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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES,)	
)	
PLAINTIFF)	Criminal Action
)	
-VS-)	No. 10-10229-NG
)	
SUSAN ANASTASI)	February 24, 2011
AND EDWARD ANASTASI,)	
)	11:53 a.m.
DEFENDANT)	

SENTENCING
 BEFORE THE HONORABLE NANCY GERTNER
 UNITED STATES DISTRICT COURT
 JOHN J. MOAKLEY U.S. COURTHOUSE
 1 COURTHOUSE WAY
 BOSTON, MA 02210

VALERIE A. O'HARA
 OFFICIAL COURT REPORTER
 UNITED STATES DISTRICT COURT
 1 COURTHOUSE WAY, COURTROOM 3204
 BOSTON, MA 02210
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1 A P P E A R A N C E S:

2 FOR THE UNITED STATES:

3 United States Attorney's Office, by CHRISTINE J.
4 WICHERS, ASSISTANT UNITED STATES ATTORNEY, and SANDRA BOWER,
5 ASSISTANT UNITED STATES ATTORNEY, 1 Courthouse Way, Suite
6 9200, Boston, Massachusetts 02110;

7 FOR THE DEFENDANT:

8 Nathan Law Offices, by GEOFFREY G. NATHAN, ESQ.,
9 132 Boylston Street, Boston, Massachusetts 02116.
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P R O C E E D I N G S

THE CLERK: All rise. United States District Court is now in session.

THE COURT: You can be seated. Would it be better to do this person by person or do it together? Do you have a recommendation?

MS. WICHERS: I'm happy to do it together, it's up to you, your Honor.

THE COURT: Mr. and Mrs. Anastasi, would you please both stand.

(Edward and Susan Anastasi were sworn)

THE COURT: Have you read the pre-sentence report? Please remain standing. Have you read the pre-sentence report?

DEFENDANT SUSAN ANASTASI: Yes.

DEFENDANT EDWARD ANASTASI: Yes.

THE COURT: Are there any changes that you wish to make other than those that your lawyer has already made, any adjustments?

DEFENDANT SUSAN ANASTASI: No, your Honor.

DEFENDANT EDWARD ANASTASI: No.

THE COURT: You can be seated. Counsel.

MS. WICHERS: Thank you, your Honor. There are really two issues, the first, your Honor, is to resolve the question -- before I begin, I should say it's

1 Christina Wichers for the government, your Honor. With me
2 is Sandra Bower. Also in the courtroom are Postal Inspector
3 Fred Bush and the in-house investigator for Computershare,
4 Daniel Dearden. There were six shareholder victims, well,
5 one is deceased, so five, six women altogether, but they're
6 not here today, but they did receive information about
7 today's hearing.

8 Your Honor, there are really two issues, one is to
9 resolve the question about the sophisticated means
10 enhancement. The government has recommended an additional
11 two points for sophisticated means which would bring the
12 recommendation under the Sentencing Guidelines up from 16 to
13 18 for Susan Anastasi and up from 14 to 16 for
14 Edward Anastasi, and I understand that probation has
15 acknowledged our arguments for it, and I think I'm just
16 going to rest on the arguments in the final memo from
17 probation which does address that. Essentially we're
18 arguing the factual similarities to U.S. v. Goodwin and
19 U.S. v. Gutierrez.

20 THE COURT: It's an interesting concern. I
21 sentenced someone yesterday to a very complex scheme
22 involving Ocean Fresh Seafood which required sort of myriad
23 invoices and a line of credit that kept going, very
24 elaborate scheme, so the notion that this is in the same
25 category doesn't wash with me. This seems to me to be the

1 digital equivalent of sticking your hand in the till and
2 taking the money out, so I accept probation's view of it.
3 Beyond that, would you go on.

4 MS. WICHERS: Yes, your Honor. So to address the
5 factors in 3553A, in particular, the history and the
6 characteristics of the defendants and the need for a
7 sentence of imprisonment to reflect the seriousness of the
8 offense and to promote respect for the law and to provide
9 justice punishment, I would just like to highlight the
10 following facts for your Honor: In the defendant's
11 objection to the memo from probation, they say that they
12 were "not thinking clearly" and were "bereft of considering
13 that there might be some alternative to stealing money from
14 Susan's employer."

15 I think the facts show that's just not the case.
16 This was not a simple mistake in judgment, this was an
17 ongoing scheme, they stole six different checks, and after
18 16 months from when the scheme began when they were caught,
19 there were two more checks in progress which thankfully
20 Mr. Dearden actually stopped from going through.

21 There was a lot of money at stake here, \$122,000
22 plus another \$22,000 for those additional two checks that
23 were in the works. This was not a case of juvenile
24 indiscretion. Edward Anastasi is 46 years old,
25 Susan Anastasi is 41, and they're not poor people. This is

1 a couple with no children who live in a comfortable home in
2 Brockton.

3 For the last four years before being caught, their
4 annual income varied between \$110,000 and \$118,000. They
5 had good jobs. Susan was earning \$76,000 a year as a
6 manager at Computershare and Edward was earning \$42,000 a
7 year as an assistant parts manager at a car dealership in
8 Foxborough, and these are not as you so often see before
9 you, your Honor, underprivileged people from a disadvantaged
10 background. They grew up in solid middle class families
11 with supportive parents.

12 Edward described himself as "spoiled" as a child
13 and living in a stable environment. They both agree they
14 have a loving marriage. They live in their own home with
15 their two dogs. She as an M.B.A., he has a G.E.D. There's
16 no history of physical abuse, domestic violence, gambling
17 additions, alcoholism, drug dependency aside from Edward
18 Anastasi's dependency on marijuana.

19 THE COURT: What about there was financial
20 exigency which triggered this event?

21 MS. WICHES: There are some statements from the
22 defendants that they had overrun their credit reports, but,
23 again, this is a couple that was making between \$110,000 and
24 \$118,000 a year, and I submit, your Honor, these were really
25 people who turned to crime because they liked to buy things.

1 They had their mortgage. Their mortgage was for \$194,000.
2 They refinanced it six times. It's now at \$400,000.
3 They're obviously not going to be able to sell their house.

4 They also borrowed \$39,000 from Susan's mother,
5 and when those funds ran out, they turned to crime. Edward
6 admitted spending at least \$10,000 just on remodelling a
7 Trans Am. There's information on defendant's objection to
8 the pre-sentence report that they spent upward of \$5,000 a
9 year on dog care, and Edward has a need to collect old cars
10 and restore them.

11 That's all well and good, but it's not a reason to
12 commit a felony and to steal from one's employer and prey on
13 six different shareholders in Computershare. I also would
14 like to emphasize that the families have been supportive and
15 continue to be supportive. They've written supportive
16 letters to your Honor.

17 Susan did admit, "We would just buy stuff we
18 wanted if we couldn't afford it." And she did also admit
19 that they bought several items that were in their garage at
20 the time that she confessed, I don't know where they are
21 now, with some of the money that they stole.

22 So it's not clear from all the information in the
23 pre-sentence report that there were, you know, humongous,
24 outstanding bills from something that made sense. This
25 wasn't a family that had to go steal bread to go put food on

1 the table. This is a couple that liked to buy stuff. We
2 all like to buy stuff, but that's no reason to commit a
3 felony, and in order to promote respect for the law and in
4 order to reflect the seriousness of the offense, we do
5 believe that jail time would be appropriate.

6 I do acknowledge that Edward has been diagnosed
7 with chronic low grade depression, although there's some
8 talk in the objection to the pre-sentence report about
9 anxiety, I don't see any diagnosis of anxiety, but as I'm
10 sure Probation Officer Walls will tell you, pretrial
11 services was able to get Mr. Anastasi into treatment for
12 both mental health and drug treatment, and he missed one
13 appointment, and aside from that, his participation has been
14 minimal. He also failed several drug tests is my
15 understanding and only recently just passed a clear urine
16 test.

17 THE COURT: The positive drug tests are for what
18 drug?

19 MS. WICHERS: Just marijuana. My knowledge is
20 he's only been using marijuana, but he continues to use it
21 regularly even since we were last before you. I do know
22 that Susan Anastasi lost her job after the Rule 11 hearing,
23 I don't know whether she has found new employment because
24 she has not been in touch with September Brown.

25 THE COURT: Okay. Thank you. Counsel.

1 MR. NATHAN: Jeffrey Nathan for Susan and Edward,
2 your Honor. Indeed, this is a very difficult case, and in
3 preparation, I would just like to say my experience with my
4 clients is that these are two truly very nice people who for
5 some reason had done just a horrible thing and almost to the
6 extent of ruining their lives, and instead of walking away
7 from their house, their concern was that their spending
8 habits, whether it be on their dogs or whether it be on
9 Eddie's old cars, that these expenses were -- the prosecutor
10 says they didn't need to do it, they kept spending this
11 money.

12 We analyzed just for your Honor what their
13 expenses were on their dogs. It's just staggering. I don't
14 mean to disparage it or make fun of the fact they're
15 spending that kind of money on their dogs, but it's true,
16 and Edward with his old cars. Edward and I have the same
17 disease. I have a very old car and Edward has been my parts
18 person.

19 THE COURT: I have an old car but not
20 intentionally.

21 MR. NATHAN: Well, mine is intentional. I finally
22 had to break myself of the obsession when he with his skill
23 just said, Geoffrey, you know, you got to move on, pal,
24 because you got to stop calling me to get parts, we can't
25 order as many parts as you need, but it can be for people

1 with their cars, it can be an expense that if you don't just
2 stop it, I don't know about leading to, you know, putting
3 your hands in the company cookie jar, so to speak, but it
4 can really cause you to spend a lot of money that you just
5 don't absolutely need to do.

6 Edward, I would note, and his employer says, and
7 his employer, by the way, sent me a fax just a couple of
8 days ago about his contributions to Rodman Ford. He really
9 is a gifted parts person. There is normally in the
10 dealerships of which I spend a lot of time at car dealers,
11 your Honor, there's usually a high turnover in the parts
12 department, parts and service. That's where they make the
13 money. Edward has been there eight years, contributed
14 greatly to the dealership working for an hourly wage.

15 THE COURT: And he still has that job?

16 MR. NATHAN: Oh, yes, and, as a matter of fact,
17 they still want him there. The owner is aware of this. It
18 didn't occur at the workplace, and he's very knowledgeable
19 with respect to Ford and its intricacies and how they get
20 the parts and particularly for the older cars as people are
21 keeping their cars more and more, people like him with the
22 skills that he has to know and how to advise a tech. what to
23 do and what parts should be ordered to keep cars up and
24 running. These are very valuable skills. That's why he's
25 still there.

1 Susan with respect to her situation, Susan has
2 literally been on home confinement as they struggle with
3 where they're headed in this particular case, and she's not
4 been able to find gainful employment and has been under
5 virtual house arrest, and speaking of the houses, and I feel
6 it's appropriate for me to sort of suggest that Sunday I was
7 reading the New York Times, if I may talk about houses or
8 cases in the heartland, it came as no surprise to me that
9 the director or the president of Countrywide Mortgage -- the
10 reason I bring it up, August they thought they were going to
11 lose their house.

12 They kept on refinancing and getting money, and I
13 note that is not going to be prosecuted, New York Times
14 reports for the record on February 20th that the prosecutors
15 have decided he did not engage in criminal conduct,
16 nonetheless, hundreds of billions of dollars were lost by
17 investors while millions of borrowers have lost their homes.
18 Few of the people who ran the institutions that contributed
19 to the disaster have been found liable.

20 They continue to deny any wrongdoing, whereas this
21 couple immediately fessed up, and as I say in my brief to
22 your Honor, they have no plausible explanation of these two
23 very good people that caused all these letters to be mailed
24 to both myself and your Honor for everything good that
25 they've done, and while she was at Citizens Bank, she

1 sponsored the races that we read about in the Boston Globe,
2 State Street, she was at State Street sponsoring races for
3 cancer and then turns around and does this.

4 It's impossible to understand why anyone would do
5 that except for greed caused by this, I don't know, the
6 spending habits, but all we ask for your Honor's best
7 consideration to understand this couple is very good people
8 here, and to split them up and to ruin their marriage
9 possibly, to have them lose their home, if it's forfeited,
10 they know that may happen, but some reasonable sentence in
11 light of the fact that it is the defense's position, as I
12 outlined, that the guidelines overstate the seriousness of
13 this, and we will set them up on a plan.

14 They will make the payments, they will make this
15 right, and they may not have done 100 percent everything
16 right, and maybe that was my fault, maybe I should have told
17 her to call more often. I know that Eddie was doing the
18 best he could, he was taking cabs to make --

19 THE COURT: I don't understand. How --

20 MR. NATHAN: She didn't contact pretrial enough, I
21 wasn't aware, if there was a lapse, that's on me. If she
22 was supposed to call, I should have told her to call, but
23 she's been in touch with me very regularly, and I know that
24 these are good people, and I know that when someone does
25 something like this who has no prior history, your Honor,

1 there's nothing on her, she's completely clean, that
2 something in addition to the greed, something is wrong.

3 People just don't do stuff like this, it's so
4 apparent, but at least, and I would note, at least they did
5 the right thing, they immediately fessed up. They didn't
6 try and cover up. That to me is the kind of person I'd be
7 looking to send, but I would ask that you note that they
8 immediately confessed.

9 There was no attempt to cover up when they were
10 caught. When the game was over, that's when they said no,
11 we've done a horrible thing, but we're not going to just --
12 we're not the type of people that are going to stand out in
13 front of the building and say that The Constitution doesn't
14 apply to us. Those are the ones that should go to jail.
15 The Constitution does apply to them, and they're asking for
16 your Mercy and understanding and not to incarcerate them, as
17 it would absolutely and totally ruin them.

18 When I pick up The Globe and I see the politicians
19 out front saying The Constitution doesn't apply, those are
20 the people that should go to jail, not the nice, honest,
21 hard-working people who did a wrong thing, a horrible -- I
22 know it was a scheme, but it's still kind of a one-time
23 thing, and there's no plausible explanation for it, your
24 Honor. Those are the reasons we ask for your consideration
25 to adopt the motion that I put forward to your Honor, and a

1 lot of thought Susan has put into this, Edward as well.

2 Edward is such a valuable employee at Rodman. I
3 hate to see him lose that. They're willing to keep him,
4 and, therefore, in light of that and Susan with the record
5 in her career, that's capital DONE. I don't know what she's
6 going to do, your Honor.

7 THE COURT: She is unemployed now, I mean, she
8 lost her job as a result of the Rule 11?

9 MR. NATHAN: Yes.

10 THE COURT: Has she tried to get a job anywhere
11 else?

12 DEFENDANT SUSAN ANASTASI: Yes, I have, your
13 Honor, I actually would have had one, but because of my
14 record, I didn't get it.

15 THE COURT: Okay. Actually if you're finished,
16 I'd like to hear from the defendants, Ms. Anastasi, do you
17 want to stand and tell me a little bit about -- you have a
18 right to speak at this point, and I welcome anything you
19 have to say. Mr. Anastasi, you don't have to stand, too.
20 You tried to get another job?

21 DEFENDANT SUSAN ANASTASI: I did, at Dana Farber,
22 but I know it's because they did the background check that
23 they never called me back. I would have had a job but
24 because of that, I didn't get it.

25 THE COURT: Probation may be able to help you get

1 a job because they know of employers that will be able to
2 deal with people with a record, isn't that right,
3 Ms. Walls?

4 PROBATION OFFICER: There's definitely a process
5 that we go through and we help support people in their job
6 search, and we do know employers who will hire people with
7 criminal records, yes.

8 DEFENDANT SUSAN ANASTASI: I was referred to
9 Career Works, which is the place, it's the same place that
10 you go for unemployment, which I'm currently on right now,
11 so that is what September had recommended, which I've gone
12 to, but, again, they didn't really help me as far as
13 pointing me to certain employers that would hire me based on
14 my criminal record, so I think I just need to find out who
15 those employers are.

16 THE COURT: We can find that out, but tell me a
17 little bit, if you will, about why this happened and what
18 you need to do to make sure it doesn't happen again.

19 DEFENDANT SUSAN ANASTASI: I mean, the reason why
20 it happened, I guess, him and I moved into our house ten
21 years ago. We were already in debt at that time. We were
22 living with my mother, so we kind of did what we wanted to
23 and didn't really care. We had a lot of credit card debt at
24 that point. We ended up moving out, bought the house, and
25 because of all the credit card debt and the fact that we

1 didn't have anything for the house, it just escalated so
2 that we had to buy things for the house which then led to
3 all those refinancings.

4 I like to have people come over, I like to have
5 parties. I think I'm a little too generous at certain
6 times. Sorry.

7 THE COURT: That's all right.

8 DEFENDANT SUSAN ANASTASI: And I think that played
9 a lot of it, just always wanting to give people and be very
10 generous to people, and as far as me ever doing this again,
11 there isn't a day that goes by that I don't wish I could
12 take it back.

13 THE COURT: Okay. Mr. Anastasi, do you want to
14 say something?

15 DEFENDANT EDWARD ANASTASI: It's what she said.
16 We live in hell every day. She can't find a job. I don't
17 want to lose my house. We can't even have kids. We have
18 two dogs, we love them. I don't know what else to say.

19 THE COURT: It's true that your employer will
20 stand by you, Mr. Anastasi?

21 DEFENDANT EDWARD ANASTASI: Yes.

22 THE COURT: You can be seated. The defense's
23 recommendation is what?

24 MR. NATHAN: She's been on home confinement since
25 the Rule 11, and she seems to be doing okay, but with some

1 work assistance, she'd be doing even better. Edward is, of
2 course, up at work at quarter of seven, leaves at four. I
3 believe I think he answers the phone 50 times a day, orders
4 something like 175 parts a day, bangs away at two different
5 computers. For Edward, would be supervised, drugs,
6 supervised probation with continued monitoring to substance
7 abuse.

8 Susan has no drug issue. She doesn't approve of
9 her husband's marijuana use. It contributed additionally to
10 the cost, it contributed to their financing problem. He's
11 got to stop using that. Susan, however, knows that there
12 could be a loss of liberty here to a halfway house, and that
13 wouldn't surprise us, however, I just don't know what they'd
14 do after that, but they recognize, however, asking for no
15 incarceration some sentence is clearly appropriate. She's
16 the one who turned the switch. Edward just, Eduardo,
17 Edward, it's nuts.

18 THE COURT: You're talking about the endorsement
19 who he was by describing him as Eduardo instead of Edward?

20 MR. NATHAN: Like that was going to keep them
21 from, I mean, dumping it in his account. It's just
22 something about all the cards that are lined up that says
23 that this is a couple that should be given just one chance
24 to save their marriage, save the house, make the payments,
25 do the right thing, and whatever the consequences of this

1 conviction, she got away with that. That's on her.

2 THE COURT: The guideline calculation then is as
3 probation has described it with respect to both
4 Mr. and Mrs. Anastasi, that is to say, I don't accept the
5 sophisticated means adjustment, the offense level is 7, the
6 loss everyone agrees on is a plus 10, the adjustment for
7 role in the offense for Mrs. Anastasi is plus 2, minus 3 for
8 acceptance of responsibility is a 16, so that leaves and a
9 criminal history of 1 means that the guideline range is 21
10 to 27 months.

11 For Mr. Anastasi, the guideline range is 15 to 21
12 months with the same calculation except no role adjustment
13 and no adjustment for the means. His offense level is 14,
14 and that's Criminal History 1, and his range is, as I said,
15 15 to 21 months.

16 As I said, I reject the sophisticated means
17 enhancement. It would have been helpful if the Sentencing
18 Commission had given us more information as to what they
19 intended by sophisticated means so that it can't be the case
20 that you're arguing it in a case where really Ms. Anastasi
21 just was a fundamental equivalent of sticking your hand in
22 the bank, in the till, that only this involved checks, so
23 she had to come up with a false name and send them to her
24 mother's house, and the false name is Eduardo Anastasi.
25 This is not sophisticated.

1 As far as the factors under 3553A, let me deal
2 with Mr. Edward Anastasi first. I will sentence -- I will
3 adopt the defendant's recommendation and sentence
4 Mr. Edward Anastasi to 36 months' probation.
5 Mr. Edward Anastasi, would you please stand.

6 I believe that the factors under the statute,
7 which is 3553A, don't require your imprisonment at all. One
8 of the things that's clear is that someone who is a first
9 offender, in fact, a real first offender is actually not in
10 danger for recidivist, not in danger for repeating it.

11 I'm also confident that in your case, there will
12 be no repetition of this. You can't have gone through what
13 you've gone through without having learned a lesson, so I
14 don't think that either general deterrence or individual
15 specific deterrence require that you go to prison.

16 I'm also mindful of the -- I think you've learned
17 a lesson about credit card debt, I think you've learned a
18 lesson about handling money. Neither of you are people who
19 don't understand about those kinds of lessons. I also
20 appreciate your medical background, your psychiatrist
21 background.

22 You understand that while you're on probation the
23 use of marijuana will bring you back here every time, just
24 every time, and if you wish to have a functioning life
25 without having to come back here every time, you won't be

1 taking that.

2 I don't believe, I mean, in terms of the offense,
3 in terms of your public safety again, I don't think public
4 safety requires your imprisonment, nor do I think that
5 retribution requires your imprisonment. You're to make
6 restitution to Computershare in the amount of \$122,023.88 to
7 be paid by you jointly and severally with your wife.
8 Payment is to begin immediately, shall be made according to
9 a Court-ordered repayment schedule. The payments are made
10 to the clerk for transfer to Computershare, and we'll give
11 you the address.

12 You're to notify the U.S. Attorneys' office for
13 this district within 30 days of any change of mailing or
14 residence address that occurs while any portion of the
15 restitution is unpaid. No fine because I recognize you
16 don't have the ability to pay a fine.

17 While you're on probation, you're not to commit
18 another federal, state or local crime and not possess a
19 controlled substance. You're to refrain from any unlawful
20 use of a controlled substance. You are to submit to regular
21 drug tests, which is 15 days from your placement on
22 probation, and not to exceed 104 tests per year as probation
23 shall direct.

24 You're to submit to the collection of a DNA sample
25 as directed by probation and comply with the standard

1 conditions of probation. In addition, you're prohibited
2 from possessing any firearm or other dangerous weapon.
3 You're to pay restitution, as I said. You're prohibited
4 from incurring new credit charges or opening new accounts,
5 new lines of credit without probation's approval while any
6 portion of these financial obligations remain outstanding.
7 You're to provide probation with access to financial
8 information which may be shared with the financial
9 litigation unit of the U.S. Attorneys' office.

10 And, again, you're to participate in a program for
11 substance abuse counseling as directed by probation which
12 could include testing and obviously treatment. You shall be
13 required to contribute to such treatment based on your
14 ability to pay or the availability of third-party payment.

15 You're to participate in a mental health treatment
16 program which may include both counseling and medication
17 monitoring as probation directs, and you are to participate
18 in a credit counseling and financial management program
19 approved by probation. You're to pay a special assessment
20 of \$100, which shall be due immediately. You have a right
21 to appeal and your lawyer will let you know what that
22 consists of.

23 You understand that if on probation there's the
24 slightest -- you have to be better than the ordinary citizen
25 while you're on probation because any issue with finances,

1 any issue with any crime whatsoever will bring you back here
2 and then go to jail. Do you understand that?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Ms. Susan Anastasi. I know that your
5 guideline range is higher than your husband's, and that
6 reflects the fact that you were the principal mover in all
7 of this, it was your job, it was your efforts, and he was a
8 participant but not to the same degree, and it was also your
9 abuse of trust, you were the one who abused the trust.

10 I am, however, going to accept your lawyer's
11 recommendation and sentence you as well to 36 months of
12 probation, the first six months of which will be in home
13 confinement so the continuation of the home confinement
14 you're under now. We do that because it is a way of
15 imposing additional punishment on you without completely
16 wreaking havoc on your life. It's a way of imposing
17 punishment and giving you essentially a second chance.

18 I don't accept the guidelines. I'm varying from
19 the guidelines in part because, as I said, you're at low
20 risk to recidivate, looking at you and your reaction to
21 this, I remember taking the plea in this case as well. I
22 think you fully recognize what a colossal mistake this was.
23 No matter how many rugs you have and no matter how fancy the
24 house is, nothing, nothing justifies this, nothing justifies
25 wreaking this kind of havoc on your life.

1 I also recognize your medical condition and the
2 death of your brother and the significance of that, so it's,
3 one, because I don't believe you'll recidivate, I don't
4 believe it's necessary to send you to jail to deter others.
5 While I believe you're substantially culpable here, it seems
6 to me that this is a sentence that reflects that
7 culpability.

8 As the Supreme Court said in U.S. v. Gall,
9 probation is not nothing, it is a conviction, it is a
10 restrictive environment, it is a requirement that you follow
11 rules and more restrictive rules than you'd have in your
12 life.

13 I don't believe public safety requires any further
14 imprisonment, so the sentence for you will be 36 months of
15 probation, the first six months of which would be home
16 detention. Again, restitution in the amount of \$122,023.88
17 to be paid jointly and severally with Mr. Anastasi. The
18 payment is to begin immediately and again all payments are
19 to be made to the clerk, the U.S. District Court to transfer
20 to Computershare.

21 You're to notify the U.S. Attorneys' office within
22 30 days of any change of mailing or residence address that
23 occurs while any portion of the restitution is unpaid. No
24 fine. While on probation, you're not to commit another
25 federal, state or local crime, no jaywalking, no nothing.

1 Drug testing conditions are suspended, There's no
2 necessity for that in your case. You're to submit to a DNA
3 sample as required by the First Circuit. You're to comply
4 with the standard conditions, and, in addition, you're
5 prohibited from possessing a firearm or dangerous weapon.

6 You're to pay the balance of the restitution while
7 you're on probation according to the schedule that I set.
8 You're prohibited from incurring new credit charges or
9 additional lines of credit without the approval of
10 probation.

11 You're to provide probation access to any
12 financial information which may be shared with the financial
13 litigation unit of the U.S. Attorney's office, and you and
14 your husband are to participate in a credit counseling or
15 financial management program approved by probation.

16 You're prohibited -- well, this is a requirement
17 that has been recommended. You're prohibited from engaging
18 in a profession that would allow you to have access to
19 shareholder account information. I actually will not impose
20 that. I won't impose that, but you have to work with
21 probation for any job you get so that your subsequent
22 employer will understand, in other words, we don't play
23 games with employers, there are employers who know fully
24 what has happened here and are willing to take people on
25 probation, people under supervision, so while I won't impose

1 a condition that says you can't have access to shareholder
2 information, for all intents and purposes you won't be
3 getting that kind of job.

4 Special assessment of \$100, which shall be due
5 immediately. You both have a right to appeal. Your lawyer
6 will let you know what that consists of. Do I need to
7 address anything else? Thank you very much.

8 THE CLERK: All rise.

9 (Whereupon, the hearing was suspended at
10 12:38 p.m.)

11 C E R T I F I C A T E

12 UNITED STATES DISTRICT COURT)
13 DISTRICT OF MASSACHUSETTS)
14 CITY OF BOSTON)

15 I, Valerie A. O'Hara, Registered Professional
16 Reporter, do hereby certify that the foregoing transcript
17 was recorded by me stenographically at the time and place
18 aforesaid in No. 10-10229-NG, United States vs.
19 Susan Anastasi and Edward Anastasi and thereafter by me
20 reduced to typewriting and is a true and accurate record of
21 the proceedings.

22 /S/ VALERIE A. O'HARA

23 _____
VALERIE A. O'HARA

24 REGISTERED PROFESSIONAL REPORTER

25 DATED MARCH 2, 2011