

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 16-CR-30125-MJR
	)	
OLIVER HAMILTON,	)	
	)	
Defendant.	)	

SENTENCING MEMORANDUM

REAGAN, Chief Judge:

INTRODUCTION

Defendant Oliver Hamilton appeared before the undersigned on November 15, 2016, and pleaded guilty to an Information charging him with a single count of Wire Fraud in violation 18 U.S.C. § 1343. While serving as the East St. Louis Township Supervisor, Hamilton stole more than \$40,000 from the township and spent it on personal expenses. The parties submitted a written plea agreement to the Court at the plea hearing, indicating that they anticipated, after all factors are considered, that the sentencing guidelines would recommend range of imprisonment of between 6-18 months for Hamilton. The parties agreed to recommend a sentence of incarceration of one year and one day to be followed by three years supervised release. The parties also agreed to recommend that Hamilton pay restitution to the East St. Louis Township but that he not pay a fine.

The Government filed a sealed sentencing memorandum (Doc. 14), a redacted version of which was filed on March 21, 2017 (Doc. 24). In the memorandum, the Government strongly advocates for a sentence of imprisonment of one year and one day, as contemplated by the plea agreement. Hamilton responded to the Government's memorandum (Doc. 16), requesting the same sentence and providing letters of support from Hamilton's family and friends. The Court, however, is not bound by the plea agreement or by the recommendations of the parties. The undersigned enters this sentencing memorandum regarding Hamilton's offense conduct and the impact of crime and corruption in East St. Louis to address why the term of imprisonment recommended by the sentencing guidelines and the parties may not be sufficient.

The sentencing guidelines are advisory, and, with the Supreme Court's ruling in *United States v. Booker*, district courts have the discretion to deviate from the recommended guidelines range. *See* 543 U.S. 220, 259-60 (2005). Sentences must be both individualized and reasonable. *See id.* at 224-25. In determining a reasonable sentence, judges must abide by the requirements of 18 U.S.C. § 3553(a), which provides:

- (a) Factors to be considered in imposing a sentence.--** The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider--
- (1)** the nature and circumstances of the offense and the history and characteristics of the defendant;
 - (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.

...

The sentencing guidelines provide “the initial starting point and the initial benchmark.” *Gall v. United States*, 552 U.S. 38, 51 (2007). Once a district court determines that the guidelines are properly calculated, it must then decide whether to impose a sentence within or outside the range, based upon the factors set forth in 18 U.S.C. § 3553(a). *United States v. Hill*, 645 F.3d 900, 905 (7th Cir. 2011)(citing *United States v. Nelson*, 491 F.3d 344, 347 (7th Cir. 2007)). A sentence outside of the applicable guidelines range is reasonable so long as it conforms to the principles of § 3553(a). *United States v. Simmons*, 485 F.3d 951, 953 (7th Cir. 2007). A sentencing court must state specific reasons when deviating from the sentencing guidelines. 18 U.S.C. § 3553(c)(2). Specifically, where a district judge chooses to vary upwards from the sentencing guidelines, the decision must be supported with “compelling justifications.” *United States v. Goodon*, 564 F.3d 887, 890-91 (7th Cir. 2009)(citation omitted). Here, based on the § 3553(a) factors, the Court finds that compelling justifications exist for varying from the recommended guidelines range.

BACKGROUND

The East St. Louis Township provides supportive services to the people of East St. Louis. The township administers the General Assistance program which provides cash assistance to residents who do not qualify for other forms of public benefits but

who nevertheless need assistance paying for basic necessities. In addition to the cash assistance program, the township offers a variety of services to help citizens make ends meet, such as offering job training, prisoner re-entry services, and tax preparation assistance to elderly and low income residents. The township operates a food pantry and a program to provide emergency assistance and shelter to residents, and it offers dental, medical, and pharmaceutical services for the underprivileged.¹

In addition to offering services to residents, the township also works to reduce violence in East St. Louis through a program called CeaseFire. The program, operated by Cure Violence, advocates treating violence as an infectious disease and a public health crisis, and it trains select community members to anticipate where violence may occur and to intervene before it happens.² The program is invaluable given the disproportionately high rate of violent crime in East St. Louis.³ In addition to violence, residents struggle with extreme poverty. The median income in East St. Louis is \$19,520 and nearly 46 percent of residents live in poverty.⁴ Viewed through this lens, it is clear that the programs provided by the township to East St. Louis residents are essential.

NATURE, CIRCUMSTANCES, AND SERIOUSNESS OF THE OFFENSE AND THE

HISTORY AND CHARACTERISTICS OF THE DEFENDANT

Defendant Oliver Hamilton was sworn in as East St. Louis Township Supervisor on March 17, 2011, following the death of the previous Township Supervisor. Hamilton

¹ EAST ST. LOUIS TOWNSHIP, <http://www.estltownship.us/> (last visited March 19, 2017).

² See CURE VIOLENCE – STOPPING THE SPREAD OF VIOLENCE, <http://www.cureviolence.org> (last visited March 19, 2017).

³ See *infra* pages 14-17 (discussing violent crime rates in East St. Louis).

⁴ UNITED STATES CENSUS BUREAU – EAST ST. LOUIS CITY, ILLINOIS, <http://www.census.gov/quickfacts/table/INC110215/1722255> (last visited March 19, 2017).

ran for election in 2013 and won. In addition to serving as the township's chief executive, Hamilton supervised the General Assistance program, served as Chairman of the Board of Trustees, and was the Township Treasurer. As Treasurer, he was required to keep an accurate account of the expenditure of public monies. The sole function of the East St. Louis Township is to assist residents, but there is little by way of statutory guidance as to how that assistance should be administered. As the Government notes in its sentencing memorandum, the township, on a structural level, is vulnerable to financial abuse. Hamilton was the public servant in charge of properly administering the township's business and the person ultimately responsible for ensuring the integrity of its operations. Instead of safeguarding the township's assets, he stole them to support his lifestyle and to further his business interests. The parties agreed that the overall loss attributable to Hamilton's thievery was in excess of \$40,000, but the extent to which he abused this position of public trust to line his own pockets will never be calculated accurately.

Hamilton's misuse of township funds is staggering. He began stealing within months of being sworn in and continued helping himself to the township's funds as he pleased for more than five years. Seemingly no expense was deemed too personal to pay out of the township coffers. Checks made out to "Oliver Hamilton" have a memo line suggesting that he used township funds to pay his child support obligations, and credit card statements and receipts show that he spent considerable amounts of money on equipment for construction businesses he ran. The Government could not classify many of Hamilton's transactions definitively. Some likely were legitimate township

expenses, some were more questionable and were not plainly legitimate or criminal, but many were clear misappropriations. Among those that raise eyebrows but that cannot be classified as “clearly criminal” are expenses from a CeaseFire conference in Las Vegas. Hamilton rented two cars and nine hotel rooms for the conference, but it is *possible* that the expenses were legitimate. Many other illegitimate expenses for unrelated Las Vegas travel were charged to the township credit card courtesy of Hamilton, including travel expenses, such as plane tickets and rental cars, for Hamilton; his wife, Belinda Hamilton; Township Trustee Michael Roberts; and his wife, Betty Roberts.

As Hamilton was pilfering money for his personal enjoyment, expensing questionably large amounts of money for travel and for car washes, the township was plunging deeper and deeper into debt. In the Annual Financial Report for the year ending March 31, 2013, the township had a deficit of nearly \$2.5 million. The deficit increased to more than \$2.7 million by the next year, and the township took out a \$200,200 loan from a local bank just to cover its operating expenses. By 2015, the annual audit showed the deficit reached almost \$3 million. Each report noted that the township “continued to experience cash flow problems and declining revenues.” (Doc. 24, p. 8-9). To quote the Government, Hamilton was “punching holes in a ship taking on water.” (Doc. 24, p. 9).

By contrast, during the same time period that the township’s deficit swelled, Hamilton operated a construction company from which he reported net income of approximately \$60,000 per year, and he received a salary from the township of \$60,000

per year. Hamilton was also a member of the St. Clair County Board, a position which paid him \$19,000 per year. He also earned \$3,600 per year for being a Board Member of the East Health District in East St. Louis. If Hamilton correctly reported his income, he was earning more than \$140,000 per year, more than seven times the median income of an East St. Louis resident, while spending township funds reserved for impoverished residents on himself. He treated the financially unstable township as his piggy bank, and felt entitled to do so. (*See* Defendant's Response to Government's Sentencing Memorandum, Doc. 16, p. 4)(describing Hamilton's "view that he could take a break from his duties as supervisor on a trip to Las Vegas at taxpayers' expense").

Hamilton suggests that there is redemption to be found for him in the letters of support he submitted from citizens of East St. Louis who "witnessed firsthand his commitment to help the people of the township and the fact that his heart was more often than not in the right place when it came to meeting the needs of the needy." (Doc. 16, p. 4). He argues that his "misuse" of township funds "should not completely overshadow his genuine work on behalf of constituents." Unfortunately, it does. Hamilton was tasked with protecting taxpayer dollars and using public monies to benefit the residents of East St. Louis in real and essential ways. Instead, he chose corruption and greed while hoodwinking the community into believing that he was helping them. Despite the many people who wrote of how Hamilton provided for them in their hour of need, he was not their champion. He was stealing from them while projecting the image of being their white knight. In reality, he was the antithesis of Robin Hood, stealing money earmarked for the poor and keeping it for himself, a

person on substantially stronger financial footing than the trusting constituents who elected him.

Hamilton's crime is more serious than the guidelines suggest. He is a person who stole repeatedly and on a regular basis over a five year period. This is not one crime but an amalgamation of small acts of thievery and deception over time. Though the township suffers as an organization, the residents who rely on the township's programs are also victims of Hamilton's deception, and they are largely unaccounted for in the guidelines beyond an enhancement under § 3B1.3 for abuse of a position of trust. As discussed further below, the residents of East St. Louis are vulnerable to corruption and are routinely taken advantage of by their elected officials and community leaders.

In mitigation, Hamilton enjoys the support of members of the community, as evidenced by the letters of support he submitted to the Court. His age suggests that he is unlikely to recidivate, as does his lack of significant criminal history. The Court does note, however, that the long duration of Hamilton's crime could be indicative of criminal activity that is ramping up, rather than decreasing, with age, and that suggests that recidivism is not outside the realm of possibilities. *See United States v. Johns*, 732 F.3d 736, 741-42 (7th Cir. 2013); *United States v. Johnson*, 685 F.3d 660, 662 (7th Cir. 2012)(recognizing that there are exceptions to the general rule that older criminals are less likely to recidivate). Hamilton reports that he had a stable upbringing, and he has the support of his family and friends to rely on when he is released. Despite these mitigating factors, the costs of his crime are high.

SERIOUSNESS OF THE EFFECT OF PUBLIC CORRUPTION ON
EAST ST. LOUIS, AND THE NEED FOR ANY SENTENCE IMPOSED TO
AFFORD ADEQUATE DETERRENCE

Corruption erodes the public's trust in the very organizations and entities that exist to help them. A "democracy is effective only if the people have faith in those who govern, and that faith is bound to be shattered when high officials . . . engage in activities which arouse suspicions of malfeasance and corruption." *United States v. Miss. Valley Generating Co.*, 364 U.S. 520, 562 (1961). There is a great risk that with the rampant public corruption in the East St. Louis area, residents will become apathetic and will view corrupt leadership as the norm, making it more difficult to detect, investigate, and prosecute corruption.⁵ So many public officials and public figures are prosecuted for corruption-related crimes on both the state and federal level in this area that news of such crimes has become commonplace.⁶ Recognizing that the weight of all of the woes of East St. Louis cannot be placed on Mr. Hamilton's shoulders for punishment, the Court instead is keenly aware that crimes such as his contribute to an atmosphere of corruption, apathy, and mistrust of public institutions endemic in the community. Any sentence imposed must not ignore that reality.

⁵ Patrick Fitzgerald, Former U.S. Attorney for the Northern District of Illinois, *The Costs of Public Corruption – And the Need for the Public to Fight Back* by available at <https://www.justice.gov/usao/priority-areas/financial-fraud/public-corruption> (last visited Mar. 20, 2017).

⁶ See, e.g., *When the Police Chief Can't Tell Right From Wrong*, BELLEVILLE NEWS-DEMOCRAT EDITORIAL, <http://www.bnd.com/opinion/editorials/article131933774.html> (noting that three East St. Louis police chiefs have faced felonies in the past twelve years and that there have been 36 state public corruption cases since Brendan Kelly became St. Clair County State's Attorney in 2010).

East St. Louis's long history of corruption and economic instability is well documented, and the undersigned has written at length describing the troubled history of the city.⁷ Corruption by public officials in East St. Louis dates back to its founding, when bribery tainted even the vote to name the city, and public corruption has been an unfortunate aspect of Illinois politics, generally, for the last century and a half. Since 1972, there have been four governors, numerous state legislators, two members of congress, nineteen judges in a single county, several aldermen, and a glut of other officials statewide—many from East St. Louis and the surrounding area—all convicted of corruption crimes.⁸

After former Governor Rod Blagojevich was indicted on bribery-related charges, the Illinois Reform Commission was established to recommend meaningful ethics reform for the State of Illinois.⁹ The Commission's 100-Day Report, confronting the difficult question of how to reduce public corruption, concluded that greater deterrence through heavier sentences would make a difference, noting that "[p]eople tend to

⁷ See, e.g., Court's Sentencing Memorandum, *United States v. Molton*, Doc. 11, 12-CR-30116-MJR; See also *United States v. Hill*, 645 F.3d 900 (7th Cir. 2011) (reviewing this Court's decision to apply an above-guideline sentence due to corruption in East St. Louis); *United States v. Ingram*, 427 Fed.Appx. 531, 533-34 (7th Cir. 2011) (reviewing this Court's decision to consider the rates of violent crimes in East St. Louis when considering the need for general deterrence); ANDREW J. THEISING, *EAST ST. LOUIS: MADE IN THE USA: THE RISE AND FALL OF AN INDUSTRIAL RIVER TOWN* (2003); *Stephens v. People*, 89 Ill. 337 (1878) (finding John Bowman's election as mayor of East St. Louis improper and ordering that his administration be dissolved); ELLIOT RUDWICK, *RACE RIOT AT EAST ST. LOUIS: JULY 2, 1917* AT 178 (1982); H.R. Doc. No. 65-1231, at 19 (1918) (*Report of the Special Committee Authorized by Congress to Investigate the East St. Louis Riots*).

⁸ *Early East St. Louis and Cahokia*, RIVERWEB, <http://archive.is/YsON> (last visited March 19, 2017). See also Thomas J. Gradel et al., *CURING CORRUPTION IN ILLINOIS: ANTI-CORRUPTION REPORT NUMBER 1*, Feb. 3, 2009 University of Illinois at Chicago Dept. of Political Science at 1, available at https://pols.uic.edu/docs/default-source/chicago_politics/anti-corruption_reports/anti-corruptionreport.pdf?sfvrsn=2 (last visited March 20, 2017).

⁹ Illinois Reform Commission 100-Day Report, April 28, 2009 at 1 available at <http://chicagoinspectorgeneral.org/wp-content/uploads/2011/03/IRC-100-Day-Report-Final.pdf> (last visited Mar. 21, 2017).

engage in corruption when the risks are low, the penalties mild, and the rewards great.”¹⁰ Though the Commission ultimately addressed changing state sentencing laws for corruption crimes, the thrust of their findings is persuasive: the need for strong deterrence is high if there is to be any hope of reducing public corruption.

Data from the Department of Justice shows that Illinois is the third most corrupt state in the nation.¹¹ “The extent and pervasiveness of bribery, fraud, stealing from the taxpayers, and illegal patronage have made . . . the state [a] national leader[] of corruption.”¹² Only 25 percent of the Illinois public trusts their state government, the lowest level of trust of any state.¹³ Financially, corruption costs Illinois taxpayers more than \$500 million per year.¹⁴ Hamilton’s continued abuse of the public trust illustrates what some have called “The Illinois Way” to describe the corruption that plagues the state and “undermine[s] . . . voters’ sense of political efficacy.”¹⁵ The problems created and exacerbated by corruption are evident in East St. Louis. Understanding the background of the community served by the township is essential to fully understanding the depth of Hamilton’s crime and the strong need to cause a deterrent effect in others.

¹⁰ Thomas J. Gradel et al., CURING CORRUPTION IN ILLINOIS: ANTI-CORRUPTION REPORT NUMBER 1, Feb. 3, 2009 University of Illinois at Chicago Dept. of Political Science at 1 (citing Gary Becker & George Stigler, *Law Enforcement, Malfeasance, and Compensation of Enforcers*, 3 J. Legal Stud. 1, 1-19 (1974)).

¹¹ Dick Simpson et al., 2015: *A Banner Year in Illinois Corruption: Anti-Corruption Report Number 9*, March 10, 2016, at 10 [hereinafter Simpson, *Banner Year*]; Dick Simpson et al., Chicago and Illinois, *Leading the Pack in Corruption: Anti-Corruption Report Number 5*, Feb. 15, 2012, updated April 18, 2012 at 2 [hereinafter Simpson, *Leading the Pack*].

¹² Simpson, *Leading the Pack*, *supra* note 11, at 2.

¹³ Simpson, *Banner Year*, *supra* note 11, at 13.

¹⁴ Simpson, *Leading the Pack*, *supra* note 11, at 5.

¹⁵ *Id.*

a. Population and Income

The City of East St. Louis struggles economically, and, as a result, it has steadily lost residents over the past several decades, with a population today that is roughly half of what it was in the 1980s:

Table 1: East St. Louis 1980-2016

East St. Louis ¹⁶		
Year	Population	Ten-Year Change
1980	55,200	-21.33%
1990	40,944	-25.83%
2000	31,542	-22.96%
2010	27,006	-14.38%

From its decennial high in 1950 through 2010, the population of East St. Louis decreased by 67 percent, and it shows little hope of rebounding.¹⁷ Over the same time period, St. Clair County, which includes East St. Louis, showed a population increase of 31 percent. If you remove East St. Louis from the equation, the remainder of St. Clair County's population increased by 96 percent during the same sixty-year period.¹⁸

The number of East St. Louisans who live below the poverty line is more than three times the national average.¹⁹ Per capita income is approximately \$12,000 in East St. Louis as opposed to nearly \$29,000 nationwide, and homeownership and home values

¹⁶ See Court Sentencing Memorandum, Doc. 111, 12-CR-30116-MJR, at 25.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ UNITED STATES CENSUS BUREAU – EAST ST. LOUIS QUICKFACTS, <https://www.census.gov/quickfacts/table/INC110215/1722255,00> (last visited Mar. 20, 2017). Nationally, 13.5 percent of the population lives in poverty, but in East St. Louis, 45.8 percent of residents do. *Id.*

similarly lag far behind the rest of the country.²⁰ Unemployment rates are double the national average and double even the rate elsewhere in St. Clair County.²¹ At the same time, property taxes are high. Despite the passage of the Financially Distressed City Law in 1990 and the creation of additional revenue streams for the city, East St. Louis' property tax rate of 12.5 percent was the highest in Illinois in 2011.²² That rate has only been increasing, and community groups estimate that the tax hikes could cause 1,000 to 2,000 people to become homeless. Small business owners fear they will have to close their doors.²³ To describe the community and its residents as distressed is truly an understatement. The extent of the poverty and of the lack of opportunities in East St. Louis underscores the essential role that assistance from the township plays in citizens' daily lives and highlights the vulnerability of residents to corruption by their leaders. Citizens have come to expect little by way of honesty and community improvement from their leaders.

²⁰ *Id.*

²¹ Court Sentencing Memorandum, Doc. 111, 12-CR-30116-MJR, at 25.

²² While an improvement over the past, the city's funding options remain narrow. As of 2012, the city relies on revenue from the Casino Queen for 45% of its revenue, and 15% from alcohol based businesses. Tim Jones, *East St. Louis Cops Outgunned as Cuts Let Killers Thrive*, BLOOMBERG, Jan. 3, 2013, <https://www.bloomberg.com/news/articles/2013-01-04/east-st-louis-cops-outgunned-as-cuts-let-killers-thrive>. East St. Louis' rate of rental households was higher than any city included in a recent study examining the most expensive cities in the nation. See Michael B. Sauter, *American Cities with the Highest (and Lowest) Taxes*, YAHOO! FINANCE, Feb. 25, 2013, <http://finance.yahoo.com/news/american-cities-with-the-highest-and-lowest-taxes-182112538.html>. Chicago's effective property tax rate of 9.75% was the highest in the survey; East St. Louis was nearly a third higher than that.

²³ Chris Regnier, *East St. Louis Property Taxes Increase Between 200 and 400 Percent*, FOX 2 NOW, June 3, 2016, <http://fox2now.com/2016/06/03/east-st-louis-property-taxes-increase-between-200-and-400-percent>.

b. Education

Local schools struggle to educate children in the community. Residents in East St. Louis have a 42 percent higher dropout rate and a college graduation rate 71 percent lower than the national average.²⁴ The district has failed to meet the No Child Left Behind (NCLB) standards for nine straight years.²⁵ After being monitored by a financial oversight panel for nearly a decade, and with the help of federal stimulus dollars, the district had a \$40 million budget surplus.²⁶ The panel was dissolved in 2004, but by 2012 the district had a \$12 million deficit, prompting the State of Illinois to step in again after the spending priorities of the district raised eyebrows for some state officials.²⁷ The Court recognizes that Hamilton is not to blame for these troubles, but these serious problems will not be solved without honest representation from elected leaders.

c. Crime

Though Hamilton's crime was non-violent, it did not occur in a vacuum. Violence plagues the lives of East St. Louis residents, those who look to the township for assistance, and the undersigned cannot ignore that East St. Louis is among the most dangerous cities in the United States.²⁸

²⁴ See Court Sentencing Memorandum, *supra* note 16, at 25.

²⁵ Elizabeth Holland, *State Tries to Right East St. Louis School District*, ST. LOUIS POST-DISPATCH, May 25, 2012, http://www.stltoday.com/news/local/education/statetries-to-right-east-st-louis-school-district/article_1d0fcb15-78a6-50e2-8f6fbb6de23e534c.html.

²⁶ *Id.*

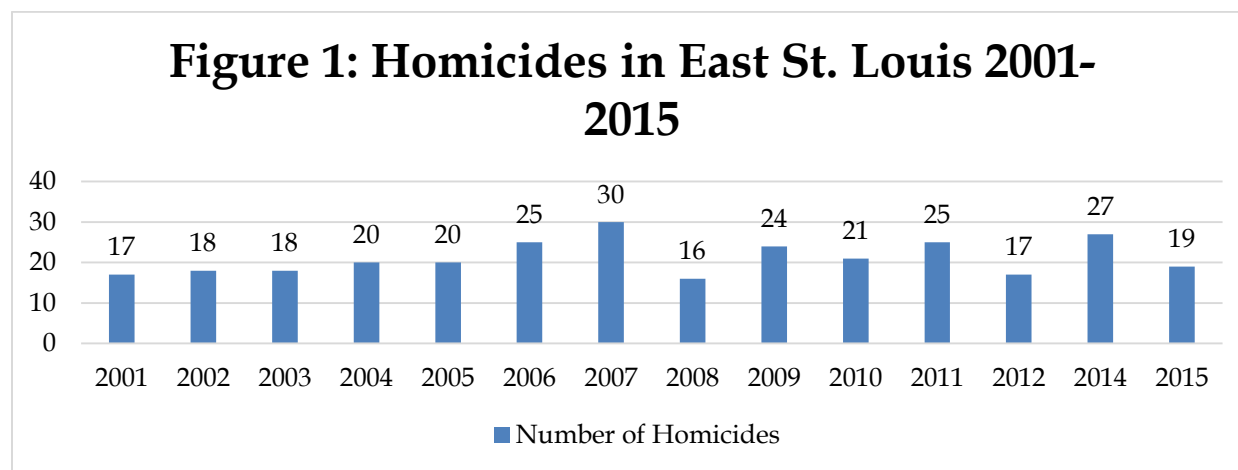
²⁷ *Id.* See also UNITED STATES DEP'T OF ED., AWARDS: INNOVATIVE APPROACHES TO LITERACY PROGRAM: EAST ST. LOUIS SCHOOL DISTRICT 189, available at <https://www2.ed.gov/programs/innovapproaches-literacy/2012awards.html>.

²⁸ See, e.g., TOP 100 MOST DANGEROUS CITIES IN THE U.S., NEIGHBORHOODSCOUT.COM, <https://www.neighborhoodscout.com/blog/top100dangerous> (last visited Mar. 10, 2017) (for cities with greater than 25,000, based upon violent crime per 1,000 residents).

Table 2: Crime in East St. Louis Compared to St. Louis and the Nation

Crime	East St. Louis ²⁹		St. Louis ³⁰	United States ³¹
	Total	Per 1,000	Per 1,000	Per 1,000
Murder	19	0.71	0.60	0.05
Rape	42	1.57	0.84	0.39
Robbery	146	5.45	5.67	1.02
Assault	682	25.46	11.16	2.38
Total Violent Crime	889	33.18	18.26	3.83
Property	805	30.05	63.64	24.87
Total	1,694	63.23	81.90	28.70

Table 2 compares East St. Louis to its neighbor, St. Louis, Missouri, which often tops lists of the most dangerous cities, and to the United States as a whole.³² A resident of East St. Louis is more than twice as likely to be raped or assaulted than a resident of St. Louis, and fourteen times more likely to be murdered than an average resident of the United States.



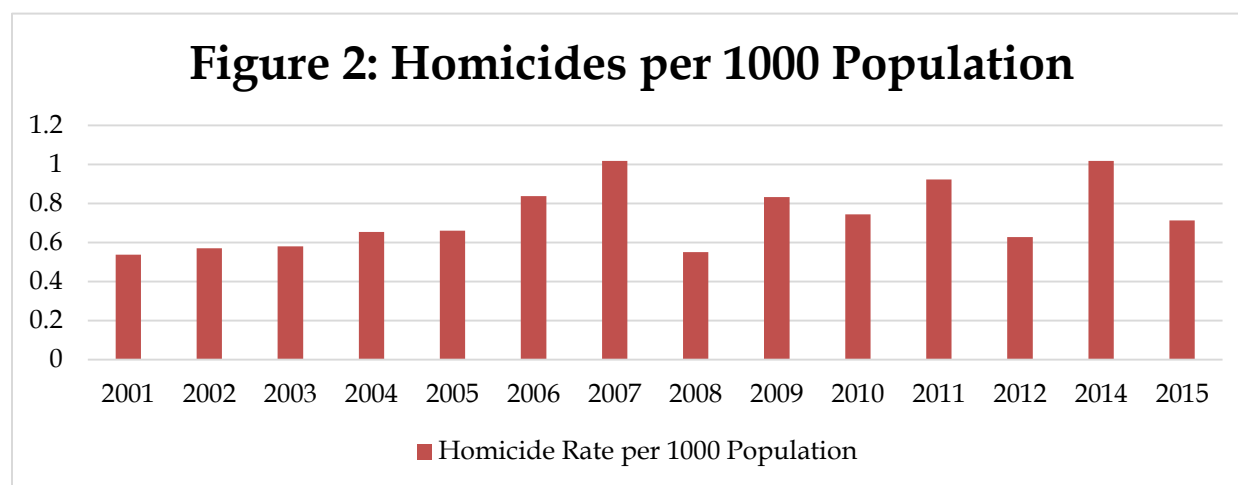
²⁹ EAST ST. LOUIS, IL: CRIME DATA & CRIME RATES, NEIGHBORHOODSCOUT.COM, <https://www.neighborhoodscout.com/il/east-st-louis/crime> (last visited Mar. 15, 2017).

³⁰ ST. LOUIS, MO: CRIME DATA & CRIME RATES, NEIGHBORHOODSCOUT.COM, <https://www.neighborhoodscout.com/mo/st-louis/crime> (last visited Mar. 15, 2017).

³¹ *Id.*

³² See, e.g., CNN Wires and Joe Millitzer, St. Louis Tops List of “25 Most Dangerous Cities in America,” <http://fox2now.com/2016/09/28/st-louis-tops-list-of-25-most-dangerous-cities-in-america>

Figure 1 depicts the number of homicides by year in East St. Louis.³³ The population of East St. Louis continues to drop, and per capita murder rates have generally trended upward during the last decade, as shown in **Figure 2**.³⁴



The city's problems with jobs, education, and crime over many years show "the scars of a long existence" aggravated by corruption and public officials who put their own interests ahead of their constituents.³⁵ Corruption helped create the current state of the city, and violent crime has only made East St. Louis more vulnerable to corruption as residents perceive that government officials do not care about corruption within the police department or about the upkeep and safety of the community.

Corruption, violent crime, and declining demographics perpetuate one another in a perverse cycle. As long as officials in East St. Louis believe that the benefits gained by corruption outweigh the risks, they will continue to engage in crooked and deceitful

³³ Court Sentencing Memo, *supra* note 16, at 30; and EAST ST. LOUIS, ILLINOIS (IL) CRIME AND CRIME RATE, USA.COM, <http://www.usa.com/east-saint-louis-il-crime-and-crime-rate.htm> Note that there is some variability in violent crime data, depending on the source, as different sources will count crime statistics in different ways.

³⁴ *Id.*

³⁵ THEISING, *supra* note 7, at 7.

behavior, and East St. Louis will continue to decline. Undoubtedly, the existence of public corruption increases other forms of crime in a community. The statistics help illustrate why East St. Louis and its people are particularly vulnerable to and injured by corruption. East St. Louis's long history of public corruption has not slowed in recent years, and the sentences in corruption cases have not had a deterrent effect. **Table 4** lists cases involving corruption in and around East St. Louis that have resulted in federal convictions.³⁶

Table 4: Notable Corruption Crimes in Metro East

Name Docket # Date of Judgment	Charge Sentence	Case Summary
Kelvin Ellis 89-CR-50045-WLB July 5, 1990	Extortion & Conspiracy to Defraud the US (HUD) 21 months	Exec. Asst. to East St. Louis Mayor Carl Officer; managed construction permits. Used his position to obtain city funds for a nursing home he partially owned.
Eugene Douglas 93-CR-30103-WDS Aug. 19, 1993	Bribery 5 months, \$1,000 fine	Brooklyn police chief – accepted bribes from strip clubs that were engaging in prostitution.

³⁶ This list is not intended to be complete and only contains the most notable federal cases in and around East St. Louis area involving public corruption. Most cases involving public officials that did not directly involve public corruption (e.g., tax evasion), misdemeanors, or lesser conspirators in large cases have been omitted. This list also does not include the many state prosecutions for corruption cases in the East St. Louis area. *See also When the Police Chief Can't Tell Right From Wrong*, BELLEVILLE NEWS-DEMOCRAT EDITORIAL, <http://www.bnd.com/opinion/editorials/article131933774.html> (noting that three East St. Louis police chiefs have faced felonies in the past twelve years and that there have been 36 state public corruption cases since Brendan Kelly became St. Clair County State's Attorney in 2010).

Name Docket # Date of Judgment	Charge Sentence	Case Summary
Arthur May 97-CR-30068-PER Mar. 13, 1998	Embezzlement of Public Funds 24 months, \$104,476 restitution	East St. Louis School District Athletic Director that stole school district funds
Callie Mobley 97-CR-30141-GPM June 12, 2000	Fraud and False Statements 30 months, \$140,000 restitution	Former Alorton Mayor convicted of theft of public funds
Frankie Jean Banks 00-CR-30103-GPM Nov. 13, 2000	Embezzlement 15 months, \$143,472 restitution	Former Brooklyn treasurer that embezzled funds from the city
Charles Roy 00-CR-30098-DRH Dec. 8, 2000	False Statement Probation, \$2,000 fine + \$33,965 restitution	East St. Louis Police Commissioner who operated a construction company and falsified pay records related to a federally funded housing project.
Ruby Cook 02-CR-30179-DRH Aug. 2, 2001	Theft/Conversion of Property 366 days, \$44,954 restitution	While Mayor of Brooklyn, depleted the city of all general funds, impacting all city services and causing the city's fire trucks to be repossessed.
Marvis Bownes 02-CR-30115-MJR July 14, 2003	Witness Intimidation 30 months, \$50,000 fine	Attempted to prevent testimony of a newspaper reporter in his pending case (see below).
Marvis Bownes 03-CR-30097-MJR Oct 27, 2003	Fraud 210 months, \$200,000 fine, \$2,429,671 restitution	East St. Louis Precinct Committeeman convicted of defrauding banks in a property flipping scheme
Clennard McCorkle 03-CR-30058-MJR Aug. 6, 2004	Wire Fraud 366 days, \$3,000 fine	Washington Park police officer who released a motorist from a ticket in exchange for sex.

Name Docket # Date of Judgment	Charge Sentence	Case Summary
Leander Brooks 03-CR-30201-DRH Sept. 24, 2004	Election Fraud 18 months, \$400 fine	Election judge that forged signatures (including several deceased residents) and allowed unregistered voters to vote.
Janerra Carson-Slaughter 05-CR-30009-GPM Mar. 14, 2005	Witness Intimidation, Obstruction, Conspiracy to obstruct justice \$150 fine + probation	Participated in the conspiracy to obstruct a federal investigation (see Ronald Matthews). She was Matthews's secretary. Matthews asked her to give a firearm to A. Qattoum (an auxiliary ESL police officer under investigation by ICE for being an undocumented immigrant in possession of a firearm) in exchange for \$1,500.
Leroy Scott, Jr. 3:05-CR-30040 DRH Lillie Nichols 3:05-CR-30041 DRH Terrance Stith 3:05-CR-30042 DRH Sandra Stith 3:05-CR-30043 DRH Mar. 22, 2005	Aiding and Abetting Voter Fraud Leroy Scott, Jr. - 10 months Lillie Nichols - 4 months Terrance Stith - 4 months Sandra Stith -1 year probation	East St. Louis committeemen were involved in buying votes related to the St. Clair County Chairman race.
Philip Cohn 04-CR-30051-MJR May 27, 2005	Fraud; Money Laundering; Violations of Clean Air Act 60 months, \$347,200	Sold polluted land to the East St. Louis School district with the assistance of city officials.

Name Docket # Date of Judgment	Charge Sentence	Case Summary
Michael Reichert 05-CR-30129-DGW Aug. 30, 2005	Selling of counterfeit merchandise (Misdemeanor) \$5,000 fine + 2 years probation	Collinsville police officer that sold counterfeit Oakley sunglasses.
Freddie Wills 04-CR-30096-GPM Sept. 16, 2005	Fraud; False Statements N/A Deferred Prosecution	East St. Louis detective and Internal Affairs officer who accepted cash to order the release of seized funds.
Pierre Cochran 05-CR-30019-DRH Oct. 20, 2005	Fraud 14 months, \$200 fine.	East St. Louis police officer that accepted bribes to release suspects arrested for solicitation of prostitution.
Kelvin Ellis 05-CR-30044-GPM Feb. 6, 2006	Conspiracy to Commit Election Fraud; Aiding and Abetting Voter Fraud 54 months, \$2,500 fine	As Precinct Committeeman, he paid voters to cast votes and altered voting records.
Letita Slack 05-CR-30151-WDS Feb. 17, 2006	Fraud 18 months, \$158,279 restitution	As head of the East St. Louis Community Development Block Grant Program, embezzled \$158,279.
Kelvin Ellis 05-CR-30011-MJR Feb. 27, 2006	Obstruction of Justice & Tampering with Witnesses 121 months, \$12,500 fine	He sought to have a witness discredited, and is alleged to have threatened to have the witness killed. GJ was investigating election fraud by Ellis and others, Ellis tried to get someone to plant crack on witness and have her arrested.

Name Docket # Date of Judgment	Charge Sentence	Case Summary
Charles Powell 05-CR-39944-GPM Feb. 28, 2006	Conspiracy: Election Fraud 21 months, \$2,500 fine (later resentenced to 27 months)	Chairman of the Democratic Committee – East St. Louis; Former City Councilman. Paid voters to vote in elections.
Ronald Matthews 05-CR-30009-GPM Mar. 20, 2006	Conspiracy to Obstruct Justice; Aiding and Abetting Obstruction of Justice 33 months, \$400 fine	During his tenure as the East St. Louis Chief of Police, defendant obstructed a federal investigation and made false statements to a grand jury. See Janerra Carson-Slaughter above – asked her to take gun and return it to auxiliary police officer who could not legally possess it in addition to false statements to GJ in relation to gun.
Daryl Moore 06-CR-30063-DRH Nov. 19, 2007	Distribution of a Controlled Substance 24 months, \$300 fine	East St. Louis electrical inspector that sold cocaine while on duty.
Mickey Dooley 08-CR-30010-GPM Dec. 8, 2008	Witness Tampering; Receiving Stolen Property; Theft; Conversion; False Statements; 120 Months, \$48,739 restitution	Alton police officer that stole evidence from crime scenes and police department and sold or kept for his own benefit.
Dorothy Richardson-Triplett 08-CR-30223-WDS Mar. 20, 2009	Theft; Conversion of Property 18 months, \$143,828 restitution	As payroll clerk for Washington Park, defendant stole \$143,828 from the village.
Linda Cannon Connor 09-CR-30020-DRH Sept. 11, 2009	Bribery; Fraud; False Statements 36 months on count 1, \$429,690 restitution	As treasurer for Washington Park, defendant stole \$429,690 from public funds.

Name Docket # Date of Judgment	Charge Sentence	Case Summary
Korey Rush 09-CR-30054-DRH Jan. 22, 2010	Fraud; Misappropriation of Federal Funds; Obstruction of Justice (Witness Tampering) 33 months, \$38,120 restitution	Misappropriated \$38,120 in federal funds to SIUE, and then asked a friend to lie about it. Used SIUE- issued card tied to grant funds on himself and his friends (meant to be used for program procurement)
Walter Hill 09-CR-30116-MJR Nov. 18, 2010	Attempted Extortion Under Color of Law; False Statement 60 months, \$5,000 fine, \$1,020 restitution	East St. Louis Deputy Liquor Commissioner. In his position, he extorted sexual favors, money, and/or alcohol in exchange for licenses.
Michael Collins 10-CR-30061-WDS Apr. 13, 2011	Tax Evasion; Election Fraud 50 months, \$342,375 restitution	Failed to file or filed false tax returns for 15+ years. Committed extensive voter fraud while acting as Democratic Precinct Chair. Used political influence to obtain city contracts.
Robert Cummings, Sr. 11-CR-30020-DRH June 10, 2011	Filing False Tax Returns 4 years probation, \$24,295 restitution	Former Alorton Chief of Police who claimed false dependents on his tax returns. Defendant paid women to get personal information of their children.
Albert Thompson 10-CR-30194-MJR July 29, 2011	Attempted Extortion Under Color of Law 12 months, \$1,000 fine, \$500 restitution	Assisted Walter Hill (see above) in extorting a victim.
Arthur Johnson 11-CR-30017-MJR Nov. 8, 2011	Fraud; Bribery 37 months, \$6,000 fine	Accepted bribes from Harold Rosen (above) while Director of East St. Louis Community Development Block Grant Program.

Name Docket # Date of Judgment	Charge Sentence	Case Summary
Robert McKinney John McKinney 11-CR-30029-DRH Dec. 2, 2011	Conspiracy to Commit Tax Evasion; False Statements 57 months each, \$2,465,090 restitution	Recipient of numerous contracts for the city of East St. Louis; evaded taxes for 6+ years.
Kim McAfee 11-CR-30141-WDS Dec. 9, 2011	False Statements; Fraud; Falsification of Records During a Federal Investigation 26 months, \$69,274 restitution	False statements regarding the discharge of a weapon while he was a Washington Park police officer; falsified pay records and paid less than prevailing wages as a business owner.
Harold Rosen 11-CR-30017-MJR Apr. 20, 2012	Fraud 48 months, \$66,449 restitution	Bribed an East St Louis city official to get preferential treatment for land development programs.
Michael Baxton, Sr. 12-CR-30008-DRH Apr. 27, 2012	Theft; Conversion; False Statements 12 months, \$3,000 fine.	Former Alorton Chief of Police. Converted three gaming consoles to his personal benefit and then lied to federal agents.
Ronnie Cummings 12-CR-30010-GPM July 19, 2012	Felon in Possession of Ammunition; False Statements 41 months, \$200 fine	Alorton city employee who sold a high capacity magazine to an undercover agent.
Randy McCallum 12-CR-30050-GPM Aug. 20, 2012	Possession w/ Intent to Distribute Crack Cocaine; Theft of Government Property; Attempt to Provide Contraband to a Prisoner; False Statements 43 months, \$800 fine; \$1,260 restitution	Former Mayor of Alorton. Stole police evidence, including drugs, and sold them. Convinced an officer to smuggle drugs to his son in jail.

Name Docket # Date of Judgment	Charge Sentence	Case Summary
Larry Greenlee 12-CR-30057-DRH Sept. 21, 2012	Theft; Conversion of Government Property 60 days then first 4 months of supervised release under home confinement	While on-duty as an East St. Louis police officer, took property from a vehicle for his own use.
Ramone Carpenter 12-CR-30212 MJR Feb. 1, 2013	False Statements 30 months, \$200 fine	East St. Louis police officer obtained sexual favors from a female motorist in exchange for not arresting her then lied about it to federal agents.
Eddie Johnson, Jr. 12-CR-30087-DRH Feb. 22, 2013	Theft; Conversion of Government Property; False Statements to Federal Agent and to Federal Grand Jury 15 months, \$6,195 restitution	While employed as a tow truck driver for the East St. Louis police department, stole valuables from a vehicle for personal use then lied to federal agents and a federal grand jury about it.
Stephen L. Carraway 12-CR-30321-WDS Mar. 13, 2013	Conspiracy to Defraud City of East St. Louis's Demolition Program, Money Laundering 30 months, fine of \$2,000	Owner of Steve's Hauling which provided building demolition services to the City of East St. Louis charged in a scheme that involved kickbacks to city officials for demolition contracts and falsely certifying liability insurance coverage.
James Bedell 13-CR-30064-MJR Apr. 17, 2013	Embezzlement and Theft from the City of Edwardsville 18 months, \$136,800 restitution	Edwardsville Police Chief stole towing fees, generally to support a gambling habit.

Name Docket # Date of Judgment	Charge Sentence	Case Summary
Corey Allen 12-CR-30327-MJR Sept. 27, 2013	False statements 24 months	Centreville Asst. Police Chief indicted for making false statements to investigators after stealing a firearm he recovered while on duty and selling it to a known felon and registered sex offender.
Frederick Bathon 13-CR-30025-DRH Dec. 6, 2013	Violation of Sherman Antitrust Act 30 months, \$20,000 fine	Madison County Treasurer who ran bid-rigging and price-fixing scheme and structured tax sale auctions to reward bidders who were campaign contributors.
Harry Halter, Jr. 13-CR-30200-MJR Jan. 9, 2014	Wire Fraud and Tax Evasion 24 months (12 months on each charge run consecutively)	The Alorton director of public safety and a Fairmont City police officer who also owned a towing business. Defendant converted TIF grant intended to build a fence in Alorton to pay personal and business expenses. He evaded taxes by operating his tow business through untraceable cash transactions and purposefully filing false income tax returns.
Orlando Ward 13-CR-30091-MJR May 9, 2014	Conspiracy to Distribute and Possess with Intent to Distribute Cocaine 60 months, 250 hours of community service for each of 3 years on supervised release, \$5,000 restitution	East St. Louis detective who provided information regarding law enforcement searches to drug operation in exchange for \$5,000. Offered to introduce a drug distributor into the drug operation.

Some of the defendants listed in **Table 4** were charged and sentenced while Hamilton engaged in his scheme to defraud East St. Louis Township. The parties recommend a sentence of one year and one day for Hamilton. In April 2012, Michael Baxton, former Alorton Chief of Police, was sentenced to one year in prison for stealing gaming consoles and lying to federal agents about it. In November 2012, Eddie Johnson Jr., a tow truck driver employed by the police department, was sentenced to thirteen months in prison for stealing property from a vehicle he was asked to tow. Hamilton was already stealing from the township with impunity, and he continued stealing for four more years after Baxton and Johnson were charged, sentenced, and imprisoned. At least ten public corruption-related sentences were handed down in this district while Hamilton was Township Supervisor. Nevertheless, he persisted, undeterred in his thievery. Corruption in East St. Louis cannot continue at this rate, and a guidelines sentence in this case may not send a message of deterrence to the public and to officials tempted to follow in Hamilton's footsteps.

CONCLUSION

In certain limited circumstances, it is proper to pursue the goal of general deterrence in sentencing, provided this goal is tempered by consideration of the defendant's individual characteristics to prevent the mechanistic imposition of sentences. *United States v. De La Cruz*, 870 F.2d 1192, 1195 (7th Cir. 1989). The Court considers the need for general deterrence while also balancing the need to impose an "individualized" sentence. *United States v. Molton*, 743 F.3d 479, 486 (7th Cir.

2014)(citing *Gall* 552 U.S. at 50.). The sentencing guidelines do not fully reflect the harm Hamilton inflicted on the residents of East St. Louis and the impact that his crimes will have for years to come. An above guidelines sentence is necessary to satisfy the goals of § 3553(a) of imposing a sentence that is sufficient, but no greater than necessary, and that reflects the seriousness of Hamilton's offense, promotes respect for the law, provides just punishment, and affords adequate deterrence, not just to Hamilton but also to those who consider abusing the public trust in the future.

The Court intends to send a clear message that public corruption will not be tolerated. It is corrosive and will not end without harsh sentences for officials who scorn the woes of the people they are called to serve. *See United States v. Anderson*, 517 F.3d 953, 966 (7th Cir. 2008). Those who choose to blatantly disregard the unacceptable nature of their betrayal of the public trust will not receive a light slap on the wrist. The parties' recommended sentence may be too light a punishment when Hamilton's conduct is analyzed for its impact on his community and his constituents, the victims who were all too vulnerable to his scheming. It may be insufficient to meet the goals and purposes of 18 U.S.C. § 3553.

The Court again stresses that it is in no way attributing all the evils outlined in this memorandum solely to Hamilton. The Court uses this information to gain appropriate perspective on the sentencing task of properly weighing all of the factors set forth in 18 U.S.C. § 3553(a). While the Court has determined that a within guidelines sentence may be inadequate, it has not determined what sentence is appropriate since it awaits arguments by counsel and the defendant's allocution.

The parties may, but are not required to, file a response to this memorandum.
Any response shall be filed on or before April 3, 2017.

DATED: March 23, 2017

s/Michael J. Reagan
MICHAEL J. REAGAN
Chief Judge
United States District Court