

BILL BARR USURPED THE POWER OF A JUDGE WHO WAS THREATENED HERSELF TO DECIDE THE IMPORT OF VIOLENT THREATS

Presentence Investigation Reports – the report the Probation Office gives to the government and defendants before they write their sentencing memos –are not public. But thanks to Roger Stone, we know that the 7-9 year sentence originally proposed by the government is precisely what the Probation Office recommended for Stone.

Probation and the Government, however, incorrectly maintain that the following offense level increases are applicable:

Specific Offense Characteristics
U.S.S.G. §2J1.2(b)(1)(B) 8 level
increase ¶176 1

Specific Offense Characteristics
U.S.S.G. §2J1.2(b)(1)(2) 3 level
increase ¶177

Obstruction of Justice U.S.S.G. §3C1.1 2
level increase ¶180

Obstruction of Justice 2 U.S.S.G.
§2J1.2(b)(3)(C) 2 level increase ¶177

1 Paragraph references are to the Presentence Investigation Report, dated January 16, 2020, (“PSR”). [Dkt. #272].

2 Government’s Objection to Presentence Investigation Report, dated January 30, 2020.

That means that the Attorney General lied to the Senate Judiciary Chair, Lindsey Graham, when –

according to Graham – he told him that “that the guidelines call for 3 1/2 to 4 1/2 [yrs] for an offense like this.”

What Barr has done, effectively, is to unilaterally eliminate any punishment for Stone’s threats against Randy Credico (see PDF 243 for where that enhancement is laid out in the sentencing guidelines). He has done so even though prosecutors noted that while Credico doesn’t think Stone would hurt him or his dog Bianca, he *does* think that Stone’s ghoulish buddies might do something.

But Credico testified that Stone’s threats concerned him because he was worried that Stone’s words, if repeated in public, might make “other people get ideas.”

And Barr made that unilateral decision – to discount the import of threats of violence – in a case where Stone threatened the judge, Amy Berman Jackson, herself, in response to which even Stone’s lawyers agreed that the threats might incite others to act. ABJ imposed a gag in this case, very specifically, because Stone had already made public statements that she believed might incite others to take action.

What concerns me is the fact that he chose to use his public platform, and chose to express himself in a manner that can incite others who may feel less constrained. The approach he chose posed a very real risk that others with extreme views and violent inclinations would be inflamed.

[snip]

As a man who, according to his own account, has made communication his forté, his raison d’être, his life’s work, Roger Stone fully understands the power of words and the power of symbols. And there’s nothing ambiguous about crosshairs.

Bill Barr lied to Lindsey Graham, and did so in such a way to ensure that the President's rat-fucker would face no repercussions for the violent threats he made against Credico and has made against others, including ABJ.

And if he cared at all about his oversight role, Lindsey Graham would call Barr on his lies, not parrot them.

Mind you, ABJ could still sentence Stone to the full 9 years (which I doubt she would have done in the first place). If she does, you can be sure she'll be the target of a lot of violent threats that Bill Barr will continue to ignore.