mrs. McDonnell's convictions already have caused officials to reexamine their relationships with donors and friends, including by consulting federal law enforcement for compliance advice. *See, e.g.*, *FBI, Virginia State Senators Discuss Corruption Laws*, Associated Press, Oct. 9, 2014, available at [http://www.roanoke.com/news/virginia/fbi-virginia-state-senators-discuss-corruption-laws/article\\_060d0551-3a2a-52b0-9ee0-c42eddc9409f.html](http://www.roanoke.com/news/virginia/fbi-virginia-state-senators-discuss-corruption-laws/article_060d0551-3a2a-52b0-9ee0-c42eddc9409f.html). In light of the public consequences that already have resulted from Mrs. McDonnell's convictions on counts 1–3, 5–8, and 10, a term of imprisonment is not necessary to deter public officials or their spouses from engaging in similar conduct in the future.

**D. There Is No Risk That Mrs. McDonnell Will Recidivate Regardless Of Whether She Is Incarcerated.**

A prison sentence is wholly unnecessary to protect the public from Mrs. McDonnell. As the many letters to the Court have noted, the conduct Mrs. McDonnell stands convicted of in this

case stands in sharp contrast to a lifetime of self-sacrificial service and law-abiding behavior. Moreover, from a purely legal standpoint, Mrs. McDonnell's convictions were derivative of Mr. McDonnell's guilt on the public corruption counts. *See, e.g.*, Op. Granting in Part and Denying in Part Mot. for J. of Acquittal at 3, Dkt. No. 569 (noting Mrs. McDonnell was not a public official). Thus, in order for Mrs. McDonnell even to have the opportunity to recidivate, either she would have to become a public official, or she and Mr. McDonnell would have to remain married and he would have to regain public office. But the likelihood that either Mr. or Mrs. McDonnell will ever reoffend is zero. The government conceded this at Mr. McDonnell's sentencing. *See* Sentencing Tr. 161:17–19 (“The government acknowledges that it’s unlikely that Mr. McDonnell is going to reoffend . . .”). A term of imprisonment cannot be justified on this basis.

**E. A Guidelines Sentence Would Create Unwarranted Disparities.**

A sentence of imprisonment between 63 and 78 months as the Probation Office's Guidelines calculation would suggest, or even 33 to 41 months, would create unwarranted and unjustifiable sentencing disparities with respect to others convicted of public corruption. As Mr. McDonnell demonstrated in his sentencing memorandum, others convicted of public corruption on facts more egregious than those in this case have received sentences well below their Guidelines ranges. *See* Robert McDonnell's Sentencing Mem. at 36–39, Dkt. No. 582 (collecting cases). The fact that Mrs. McDonnell was not a public official would only heighten the disparity of imposing a Guidelines sentence.

A Guidelines sentence would also create unjustified disparities with respect to her own husband. For both Mr. and Mrs. McDonnell, the conduct in this case must be assessed against a lifetime of serving others—for him, the family and the public at large, and for her, his campaigns, the family, and the unsung heroes who benefited from FLITE. For both, the conduct

must be assessed against a lifetime of respect for and adherence to the law. For both, the consequences of this case have been devastating. Neither is a risk for recidivism.

The primary distinction between Mr. and Mrs. McDonnell is that he was a public official and she was not. He was trained in the law and experienced in campaign finance and conflicts of interest. She had a high school education. He ran for and obtained the Commonwealth's highest elected office. She supported his career though she might have preferred a different path.

The Guidelines themselves testify to the importance of this distinction. As set forth *infra* at 24, the impact of a public official status under the Guidelines is a two level enhancement. As applied in this case, that would equate to a difference of approximately fifteen months. And that is without factoring in the charges on which Mrs. McDonnell was acquitted or the fact that she bore the brunt of the public criticism.

Moreover, any term of incarceration will create an unwarranted disparity between Mrs. McDonnell and Jonnie Williams, who not only received no prison time, but was given transactional immunity for his unrelated securities and tax fraud offenses and for his role in this case and was spared the financial and personal toll of trials on those charges. To send Mrs. McDonnell to prison while the man who manipulated her remains free would be the height of unjustified sentencing disparity.

**F. A Lengthy Term Of Probation And Community Service Is A Just Punishment And Appropriately Reflects The Seriousness Of Mrs. McDonnell's Conviction.**

Sentencing Mrs. McDonnell to prison does not serve the goals of sentencing. *See* 18 U.S.C. § 3553(a) ("The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection."). As demonstrated above, a term of imprisonment will afford no incremental deterrence (general or specific), nor is it required to reflect the seriousness of Mrs. McDonnell's conduct. Most of all, a

term of imprisonment is simply gratuitous in light of what Mrs. McDonnell has experienced in the last year.

There is no greater punishment that can be levied on Mrs. McDonnell than the effect this case already has had on her family. Completely aside from the way her husband's career and legacy have been tarnished, her children have had to endure the reports about the painful, private discord in their parents' marriage, first in court and then again as the details reverberated throughout television, newspapers, and the Internet. As Cailin McDonnell expressed in her letter to the Court, "Judge Spencer, this whole experience has been so painful for my whole family. However, the thing that has hurt Mom the most is watching her kids go through all of this pain . . . . Our mother is the kind of person who would walk to the end of the earth and beyond for her children." Letter from Cailin McDonnell. Rachel McDonnell expressed similar thoughts: "The past two years have been devastating for our family. My mom has faced public humiliation beyond anything I could have imagined, and I truly believe she has suffered enough. For a person like my mother whose entire life has revolved around the well-being of her family, the damaging effects this experience has had on our family is the worst possible punishment she could receive." Letter from Rachel McDonnell. For a woman whose greatest accomplishment in life was raising five intelligent, capable, and successful children and whose primary reservation about her husband's career was that it would keep him away from their family, there is nothing more punitive than the prospect of hurting or losing them.

In light of the hardships that Mrs. McDonnell has already endured as a result of this case, a sentence of probation with a condition of four thousand hours of community service would be sufficient but no greater than necessary to vindicate the jury's verdict, deter similar misconduct, and to punish Maureen McDonnell for her actions.

**G. If The Court Requires Imprisonment, It Should Impose A Split Sentence Of Imprisonment And Home Confinement.**

If, despite the factors noted above, the Court believes a sentence of imprisonment is necessary, Mrs. McDonnell respectfully suggests that a split sentence would be appropriate. A total sentence of nine months—four and a half months’ imprisonment and four and a half months’ home confinement—would be more than sufficient to reflect the seriousness of her conviction. A sentence of nine months would be fifteen months fewer than Mr. McDonnell’s sentence of twenty four months, which corresponds to the difference in the Guidelines range that results from Mr. McDonnell’s status as a public official. *Compare* § 5A, offense level 28, criminal history category I (78–97 months), *with id.*, offense level 26, criminal history category I (63–78 months). Moreover, Mrs. McDonnell had no legal training or other expertise to help her navigate the “fine line” between permissible and impermissible relationships with donors, *see* Mem. Op. at 4, Dkt. No. 567; she never wanted to be in a position where someone would try to bribe her and was not cynical or suspicious enough to avoid such people; and most of all, she was never more than a pawn in Mr. Williams’s pursuit of her husband. For all these reasons, Mrs. McDonnell’s conduct is not the type for which months and months of imprisonment is necessary or appropriate. If the Court believes the jury’s verdict demands a sentence of imprisonment, a split sentence would be warranted in light of Mrs. McDonnell’s history, characteristics, and conduct in this case.

**CONCLUSION**

For the foregoing reasons, Mrs. McDonnell respectfully requests that the Court impose a sentence of probation with a condition of four thousand hours of community service. Such a sentence is sufficient but no greater than necessary to vindicate the jury's verdict, deter similar misconduct, and to punish Maureen McDonnell for her actions.

Dated: February 6, 2015

Respectfully submitted,

By:           /s/ Heather H. Martin

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**CERTIFICATE OF SERVICE**

I, Heather H. Martin, am a member of the Bar of this Court. I hereby certify that I caused the foregoing to be filed with the Court's CM/ECF system this 6<sup>th</sup> day of February, 2015, thereby causing it to be served on all registered users.

/s/ Heather H. Martin

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