

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA	:	
Plaintiff	:	
	:	Case No. 3:19-CR-00138- JCH
v.	:	
	:	
DANIEL LION	:	September 24, 2019
Defendant	:	

SENTENCING MEMORANDUM OF DEFENDANT DANIEL LION

I. Preliminary Statement

This memorandum is respectfully submitted in the intent that it may assist the court in the imposition of a just and reasonable sentence. As the court has learned through the PSR and letters of recommendation, Daniel Lion enjoys the love and support of family and friends and heretofore, has led an existence free of any criminal activity. This memorandum will attempt to place what would seem to be aberrant conduct in some rational perspective.

II. Daniel Lion's Personal History

Daniel Lion was born of August 10, 1954 in New Haven, Connecticut, the son of Dr. Daniel J. Lion, 94, and Alberta Lion, 89. A retired, well-respected pediatrician, Dr. Lion was an army infantryman during WWII, seeing action in the European Theater, particularly the Battle of the Bulge. Mrs. Lion, now retired, continues to perform volunteer work.

The oldest of seven children, Daniel, by all accounts, enjoyed a supportive environment during his formative years. He seems to have developed positive characteristics as a result of his upbringing. “He acts with kindness and compassion towards those young and old alike. He is especially involved with the care of his elderly parents and drives his father, a retired doctor, to most of his medical appointments. I have seen him in the company of my mother-in-law, who suffers with dementia, but that does not phase Danny at all. He speaks to her with nothing but love and understanding and will sit there speaking with her for long periods of time. He also does this with my wife’s aunts and they look forward to seeing Danny. My grandchildren, age 8 and 6 refer to him as Uncle Danny and constantly badger him to play with them as they climb all over him. I have never seen Danny get angry or frustrated and he seems to have this calming demeanor.” (Letter of recommendation submitted by Attorney Frank Marcucci, 06/18/2019.)

Daniel Lion is currently married to Helene Lion, a union of fifteen years. The relationship is healthy and supportive, as evidenced by Helene’s letter dated July 28, 2019.

To a person, those who have submitted letters on Daniel’s behalf describe a man of good character, true friendship, generosity, possessed of a desire to place the concerns of others before his own.

As shown in the submitted letters, Daniel Lion is a devoted husband, brother, and most importantly, a son of aging parents for whom he provides care. A lengthy prison sentence, coupled with his parents’ advanced ages, significant responsibilities for their healthcare, and obvious negative ramifications from his absence, argues for a downward departure from the guidelines calculations.

III. Daniel Lion's Family Circumstances, Personal History and Health Warrant a Downward Departure from the Sentencing Guidelines.

While the Court is instructed to use the Guidelines as an initial bench work, "The Court in determining a particular sentence to be imposed shall consider – (1) the nature and circumstances of the offense and the history and characteristics of the defendant." USCSG 3553(a)(1).

As previously described, Daniel enjoys the love, respect, and support of his family and friends because of his kindness, generosity and good reputation, while the conviction is a serious stain on his heretofore, clean record.

In addition to Daniel's kindness and generosity to his friends, he is very involved in the care of his elderly parents. His father in particular requires frequent medical appointments and it is Daniel who provides support and transportation.

Daniel's own medical conditions are relevant to the imposition and crafting of a just jail sentence. On August 20, 2018, Daniel nearly lost his life and underwent an emergency sternotomy for relief of cardiac tamponade and inspection of the left ventricular infarct at Yale New Haven Hospital. This is confirmed in letters from Umer Darr, M.D. dated 07/28/2019 and Joseph Brennan, M.D. dated 02/26/2019. In addition, he suffers from Generalized Anxiety Disorder as reflected in a letter from Harvey L. Rubin, M.D. dated 07/22/2019. This is a disorder that may have played into his decision to cross an ethical and legal border.

IV. An Ultimate Acceptance of Responsibility

In this case, the defendant has tendered full restitution. This is a sign of his full and complete acceptance of responsibility. There is no more full and complete recognition of responsibility than complete restitution. This speaks to the defendant's recognition of acceptance of guilt and need to make amends.

V. Summary

For all of the above reasons, it is respectfully requested that this Court depart from the Guidelines and impose a lesser sentence.

Respectfully submitted,

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CERTIFICATION

I hereby certify that a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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