

FEDERAL PUBLIC DEFENDER
Western District of Washington

April 4, 2014

Western District of Washington DREAM Court
Review Committee Members

Re: *United States v.* [REDACTED]
Referral for DREAM Court Program Eligibility

Dear Review Committee Members:

This letter is submitted on behalf of [REDACTED] and her request to participate in the DREAM program. [REDACTED] years old and has no criminal record. As expressed in her letter to the Committee (*see* Exh. B), [REDACTED] accepts full responsibility for her [REDACTED] offense and is highly motivated to avoid relapsing into the drug use that was the primary cause of the offense. Moreover, as set forth in this petition on her behalf, [REDACTED] meets all of the qualifications for the DREAM program and she is an excellent candidate to receive its benefits.

A. The Offense Conduct.

As set forth in the Indictment, [REDACTED] is charged with [REDACTED]
[REDACTED]
[REDACTED] The FBI's investigation summary reports that [REDACTED] offense was directly related to her drug addiction. At the time, [REDACTED] was sustaining an opioid addiction and owed money to a drug dealer. *See* Exh. A (FBI summary) at *Bates* [REDACTED] (reporting, e.g., that "[b]ecause of a drug problem (as admitted to her supervisor and attorneys [for the bank]) she began stealing money. . . .").

[REDACTED] makes her acceptance of responsibility for her offense clear in her letter to the DREAM committee:

First and foremost, I want to apologize [REDACTED]
[REDACTED]
[REDACTED]

¹According to the discovery, [REDACTED] alleged a total loss amount of [REDACTED].

[REDACTED]

Exh. B (letter from [REDACTED]).

B. [REDACTED] Background and History of Drug Abuse.

[REDACTED]

[REDACTED]

[REDACTED] *See also* Exh. C (letter from

[REDACTED]

[REDACTED]

[REDACTED]

Exh. D (letter from [REDACTED]); *see also* Exh. E (letter from [REDACTED])

After moving to Seattle, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In 2005, [REDACTED] began dating [REDACTED]. By this [REDACTED] [REDACTED] was a drug dealer and physically abusive to [REDACTED]. See Exh. E ([REDACTED] “as a drug dealer and a verbally and mentally abusive boyfriend” who also threatened [REDACTED] family); Exh. F ([REDACTED]). This relationship repeated a pattern in [REDACTED] life, beginning with her father’s abuse toward her mother and continuing to [REDACTED] first serious boyfriend, who also hit her. [REDACTED] gained a strong emotional hold on [REDACTED], and reinforced her dependence by getting her hooked on barbiturates and oxycodone. Once [REDACTED] became dependent on drugs, [REDACTED] made her pay for any pills he gave her, and she began to drink heavily and use other drugs.

In December 2006, after [REDACTED] had inflicted a beating on [REDACTED] that sent her to the hospital, she learned that she had abnormal liver function. The doctors found that she had hepatitis, most likely contracted from [REDACTED], and began treating her in 2007. At the same time, [REDACTED] discovered that she was pregnant. To stay clean during the pregnancy, she left [REDACTED] Seattle and went to live with [REDACTED]. Unfortunately, she returned to live with [REDACTED] [REDACTED] was born.² [REDACTED] was still dealing drugs, and had also developed a full blown [REDACTED] habit. In 2009, he was convicted of [REDACTED], and from that point on was continuously in and out of jail for probation violations and new charges.

Despite her addiction and domestic instability, [REDACTED] found a job at [REDACTED] [REDACTED] and managed to show up for work on a regular basis. [REDACTED] thought she

[REDACTED]

could pull her life together if she could break free of [REDACTED] and get her drug habit under control. In fact, her life was spiraling out of control. [REDACTED] received no child support from [REDACTED] although he did try to involve her in his drug dealing. In fact, [REDACTED] demanded money from [REDACTED], and threatened to harm her or her family if she did not comply.

Meanwhile, in late 2011, [REDACTED] treatment for her liver malfunction. The treatment, however, was expensive and added to her financial struggles. Worse yet, the drugs [REDACTED] was prescribed to treat liver had debilitating side effects, and she began using [REDACTED] in particular at increased levels to offset severe depression that she attributed to the [REDACTED]. She did not tell her liver specialist that she was taking non-prescribed drugs because she was afraid he would discontinue the liver treatments.

Moreover, while [REDACTED] depression may have been caused by the treatment, her grandmother reports that their family has a history of depression, and that [REDACTED] mother had apparent mental health issues. Exh. C at 1 [REDACTED] letter). [REDACTED] has never sought mental health counseling, but a mental health evaluation and counseling may be helpful to her recovery. Despite the depression and drug use, and even after she started embezzling from her employer, [REDACTED] believed she could get her drug use, health and finances back under control. In reality, of course, by that point she was far too addicted, in debt, and overwhelmed by the need to care for her daughter and [REDACTED] demands to extricate herself and make amends. Given [REDACTED] level of addiction and health issues, if she is accepted into the DREAM program it will not only represent a turning point in her life, but may very well save her life.

C. [REDACTED] Present Status and the Status of the Pending Charges.

[REDACTED] was released on bond on [REDACTED]. As a condition of her release, she is required to participate in drug and alcohol treatment. A [REDACTED] 2014, evaluation by Pioneer Human Services confirms that [REDACTED] is alcohol and opioid dependent. See Exh. F ([REDACTED] [REDACTED] drug dependency evaluation, which also reports that [REDACTED] is “amenable to treatment” and that “effective treatment is available”). [REDACTED] has never been in a treatment program, but prior to the evaluation had begun attending NA meetings and found them helpful. The evaluation further states [REDACTED] appeared mournful of her situation, however, believes that if not for [the charges], she would never have gotten the help she needs.” *Id.* at 2.

After this evaluation, [REDACTED] relapsed and used heroin again. Following a bond revocation hearing on [REDACTED], the Court modified her bond and ordered that she be placed in an in-patient drug treatment program. With the assistance of Pretrial Services, [REDACTED] is now at an in-patient treatment facility in [REDACTED] and will likely remain there for [REDACTED] months.

D. Eligibility for the DREAM Program.

[REDACTED] meets all of the criteria for participation in the DREAM program:

1. She is not charged with a serious violent offense or other disqualifying offense, and she has no history of serious violent offenses;
2. The criminal conduct was the direct result of [REDACTED] drug addiction;
3. [REDACTED] is a citizen of the United States and a resident of the Western District;
4. [REDACTED] has no prior felony convictions;
5. [REDACTED] has already made substantial efforts to accept responsibility for her offense, including admitting her crime when confronted by [REDACTED] and not contesting a civil action against her by [REDACTED];
6. [REDACTED] needs ongoing treatment and counseling to fully overcome her addiction, but does not have any mental health issues (apart from the depression noted above);
7. [REDACTED] is not someone who can or would work as an informant.

E. Conclusion.

[REDACTED] has made serious mistakes and accepts full responsibility for her offense. She is already working hard to overcome her drug dependency and make amends. Her dependence on opioids and other drugs (as well as alcohol) is the result of her exposure to drug use in her family, an abusive relationship with a man who encouraged and abetted her addiction, and depression that may be related to her treatment for liver disease or be rooted in [REDACTED] family history. [REDACTED] is aware that she needs support and counseling to avoid relapsing, and that she has a lot of work to do before she can repair herself, take care of her daughter again, and make restitution. She has the advantage of continuing love and support from her grandparents in particular, who have offered her a home and help caring for their granddaughter. Exh. C at 6. Given [REDACTED] lack of criminal history, her commitment to treatment, and the added motivation of

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wanting to be reunited with her daughter, she is a worthy candidate for the DREAM program and will benefit greatly from it.

Please feel free to contact me at any time if you have questions about Ms. [REDACTED] application or need additional information.

Sincerely,

/s/ Colin Fieman

Colin Fieman

Attorney for [REDACTED]

[REDACTED]
Enclosures