

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA	:	CASE NO. 1:08-cr-23
	:	
v.	:	
	:	
WILLIAM HORACE (“BILLY”) LONG	:	JUDGE MATTICE/LEE
	:	

SENTENCING MEMORANDUM

INTRODUCTION

Billy Long has no history of criminal wrongdoing whatsoever. The convictions from this case are a dark blemish on an otherwise spotless record of service to the community and to the Country.

PERSONAL HISTORY, LIFESTYLE, CHARACTERISTICS OF BILLY LONG

Billy Long was born on April 25, 1952, as the youngest of four children. He is a lifelong resident of Hamilton County and grew up in Tiftonia. His father owned and operated Woodrow Long’s Garage and Wrecker Service for many years. One of Billy’s cousins recalled their childhood:

Billy and I are the same age only six months apart. He was raised in a family divided by divorce due to his father’s drinking. Even though his father had use of only one arm, everyone I ever met that knew him said he could outwork most men who had two arms. I

tell you this because Billy gained a lot of core value in work ethic from his rearing.

(Letter from Marty Von Schaaf). Billy attended Central High School and struggled in school graduating number 260 of 290 students from Central Highschool in 1970. (Attachment 1 - CHS Transcript and Diploma). Even in high school, Billy was thought of as a good person.

I met Bill Long at Central High School in 1967. He was in my ROTC platoon. He was a good cadet and as I recall he received the Neatest Cadet commendation during inspection several times. He was a friendly fellow and I always enjoyed spending time with him.

(Letter from Stephen E. Meyer)

After high school, Billy joined the Army and served for three years in the 82nd Airborne in Fort Bragg, North Carolina. He was honorably discharged in 1976 after receiving the National Defense Service Medal, a good conduct medal, a parachute badge, and qualification as a pistol expert and sharpshooter. (Attachment 2 - Military Documents).

Law Enforcement Career

Upon returning to Chattanooga in 1974, Billy began his thirty-one year career with the Hamilton County Sheriff's Department. He started working as a shift dispatcher in the communications division and was then transferred to the main control center of the jail. He graduated from the Chattanooga Police Academy in 1975. He worked every square mile of the county while on patrol. He also worked in traffic for many years. He was one of two officers to start the motorcycle division for the County in 1981. While working full time at the sheriff's department, Billy managed to attend college at Cleveland State Community College, where he

received an associate degree in criminal justice in 1981. (Attachment 3 - Cleveland State Diploma & Transcript).

In 1988, Long was promoted to patrol sergeant. Eleven years later he was promoted to patrol lieutenant after receiving the highest score on a promotions test. (Attachment 4 - HCSD Memo). In 2004, he was assigned to community and court relations as a lieutenant over court security officers because his “law enforcement skills would definitely help to tackle the complexities of this new assignment.” (Attachment 5 - HCSD Memo). For several years, Billy oversaw special events for the County such as Riverbend, the Air Show at the Chattanooga Metropolitan Airport, and the County Fair at Chester Frost Park. Billy was also responsible for the Homeland Security Preparedness of the Hamilton County Sheriff’s Department and supported the DARE program and DUI task force. He also worked with School Resource Officers in Hamilton County Schools, oversaw the Neighborhood Watch Program, and served as an instructor in many of the Department’s officer training programs. Billy received numerous awards over his career with the Hamilton County Sheriff’s Department, many of which are attached to this memorandum. (Attachment 6 - Letter).

Billy also received many commendation letters during his career.¹ The chief of the Chattanooga Metropolitan Airport Authority Police Department wrote in May 2002 that Billy’s

professionalism and hard work was apparent throughout both the planning and implementation of the security program, and each of them proved themselves to be invaluable to the overall effort . . .

¹The commendation letters are too numerous to be discussed individually. The attached personnel file contains many commendation letters under the commendations section.

You are fortunate to have officers of their caliber working on your staff.

(Attachment 6 - Letter). On March 6, 2000, Deputy Chief Tommy Standifer wrote the following letter of commendation to Billy:

The vehicle theft from the Mr. Zip Market on Apison Pike with the small child inside was a very stressful and dangerous incident, but one that thankfully had a successful conclusion.

Your leadership of the incident along with our evening shift officers and all department support staff was professionally managed and coordinated to the highest degree.

I want to personally thank you and your officers for a job well done.

(Attachment 7 - Memo). In May 1995, Lt. Mitchell sent a letter to Sheriff Cupp commending Billy's work.

I would like to commend Sgt. Billy Long on an excellent class he instructed about Driver Awareness during our last in-service period. This was his [] first class since being certified as a driving instructor, and the whole week could not have gone better. He obviously took advantage of the time that he spent at the Federal Law Enforcement Training Center. Sgt. Long is just another example of the fine internal assets we have for training.

(Attachment 8 - Memo). Deputy Chief Standifer then sent a letter to Long regarding the Driver Awareness class telling him that it "is a pleasure to have a supervisor of your standing under my watch." (Attachment 9 - Memo). In 1989, the Chief of Police for Red Bank notified Sheriff Evatt

of Billy's contribution to apprehending armed robbery suspects that led to the arrest of five individuals.

Based on the above information [it] appears obvious that Sgt.

Long's actions have prevented a series of armed robberies from occurring in this area - - probably also prevented injury or death of potential victims and police officers.

I wish to extend my appreciation to Sgt. Long for a job well done.

Myself and all members of this department are proud of law enforcement officers such as Sgt. Long.

(Attachment 10 - Letter). In 1987, the Hamilton County District Attorney's office sent a commendation letter to Sheriff Evatt regarding Billy Long's work on a murder case.

Officer Long spent many hours helping this office investigate and prepare for the trial of this case. Officer Long was very helpful in assisting us in obtaining a video tape of the crime scene, visiting the crime scene, and obtaining numerous photographs and statements of witnesses to help in this successful prosecution. It was only through the diligent work of all the officers, and particularly Billy Long, that the jury was encouraged to come back with a second degree murder verdict.

In closing, we simply would like to recognize that the competency of such officers speaks highly of the Sheriff's Department.

(Attachment 11 - Letter). In May 1986, the Chattanooga Metropolitan Airport Authority sent a commendation letter to Sheriff Evatt regarding Billy's work at the Armed Forces Week Air show stating that

Lt. Charles Hawking and Bill Long went above and beyond the call of duty. Their cooperation and assistance truly lightened the load of the committee and provided planning advice and expertise that was invaluable.

You are fortunate to have people of this caliber in your organization and our county is doubly fortunate to have people with the sense of dedication and civic pride demonstrated by your unit.

(Attachment 12 - Letter). In November 1985, a citizen sent in a letter to Sheriff Evatt commending Long on his work directing school zone traffic in front of Central High School.

The citizen wrote:

I wish to express my thanks to you for assigning Patrolman Long to the Highway 58 - Central High School area. When he is on other assignments outside this area, it quickly becomes apparent that he is not there. The general driving public quickly sees the results with backed-up traffic moving too slowly through the area.

You have a good department. I have seen many police departments in action . . . In my opinion, Patrolman Long is simply an outstanding officer.

(Attachment 13 - Letter). In April 1981, the Director of the Highway Department sent a letter to Sheriff Evatt regarding a traffic accident involving a prison van and his employee driving off without calling the police that Billy Long assisted him with:

The main thing I wanted to come across with is that you have a very fine group of men in your employ as I have occasion to work with them on a week to week, month to month basis. I'm always impressed with their cooperative attitude. However, this one in particular deserves recognition. I've know him for several years now and he is one professional police officer. I simply wanted you and the Chiefs to know that someone out here does care and we are appreciative of the fact that you strive for such professionalism in your department. This is a direct reflection on you and your ability to lead and motivate people. You are all commended on a job well done.

I know you are probably wondering by now, am I going to mention the officer's name. Oh yes, most certainly, save the best for last.

It's Officer Billy Long.

(Attachment 14 - Letter). In April 22, 1980, after receiving a commendation letter about Billy Long, Sheriff Evatt sent the following to Billy:

It is always a pleasure for me to receive letters such as the attached.

You are a very fine officer, a credit to this department and I appreciate your outstanding efforts.

(Attachment 15 - Letter).

Other than commendation letters, the defendant submits numerous character letters discussing Long's contributions to the sheriff's department.

I have known Mr. Long since 1978 and have known him to be a caring and trustworthy person. We worked together for several years during my tenure with the Hamilton County Sheriff's Department and continued our friendship after I relocated to North Carolina in 2001. During those years he always treated everyone [fair] and was willing to help others, his fellow officers, and particularly those less fortunate.

(Letter from Linda Jackson Barnes). His cousin recalled Billy's career as a sheriff's deputy writing that

During his distinguished career with Hamilton County, I met many of his fellow officers and people outside the Department who knew him. I made it a habit to never reveal my relationship to Billy during a conversation until I had asked one question, "What do you know about him?" or "What do you think of him?" In thirty-one years, I've never, ever heard any kind of negative response. Only positive affirmation that Billy Long was honest, hard working and someone they enjoyed working for or with.

(Letter from Marty Von Schaaf). A former reserve officer that has known Billy over three decades wrote that

Throughout the years of friendship, I've seen Billy rise up through the ranks and retire after 30 years as a lieutenant with the sheriff's

office. I am firmly under the belief Billy served those 30 years with a spotless career record. When Billy said he was running for sheriff, I felt he was the perfect choice. . . . Billy's charm and honest efforts made him extremely popular with the public. His many years as a master mason and Shriner also spoke well of his outstanding character.

(Letter from Perry Perkins).

Billy had worked his way up through the ranks of the Hamilton County Sheriff's Department until August 2005, when he retired as the Lieutenant in charge of security in the courts. Billy had loved his career in law enforcement and wrote the following to Sheriff Cupp when he retired: "Over the last thirty-one years, I have developed lifelong relationships and fulfilled my life's ambitions. I would like to thank the department for a wonderful career in law enforcement." (Attachment 16 - Letter). However, Billy could not stay away from the career he loved. He was elected to sheriff and took office on September 1, 2006. He had received endorsement letters from the Tennessee Police Benevolent Association, Fraternal Order of Police Rock City Lodge #22, International Brotherhood of Police Officers Local 673, Iron Workers Local Union No. 704, International Brotherhood of Electrical Workers Local Union 175, Plumbers and Steamfitters Local 43, Democracy for Chattanooga, and Chattanooga Building and Construction Trades Council. (Attachment 17 - Endorsement Letters).

One friend described Billy and his choice to run for sheriff:

In 1981 I came to work as County Traffic Engineer . . . [and on] numerous occasions, I would meet Billy out at locations where severe crashes had occurred and he was very insightful on causes

of the crashes. . . . I left the County and moved onto other work and had not seen Billy for years. He called me one day and asked if I would eat lunch with him. At lunch he told me he was running for Sheriff, and he wanted me to run his campaign. I told him I had never run a campaign before and I had a job and I could only dedicate a portion of my time for the campaign if I decided to do it. I knew Billy from my past experience (which was very positive) and told him I would be glad to help him run the campaign.

(Letter from Stephen E. Meyer).

I was so proud of him when he ran for Sheriff. He worked very hard; doing 16 hour days during the campaign but still found the time to spend with his family. Billy deserved the position of Sheriff. He was extremely knowledgeable and worked hard for something he always dreamed of.

(Letter from Long's Step-Daughter, Rebecca Wolfe). "I did everything I could to get him elected because I thought he would make us a good sheriff." (Letter from Opal Painter Coleman).

Although Billy's tenure as sheriff will most likely be remembered for how it ended, Billy Long did improve the sheriff's department while he was there. When current sheriff, Jim Hammond, addressed the East Ridge City Council in September 2008, he told them that "he is very pleased with the current state of the sheriff's department that he inherited" and "acknowledged the good job that former Sheriff John Cupp and Sheriff Long did to keep the department up-to-date with technology, equipment, and training." (Attachment 18 - Article).

There are many articles describing the work done by the Sheriff's office and by Long during his tenure as sheriff, including putting SROs in the schools, setting up a toy drive at Christmas, getting the jail certified, and various other improvements that took place while Long was sheriff. (Attachment 19 - Articles). A friend of Long's for thirty-four years that worked as a reserve officer with Long described the good things that he did while sheriff:

Billy made many positive improvements at the sheriff's department in his short 16 month term. He worked closely with the Tennessee State regulators to re-certify our county jail, which had been de-certified for almost two years. He ran a platform to bring school resource officers back in schools, which he did to a level of over 20 officers. Billy also began a chaplains program combining ministers with police skills designed to help officers in need and/or community crisis situations. In addition, he created a reserve office program, adding twenty-five part time police officers to the force. These officers work with full-time uniformed officers at no cost to the county. He held monthly meetings with his department heads to try and solve community issues and problems. Each of these programs that Billy Long put into place is still in existence today. Not bad for 16 months in office.

(Letter from Perry Perkins). Long's wife was also familiar with his accomplishments as sheriff:

As sheriff he assured that his officers received a raise before he did. Billy also started a new program for the less-fortunate children to receive gifts at Christmas, along with many other

programs. The one I admire the most is the Chaplain program he started. But his best qualities are not as sheriff but as Billy Long. He does things for people in a way that they do not really see HIM doing it. They are shown how or given the necessary resources and Billy is behind the scenes. He does not want recognition.

(Letter from Joy Long).

Billy's evaluations from the sheriff's department show that he met or exceeded all duty requirements and excelled in working with others. (Attachment 42 - Personnel Record). Billy had undergone numerous training courses and had received numerous certificates and awards for those courses. Approximately eighty certificates from these training course are attached to this memorandum. (Attachment 42 - Personnel Record). Long received over 2,185 hours of training during his career 1973 to 2003. (Attachment 20 - Summary Report). In his thirty-one years as a law enforcement officer, Long was only cited twice for behavior unbecoming of an officer, but each time he was exonerated. (Attachment 21- HCSD Documents). Therefore, Long essentially has a perfect record as a law enforcement officer before becoming sheriff. One friend wrote that:

I believe that Mr. Long also served the citizens of Hamilton County as a sheriff's deputy for a significant number of years and that service was honorable.

(Letter from Timothy McDonald). Another friend and colleague wrote that:

I have personally known Billy for twenty-eight years. My association with Billy began in 1980 as a member of the Hamilton County Sheriff's Department. Billy was an officer with the department and I was a member of the Reserves. The Reserves

worked along side of the regular officers in their daily patrol.

From my initial contact with Billy, I had an immediate respect for him. As I grew to know him better, I realized how good an officer he was. He followed the department's policy and procedures to the letter. He never strayed from that practice. He was compassionate to victims he encountered and stern with the criminals he arrested. On many occasions after making an arrest he would try to show his prisoner, the error of his ways, and what he needed to do to become a better person. Many times I found this difficult to believe someone would stop and take the time to do this.

Billy's tenure with the sheriff's department has been long and proud. He began as a road officer on the East side, advanced to the traffic division where he was a respected investigator on traffic accidents. He later became a supervisor and worked hard to be a leader and an example to his personnel. Over the course of time, paying his dues, he advanced the rank of Lieutenant. Again, this gave Billy the opportunity to lead his officers against crime in Hamilton County. I never heard a negative word about Billy the whole time I have known him.

(Letter from Roger Wilkey)

MILITARY SERVICE.

Billy served for seventeen years in the Tennessee Army National Guard, where he rose to the rank of First Sergeant. (Attachment 22 - Military Records). In December 1990, Billy

volunteered to join the 196th Field Artillery Brigade of the Tennessee National Guard and was called to active duty to serve in Operation Desert Storm the following year. He received the Army Service Ribbon, two National Defense Service Medals, the Marksmanship Badge, the Good Conduct Medal, the Army Reserve Component Achievement Medal, the Parachutist Badge, the Army Achievement Medal, and the Army Lapel Button for his service in Operation Desert Storm. (Attachment 23 - Military Records). He was honorably discharged in 1991. (Attachment 24 - Honorable Discharge). He received numerous Army Achievement Medals and Army Commendation Medals while serving in the Army National Guard. (Attachment 25 - Awards). He retired with twenty years of military service in 2003 as a first sergeant and received an Honorable Discharge. (Attachment 26 - Honorable Discharge). On January 12, 2008, Billy was inducted into the Order of St. Barbara, an honorary military society of the U.S. Field Artillery. (Attachment 27 - Certificate). He also became a life member of the Vietnam Veterans of America on February 4, 2008. (Attachment 28 - Certificate).

Billy Long's military evaluation reports from 1982 to 2000 reveal that Billy excelled at being a military soldier and officer. (Attachment 29 - Military Records). In the 1982-1983 report, the evaluation states that Billy's "judgment and exemplary personal conduct have won respect of all associated with him" and that Billy's "qualities of leadership, sound judgment, have made him a distinct asset to this headquarters." (Attachment 29 - Military Records). The remaining reports from the 1980s echo the same praise of Billy Long. On many of the reports, Billy received the highest scores available on the evaluations for professionalism and performance. (Attachment 29 - Military Records). The evaluation report from 1990 to 1991 states that Billy "places the needs of the unit above his own," "volunteered to serve his country during Operation Desert Storm," and "sets the example, exemplifies the be, know, do standard."

(Attachment 29 - Military Records). The evaluation report from 1996 to 1997 states that Billy's "conduct on and off duty is unquestionable at all times to be at its highest" and that "1SG Long is one of the best First Sergeants I have ever known or observed." (Attachment 29 - Military Records). The evaluation report from 1998 to 1999 states that Billy is "honest in word and deed." (Attachment 29 - Military Records). The remaining reports from the 1990s show that Billy received "excellence" or "success" markings on all areas of his evaluations. (Attachment 29 - Military Records). The last evaluation report from September 1999 to May 2000 is the only evaluation report in which Billy received "needs improvement" marks and did not meet all of the responsibilities. However, the report explains that "[s]ince becoming a Lt. in the sheriff's dept, he has little time to spend on unit affairs, resulting in not being prepared as 1SG duties and ensuring sections chiefs are prepared." (Attachment 29 - Military Records). The only time that Billy did not excel and meet the highest military standards was when he had taken on too much responsibility in his occupation with the Hamilton County Sheriff's Department serving his community.

Many fellow military soldiers and officers have offered their support of Billy and wrote about their knowledge of Billy Long as a soldier and military officer for the Court's consideration in reaching the appropriate sentence. First Sergeant Willard S. O'Steen (retired) wrote:

I have known Mr. Long for approximately 27 years of which 24 I was in the military along with Mr. Long. We served together in Desert Shield/Desert Storm in 1990-1991. As a soldier it is my belief that Mr. Long served the State of Tennessee and the United States with distinction. He achieved the rank of First Sergeant

which is no easy task to accomplish. While in this position, Mr. Long was the leader of a Brigade Headquarters Battery. Also, in my dealing with Mr. Long, I have always found him to be one of the most honest and dependable people you would ever want to meet. I have for the past 27 years considered Mr. Long a friend and will always do so.

(Letter from Willard S. O'Steen). SFC Rick Mullins with the Tennessee Army National Guard wrote:

I have known Billy for thirty years or more. He was with me in Desert Storm, at which time we were side by side all the way. He has always treated me and everyone else with high respect and always helped others in need. I have worked closely with Billy and know he is well liked by everyone in the community and the military. I have put my life in this man's hands many times and still would until this day.

(Letter from SFC Rick Mullins). Retired Master Sergeant Donald A. Gorman, Jr., wrote:

I have known Mr. Long and his family for the past twenty-three (23) years of my life, and I have dealt with him in both social and business settings. When I first met Mr. Long, he was Staff Sergeant Long, and was an active member in the Tennessee Army National Guard. In early 1989, Mr. Long went into what is called "Inactive Guard" and was no longer required to drill with us, he had fulfilled his obligations. Upon our mobilization to go to

Desert Storm, Mr. Long volunteered to come back in, in fact begged to come back in any capacity that we could use him. We brought him back in and he was assigned to my section, working directly for me. SSG Long did an exemplary job during Desert Storm, always doing any and every job assigned to him and always volunteering for any job that no one else would accept. I relied upon SSG Long heavily and in fact placed my life and well being in his hands on more than one occasion.

After Desert Storm, he remained in my section and became one of my most trusted and reliable Guard Members, and eventually achieved the rank of First Sergeant and was responsible for the lives and well-being of one hundred and twenty-five soldiers, at which he did an excellent job.

(Letter from Donald A. Gorman, Jr.). Colonel Carl T. Quinn, with the Tennessee Army National Guard wrote that:

I have known Mr. Long and his wife Joy for several years, having served with both in the Tennessee Army National Guard. During that time I found Mr. Long to be a model soldier and leader, attaining the rank of First Sergeant before his retirement from the Guard. Mr. Long is a veteran of Operations Desert Shield/Desert Storm in 1991 where he served with the Tennessee Guard's 196th Field Artillery Brigade from right here in Chattanooga. Mr. Long never shirked his duties as a senior NCO and earned the respect of

those with whom he served. He served honorably during his military career and mentored many younger enlisted soldiers by his word and deed.

(Letter from Carl T. Quinn). Timothy McDonald also served with Billy and recalled their service to our country:

I served as a commissioned officer in the local Army National Guard from 1976 until 1990. I served as the commander of Headquarters and Headquarters Battery, 1st Battalion, 181st Field Artillery from 30 December 1980 until 8 December 1984. During my tenure Billy Long was an NCO under my command. He served the unit, the state of Tennessee, and the United States Army capably and honorably, and was promoted at appropriate times as he completed military educational requirements and qualified for promotion.

(Letter from Timothy McDonald). Michael Arnold served with Billy in the military and was aware of Billy's law enforcement career:

I have proudly served with Mr. Long in the military for many years witnessing many positive deeds supporting this great country and its laws. I know he has worked many long and difficult hours [in] law enforcement consistently being an exemplary role model and most professional officer during his thirty-one years. His positive actions and influence on both his peer officers and the many people of the community will be long remembered. While I am

disappointed in his most recent choices, I remain proud of his past accomplishments and continue to support him [as] a friend.

(Letter from Michael Arnold).

Long met his wife, Joy, while he was a First Sergeant in the National Guard. Joy described Long's concern for his fellow soldiers and dedication to the National Guard:

He made sure his soldiers were taken care of. Billy would stay out in the field many a night in order for his soldiers to get deserved time off. In 1990, during Desert Storm, he was in the IRR. When he heard that his unit was recalled, he voluntarily went back in.

(Letter from Joy Long).

FAMILY

Long married his first wife, and they had two sons. His first wife's aunt wrote that "they had 2 Boys. Billy thought those boys hung the moon. He was such a good father and husband."

(Letter from Opal Painter Coleman). Long and his first wife divorced. He remarried his current wife, Joy, on May 25, 1997. Joy is a registered surgical nurse. She is retired from the Navy Reserves and had over 20 years of military service. Long has two adult sons, an adult step-son, an adult step-daughter, and two grandchildren. Both of Long's parents have died. Long also lost his two brothers to cancer within six weeks of each other. Long has one sister that is living in the Chattanooga area. He attended Woodland Park Baptist Church with his family. In his free time, Long enjoyed riding motorcycles with his wife and friends. He was an active member of the Harley Owners Group.

COMMUNITY INVOLVEMENT

Billy volunteered in the community and worked to make Chattanooga a better place. Billy became a member of the M.W. Grand Lodge Free and Accepted Masons of Tennessee. (Attachment 30 - Certificate). He received the Distinguished Service Award in 2007 from the Alhambra Temple. (Attachment 31 - Certificate). Billy was always willing to help someone in need. A fellow employee of the Hamilton County Sheriff's Department wrote

I have known Billy for almost twenty years, working with him in the Hamilton County Sheriff's office and as a fellow Veteran. I in no way condone what he has done, and like so many others still don't have the answer as to what possessed him for his actions. I do know that it was so unbecoming of him. This is a man that would give the shirt off his back and his last dollar to anyone in need, he always treated everyone the way he would want to be treated.

(Letter from Dennis M. Dent). Long's sister-in-law and brother-in-law wrote:

We have always known Billy to be a very caring and considerate person to everyone he meets. It has always been our observation that he has treated every one as his equal and wanted to help others less fortunate than himself. He would do anything for anyone in need.

It is our hope that he would be granted consideration in his sentencing because his overall character has been a positive influence on those he has interacted with throughout his lifetime.

(Letter from Thomas and Laura Burns). Family friends of the Longs' wrote that:

[W]e have come to know Mr. Long as a “man of his word” and as a caring person who exhibits generosity, kindness and compassion for others. While traveling with Mr. Long, he stopped on the side of the road to assist others in need on more than one occasion. We have observed his honesty and hard work. Mr. Long always made us feel important - like we were his “best” friends. He inspired us to be our best. There is no doubt in our minds that if we were in need Mr. Long would be the first to extend his hand and ask nothing in return.

(Letter from Mike and Debi Leffew). A co-worker of Billy’s wife described her personal knowledge of Billy’s desire to help others:

I have known Billy for approximately 10 years as I have worked with his wife, Joy, in Erlanger surgery. I have been to many functions with Billy and Joy and have know Billy to be a kind and considerate person who would do anything for someone who needed help. Billy helped us to collect money, clothing and household furnishings for a family whose home had burned. In another instance he gave of his time for a surgery charity event when a co worker suffered from breast cancer.

(Letter from Dee Dee Buff). Billy’s wife was aware of Billy’s good deeds and provided a few examples that show Billy’s true character:

I am writing in an attempt to explain to you the kind of person my husband, Billy Long, is. Billy and I have been married for 11

years. He is the kindest person I know. I have seen him give a young mother money she needed to buy her children Christmas presents when we were behind her in line at Walgreen's on Christmas Eve. He is always the last to go through the line at family gatherings. He has pulled over to the side of the road on his motorcycle many times to assist another biker in trouble.

(Letter from Joy Long).

IMPACT OF THE CRIME AS TO BILLY LONG, THE LONG FAMILY, AND THE COMMUNITY

Billy Long has been incarcerated since his arrest on February 2, 2008. He did not request a detention hearing in this case and has accepted his confinement as punishment. He has been incarcerated at the Bradley County Jail and held in solitary confinement for his protection. He is not allowed any contact visits with his family but instead has to visit with his wife, family and friends via a telephone and television screen. He is confined to his cell for 24 hours a day, except when receiving visitors. Long has been a model prisoner.

The support of Long's friends and fellow officers has been tremendous. The community was in shock and disbelief to hear the news of Long's arrest. Many friends and members of the community appeared at his initial appearances, many people have written letters, and many are expected to be at the sentencing hearing to show their support for Billy Long. Although no one has condoned or approved of the behavior that led to Long's arrest, the conduct was so far out of character for Billy Long that many members of the community, the military, and law enforcement have written letters in support of Long, and those letters are quoted throughout this Sentencing

Memorandum and are attached for the Court's consideration. (Attachment 43 - Character Letters).

The effect of Long's criminal conduct has been devastating to his family. His wife, children, and friends were shocked and terribly saddened to hear what Billy had done. His wife of eleven years has been left to manage all of the bills and expenses. His children have suffered by seeing their father locked up and have had a difficult time dealing with what has happened.

In all the years I have known him, he never bragged about being a police officer. He did not use it to impress people or influence them in any way. Billy was actually [quite] the opposite. So, you can imagine my shock when he called me that day. Something had to be terribly wrong. My husband would never threaten anyone. And two days later, I was told he was having drug charges added. It went from shock to total disbelief that the Billy that I lived with, loved, and knew would EVER touch drugs. My husband is very strict with drugs, believes in God, prays with me, attends church and loves his family. . . . Our family has been shaken tremendously by this as well as our close friends and the entire community. My son, daughter-in-law and granddaughter have moved in with me.

(Letter from Joy Long).

I am writing to you about a very special person in my life, my step-dad, Billy Long. I have known Billy since I was 12 years old and think of him as just another dad, not my "step" dad. . . .

. . .

I was on my way to my parents' house on February 2nd so when my mother called me to tell me she was on her way home early because the FBI was there to search the house, I was totally shocked. Billy has been such a rock in our family and such a strong dedicated head of the household for us all, especially my mother. He adores her and loves her very much. I am engaged to be married in November of this year. My original wedding day was postponed in the hopes that Billy would be able to be there. He asked me to please go ahead with the wedding because he just wants me to be happy. I still have a hard time imagining the most special day of my life without my dad.

(Letter from Long's Step-Daughter, Rebecca Wolfe). Billy's daughter-in-law describes how her and her family's lives have changed since Billy's arrest:

Billy's arrest and imprisonment has been extremely difficult for our family but with the Lord's help and each other, we are making it. Our family has pulled together to be supportive of Billy, Joy, and each other. The most difficult part has been trying to understand why he did what he did. The actions he has been accused of are so unlike the man we all know and love. Billy is a very caring and compassionate person to everyone he meets. My husband, daughter, and I have moved in with Joy to help her emotionally and financially. We have seen first hand how this has affected them both. Billy is very sorry for what he has done. We

have visited him in prison and my daughter, Cassie, loves to see her Papaw. She talks to him on the phone and draws him pictures. Billy is a very important part of her life. I know that he deserves punishment for this but feel he has served his time because this is not who he really is. With help from his family, friends and his church family, he can once again be the productive citizen he once was.

(Letter from Kimberly Wolfe). The Long's pastor described how Long's family has relied on the Woodland Park Baptist Church during this devastating time:

Joy has been part of our Praise and Worship ministry and has continued faithfully in that role since Billy's arrest. It is also our blessing to minister to their extended family. I believe they have drawn strength from the Lord . . . strength which only He can give during this crisis in their lives.

(Letter from Rev. Stephen C. McCary).

In each of the letters submitted with this memorandum, community members and family members discuss the devastating effect that Long's arrest has had on his family and the tremendous shock they felt when they heard what he had done.

I can't understand how or why this happened. I only know that Billy is a good and caring person. Please understand that we will possibly never know the answer to a lot of these questions, however I'd like to let it be known that this man is in no way

perfect. And that until my dying days, I will always consider Billy long as my friend.

(Letter from SFC Rick Mullins). A fellow employee of the Hamilton County Sheriff's Department wrote that

I continue to question as to whether there are mistakes or what really happened for Billy to commit such an act. I cannot understand how the Billy I know and have known for 30 years was involved with any criminal activities. There are many cases of whys that we don't understand, perhaps never will, but will stand with the person because we know him to be a good man. Mr. Long is that person to stand with.

(Letter from Linda Jackson Barnes). Another friend described his reaction to the news of Billy's arrest.

When Billy was arrested, I was floored. I could not believe what I was hearing. Many of Billy's "friends" jumped ship real quick. I can't say that I was not thinking the same thing at the time.

However, the more I thought about it, the more I realized that if I was going to be a friend to Billy in the good times, I needed to be a friend to him in the bad.

(Letter of Roger Wilkey). Billy's cousin described the Billy who did this as someone he does not know.

Today his story seems to be much different. The charges to which he himself has pled guilty portray him as a much different person;

one with which no one identifies that knows him. I managed Billy's campaign for Sheriff from behind the scenes. I wrote his platform while looking him eye to eye and seeing the passion for making Hamilton County a better and safer place to live. I rode with him on Primary and Election Day discussing things that would come next and how he would handle issues such as SRO's, a memorial for fallen officers, a domestic violence task force, and, yes, even a drug task force.

(Letter from Marty Von Schaaf). More friends expressed the same thoughts.

My wife and I were never so shocked to hear about the allegations of this case. I told her that Billy's campaign must have put a tremendous financial burden on Billy for him to make such a mistake. The Billy Long that I have known for years would never have done anything like this otherwise. I do not know all the facts but I do know that this action is very uncharacteristic of Billy Long.

(Letter by Dale Goodwin).

I rode with Billy and visited him regularly at our monthly chapter meetings [of the Harley Davidson Owners Group]. When I heard of the events that now surround Billy, I was shocked. This is not the Billy Long I know. Billy has a great desire to do good things and he was on his way when he became sheriff.

(Letter from Stephen Baldwin).

I like many people in Chattanooga don't understand why it [happened] like it did. I have been around Billy since 2nd grade at John A. [Potten] in Lookout Valley. . . . I always new Billy as a very good person never in my 58 years have I ever heard bad things on Billy Long. Billy I know is sorry for what he done but he must pay the consequences for his actions. If you Sir would consider before he became sheriff look at his record. Life is full of temptation and Billy got caught up in it. He is a good man.

(Letter from Lebron Sims).

THE OFFENSES

Billy Long pled guilty to twenty-seven counts in the twenty-eight count indictment. Counts One through Nineteen charged extortion in violation of 18 U.S.C. § 1951. Counts Twenty through Twenty-Five charged money laundering in violation of 18 U.S.C. § 1956(a)(3). Count Twenty-Six charged providing a firearm to a convicted felon in violation of 18 U.S.C. § 922(d). County Twenty-Seven charged possession with the intent to distribute more than five kilograms of cocaine hydrochloride in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A).

The plea resulted from Long's involvement with the Government witness, Clarence Eugene Overstreet. Overstreet first approached Long when Long was running for Sheriff of Hamilton County. Overstreet appeared to have legitimate campaign contributors for Long. After the election, Overstreet's contributors had not paid the money they had promised the campaign, causing Overstreet and Long to remain in contact. Long continued speaking with Overstreet with the hopes of securing the money that had been promised to his campaign. His involvement with Overstreet escalated to the extortion offenses, some of which involved FBI agents posing as

Indian store owners from Atlanta. The money laundering, firearm, and drug possession charges were crimes created by the FBI using the cooperating witness, Overstreet. Overstreet was paid \$18,468.50, as of May 23, 2008, according to FBI records. (Attachment 32- FBI Record). Long accepts full responsibility for his role in these offenses.

NATURE AND CIRCUMSTANCES OF THE CRIME

The FBI conducted an undercover sting operation involving Overstreet and Long in Chattanooga, Tennessee. No other individuals were involved in this sting operation. Long became the target of an FBI investigation after calling Overstreet at Overstreet's funeral home while FBI agents were meeting with Overstreet regarding another public corruption case. The Court received at a motions hearing on August 15, 2008, the five and a half hours of video tapes, the audio recordings, and the telephone calls involving the investigation of Long.

On April 3, 2007, Long and Overstreet went to a convenience store owned by an Indian store owner. Long, Overstreet, and the store owner met in the back storeroom. Long asked the store owner about the campaign contributions that he and the other store owners had promised through Overstreet. Long made nonviolent statements to the store owner that they needed to make good on their promises or they would have to start shutting the stores down. After this meeting, the FBI introduced two undercover agents posing as representatives of the store owners, who told Long that they wanted to obtain Long's protection.

From April 16, 2007 until December 14, 2007, Overstreet told Long that the representatives of the store owners were paying them money to protect their video poker machines and their sales of methamphetamine precursors. Overstreet gave Long twelve payments, totaling \$17,400. On April 16, 2007, Long asked Overstreet how his wife was doing who had cancer and told Overstreet that he had two brothers die of cancer within six weeks of

each other. In many of their meetings and telephone calls, Long asked Overstreet about his wife's health. See e.g. (Aug. 21, 2007 (call); Nov. 16, 2007 (video), Jan. 20, 2008 (video)). Long also repeatedly told Overstreet that Overstreet could keep all of the money if he needed it. See e.g. (Videos from September 14, 2007; October 29, 2007, November 9, 2007; November 29, 2007; December 3, 2007; January 20, 2008; February 2, 2008). On May 3, 2007, Long told Overstreet that he wanted him to take most of the money they got because Long wanted to help Overstreet. On August 31, 2007, Overstreet told Long that he had to use a lot of the money for his wife's radiation treatment, and Long said that was fine.

On May 3, 2007, Long told Overstreet that he knew that Overstreet had his back and would help him to get reelected. Overstreet continued pressing Long to engage in these activities by talking to Long about reelection and about his wife's cancer. Overstreet placed 140 telephone calls to Long, and Long returned 40 to 45 of the calls that were not answered. The log of telephone calls shows that Long would try to avoid Overstreet by not answering his telephone calls, but Overstreet would continue to call Long both at work and on his cell phone. (Attachment 44 - Telephone Log). Long would also try to put Overstreet off, telling him that he was busy and would meet him or call him later.

In November 2007, Overstreet told Long that he was involved in laundering money for drug traffickers and asked Long to cover for him. Overstreet told Long that they could make money without having to touch any drugs. (Nov. 26, 2007 (video)). From December 3, 2007, until February 2, 2008, Overstreet gave Long five payments totaling \$10,550 and represented that this money was from money that Overstreet had laundered. On December 14, 2007, Overstreet told Long that he was afraid of being at the funeral home at night and afraid of "wolves" getting him. Overstreet asked Long to get him something to protect himself. On December 20, 2007,

Long gave Overstreet a .32 caliber revolver. Overstreet told Long that he had a felony but that he was in the process of having it expunged.

On February 2, 2008, Long went to Overstreet's funeral home. When he arrived, Overstreet asked for Long's help loading a box into the car. Overstreet was perpetuating the FBI's ruse that Overstreet had been in a car accident in Atlanta and had a broken arm. Overstreet then directed Long to follow him in his own car and to wait down the street in a separate parking lot. Overstreet told Long that he had to drop the car off for one "Chico's" boys to pick up and had to pick up some money from another car. Long followed Overstreet, parked in the separate parking lot, and then gave Overstreet a ride back. When they arrived back at the funeral home, they went inside and split \$40,000.

Long's behavior was uncharacteristic of the law enforcement officer and military officer that had faithfully served his community and country for his entire adult life. Long never told his family or friends about the conduct that he was engaging in with Overstreet. Long had been elected to the highest law enforcement position in the County and threw it away after becoming involved with Overstreet. Long did not intend for his behavior to escalate into these crimes, but Overstreet kept pushing him and kept presenting him with opportunities to go a little further. When Long arrived at Overstreet's funeral home on February 2, 2008, he had no idea that drugs would be present that day or that Overstreet would ask him to load the box into his car or that Overstreet would ask him to follow in his own car. Long did not intend for these matters to go this far. He got caught up in Overstreet's persuasion and did not know how to stop what was happening. See (Attachment 33 - Dr. Glennon's Report). The FBI deliberately prolonged and broadened the scope of the criminal offenses - and although Long took the bait - it was the FBI

that took the steps to make this much bigger than it ever would have been without their involvement.

Long was arrested on February 2, 2008, and resigned on February 5, 2008. The County and District Attorney's Office did not have to initiate ouster proceedings, because Long resigned his position almost immediately. Long accepted responsibility for his actions from the beginning.

Although Billy's wife was unaware of any of Billy's activities before he was arrested, she was familiar with the role that Overstreet played in Billy's campaign.

Billy retired in August of 2005 after 31 years with the Hamilton County Sheriff's Department. There were several issues within the department involving some of his superiors that he felt were wrong. When they continued to occur, he resigned. He [met] Mr. Overstreet while campaigning for the general election. A friend introduced him so he could get involved with the Indian community as well as more black communities. Mr. Overstreet told Billy he would help him get votes and campaign donations. Mr. Overstreet went to Billy's campaign treasurer's office with another undertaker in an attempt to donate large amounts of money. He was told he could not make donations that large. Billy tried to distance himself from Mr. Overstreet after a while but felt that he needed to help him when his wife was diagnosed with cancer.

(Letter from Joy Long). A friend of Billy's believes that Billy must have been pushed to commit such offenses, because the Billy he knew was not that kind of a man.

Billy was in law enforcement for many, many years without any influence toward crime. I also feel that Billy would have never pursued the crimes he committed if they weren't so lucratively presented to him by the FBI. These crimes were made very easy to commit in the way they were offered in this operation. True, that he could have simply turned down any illegal offers, but if they had never been offered Billy may have never [pursued] that avenue.

(Letter from Johnny Stansell).

OBJECTIONS TO PRESENTENCE REPORT

The defendant filed separately his objections to the presentence report with the United States Probation Officer. A copy was provided to Assistant United States Attorney Gary Humble and to the Court. The defendant relies on those arguments and case law in addition to this sentencing memorandum.

APPLICATION OF 18 U.S.C. § 3553

Consideration of the factors of 18 U.S.C. § 3553(a) supports the imposition of a sentence below the guidelines range and below the mandatory minimum sentence in this case. The district court must consider the sentencing guideline range and all relevant factors identified in section 3553(a). United States v. Jones, 445 F.3d 865, 869 (6th Cir. 2006). Post Booker, failure to consider the statutory sentencing factors under section 3553(a) creates a sentence that may be procedurally unreasonable and substantively unreasonable. United States v. Collington, 461 F.3d

805, 808 (6th Cir. 2006). A sentence that is higher or lower than the guidelines range is not presumptively unreasonable. United States v. Foreman, 436 F.3d 638, 644 (6th Cir. 2006).

The sentencing court must consider the following 3553(a) factors: (1) the nature and circumstances of the offense and the defendant's history and characteristics; (2) the need for the sentence imposed – (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct; (C) to protect the public from further crimes of the defendant; and (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; (3) the kinds of sentences available; (4) the sentencing ranges; (5) policy statements; (6) the need to avoid unwarranted sentencing disparities; and (7) the need to provide restitution. 18 U.S.C. § 3553(a). “Under section 3553(a) . . . a sentence must be supported by the totality of the relevant statutory factors.” United States v. Duhon, 440 F.3d 711, 715 (5th Cir. 2006) (quoting United States v. McBride, 434 F.3d 470, 477 (6th Cir. 2006)). The defendant submits that the following factors under 18 U.S.C. § 3553(a) support a downward variance from the sentencing guidelines and mandatory minimum in this case.

I. 18 U.S.C. § 3553(a)(1)

The first factor to be considered by the Court includes the nature and circumstances of the offense and the history and characteristics of the defendant. These will be addressed briefly below, because the defendant has already discussed these factors at length above.

A. Nature and Circumstances of the Offense

The nature and circumstances of the offense do not warrant a guideline sentence or a sentence above the mandatory minimum, which would be “greater than necessary.” The

defendant asks the Court to grant a downward variance after taking into consideration the nature and circumstances of the offense.

The nature and circumstances of the offense are discussed above, and the Court should be familiar with the nature and circumstances of the case based on previous filings by the defendant and Government (Doc.26-28, 34-35, 40, 42, 51, 62-64, 69-70) and based on arguments made at the motion hearing held on August 15, 2008. The Court has also been provided with copies of the video recordings, audio recordings, and telephone calls, which provide the Court with a firsthand look of how these escalating offenses unfolded. (Doc. 48, Ex. 1-6).

The defendant submits that the Court must consider the unique circumstances of this case in which the offenses progressed because of the cooperating witness's and the FBI's involvement. Although, the FBI did nothing illegal in setting up these crimes, the way in which the defendant was set up to escalate the offenses does contain an element of unfairness as stated in one of the character letters.

I am a 74 year old woman who is quite ignorant of some of our laws, but I also know deep in my heart that something is not right when our federal government can use the likes of the cooperating witness to base their findings. I really believe that this sort of sting operation is in itself not honest.

(Letter from Diane Scanlan).

B. History and Characteristics of the Defendant

“No limitation shall be placed on the information concerning the background, character, and conduct of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.” 18 U.S.C. § 3661. Section

3661 has been “narrowly interpreted as a safety net of sorts . . . allowing district courts to consider any relevant information not already taken into consideration by the Guidelines.” United States v. Phelps, 366 F. Supp. 2d 580, 591 (E.D. Tenn. 2005). “The Court will entertain arguments for a non-Guidelines sentence premised on any considerations except race, sex, national origin, creed, and religion but only to the extent such considerations are relevant to one or more of the purposes of sentencing enumerated in § 3553(a)(2).” Id. at 594. Therefore, the defendant submits, in addition to this sentencing memorandum, letters, awards, and his personnel file to show the Court the defendant’s true character. (Attachment 43 - Character Letters).

The defendant asks the Court to consider (1) that he had no prior criminal history at the time of his arrest at the age of 55 and is a first time offender, (2) that he has been a loving husband, father, and friend, (3) that he gave over twenty years of service to the military, and (4) that he gave over thirty years of service as a law enforcement officer. All of these factors are relevant to Billy Long’s history and character. In Kimbrough v. United States, the United States Supreme Court said it was not unreasonable for the district court to give a below the guideline sentence because (1) the nature and circumstances of the drug trafficking crime were unremarkable and (2) that in considering the defendant’s history and characteristics, the court noted that the defendant “had no prior felony convictions, that he had served in combat during Operation Desert Storm and received an honorable discharge from the Marine Corps, and that he had a steady history of employment.” 128 S. Ct. 558, 575 (2007). The same that was said about Kimbrough can be said about Billy Long: he had no criminal history, he served in combat during Operation Desert Storm and received an honorable discharge, and he had a steady history of employment. The defendant asks the Court to consider the history and characteristics of the defendant previously described in this memorandum and to consider the letters submitted in

support of Billy Long that describe Billy Long's true character better than could be accomplished through this memorandum.

Many family and friends have provided character letters in support of Billy. These are people that know the real Billy Long and know his true character.

Billy as our family knows him has always been honest and straightforward. He served our country in Desert Storm and had many years of honest work in law enforcement.

(Letter from Diane Scanlan).

I have known Billy as a giving, kind, and very helpful man. He is a person of integrity that you could count on as well as a great neighbor. You never heard Billy curse. He did not drink, smoke, or be anything but a gentleman to everyone he was around.

(Letter from Dale Goodwin).

(1) The Court should consider the fact that Billy Long had no criminal history and that the offenses represent behavior that was atypical of his character.

Billy Long dedicated his life to his law enforcement career and was a well respected member of his community. He had no criminal history and had avoided trouble until this offense at the age of 54. In consideration of this and other factors, the Court should impose a sentence below the recommended guideline range. See United States v. Harris, 200 Fed. Appx. 182, 184 (4th Cir. 2006) (affirming district court sentence in which the court took into account the defendant's history and character, including his work history, age, and lack of criminal past).

(2) The Court should consider Billy Long's history as a loving and dedicated husband and father.

Family ties and responsibilities are one of the many factors that courts now treat as relevant personal characteristics after Booker and should be considered by the district court. See United States v. McIntyre, 186 Fed. Appx. 328, 331 (3rd Cir. 2006); United States v. Ameline, 409 F.3d 1073, 1093 (9th Cir. 2005); Simon v. United States, 361 F. Supp.2d 35, 40 (E.D.N.Y. 2005) (stating that age, educational and vocational skills, physical condition, and family ties and responsibilities are “the sort of characteristics a court is likely to find relevant when determining ‘the history and characteristics of the defendant’”). Family circumstances is one factor that must be considered under section 3553(a) and can be the basis for a downward departure. United States v. Husein, 478 F.3d 318, 329 (6th Cir. 2007) (holding the district court did not abuse its discretion in departing downward based on a finding that the defendant was irreplaceable to her family).

(3) The Court should consider Billy Long’s long employment history as a law enforcement officer.

Now that the guidelines are advisory under Booker, the district court is required to consider the defendant’s employment record as one of the personal characteristics under § 3553(a)(1). United States v. Nowak, 2007 WL 528194, at *3 (E.D. Wis. 2007). Billy began his thirty-one year career with the Hamilton County Sheriff’s Department working in the jail, dispatch, and patrol. He then worked in the traffic division and was one of two officers to start the motorcycle division in Hamilton County. Billy worked his way up through the ranks at the Hamilton County Sheriff’s Department until August 2005, when he retired as the Lieutenant in charge of court security.

II. 18 U.S.C. § 3553(a)(2)

18 United States Code section 3553(a) provides that the court shall impose a sentence that is sufficient but not greater than necessary. ” Other than the characteristics of the defendant and the nature of the offense, perhaps the most important consideration under § 3553(a) is subsection (2) which requires the Court to consider:

(2) the need for the sentence imposed –

(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

(B) to afford adequate deterrence to criminal conduct;

(C) to protect the public from further crimes of the defendant; and

(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

18 U.S.C. § 3553(a)(2).

(A) 18 U.S.C. § 3553(a)(2)(A) - To Reflect the Seriousness of the Offense, To Promote Respect for the Law, and To Provide Just Punishment for the Offense.

The defendant does not deny the seriousness of the offenses to which he pled guilty. Long has accepted full responsibility for his role in these offenses. After Long’s arrest, he resigned as Sheriff in Hamilton County, thereby avoiding ouster proceedings from being brought against him. Mr. Long’s resignation saved the county many man hours and expenses and allowed the Sheriff’s Office to continue to function with little interruption. (Attachment 34 - Letter from Dee Hobbs). Also after his arrest, Mr. Long turned over money to the FBI that he had at his house and that he had collected during one of the offenses. (Attachment 35 - FBI Receipt).

1. Seriousness of the Offense

The seriousness of this offense is accentuated because the offense was committed while the defendant was the sheriff of the county. While Long does not seek to minimize what he has done, Long would stress to the Court that his involvement in these offenses was a temporary lapse of judgment in Long's distinguished career. Long got wrapped up in the politics of the campaign, was approached by someone he thought had his best interests in mind, and was then unable to break from the individual when his contacts escalated to criminal offenses.

Additionally, the defendant submits that it is important for the Court to remember and to consider the fact that these offenses were created by the FBI and were committed under the watchful eye of the FBI. Long was the only individual involved in the money laundering or drug offense that did not know that the crime was being directed and monitored by the FBI. No drugs ever reached the community because of Long's offenses. No drug money was laundered because of Long's offenses. The drugs and money were under the total control of the FBI and did not make their way into the community.

2. Respect for the Law

As for promoting respect for the law, Long has shown nothing but respect for the law for thirty-one years while he was a law enforcement officer. The defendant asks the Court to consider the faithful service and respect that he did show to the law for the first fifty-four years of his life. Long had an impeccable record with the Hamilton County Sheriff's Department for thirty-one years. Long would use his free time to serve in his capacity as an officer at community events. Long's temporary lapse in judgment and involvement in these offenses has not lessened Long's respect for the law, and if anything, they have reaffirmed his respect for the law in light of the severe consequences that have resulted.

Long's respect for the law and the consequences suffered for the offenses are intensified by Long's life experiences with the criminal justice system. Long has sat in a jail cell in solitary confinement since February 2, 2008, reflecting on the decisions he made and reflecting on his career as a law enforcement officer. Long is being held in a jail like the jail where he used to be able to move about freely, where he used to make decisions about the operation of the facility, and where he was able to leave at the end of the day. However, because of the decisions he made, his circumstances for being in the jail have changed. He is now under the total control of others and is now one of the inmates who knows that being able to go home is not something that will happen in the very near future. Long has seen his two worlds collide and is on the other side of the fence than where he had always been. Also, the devastation that his decisions have brought to his wife, family, friends, and the community have also promoted the defendant's respect for the law. Long would give anything to be back on the right side of the law and to be able to continue in the honorable career that he had served for thirty-one years.

Long is extremely remorseful for the crimes that he committed. The people that know him best have observed and talked to him about his remorse. Long's pastor has observed Long's remorse for his offenses:

I have visited with Billy at the Bradley County Jail and found him to be very humble and honest in his assessment of the crimes he has committed. Of course no one knows the heart except our omniscient Lord. However, it appears to me that his sorrow is that which is in keeping with the Godly sorrow mentioned in 2 Corinthians 7:9-10. You should also know that Woodland Park Baptist Church does not "shoot our wounded." Billy Long is still a

part of this body of believers. We will continue to pray for him and welcome him back into our fellowship upon his release, whenever that day arrives.

(Letter from Rev. Stephen C. McCary). Billy has told many friends about his remorse.

[W]e also know that Mr. Long is a good man who made a terrible mistake that he is truly sorry for. He expressed to us that he is sorry for letting us, his family and others down and asks us to pray for him and his family.

(Letter from Mike and Debi Leffew).

I also know he sorrowfully regrets his poor judgment of criminal involvement and the charges facing him. I believe the character of a man is his love for his family, friends and community as well as his obvious sense of remorse for wrongness, of which should warrant consideration of a good man that deserves a second chance.

(Letter from Linda Jackson Barnes).

I have spoken with Billy during his incarceration and know that he has learned a hard lesson. I know that he is gravely sorry for the mistakes he has made.

(Letter from SFC Rick Mullins).

I know from my personal experience and the visits I have had with him since he was incarcerated that he is extremely sorry for the mistakes and bad judgment he made. He has been in jail for over

two months now (dated April 10, 2008), and I feel sure he has had plenty of time to reflect upon the amount of damage and conflict that he has caused to his loved ones, his friends, and his employees, and most of all the people who elected him as Sheriff of Hamilton County.

...

... Whatever sentence Mr. Long receives, he will have to live with the rest of his life, but I also know again, from talking with him, that he is very remorseful for what he has done, and he also knows what he had done is wrong. And I mention this remorse and hope it will be taken into consideration during his final sentencing.

(Letter from Master Sergeant (Retired) Donald A. Gorman, Jr.).

I know Billy is gravely sorry for the mistakes he has made and the dishonor he has brought to his family and department. I believe in upholding the law and having to pay the consequences for breaking it, but I also believe that a man's character and sense of remorse for the crime committed warrant consideration during final sentencing.

(Letter from Sally Woodward).

I have spoken with Mr. Long and I believe he is sincere when he says he is sorry for what he has done to his family, friends, and the community. I believe that Mr. Long is a changed man and with the support of his family and friends he will be a better man when he is

allowed to rejoin us. Knowing Mr. Long to be a good man and how great his regret is for the crime committed I am asking for consideration at his sentencing.

(Letter from Randall Delashmitt).

I have corresponded weekly with Billy since his incarceration and found him to be totally remorseful and ashamed of his actions and how it has affected his wife and family members. I feel he would better benefit the community if given the opportunity to speak to other law enforcement officers, schools and other groups about his bad decisions and how he got “caught up” in the situation he is in. Locking him up for many years would accomplish very little, while if given the chance to share what he knows now, it might keep the same thing or worse, from happening to someone else.

(Letter from DeeDee Buff). His cousin described how they have cried together:

I have visited with him in the Bradley County jail numerous times and we’ve cried together, we’ve shared as much as we could concerning what might have gone wrong and we’ve reconciled with each other.

(Letter from Marty Von Schaaf). A friend who has known Billy and worked with Billy for almost twenty years wrote:

I have visited Billy several times since his incarceration and after speaking with him, I firmly believe he is truly sorry for what he has done and has learned a valuable lesson. If your Honor could find it

in his heart to give Billy a second chance to prove, not only to you, but to his family, community, and Law Enforcement that he most certainly learned from his mistakes and will use that knowledge to move forward in a positive direction.

(Letter from Dennis M. Dent). Another friend of over thirty-four years wrote that

I do not have the answers to why all this transpired. However, I know for certain that Billy has taken full responsibility for his actions, admitting his guilt early on when confronted upon his arrest. He resigned his elected office saving taxpayer's money and his officers any shame. Billy told me that he's asked God for forgiveness and has also asked me to forgive him, which I have.

His remorse is sincere and he's a very humble man.

(Letter from Perry Perkins).

3. Just Punishment

Finally, Long has been justly punished already. The choices he made will exclude him from ever being able to serve again in the field of law enforcement. Long loved his career and loved working at the Hamilton County Sheriff's Department. The choices he made have taken him away from his wife and family for over eight months and will take him away from them for whatever amount of time this Court determines should be his sentence. The defendant fell from being a respected member of the community who held the highest law enforcement position in the County to a convicted felon who has had his mistakes published in the papers and all over the media for all of the community to see. A below the guidelines sentence will reflect the

seriousness of the offenses, will promote respect for the law, and will provide just punishment for Long.

B. 18 U.S.C. § 3553(a)(2)(B) - To Provide Adequate Deterrence to Criminal Conduct

The purpose of general deterrence and specific deterrence do not require that a long sentence be imposed. Deterrence is only one of the many sentencing considerations under § 3553(a)(2). Traditionally, courts have considered both general and specific deterrence. United States v. Turner, 173 Fed. Appx. 402, 408 (6th Cir. 2006) (citing United States v. Barbara, 683 F.2d 164, 167 (6th Cir. 1982)). “General deterrence of criminal conduct dictates that a clear message be sent to society that repeated criminal behavior will aggravate the need for punishment with each recurrence.” United States v. Light, No. 96-5482, 1997 WL 720386, at *4 (6th Cir. 1997). Any sentence this Court could impose on Long who has no criminal history will be a significant sentence. The prospect of losing your family, occupation, reputation, and serving time in solitary confinement in prison should be a great deterrence to others.

Long will not reoffend. Specific deterrence of Long from any further criminal activity is ensured by the consequences already suffered by Long and his family because of the decisions he made. Dr. Glennon, the psychological examiner that tested Long, reported that Long’s risk of reoffending is extremely low. (Doc. 62). Long has lost so much and will not engage in any further activity that could again remove him from the community, that could deny him his freedom, or that most importantly could take him away from the wife and family that he loves.

I know Billy Long has a supportive family and support system of friends that will assist him to live the good and law abiding life again that he has for so many years.

(Letter from Sally Woodward). A friend of ten years wrote that Billy “has already served several months in jail giving him a lot of time to realize the effects of his actions not only with friends but his community as well.” (Letter from Mary Clarke).

The impact that the consequences of this offense have and will have on Long will also provide general deterrence through the media. This has been a highly publicized case. It is clear to the community that the justice system will not tolerate these offenses, even when committed by an upstanding citizen and upstanding member of law enforcement. The community is aware that Long has been incarcerated since February 2, 2008, and aware that he resigned from his position as sheriff. The community is aware that although Long gave thirty-one years of service to the Hamilton County Sheriff’s Department, he will never be able to work in law enforcement again.

C. 18 U.S.C. § 3553(a)(2)(c) - Protect the Public from Further Crime

As stated above, Long will not reoffend. Long’s psychological report states that his risk of recidivism is extremely low. (Doc. 62). Long had never been involved in any criminal conduct before he became involved in these offenses. It is difficult for anyone, including Long, to understand why he succumbed to the temptations and committed these illegal activities. However, the unlikelihood that Long will ever reoffend should be clear to this Court and to the community based on the consequences that Long has suffered already and the fact that the conduct was so far out of character for the defendant. Long’s family and members of the community, as well as Dr. Glennon, believe that Long will never participate in any criminal activity again. Long, who spent the majority of his life protecting either the United States of America as a military officer or the community of Chattanooga as a law enforcement officer, is not and will not be a danger to the community.

D. 18 U.S.C. § 3553(a)(2)(D) - To Provide the Defendant with Needed Educational or Vocational Training, Medical Care, or Other Correctional Treatment in the Most Effective Manner

This factor is inapplicable to Long. While Long could benefit from vocational training, due to the fact that he cannot return to his chosen career, Long's vocational skills learned as a military and law enforcement officer will assist him in gaining employment after he is released. Long is not in need of medical care or other correctional treatment.

III. 18 U.S.C. § 3553(a)(6) - The Need to Avoid Unwarranted Sentence Disparities Among Defendants with Similar Records Who Have Been Found Guilty of Similar Conduct

The need to avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct requires a sentence below the guideline range and a departure or variance from the mandatory minimum. If the Court does not impose a sentence below the sentencing guidelines, Long's sentence will be significantly greater than others law enforcement officers' and sheriffs' sentences that have been charged in federal court.

Unfortunately for Tennessee, there have been many sheriffs, police officers, and deputies that have been charged and convicted of federal and state crimes. However, these prior offenses and sentences can help the Court to determine a sentence that is sufficient but not greater than necessary. The defendant will provide a brief description of the federal offenses and sentences, which the defendant submits the Court must consider under 18 U.S.C. § 3553(a)(6) in order to avoid any unwarranted sentencing disparities with the sentence it imposes against Billy Long and the sentences imposed against other sheriffs and law enforcement officers.

A. Sheriff Lafayette "Fate" Thomas

Fate Thomas was indicted on 37 counts in federal court in the Middle District of Tennessee in 1990, while he was the sheriff of Davidson County, Tennessee. He was charged with various offenses including racketeering, conspiracy to commit racketeering, extortion, conspiracy to commit extortion, obstruction of justice, mail fraud, theft, conspiracy to impede collection of federal taxes, and filing false federal income tax returns. (Attachment 36 - Fate Thomas Documents). Thomas pled guilty to one count of theft of government property, one count of mail fraud, and one count of tax conspiracy. (Attachment 36 - Fate Thomas Documents). He was sentenced to 60 months in the Bureau of Prisons, three years supervised release, and ordered to pay \$80,000 in restitution. (Attachment 36 - Fate Thomas Documents).

B. Robert Glenn Prichard

Robert Glenn Prichard was a Red Bank Police Officer and then a Hamilton County Sheriff's Deputy that was charged in an eight count indictment in the Eastern District of Tennessee. (Attachment 37- Prichard Documents). He pled guilty to two counts: managing a drug establishment and unlawful user of a controlled substance in possession of a firearm. (Attachment 37- Prichard Documents). He was sentenced to 18 months probation in November 2004. (Attachment 37- Prichard Documents).

C. Lonnie R. Hood

Lonnie R. Hood was a Hamilton County Sheriff's Deputy charged in a twenty-two count indictment for offenses which included conspiracy to distribute a controlled substance, money laundering, conspiracy to defraud the United States, intimidation of a witness, fraud and false statements, interference with commerce by threat, tampering with a witness, subornation of perjury, and dealing in counterfeit securities. (Attachment 38 - Hood Documents). He pled guilty to five counts: conspiracy to possess and distribute steroids, extortion, money laundering,

conspiracy to defraud the United States of income tax, tampering with a witness, and obstruction of justice. (Attachment 38 - Hood Documents). He was sentenced to 66 months in the Bureau of Prisons in July 1998.

D. Avery Mills

Avery Mills was the Sheriff of Blount County and was charged in the Eastern District of Tennessee with eighteen counts of extortion under 18 U.S.C. § 1951. (Attachment 39 - Mills Documents). He was convicted at trial of all eighteen counts and sentenced to serve 24 months in the Bureau of Prisons in May 1990. (Attachment 39 - Mills Documents).

E. Patrick Taylor

Patrick Taylor was the Chief Deputy of the Cocke County Sheriff's Department and was charged in the Eastern District of Tennessee with two counts: conspiracy to receive and possess stolen merchandise with a value over \$5000 and sale of stolen goods. (Attachment 40 - Taylor Documents). He entered a guilty plea to one count of conspiracy to commit offenses against the United States and was sentenced to serve 24 months in the Bureau of Prison in December 2006. (Attachment 40 - Taylor Documents).

F. Johnny Uselton

Johnny Uselton was the Sheriff of Marion County, Tennessee and was charged in the Eastern District of Tennessee with ten counts of extortion under 18 U.S.C. § 1951. (Attachment 41 - Uselton Documents). A jury convicted him of all ten counts. He was sentenced to 51 months in the Bureau of Prisons in February 1990. (Attachment 41 - Uselton Documents).

The sentences of the various sheriffs and law enforcement officers that have been convicted of federal offenses in Tennessee range from as little as 18 months probation to the greatest sentence of 66 months to serve in the Bureau of Prisons. The defendant submits that in

order to avoid sentencing disparities, the Court should impose a sentence comparable to other sheriffs and law enforcement officers that have committed extortion and drug offenses in this state.

COMMENTS ON FINAL SENTENCING

Although Billy's friends and family have recognized the mistakes that Billy made, they ask the Court, along with the defendant, to consider the good that Billy has done in his life.

I am a true believer in upholding the law. I also believe that those who break the law should be punished. As far as Mr. Long, I honestly believe that he would do so much more on the outside to make restitution for what he has done than serving many, many years in our prison system. Please take this into consideration during your final sentencing.

(Letter from Willard S. O'Steen).

Judge, as a commissioned officer in the United States Army, I am a firm believer in law, order and strict discipline. However, I also believe that the sum of a man's life, and hence his worth, is greater than the darkest moment of his existence. I would appeal to your sense of compassion and consideration of Mr. Long's military service records as you make your decision concerning Mr. Long's sentence.

(Letter from Carl T. Winn, COL, TNARNG).

In summary, I offer the court the truth as I know it: Billy Long was a good soldier and a good NCO who served his country well. It is

also my opinion that he served local government as well as a deputy sheriff. It is my firm belief that a man's life is not fairly measured by considering only the poor, cowardly, or inappropriate things he has done; a fair measurement includes full consideration of the good deeds he has done as well and Billy Long has given honorable service to the community, state, and nation.

(Letter from Timothy McDonald).

I simply ask that you let him serve his punishment in a way to help other people in the community as opposed to keeping him confined behind bars for many years. I think with this being Billy's first and only offense and with his personality that he could well be used as a tool rather than be left a tax payers burden.

(Letter from Johnny Stansell).

I have never wavered in my faith in Billy. He made a mistake and he will have to pay the price for the mistake. But, how many times in our life have we made mistakes? We are all fallible. Some of the decisions we make are more costly than others. . . .

I am asking you to weigh the good in Billy and not totally look at the one bad decision he made that has so drastically impacted his life as well as his family. Billy has been in jail since his arrest and I know it has impacted him greatly. Please allow Billy a second chance to prove to you and all those who know him, that he has learned his lesson. A lesson that will change his life forever.

(Letter from Roger Wilkey).

I have known Billy for over 30 years and worked with him over 25 years. During that time he always exhibited fairness and professionalism in his work and a sincere desire to help others. I believe that in some way he can still contribute to the community regardless of the mistakes he has allegedly made while Sheriff. I think that this is one of the occasions where justice should be tempered with mercy.

(Letter of Porter L. McKamey).

Billy Long, today, is the same guy I knew prior to the eighteen month period of involvement with the so called Reverend Eugene Overstreet.

I appreciate your time in reading this very short bio on the man I still love today. I know you are a fair man because I know your background and upbringing. That is why I ask you to consider very carefully the sentencing decision before you. I hope you will ask yourself two questions: Is there anything I see in this man's life that calls for leniency and does he have a message he could share with others about making right and wrong decisions?

(Letter from Marty Von Schaaf).

Billy's family and friends are committed to supporting Billy through this and to be there when he is released to help him to make good decisions in the future.

Billy has many good years left to contribute to society and I know this act was not of Billy's character. I would be happy to support Billy in any way that would be helpful to him to continue leading a law abiding life as he has always done in the past.

(Letter from Dale Goodwin). A friend and member of Billy's Sunday School Class stated that

I have visited Billy in jail and I have witnessed a truly broken, repentant man. I have visited someone that I believe has faced his mistakes and he is dealing with them as best he can. At our church, it is a practice for those in leadership to establish a group of people around them to help make decisions and provide an atmosphere of accountability. As the Long family proceeds with their lives they will continue to need people around them who care about them and are willing to support them. We in the Grace Fellowship Class are committed to supporting this family long term.

(Letter from Danny Cooper). Billy's wife has stood by her husband's side through this and will be there for him while he serves his sentence and once he is released.

I know in my heart that my husband is a good man and a Christian. I also know, as he does, that what he did was wrong. I have been behind him from the beginning. . . .Our family, church, and friends are very supportive of us both. They visit Billy and send cards and letters. . . . I will be at Billy's side every step of the way and do whatever it takes to help him become the man I know he is.

(Letter from Joy Long).

CONCLUSION

As we have demonstrated through the Memorandum in Support of Motions for Downward Departure, the Defendant's Objections to the Presentence Report, Motion to Apply Safety Valve and Memorandums in Support thereof, and through this Sentencing Memorandum, we submit that a sentence that will be "sufficient but not greater than necessary" is a sentence below the mandatory minimum and below the sentencing guideline range.

Respectfully submitted,

SUMMERS & WYATT, P.C.

By: s/Jerry H. Summers
Jerry H. Summers, BPR No. 534
Attorney for Defendant
735 Broad Street, Suite 800
Chattanooga, Tennessee 37402
Telephone: (423) 265-2385
Facsimile: (423) 266-5211

By: s/Marya L. Schalk
Marya L. Schalk BPR No. 024785
The James Building
735 Broad Street, Suite 800
Chattanooga, TN 37402
Telephone: (423) 265-2385
Facsimile: (423) 266-5211

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2008, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

s/Jerry H. Summers
Jerry H. Summers, BPR # 534