

# BRODEN & MICKELSEN

ATTORNEYS - AT - LAW

Board Certified, Criminal Law - Texas Board of Legal Specialization

*A team approach to criminal defense*

F. Clinton Broden

Mick Mickelsen

To: Friends and Family of CLIENT  
From: F. Clinton Broden  
Re: Letters to the Judge in connection with CLIENT's sentencing

As you know, CLIENT will be facing sentencing before United States District Judge \_\_\_\_\_ in connection with his guilty plea to \_\_\_\_\_. The sentencing is currently scheduled for \_\_\_\_\_. Some of you may be thinking of writing a supportive letter about CLIENT to the Judge in an effort to help CLIENT receive the lightest possible sentence. The purpose of this memorandum is to advise you of the proper manner of doing this in terms of when and where to send the letters, proper manner of addressing the Judge, and some do's and don't's about content.

The letter (but not the envelope) should be addressed to:

Honorable \_\_\_\_\_  
United States District Judge  
1100 Commerce Street  
Dallas, TX 75242

The proper manner of addressing the Judge is "Your Honor" or "Dear Judge \_\_\_\_\_." The letter should refer to CLIENT by name either between the address and the salutation or in the first sentence. The letter should also contain your return address and the date. Generally, the letter should be between one and three pages long.

As to content of the letter, we want to be able to show the Judge the many positive aspects of CLIENT's character and background. Attached is a brief outline that you can use to help you with your letter. Of course, it is important that you write your own letter in your own words. You should identify in the letter how you know CLIENT and for how long. It might be good to include, from personal experience, specific and heartwarming examples of CLIENT's generous, kind, and/or loving character. A more general letter about a lengthy and positive relationship in which CLIENT has been a trustworthy and caring friend or family member is also helpful.

In contrast, it would not be useful to declare that CLIENT is or must be innocent or to express resentment as to his treatment by the government or the Judge; there is always a risk that such sentiments will be attributed to CLIENT and be held against him. Likewise, remember that CLIENT is accepting full responsibility for having done things he should not have done, which he acknowledges were illegal, and which he knew or should have known at the time were wrong. Some indication that you recognize the same, but still have the high opinion of him that you have always had, can be helpful. So, as you can see, the focus should be on CLIENT as a person, and not on any feelings as to his guilt or innocence, about whether someone else is really to blame for what has happened to CLIENT, or about the criminal justice system in general.

**Very important:** Please make sure that you DO NOT MAIL YOUR LETTER DIRECTLY TO THE JUDGE -- MAIL IT TO MY OFFICE (at the address on this letterhead). This is critical because, although you of course will include in your letter only what you consider to be information that will be helpful to CLIENT at sentencing, there is always a possibility that someone may unintentionally include something that could actually be harmful. Before I send a letter to the Judge, I need to check it in light of my experience so that I am confident that we submit only potentially helpful material. In addition, I will want to submit all the letters to the Judge at one time in an organized way. I cannot do this if the letters don't all go through me.

It is also very important that I receive your letters no later than ten days prior to sentencing so that I can review them, suggest changes if necessary, receive any revised letters, and organize them all as part of a cohesive sentencing package for CLIENT that I can submit to the Judge in advance of the sentencing date.

Thank you all in advance for your help and support to CLIENT in this important time.

Honorable \_\_\_\_\_  
United States District Judge  
1100 Commerce Street  
Dallas, TX 75242

Return address  
Date

Re: CLIENT

I. Relationship:

- a. In what capacity do you know CLIENT? (i.e. relative, friend, spouse)
- b. How long have you known him?
- c. Feelings for CLIENT (Important to show love, friendship, respect)

II. General statement of support:

- a. Do you understand the trouble CLIENT is in?
- b. Have you talked with him about this trouble?
- c. Are you able to help him in any way? (Place to live, job, other support)

III. Statement on character:

- a. What good things can you say about CLIENT.
- b. Mention character traits (honesty, courage, love, etc. and examples)
- c. Offering personal experiences or insights that may help the Judge understand CLIENT's true character.

IV. Conclusion:

- a. Express to Judge in your own words how CLIENT knows he has done wrong, regrets doing what he did, and his plans to go forward with his life.
- b. Because probation is a possibility in this case, it is important to tell the Judge that you do not think society would benefit from sending CLIENT to prison and that a prison sentence would be detrimental to all concerned. It is important to explain why you think this.

Respectfully yours,

Your name