

FEDERAL PUBLIC DEFENDER
District of Montana

Date

District of Montana GLACIER Executive Review Team Members

Re: *United States v.* [REDACTED]
Referral for GLACIER Court Program Eligibility

Dear Review Committee Members:

This letter is submitted on behalf of _____ and her request to participate in the GLACIER Program. _____ is _____ years old and has no criminal record. As expressed in her letter to the review committee (see Exh. B), she accepts full responsibility for her charged offense and is highly motivated to avoid relapsing into the drug use which was the primary cause of her arrest. Moreover, as set forth in this petition on her behalf, _____ meets all of the qualifications for the Glacier Program and is an excellent candidate to receive its benefits.

A. The Offense Conduct

As set forth in the Indictment, _____ is charged with _____. The FBI's investigation summary reports this offense was directly related to _____'s drug addiction. At the time of her arrest, she was sustaining an opioid addiction and owed a significant amount of money to a drug dealer. See Exh. A (FBI summary) which indicates that "because of a drug problem _____ admitted to her supervisor and attorney's for the bank, she began stealing money....."

_____ makes her acceptance of responsibility for her offense clear in her attached letter to the GLACIER committee(Exh. B):

First and foremost I would like to apologize to the Court, my family, and my previous employer. My addiction has been something which I always felt that I could control when I wanted to. However, I could not see it during the times it was impacting me the most and am actually thankful for my arrest in this case. I am very motivated to address my addiction and make amends to society, and once again become a good mother for my daughter.

Exh. B letter from _____

B. Background and History of Drug Abuse.

_____ 's drug abuse began in her late teenage years after attending high school drinking parties with friends. She soon began to experiment with marijuana and eventually dropped out of high school in 2003, primarily due to poor grades and drug/ alcohol abuse. She eventually discovered oxycodone and initially enjoyed the effect the narcotic had on her as she felt no pressure to excel and would temporarily forget about childhood abuse at the hands of her father. Shortly after leaving high school, _____ began her first serious relationship and moved out of her childhood residence. Her new partner used illegal drugs and would become violent when he consumed alcohol.

In 2005, _____ began dating Mr. _____. The two met after several drug related interactions. She soon discovered he was in fact a drug dealer and quickly began physically and emotionally abusing _____. This relationship repeated a pattern in _____ 's life beginning with her father's physical and emotional abuse during her teenage years, continuing to the above mentioned boyfriend, who was also violent with her. _____ gained a strong emotional hold on _____, and reinforced her dependence by getting her hooked on barbiturates and oxycodone. Once she became truly dependent on drugs, _____ made her pay for any pills he gave her given the amount of pills she was consuming on a daily basis. She admits she also began to drink heavily and use other drugs during this time period.

In December 2006, after _____ had inflicted a beating which sent her to the hospital, she learned that she had abnormal liver function. The doctors found that she had hepatitis, most likely contracted from drug use, and began treating her in 2007. At the same time, she discovered that she was pregnant. To stay clean during the pregnancy, she left _____ and went to live with her family. Unfortunately, she returned to live with _____ after a disagreement with her father. She anticipated _____ was still dealing drugs and discovered he had developed a heroin addiction. He demanded she participate in his drug dealing activities and threatened her and her family if she did not agree to assist him. A few months later, he was convicted in State Court of felony drug charges and was continually in and out of jail due to probation violations.

Despite her addiction and domestic instability, _____ was able to secure employment. She consistently showed up for work and initially was viewed as a valued employee. After several months of consistent and stable employment, she learned the treatments she was receiving for her liver were changing and those changes would significantly impact her finances. Due to her financial struggles at this time in her life, she admits to taking funds from her employer to help pay for her liver treatment. However, she later discovered the prescribed drugs to treat her liver malfunctions had severe side effects and made routine employment next to impossible. Unfortunately, she returned to using illegal drugs to combat the side effects of her treatment and did not inform her doctor she was using non-prescribed narcotics.

It was also discovered during this time _____ began suffering from depression which was likely caused by her liver treatment prescriptions and drug use. _____ somewhat anticipated depression as her grandmother indicated their family had a history of depression, and that her mother had apparent mental health issues. (Exh. C Grandmother's letter). _____ has never sought mental health counseling, but a mental health evaluation and counseling may be helpful with her recovery. Despite the depression and drug use, and even after she started embezzling from her employer, _____ believed she could get her drug use, health and finances back under control. In reality, of course, by that point she was far too addicted, in debt, and overwhelmed by the need to care for her daughter and demands to extricate herself and make amends. Given _____'s level of addiction and health issues, if she is accepted into the GLACIER program it will not only represent a turning point in her life, but may very well save her life.

C. Present Status and the Status of the Pending Charges.

_____ was released on bond on _____. As a condition of her release, she is required to participate in drug and alcohol treatment. In 2014, she completed an evaluation by _____ which confirms that _____ is alcohol and opioid dependent (See Exh. F drug dependency evaluation, which also reports that _____ is "amenable to treatment" and that "effective treatment is available"). _____ has never been in a treatment program, but prior to the evaluation had begun attending NA meetings and found them helpful. The evaluation further states _____ appeared remorseful of her situation, however, believes if not for the current charges, she may never have gotten the help she feels she needs.

After completing her substance abuse evaluation, _____ relapsed and used heroin. Following a bond revocation hearing, the Court modified her bond and ordered that she be placed in an in-patient drug treatment program. With the assistance of Pretrial Services, _____ is now at an in-patient treatment facility and will likely remain there for two months.

D. Eligibility for the GLACIER Program.

_____ meets all of the criteria for participation in the GLACIER program:

1. _____ is not charged with a serious violent offense or other disqualifying offense, and has no history of serious or violent offenses.
2. The criminal conduct was the direct result of her addiction to controlled substances.
3. _____ is a citizen of the United States and a resident of the District of Montana.
4. _____ has no prior felony convictions;
5. _____ has already made substantial efforts to accept responsibility for her offense, including admitting her crime when confronted by the arresting agency.
6. _____ needs ongoing treatment and counseling to fully overcome her addiction, but does not have any mental health issues (apart from the manageable depression noted above);
7. _____ is not someone who can or would work as an informant.

E. Conclusion

_____ has made serious mistakes and accepts full responsibility for her offense. She is already working hard to overcome her drug dependency and make amends. Her dependence on opioids and other drugs (as well as alcohol) is the result of her exposure to drug use in her family, an abusive relationship with a man who encouraged and abetted her addiction, and depression related to her treatment for liver disease or due to family history. _____ is aware that she needs support and counseling to avoid relapsing, and that she has a lot of work to do before she can repair herself, take care of her daughter again, and make restitution. She has the advantage of continuing love and support from her family and grandparents in particular, who have offered her a home and help caring for their granddaughter. Given the lack of criminal history, her commitment to treatment, and the added motivation of wanting to be reunited with her daughter, she is a worthy candidate for the GLACIER program and will benefit greatly from it.

Letter to Review Committee

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Please feel free to contact me with any questions about _____'s application or if any additional information is needed.

Sincerely,

/s/ _____

Attorney for _____

Enclosures