

BILL BARR'S DOJ SAYS TRUMP IS TOO OLD FOR ANOTHER 4 YEAR TERM

The supplemental sentencing memo DOJ submitted for Roger Stone after all the people who had prosecuted him withdrew from the case is a pained document. It starts with a highfalutin appeal to “sovereignty” of a prosecutor seeking “justice shall be done.” But ultimately, it doesn’t say what the sentence should be.

It is well established that the prosecutor “is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.” *Berger v. United States*, 295 U.S. 78, 88 (1935). This axiom does not simply apply to the process of bringing charges or securing a conviction—it also “must necessarily extend” to the point where a prosecutor advocates for a particular sentence. See *United States v. Shanahan*, 574 F.2d 1228, 1231 (5th Cir. 1978) (reviewing sentencing conduct of prosecutor). Applying that principle here, to the specific facts of this case, the government respectfully submits that a sentence of incarceration far less than 87 to 108 months’ imprisonment would be reasonable under the circumstances. The government ultimately defers to the Court as to the specific sentence to be imposed.

I could make a more compelling argument about what the sentence should be. But, aside from arguing the witness tampering was too serious (something that’s reasonable), that’s not really

done here.

Ultimately, having laid out reasons why Stone should still be sentenced to about 4-5 years, the government then argues he should get a deal because he's old, and in ill-health, and not that much of a rat-fucker.

Finally, the Court also should consider the defendant's advanced age, health, personal circumstances, and lack of criminal history in fashioning an appropriate sentence.

Roger Stone is 67. If Roger Stone is too old to go to prison until he's 74, then the guy on whose behalf DOJ is arguing, Donald Trump, probably is too old – at 73 – to run for a term that will last until he's 78.

It's not me arguing that 73 is too old for a four year term. It's Bill Barr's DOJ.