

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA : CRIMINAL NO. 3:08CR58(JBA)
v. :
JILL D'ANTONA : MAY 16, 2008

MEMORANDUM IN AID OF SENTENCING

The defendant, Jill D'Antona, respectfully submits this memorandum as an aid to the Court as sentencing and in support of her request for a non-guideline sentence.

I. STATUS OF THE CASE:

On March 27, 2008, Jill D'Antona entered a guilty plea to Soliciting and Accepting a Gratuity, in violation of 18 U.S.C. § 666(a)(1)(B).

In the plea agreement letter dated January 8, 2008, the Government and defense counsel entered into a guideline calculation agreement. The parties agreed the defendant's base offense level was eleven (11). The Government has agreed to recommend that the Court reduce by two (2) levels the defendant's Adjusted Offense Level under § 3E1.1(a) of the Sentencing Guidelines, based on her prompt recognition and affirmative acceptance of personal responsibility for the offense, resulting in total offense level of nine (9). An offense level of nine (9) with Criminal History Category I, which the parties calculate the defendant to be, results in an applicable range of four (4) to ten (10) months.

II. BACKGROUND

Ms. D'Antona is the child of Clayton Yeager and his former wife Joan. Ms. D'Antona has lived most of her life in Connecticut. Mr. Yeager provided a safe and stable environment in which Ms. D'Antona grew up. Despite Mr. Yeager's best efforts, Ms. D'Antona experienced a number of obstacles and hardships during her youth. Ms. D'Antona's parents separated and divorced when she was five (5) years old. The divorce was precipitated by her mother's alcoholism. Ms. D'Antona lived with her mother for approximately three (3) years after her parents' separation until her mother's alcoholism became so acute she was placing young Ms. D'Antona and her older brother at risk. Her father then took sole physical and legal custody of his children. After Ms. D'Antona and her brother began residing with their father, Ms. D'Antona did not have any contact with her mother until adulthood.

Ms. D'Antona's father began a long-term relationship with Kathleen Cioppa in 1981 that resulted in marriage in 1986. The marriage joined the couple's two families which included Ms. D'Antona, her brother and her stepsiblings, Denise Russell, and Robert Cioppa. Ms. D'Antona's and her stepsiblings lived as brother and sister under one roof. These conditions resulted in a close sibling relationship among the children.

During high school, Ms. D'Antona's life was again turned upside down by the death of her stepbrother. Their close relationship made the sudden and tragic death, as a result of a gunshot wound, difficult for Ms. D'Antona to bear. Soon after this tragedy, Ms. D'Antona dropped out of high school. While Ms. D'Antona has not clinically explored the depth of

the psychological pain caused by this and from the loss associated with the early separation from her mother, it is obvious such losses have profound effects on a person.

While Ms. D'Antona has maintained a close relationship with her brother, stepmother, and stepsister, she has a particularly strong bond with her father. In fact to be in their presence, the strength of their relationship is apparent. Ms. D'Antona shares a similar relationship with her two sons, N.D. (age 12) and P.D. (age 11). Her sons were born during Ms. D'Antona's three (3) year marriage to their father, John D'Antona. Ms. D'Antona's love for her children knows no bounds. Any discussion she has about herself becomes emotional because it turns to her boys and how they will be impacted. Her sons' well-being is of paramount importance to her.

Despite withdrawing from high school after her junior year, Ms. D'Antona later obtained her GED. She has continued her education through a number of different avenues, most recently Anthem College's online program. She has plans to continue her schooling in an undetermined field and obtain a bachelor's degree.

As the Court is aware, Ms. D'Antona had been employed by the State of Connecticut as Judicial Marshal for over ten (10) years. As a result of the plea agreement with the Government, Ms. D'Antona has resigned from her position. Since her resignation, she has found sporadic work through a temporary employment agency. She is currently exploring starting a house cleaning business.

II. GUIDELINE ANALYSIS

A. Offense Level Computation

The sentencing guideline range is no longer binding on the Court, but is only one of the five factors to be considered in determining the sentence. U.S. v. Booker, 543 US 220, 224 (2005). Even before the decision in Booker, sentencing courts were expected to impose a sentence “sufficient but not greater than necessary, to comply with the purposes set forth in paragraph (2) of [18 U.S.C. § 3553(a)]”. These purposes are:

- (2) the need for the sentence imposed –
 - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - (B) to afford adequate deterrence to criminal conduct;
 - (C) to protect the public from further crimes of the defendant; and
 - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner[.]

18 U.S.C. § 3553 (a)(2). Under Section 3553, sentencing courts must also consider the nature and circumstances of the offense and the history and characteristics of the defendant.

Under Section 3553(a), a sentencing Court must impose the minimally-sufficient sentence to achieve the statutory purposes of punishment, deterrence, protection for the public, and rehabilitation. Therefore, a sentencing court cannot impose a sentence greater

than the sentence that would meet the statutory goals of Section 3553(a), even when a greater sentence is recommended by the guidelines.

B. Factors as Applied to Defendant

Although the parties agreed to a guideline stipulation, the Government does not object to the defendant seeking a non-guidelines sentence based on the facts of the case. As such, Ms. D'Antona asks the Court to impose a sentence of probation. Such a sentence meets the requirements of Section 3553(a).

The parties have agreed that the extent of her criminal culpability for calculating the applicable guideline sentence is limited to Five Hundred Dollars (\$500.00) that she received in July 2007 that she agrees to pay restitution. The requested sentence sufficiently reflects the seriousness of the offense and meets Section 3553(a) requirements. While she admits accepting gratuities from Philip and Robert Jacobs, most of Ms. D'Antona's deeds she performed for the Jacobs bondsmen were within the scope of her employment. The actions she admits she engaged in at the behest of the Jacobs Bondsmen, was holding prisoners in lock-up and bringing prisoners to the clerk's office to be released, were requirements of her position. She readily admits, she forwarded names and telephone numbers to the Jacobs bondsmen for their benefit and this conduct, was outside her marshal duties.

She admittedly received occasional payments from the Jacobs bondsmen. These payments were generally limited to Fifty Dollars (\$50.00) twice per month over a number of years. In addition, Ms. D'Antona also issued the Jacobs' checks that were not covered by sufficient funds several times per year over a three-year period. When these checks did not

clear, the Jacobs did not seek reimbursement. Ms. D'Antona did not associate any of the above-mentioned payments with any specific referral. The only payment she received that she associated with a specific referral was the transactions orchestrated by Philip Jacobs, which Ms. D'Antona was a willing participant, recorded by the government.

Ms. D'Antona understands she breached the public trust. The requested sentence promotes respect for the law and the other requirements of Section 3553(a)(2) because Ms. D'Antona's misconduct has presented severe consequences for her. She has suffered public shame and humiliation. She has lost her employment; and, her ability to find future employment will be limited by this felony conviction. She also has the burden of letting down her loved ones. Based on Ms. D'Antona's role and conduct in this case, a sentence of probation promotes respect for the law and those who enforce it.

Ms. D'Antona, for the above stated reasons, has committed herself not to engage in any illegal activity. Therefore a sentence of probation and the consequences of a felony conviction adequately deters her, and others who contemplate such conduct, from engaging in such behavior.

Ms. D'Antona has remarkable strength in the face of all that she has publicly endured. She is determined to put this matter behind her and continue to provide a good home for her two sons. Therefore, the public does not need any protection from Ms. D'Antona.

Ms. D'Antona plans to pursue a bachelor's degree next semester. She is in good health and has no substance abuse issues. Therefore, she would not benefit from any of the Bureau of Prisons programs as outlined in Section 3553(a)(2)(D).

III. CONCLUSION:

Ms. D'Antona has never been incarcerated before. Her status as a law enforcement officer will make any period of incarceration particularly difficult. Ms. D'Antona recognizes the errors that put her before the Court. She has and will continue to pay for her misconduct. However, she is a determined and resilient person who will persevere. She will find employment, raise her children in a caring and loving environment, and continue to be a productive member of society. She will learn from her mistakes.

The guidelines calculated by the U.S. Probation Office in the PSR four (4) to ten (10) months are unwarranted and too severe. The requested sentence is fair and just.

Respectfully Submitted,
THE DEFENDANT,
JILL D'ANTONA

BY: _____
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CERTIFICATION

I hereby certify that a copy of the foregoing was mailed and transmitted via facsimile on this 16th day of May 2008 to all counsel and pro se parties of record as follows:

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