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April 1, 1994

Paul V. Kelly, Esq.
Assistant United States Attorney
1003 McCormack Post Office & Courthouse
Boston, Massachusetts 02109

Re: William David Lindholm

Dear Paul:

As you know, I represent Mr. William David Lindholm. Mr. Lindholm furnished substantial assistance to the United States by testifying in the Trenkler case, and did so with no promises or assurances of any kind that he would receive any benefit from such cooperation. Indeed, he concedes that there was no agreement, explicit or implicit, between the Government and him which provided for any reward of any kind in return for his assistance in the prosecution and conviction of Trenkler.

There is no question that the Government is under no legal obligation whatsoever to take any action to assist Mr. Lindholm in obtaining a reduced sentence, or obtaining any other kind of benefit or reward.

Nevertheless, his assistance was extraordinary. It was forthright, honest and compelling, and of immense value in strengthening the prosecution against Mr. Trenkler.

While Mr. Lindholm provided this assistance to the United States without any expectation of benefit, I believe that it my duty, as his counsel, to secure whatever benefit I can for him. There may be no enforceable legal obligation on the part of the Government to assist Mr. Lindholm, but I believe that fairness requires that your office seriously consider filing a motion before Judge Woodlock recommending that Mr. Lindholm's sentence be reduced because of his substantial assistance. It is simply the right thing to do.

I also believe that such a motion should recommend a significant reduction in Mr. Lindholm's sentence, bearing in mind not only the quality and importance of his

assistance, but the fact that he has served the great majority of his sentence thus far in uncomfortable (often rather primitive) county jail facilities in order to be readily available to the Government prior to the Trenkler trial.

Mr. Lindholm was sentenced to serve 97 months, and has presently served approximately 31 months of that sentence. He is presently incarcerated at FPC Schuylkill, Minersville, Pennsylvania. He has been a model inmate.

Very truly yours,

Roger A. Cox

Roger A. Cox

cc: William David Lindholm

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
Clerk's Office
USDC, Mass.

Date 7-19-94
By [Signature]
Deputy Clerk

UNITED STATES OF AMERICA)
)
 v.)
)
 WILLIAM DAVID LINDHOLM)

CRIMINAL NO. 90-10080-WD

DOCKETED

GOVERNMENT'S MOTION FOR REDUCTION OF SENTENCE

The United States of America hereby moves, pursuant to Fed. R. Crim. P. 35(b), for a reduction of sentence for the above-named defendant on grounds that he has provided "substantial assistance" in the investigation and prosecution of another person. In support of this motion, the government submits herewith the Affidavit of Assistant U.S. Attorney Paul V. Kelly, which describes the facts and circumstances underlying this request. The government believes that a sentence reduction of at least 24 months (from the defendant's original sentence of 97 months) would be appropriate in the circumstances.

Respectfully submitted,

DONALD K. STERN
UNITED STATES ATTORNEY

By:

[Signature: Paul V. Kelly]
PAUL V. KELLY
Assistant U.S. Attorney

[Signature: Frank A. Libby, Jr.]
FRANK A. LIBBY, JR. *PJK*
Assistant U.S. Attorney

Dated: July 19, 1994

9/3/94 - ALLOWED to the extent that the defendant's sentence is reduced to a period of incarceration of 42 months
Devin P. Woodhull 171