

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CRIMINAL ACTION
	)	
LAWRENCE ANTHONY FRANKLIN,	)	1:05 Cr 225
	)	1:05 Cr 421
Defendant.	)	
	)	

REPORTER'S TRANSCRIPT

SENTENCING HEARING

Friday, January 20, 2006

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BEFORE: THE HONORABLE T.S. ELLIS, III  
Presiding

APPEARANCES: OFFICE OF THE UNITED STATES ATTORNEY  
BY: KEVIN DIGREGORI, AUSA  
NEIL HAMMERSTROM, AUSA  
THOMAS REILLY, DOJ  
MICHAEL MARDEN, DOJ

For the Government

PLATO CACHERIS, ESQ.  
JOHN HUNDLEY, ESQ.

For the Defendant

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MICHAEL A. RODRIQUEZ, RPR/CM/RMR  
Official Court Reporter  
USDC, Eastern District of Virginia  
Alexandria, Virginia

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(Court recessed)

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(Court called to order in USA v. Franklin)

THE CLERK: 1:05 Criminal 225 and 1:05 Criminal  
421, United States versus Lawrence Anthony Franklin.

THE COURT: Mr. Hammerstrom, you are here for  
the government, together with Mr. Reilly -- oh, no, Mr.  
DiGregori.

How many of you are here?

ATTORNEY DIGREGORI: No --

THE COURT: Let me hear all of the appearances.

ATTORNEY DIGREGORI: Yes, your Honor. Kevin  
DiGregori and Neil Hammerstrom, assistant United States  
attorneys, and Thomas Reilly and Michael Marden from the  
Counter-Espionage Section of the United States Department of  
Justice, for the government.

THE COURT: All right. Good morning.

Mr. Cacheris, good morning to you.

ATTORNEY CACHERIS: Good morning, your Honor.  
Plato Cacheris and John Hundley for Mr. Franklin, who is  
present.

THE COURT: Good morning, Mr. Hundley.

ATTORNEY HUNDLEY: Good morning, your Honor.

THE COURT: And Mr. Franklin, good morning to  
you.

1                   Let me, if I may, let me have counsel briefly  
2 at the bench on a topic.

3                   (Side-bar conference held under seal)

4                   ---

5                   (End side-bar conference under seal, open court  
6 as follows:)

7                   THE COURT: Let me state for the public record,  
8 because the public is indeed entitled -- this is a public  
9 proceeding, except to the extent that it may involve  
10 classified information. And that, in fact, was the heart of  
11 what we were doing at the bench.

12                   The defendant and the government -- I don't  
13 remember whether it was the defendant with the concurrence  
14 or no objection of the government -- I think it was with the  
15 concurrence of the government -- sought a continuance of the  
16 sentencing today, which I denied.

17                   I typically deny those motions, for reasons  
18 which I have stated numerous times in open court -- and I  
19 won't restate here. And I did in this case, as well.

20                   However, it occurred to me after I denied it  
21 that there may be unusual circumstances or extraordinary  
22 circumstances here by virtue of the existence of classified  
23 information.

24                   I have explored that matter at the bench with  
25 counsel, and I am satisfied that we can proceed with the

1 sentencing today, without the use or involvement -- well, I  
2 think we established at the bench that we can proceed  
3 without the hearing of any classified information today.

4 But I am going to take a recess now to give us  
5 all a brief opportunity, and then I will proceed.

6 Counsel are here in the Savantage Financial  
7 matter?

8 UNIDENTIFIED SPEAKER 1: Yes, your Honor.

9 UNIDENTIFIED SPEAKER 2: Yes, your Honor.

10 THE COURT: All right. I will take that matter  
11 up once this sentencing is completed.

12 Court stands in recess for ten minutes.

13 (Court recessed at 11:00 a.m.)

14 (Court called to order at 11:37 a.m.)

15 THE COURT: This is United States against  
16 Franklin.

17 RECAPITULATION BY THE COURT

18 THE COURT: Let me recite at the outset that  
19 Mr. Franklin is before the Court for sentencing, having pled  
20 guilty and been found guilty of three charges: conspiracy  
21 to communicate national defense information, conspiracy to  
22 communicate classified information to an agent of a foreign  
23 government, and unlawful retention of national security  
24 defense information, the latter offense being the one that  
25 originated in West Virginia as a result of his having taken

1 documents home that he should not have taken home.

2           The record reflects, and the statement of facts  
3 confirms, that this defendant disclosed -- this defendant  
4 had authorized possession or access to national defense  
5 information, which is a generic, broad concept, having broad  
6 connotations, referring to military naval establishments,  
7 referring also to the related activities of national  
8 preparedness, national security and the like. So, he had  
9 authorized access to that.

10           And the record reflects that he had reason to  
11 believe that disclosure of that information could be used  
12 either to the injury of the United States or to the  
13 advantage of a foreign nation, and he willfully communicated  
14 that information to persons who were not entitled to receive  
15 that information.

16           Now, the record also reflects, as the -- the  
17 statute doesn't require that this defendant wished to hurt  
18 the United States. The statute requires that he committed  
19 this disclosure, having reason to believe that the  
20 disclosure could be used to the injury of the United States  
21 or to the advantage of any foreign nation.

22           The record reflects that this defendant did not  
23 seek to hurt the United States. In fact, he thought what he  
24 was doing in his scheme was helping to bring to the  
25 attention of the Executive Branch certain information

1 circuitously through these individuals who did not have  
2 authorization to possess this information.

3 To put it even more succinctly, he was  
4 concerned about a certain threat to the United States. He  
5 didn't think the NSC was sufficiently concerned about it.  
6 Rather than go through his chain of command to get it to  
7 their attention -- he didn't think it was practical -- so he  
8 thought bringing it to people who would bring to the  
9 National Security Council's attention made sense.

10 In that sense, this is a very odd case. But  
11 that, in essence, is what this record reflects, in addition  
12 to the West Virginia offense where he took classified  
13 information home, which is inappropriate.

14 He has pled guilty to all of that.

15 OBJECTIONS/CORRECTIONS TO PRESENTENCE REPORT

16 THE COURT: Let me inquire, Mr. Cacheris,  
17 whether you have had an adequate opportunity to review the  
18 Presentence Investigation Report and to review it with your  
19 client.

20 ATTORNEY CACHERIS: We have, your Honor.

21 THE COURT: And Mr. Franklin, have you had an  
22 adequate opportunity to review the presentence report and to  
23 review it with your counsel, Mr. Cacheris and Mr. Hundley?

24 THE DEFENDANT: Yes, I have.

25 THE COURT: And are you fully satisfied with

1 the advice and counsel he has provided to you in this case?

2 THE DEFENDANT: Yes, I am.

3 THE COURT: All right.

4 You may be seated.

5 Mr. DiGregori, I take it the government has had  
6 an adequate opportunity to review the presentence report.

7 ATTORNEY DIGREGORI: Yes, your Honor, we have.

8 THE COURT: Are there any objections or  
9 corrections?

10 ATTORNEY DIGREGORI: No, Your Honor.

11 THE COURT: Mr. Cacheris, are there any  
12 objections or corrections?

13 Mr. Hundley.

14 ATTORNEY CACHERIS: Mr. Hundley has one comment  
15 on the presentence report, your Honor --

16 THE COURT: All right.

17 ATTORNEY CACHERIS: -- if he may.

18 THE COURT: Mr. Hundley?

19 ATTORNEY HUNDLEY: Just a brief objection, your  
20 Honor, that won't impact the final Guideline calculation,  
21 but I wanted to put on the record nonetheless.

22 It has to do with the Guideline calculation  
23 applied to the West Virginia count.

24 THE COURT: Yes.

25 ATTORNEY HUNDLEY: In the draft presentence



1 report, the Guideline applied to that count was 2(m)(3.3) --

2 THE COURT: Just a moment. Let me get it  
3 before me.

4 ATTORNEY HUNDLEY: Okay.

5 THE COURT: 2(m)(3.3)(A)(2).

6 ATTORNEY HUNDLEY: Correct, was the Guideline  
7 applied in the draft presentence report.

8 We didn't object to that because we believed  
9 that was appropriate, and the government didn't object to  
10 that.

11 In the final presentence report, the Guideline  
12 applied by Ms. Coopwood to that count was 2(m)(3.2). It's  
13 the same Guideline --

14 THE COURT: Just a moment. I may have been  
15 reading from the wrong one. Hang on a moment.

16 It is now 2(m)(3.2)(A)(1).

17 ATTORNEY HUNDLEY: Correct.

18 THE COURT: Is that correct, in your view?

19 ATTORNEY HUNDLEY: Correct. 2(m)(3.2)(A)(1) is  
20 what is applied now.

21 THE COURT: All right.

22 That is the Guideline the Court applied.

23 ATTORNEY HUNDLEY: Okay.

24 THE COURT: Unlawful retention of national  
25 defense information, top secret information.

1 ATTORNEY HUNDLEY: Correct.

2 And our only point was that in the draft  
3 presentence report, it was a different Guideline which  
4 actually called for a lower sentence, which we believe was  
5 appropriate.

6 In the end, as I say, because the counts group,  
7 we end up with the same Guideline calculation.

8 THE COURT: All right.

9 ATTORNEY HUNDLEY: So we just wanted to put  
10 that on the record.

11 THE COURT: All right.

12 Because the parties have no objections or  
13 corrections to note, and what Mr. Hundley just noted is not  
14 material, the Court will adopt the findings and conclusions  
15 of the Presentence Investigation Report as its findings and  
16 conclusions in this matter.

17 Now, the Court held a bench conference and I  
18 concluded that the sentencing could proceed today because  
19 the sentencing could proceed without the disclosure of any  
20 classified information.

21 Is that correct, Mr. Cacheris?

22 ATTORNEY CACHERIS: That is correct, your  
23 Honor.

24 THE COURT: All right.

25 We are now at the point of allocution.

## 1 ALLOCUTION BY THE DEFENDANT

2 THE COURT: This is now your opportunity, Mr.  
3 Franklin, to address the Court and to say anything at all  
4 you wish to the Court by way of extenuation, mitigation or,  
5 indeed, anything at all you think the Court should know  
6 before sentence is imposed.

7 You are not required to say anything at all, if  
8 you don't wish to, but you have the opportunity to, if you  
9 wish to.

10 THE DEFENDANT: With all due respect to your  
11 Honor, at this time I would like to rely on my written  
12 statement --

13 THE COURT: All right.

14 THE DEFENDANT: -- which has already been  
15 provided to the Court.

16 THE COURT: All right.

17 That's appropriate. I have reviewed that. You  
18 may be seated.

19 THE DEFENDANT: Thank you, Judge Ellis.

20 THE COURT: All right.

21 I have indicated that I do not think it's  
22 appropriate to postpone this sentencing because, as a  
23 general rule, I don't do so. I don't do so because I don't  
24 want it to appear that the Court is in any way cooperating  
25 with the government in order to coerce testimony from

1 cooperating witnesses.

2 What happens to a witness should happen, and at  
3 the time of the testimony of that witness, matters should  
4 have gone appropriately ahead.

5 It's better to have the sentence already  
6 determined, so that there isn't an unwarranted exaggeration  
7 of the coercive effect of the sentence.

8 In many instances, if a defendant -- if a  
9 witness is not sentenced before a trial in which that  
10 witness testifies, it is possible to exaggerate the kind of  
11 sentence that witness really faces, and therefore to  
12 exaggerate for the jury the coercive effect of what that  
13 witness faces.

14 That, docket considerations by the Court, and  
15 the Court not wanting to provide the appearance of  
16 participating in coercing any testimony -- I used the word  
17 "coerce." Really, that's wrong, but that's the appearance.  
18 And, therefore, I don't postpone them.

19 In this case, there was an additional  
20 consideration, which I have considered, and that has been  
21 resolved. All right.

22 We are now at the point where counsel can be  
23 heard.

24 I have read your pleadings. Is there anything  
25 you wish to say in addition to that, Mr. Cacheris?

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ALLOCUTION ON BEHALF OF THE DEFENDANT

ATTORNEY CACHERIS: Well, your Honor has before you the presentence report, which we think very adequately describes Mr. Franklin as a long-time dedicated public servant, both in the DLA and the DOD. And as a reserve colonel in the Air Force, he has had a long and distinguished career.

As you know, your Honor, in this case from the inception Mr. Franklin has cooperated with the government, and is continuing to cooperate with the government. And we anticipate that at the end of his cooperation the government will file an appropriate motion which will release the Court from the constraints of the advisory Guidelines.

So we understand that at this point, your Honor, that the Guidelines are advisory, and you have every right to adhere to them. But we hope at another time, at another -- when we come back here, there will be a different situation.

We do ask that you consider his past patriotism, if you will, his cooperation, his intentions, as the Court so aptly stated them at the beginning of this session, that you impose the low end of the Guidelines, and continue the service of any sentence until his cooperation has been completed.

That's our request.

1 THE COURT: All right.

2 Mr. DiGregori.

3 ATTORNEY DIGREGORI: Very briefly, your Honor.

4 ALLOCUTION BY THE GOVERNMENT

5 ATTORNEY DIGREGORI: At the minimum, some of  
6 those things that Mr. Cacheris noted, his status as a  
7 Defense Department desk officer, his status as an Air Force  
8 reserve officer, and the numerous security briefings he had  
9 been given, the acknowledged security breaches he engaged in  
10 prior to these offenses, at minimum the defendant had reason  
11 to believe that his unauthorized disclosure to be used to  
12 the injury of the United States or the advantage of a  
13 foreign nation.

14 The danger of such unauthorized disclosure is  
15 that when you disclose national defense information to  
16 someone who is not entitled to receive -- anyone who is not  
17 entitled to receive it, the United States Government loses  
18 control of that information, and there is no way of knowing  
19 into whose hands that information might eventually.

20 We believe a Guidelines sentence is  
21 appropriate.

22 THE COURT: All right.

23 Any reason why the Court would not now impose  
24 sentence?

25 ATTORNEY CACHERIS: No, your Honor.

1 ATTORNEY DIGREGORI: No, your Honor.

2 IMPOSITION OF SENTENCE BY THE COURT

3 THE COURT: Mr. Franklin, come to the podium.

4 THE DEFENDANT: (Complies)

5 THE COURT: Mr. Franklin, you stand convicted  
6 of serious crimes, that is, conspiracy to communicate  
7 national defense information to persons not authorized,  
8 conspiracy to communicate classified information to a  
9 foreign government agent, and unlawful retention of that  
10 security information.

11 These are serious offenses, and Congress has  
12 appropriately prescribed severe penalties. And in setting  
13 an appropriate sentence, the Court has considered your  
14 history and characteristics, the nature and seriousness of  
15 the offense, the need to avoid unwarranted disparity in  
16 terms of people being sentenced for similar offenses, and  
17 the need for personal deterrence, directed at you, and  
18 general deterrence.

19 Now, with respect to your personal history and  
20 characteristics, the Court is fully familiar with your  
21 background of service as Mr. Cacheris has aptly described  
22 it. You have served in the military and you have served in  
23 government, and you have a long period of national service.  
24 And I have taken that into account.

25 I have also taken into account that you have no

1 criminal history.

2 I have also taken into account the seriousness  
3 of these offenses, which Mr. DiGregori just described very  
4 briefly.

5 It should be clear that -- what the  
6 significance -- this is a very significant matter, a very  
7 significant case. This is not significant solely or chiefly  
8 because of the nature of the statutes that you have  
9 violated. This case isn't about the merits or demerits of  
10 this particular statute. But what this case reflects --  
11 because people will argue lots of things about this statute,  
12 about the nature of the information, who it was disclosed  
13 to, all sorts of things.

14 It doesn't matter.

15 What this case is truly significant for is the  
16 rule of law. The law says what it says. The merits of the  
17 law really are committed to Congress. If it's not sensible,  
18 it ought to be changed. But they're -- that's the body that  
19 changes it, not the judiciary. The judiciary simply  
20 interprets and applies the law.

21 So, the real significance of this case is that  
22 we have a rule of law. There is a law that says that if you  
23 have authorized possession of national defense information,  
24 you can't disclose it to unauthorized people, if you have a  
25 reason to believe that it would hurt the U.S. or help a



1 foreign country.

2 It doesn't matter that you think that you were  
3 really helping. That's arrogating to yourself the decision  
4 of whether to adhere to a statute passed by Congress or not.  
5 And we can't do that in this country.

6 You may disagree with the application of the  
7 statute to you, but you can't use that disagreement to  
8 violate the law with impunity. Lots of people think that  
9 they are doing more good than harm if they disclose  
10 classified information to academia, to professors, to  
11 journalists, to other countries, to whoever -- or to  
12 whomever.

13 They can't make that calculation. It's not up  
14 to them to make. Congress has decided how this classified  
15 information should be treated. They have passed a law. The  
16 rule of law applies, and we are all subject to it, and we  
17 must also obey it.

18 So that's the real significance, is that we are  
19 a country committed to the rule of law.

20 So, any discussion about whether it makes sense  
21 to apply the law in this case, or whether it's a sensible  
22 law, is irrelevant to you, because you chose to violate the  
23 law.

24 That doesn't mean we shouldn't debate whether  
25 the law is a good law or not, as a people. It doesn't mean

1 that Congress shouldn't consider it. It's not for the Court  
2 to say. It's none of the Court's business. The Court's  
3 business is to interpret and apply the law, and we are a  
4 country under which everyone is subject to the rule of law.

5 So, there is no excuse for you thinking that  
6 you could get to the NSC circuitously by disclosing national  
7 defense information to unauthorized persons. And it doesn't  
8 matter who you disclosed it to. It doesn't matter whether  
9 you disclose it to a newspaper. It doesn't matter whether  
10 you disclose it to people who are fierce American patriots,  
11 or anything else. It doesn't matter. It can't be  
12 disclosed. That's the rule of law.

13 That doesn't mean that I view this case the  
14 same as I would view this case back when I first went on the  
15 bench, in the 'Eighties, seeing people disclose things,  
16 national defense information, to the Soviet Union as it then  
17 existed. Because, of course, the circumstances would be  
18 different. But not different in -- to the extent of excuse,  
19 not at all.

20 But I have considered the nature and  
21 seriousness of the offense. And it is a serious offense.  
22 As Mr. DiGregori pointed out, once the information gets into  
23 unauthorized hands, who knows where it goes? Who knows  
24 where it travels?

25 That's why it is classified, to insure that

1 only the people with the need to know, with that  
2 classification, receive it.

3 I have also considered the need to avoid  
4 unwarranted disparities. And in that regard, the Guidelines  
5 are an important benchmark. And I typically use the  
6 Guidelines in order to avoid unwarranted disparities.

7 In this case I see no substantial reason -- and  
8 I don't need to find something in the Guidelines to depart,  
9 that is, a Guideline departure before I would depart. I  
10 sometimes depart without any Guideline departure, if the  
11 circumstances warrant.

12 Because the command to the Court is not to  
13 impose a sentence that is more severe than necessary to meet  
14 these goals in the statute; that is, the deterrence, respect  
15 for the law, and the like.

16 Given all of that, it is the judgment of this  
17 Court that you be sentenced and committed to the custody of  
18 the Bureau of Prisons to serve a term of 120 months on  
19 Count 1 and Count 5 of the Case 05-225; that is, 120 months  
20 on the conspiracy to communicate national defense  
21 information to unauthorized persons, and Count 5, conspiracy  
22 to communicate classified information to an agent of a  
23 foreign government. As to those counts, it's 120 months on  
24 each, but the sentences are to run concurrently.

25 With respect to Count 5 -- I'm sorry, I

1 misspoke there.

2           On Count 1, which is the conspiracy to -- the  
3 conspiracy to communicate national defense information to  
4 unauthorized personnel is in Count 1 of the indictment,  
5 superseding -- or the indictment in this case, is  
6 120 months; Count 1 of the West Virginia matter is also  
7 120 months, those sentences to run concurrently.

8           With respect to Count 5 of the indictment from  
9 this district, which is the conspiracy to communicate  
10 classified information to an agent of a foreign government,  
11 you are to serve a period of 31 months imprisonment.

12           And that sentence is to run consecutive to the  
13 other two sentences, for a total sentence of 151 months.

14           The Court concludes that that sentence  
15 adequately accommodates the goals of the Federal Criminal  
16 Justice System, in that it provides adequate deterrence,  
17 both general and specific, and because it promotes respect  
18 for the law. That's why I emphasized the rule of law.

19           I will also impose a \$100 special assessment  
20 for each count, for a total of \$300.

21           And I am going order that you serve a period of  
22 supervised release of three years on each of these counts,  
23 and that term is to run concurrently. That is, all three  
24 three-year counts are to run concurrently.

25           The Court does not impose any special drug

1 testing, because the record does not reflect the need for  
2 that.

3 The Court does not impose a financial or a  
4 punitive fine, in view of the forfeiture.

5 What is the extent of the forfeiture, Mr.  
6 DiGregori, Mr. Cacheris?

7 ATTORNEY DIGREGORI: There's no forfeiture.

8 ATTORNEY CACHERIS: There is no forfeiture,  
9 your Honor.

10 THE COURT: There is no forfeiture?

11 What -- you didn't argue about the ability to  
12 pay a fine, Mr. DiGregori. What's the government's position  
13 in that regard?

14 ATTORNEY DIGREGORI: Your Honor, the government  
15 will defer to the Court on that.

16 THE COURT: All right.

17 What is the Guidelines fine range?

18 Is the probation officer -- Ms. Coopwood?

19 PROBATION OFFICER: Yes, your Honor.

20 THE COURT: What's the Guideline range?

21 ATTORNEY CACHERIS: Two fifty, I think, for  
22 each count.

23 PROBATION OFFICER: It's 17,500 to 175,000.

24 THE COURT: All right.

25 The Court will order the payment of a \$10,000

1 fine, due and payable immediately. If not paid  
2 immediately -- that's the figure I originally had noted --  
3 then you are to pay it at the rate of \$250 a month within  
4 60 days of your release from confinement.

5 Now, the Court will allow you to surrender  
6 voluntarily and the Court will also stay the service of your  
7 sentence pending the completion of your cooperation, which  
8 extends beyond the matter that is the subject of the  
9 indictment in this district.

10 I also want to mention that I took account,  
11 Mr. Franklin, of the fact that I believe -- I accept your  
12 explanation that you didn't want to hurt the United States,  
13 that you are a loyal American and a patriot, and you  
14 thought -- that you perceived this problem, and you thought  
15 the only way to get this problem to the attention of the NSC  
16 was in this odd, circuitous method that you chose.

17 I have told you that that is, of course, a  
18 violation of the law, no matter what your motive may have  
19 been.

20 And Mr. DiGregori has properly pointed out that  
21 one of the problems with that is that once classified  
22 information escapes, its destination or destinations can't  
23 be predicted.

24 Now, what I didn't mention is that, as I also  
25 read this record, I see some element of personal ambition,

1 namely, you wanted to be on the NSC. And you had hoped some  
2 of these people might help you. That's not as laudable a  
3 motive.

4 But I think what really drove you is what you  
5 stated in your statement. I accept that.

6 Now, have I omitted any aspect of the sentence?

7 ATTORNEY DIGREGORI: One moment, your Honor.

8 THE COURT: All right.

9 While he is conferring...

10 Mr. Franklin, I tell all defendants, as you  
11 heard earlier in the courtroom today, that life is making  
12 choices and living with the consequences of the choices you  
13 make. You've made some good choices in life. Your record  
14 reflects that.

15 But where you ran afoul is arrogating to  
16 yourself the decision whether to comply with the law, even  
17 though you thought you could bring about a benefit.

18 That's not open to Americans. We are committed  
19 to the rule of law. So, all persons who have authorized  
20 possession of classified information, and persons who have  
21 unauthorized possession, who come into possession in an  
22 unauthorized way of classified information, must abide by  
23 the law. They have no privilege to estimate that they can  
24 do more good with it.

25 So, that applies to academics, lawyers,

1 journalists, professors, whatever. They are not privileged  
2 to disobey the laws, because we are a country that respects  
3 the rule of law, and that's the real significance.

4 Anything further, Mr. DiGregori?

5 ATTORNEY DIGREGORI: No, your Honor.

6 THE COURT: Mr. Cacheris?

7 ATTORNEY CACHERIS: One thing, your Honor.

8 THE COURT: Yes.

9 ATTORNEY CACHERIS: It may be --

10 THE COURT: He remains --

11 (Simultaneous discussion)

12 ATTORNEY CACHERIS: -- premature --

13 THE COURT: -- subject to his current  
14 conditions of release, pending further order of the Court.

15 ATTORNEY CACHERIS: Right.

16 It may be premature, your Honor, because we  
17 intend to be back here for appropriate final sentence, but  
18 to the extent that the Court can recommend, at the time that  
19 he begins commencement of any sentence, that he would serve  
20 at Cumberland, as the federal institution.

21 THE COURT: Yes, that is an appropriate  
22 recommendation. And you have to remind me at the  
23 appropriate time to include that.

24 I will include it in the original JNC, but you  
25 need to remind me about it.



1 ATTORNEY CACHERIS: I will.

2 THE COURT: I will grant that request.

3 Anything further in this matter today,

4 Mr. DiGregori or Mr. Cacheris or Mr. Hundley?

5 ATTORNEY CACHERIS: No, your Honor.

6 ATTORNEY DIGREGORI: No, your Honor.

7 ATTORNEY HUNDLEY: No, your Honor.

8 THE COURT: All right.

9 I thank counsel for your cooperation.

10 (Court adjourned in USA v. Franklin).

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2 CERTIFICATE OF REPORTER  
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4  
5 I, MICHAEL A. RODRIQUEZ, an Official Court  
6 Reporter for the United States District Court, in the  
7 Eastern District of Virginia, Alexandria Division, do hereby  
8 certify that I reported by machine shorthand, in my official  
9 capacity, the proceedings had upon the sentencing hearing in  
10 the case of UNITED STATES OF AMERICA v. LAWRENCE ANTHONY  
11 FRANKLIN.

12  
13 I further certify that I was authorized and did  
14 report by stenotype the proceedings in said sentencing  
15 hearing, and that the foregoing pages, numbered 1 to 26,  
16 inclusive, constitute the official transcript of said  
17 proceedings as taken from my machine shorthand notes.

18  
19 IN WITNESS WHEREOF, I have hereto subscribed my  
20 name this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

21  
22  
23 Michael A. Rodriguez, RPR/CM/RMR  
24 Official Court Reporter  
25

MICHAEL A. RODRIQUEZ, RPR/CM/RMR