

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

VS.

CARLOS I. URESTI

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SA:17-CR-00381-DAE (1)

DEFENDANT CARLOS I. URESTI'S SENTENCING MEMORANDUM

COMES NOW Defendant Carlos I. Uresti, by and through his undersigned counsel, and submits this Sentencing Memorandum for the Court's consideration:

I. INTRODUCTION

Despite his fall from grace after the conduct involved here, this Court should nevertheless accept as true, that the overwhelming portion of the life of Carlos Uresti did not involve criminal conduct. His life has been devoted to helping others, and to making this state a better place for all Texans. The good and just outcomes that he accomplished for his community should stand as a significant mitigating force in the consideration of his ultimate sentence.

The man this Court is to sentence has served our country, state and local community honorably for decades. He served in our country's armed forces as a proud member of the United States Marine Corps. He then served others during a selfless early legal career, and ultimately made substantial contributions to the public good through honorable public service. This included (1) an emphasis on serving Texas' children through the Blue Ribbon Task Force that he championed, his singular legislative focus on helping children by fighting child abuse and by providing extensive charity work for children; (2) his work in educating the children of Texas; and (3) a tireless legislative voice for his fellow veterans. Moreover, letters provided to this Court

provide convincing evidence that Carlos Uresti has inspired countless other in his community to better themselves.

Indeed, as shown herein, so many people come before this Court to plead for a lenient sentence that considers the “total” life of this fine man, rather than just the relatively short nine-month period in Four Winds Logistics. The law allows this Court to both impose a downward departure from the Adjusted Offense Level sentencing guidelines ultimately determined to be applicable, and also to impose a downward variance based on the statutory factors this Court will consider. This memorandum serves to provide the Court with ample information that sets this particular defendant apart from others typically prosecuted for these types of crimes. For this reason, Defendant, his counsel, and the many who have communicated to this Court respectfully ask this Court to impose a downward departure and variance.

II. APPLICABLE LEGAL STANDARD

The “over-arching provision” of 18 U.S.C. § 3553(a) is to impose a sentence “sufficient, but not greater than necessary” to meet the goals of sentencing established by Congress.¹ Though this Court must still consider the sentencing guidelines, the Supreme Court has held under *United States v. Booker* and its progeny that the Guidelines are “merely one sentencing factor among many, and the calculated guideline range must be considered in conjunction with the other § 3553(a) factors.”² The guidelines do not have “quasi-mandatory status.”³ Under the federal sentencing statute, a “sentence sufficient, but not greater than necessary” to meet certain goals, includes consideration of “(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

¹ *Kimbrough v. United States*, 552 U.S. 85, 101 (2007).

² *United States v. Reinhart*, 442 F.3d 857, 864 (5th Cir. 2006), *cert. denied*, 127 S.Ct. 131 (2006) (*citing United States v. Booker*, 125 S.Ct. at 756-757).

³ *United States v. Reinhart*, 442 F.3d at 864.

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 (3) the kinds of sentences available."⁴

This case involves a unique set of circumstances, given Carlos Uresti's relatively minor role; the vast qualitative and quantitative difference in the monies gained by Mr. Uresti relative to other defendants; the extent to which the victims were counseled by experienced investors and financial analysts; and Mr. Uresti's extensive and remarkable life devoted to publically serving his fellow citizens, including what one person wrote: the "extraordinary" charitable and civic work Carlos Uresti undertook throughout his life.

Additionally, this Court can and should take into account the significant military, civic, charitable and public service Carlos Uresti has given to his community. In pertinent part, Section 5H1.11 of the Sentencing Guidelines provides:

Military, civic, charitable or public service; employment related contributions and similar prior good works are not ordinarily relevant in determining whether a departure is warranted. (Emphasis added).

When however, as in this case, the charity and civic work engaged in by a defendant is extensive in scope and indeed "extraordinary", courts throughout the country have recognized the authority of a sentencing Court to order a substantial downward departure from the Guideline sentence that would otherwise apply. Notably, Carlos Uresti did not only provide any one of the types of service noted in Section 5H1.11. His life demonstrates he gave *each and every one* of them. As fully demonstrated below and in the letters provided to the Court, Mr. Uresti gave military service, civic service, charitable service, public service, and employment related contributions. All of them. Clearly, the Court has before it a unique and extraordinary defendant.

⁴ 18 U.S.C. § 3553(a)

A very important factor that a sentencing court is to consider when determining the extent of a departure under 5H1.11, is the nature, extent, and quality of the contributions by the defendant, with some courts recognizing that the "time" contributed by a defendant to a charitable organization is to be more highly rewarded than those cases in which the contributions of a defendant consist exclusively of the giving of money. Where such good works have been "extraordinary," a downward departure is appropriate, even under a mandatory Guidelines system, "if the [discouraged] factor is present to an exceptional degree or in some other way makes the case different from the ordinary case where the factor is present." *United States v. Canova*, 412 F.3d 331 (2d Cir. 2005), *citing Koon v. United States*, 518 U.S. 81, 96 (1996); *accord United States v. Sprei*, 145 F.3d 528, 534 (2d Cir. 1998). In *Canova*, the court affirmed a downward departure, finding that the record "plainly demonstrate[d] the 'exceptional degree' of the defendant's public service and good works. *Id.* at 358-359.

The letters submitted in support of Carlos Uresti demonstrate that he engaged in hundreds of extremely impressive acts of charity on a daily basis throughout his adult life and through those efforts, has altered the lives of hundreds, if not thousands, of people.

Here, as demonstrated in so many of the letters written to your Honor, the acts of kindness, giving and public service by Mr. Uresti, went far beyond the "ordinary" and have continued for over 20 years. It is respectfully submitted that Mr. Uresti should now be given credit for the extraordinary life he has led, a life that is so out of character with his offense conduct.

As Judge Rakoff in the Southern District of New York explained:

[S]urely, if ever a man is to receive credit for the good he has done, and his immediate misconduct assessed in the context of his overall life hitherto, it should be at the moment of his sentencing, when his very future hangs in the balance. This elementary principle of weighing the good with the bad, which is basic to all the great religions, moral philosophies, and systems of justice, was plainly part of what

Congress had in mind when it directed courts to consider, as a necessary sentencing factor, ‘the history and characteristics of the defendant.’ (Emphasis added.)

This lifetime of important work is documented in the letters we have submitted, which through their collective eloquence speak directly to this issue. All who have written ask this court to sentence Mr. Uresti with compassion and great leniency because in the minds of so many, Mr. Uresti has earned that consideration and compassion at this most difficult time in his life.

Counsel respectfully submits that if this Court looks to the Guidelines for guidance in attempting to structure an appropriate sentence in this case, it is important to also consider the recognized departure for “extraordinary” charity, cited with approval by so many other Courts, especially in a case like this where the undisputed facts support a finding that Mr. Uresti engaged in a lifetime of charity, and civic work on a level that is almost breathtaking. As Judge Rakoff observed in *Adelson*, this life of good work must count for something when standing before a sentencing court.

III. APPLYING THE FACTORS OF 18 U.S.C. § 3553(a)

A. THE HISTORY AND CHARACTERISTICS OF THE DEFENDANT.

Mr. Uresti, who will celebrate his 55th birthday on September 12, 2018, was born the youngest of eight children here in San Antonio. From his father, who drove rigs across the country, and his mother, a homemaker, Mr. Uresti learned the value of hard work and the lessons offered by struggle. One of the considerations a court may look to when determining the “character” of the person about to be sentenced, is whether or not a particular defendant is a good person who despite his criminal conduct, nevertheless attended to the needs of his family and as in this case, the greater community at large. We have submitted to this Court, on Friday June 22, 2018, a binder containing letters written specifically to Your Honor from Mr. Uresti’s family, friends, colleagues, and constituents, all of whom have attested to the devotion of Carlos Uresti to his community and

to his family. Whatever faults about Mr. Uresti this investigation and his subsequent trial may have revealed, one thing remains unchallenged; Mr. Uresti is considered by scores of people who worked with him professionally as a hard-working public servant and a tireless advocate for all Texans, with a particular emphasis on children, veterans, and the elderly. What is beyond dispute is that his extraordinary work ethic was not limited to his professional obligations. As so many who have written to this Court verify, he applied the same vigor, the same tenacity and the same energy to every charitable, philanthropic and humanitarian cause he undertook.

1. Service in our United States Military.

After graduating from McCollum High School on the south side of San Antonio, Carlos Uresti voluntarily enlisted in the United States Marine Corps Reserves at the age of 18. Mr. Uresti put himself through undergraduate school at St. Mary's University where he earned a Bachelor's Degree in Political Science. He left San Antonio upon being commissioned as an officer in the U.S. Marines, and was stationed at Camp Pendleton. Mr. Uresti rose to the rank of Captain in the Marine Corps, earning the Navy Achievement Medal during his four years of active duty as a combat engineer. His service concluded with an honorable discharge.

In 1989, **Commanding Officer W. B. Blackshear Jr.** highly endorsed Mr. Uresti prior to his return to San Antonio for further education.

First Lieutenant Uresti always produces, even with the least possible supervision and always performs with confidence, poise, and precision. Equally adept in field or garrison, with exceptional skill in operational combat service support, he continually ensures the issuance of clear, thorough mission orders, and applies supervision in every functional area in his purview.

Possessing the strongest motivation for life-long Marine Officer service, **First Lieutenant Uresti has the highest value to our Corps of any augmentation applicant I have known from the combat support fields.**⁵ (Emphasis added.)

⁵ Exhibit 1 to Defendant's Sentencing Memorandum

The wording of Commanding Officer Blackshear cannot be taken lightly. After undoubted decades of honorable and extraordinary service himself, this Commanding Officer noted that Carlos Uresti has "*the highest*" value to the United States Marine Corps that this Commanding Officer had ever known from the combat support fields. This alone is a remarkable and unique characteristic to be considered under Section 3553.

2. Honorable Legal Career.

After his military career, Mr. Uresti returned to St. Mary's University School of Law, from which he graduated in 1992. His subsequent twenty-five-year tenure in private practice has been far from glamorous. Mr. Uresti's first office still stands on Pleasanton Road, a modest structure the size of a taco stand, and later to be used as such, when the Uresti Law Office needed more space and expanded elsewhere. From the start, Mr. Uresti focused on helping others, rather than on high-dollar cases sought by so many others.

As your Honor reads about the legal career of Mr. Uresti, it is an important constant to remember that Mr. Uresti and the firm he built were not just about money. As so many who have written to your Honor independently verify, Mr. Uresti honestly cared about the clients he represented, cases he initiated, the reforms he brought about and the courageous pro bono work he undertook. **Mikal Watts**, a prominent San Antonio attorney and decades-long friend of Mr. Uresti, compares his legal career to that of his friend's:

While I have been a practicing attorney for more than 28 years, and am proud of my record achieving high-dollar verdicts of big corporations that have taken advantage of people, Carlos as an attorney chose another path. Instead of chasing the large compensation offered by Big Law or a personal injury practice, Carlos always put his law office near his people. He focused on child custody issues, family law, misdemeanor defense, and *pro bono* legal work. For more than 20 years, Carlos used his law license not as path to riches, but as a vehicle to serve his people who needed him. While I have made large sums of money with my law license, I have always admired Carlos' decision to spend his law career with a "people first, money last" mindset.

Lorella Garza summarizes how Mr. Uresti helped her family grow.

My husband and I struggled for many years to have children and never could. We decided to go through The Children's Shelter of San Antonio to foster to adopt a child. We were blessed with a newborn baby boy in November 2010 who was born to a drug addict mother and drug dealer father. We struggled many times when his birth parents were fighting to keep him. *I will never forget the day that Carlos stepped up and wanted to represent our family in court. In my mind, I knew he had bigger and better cases to work on but in my heart, he made me realize how much he loves these children and fights for them to have a better life. With our case it was not about the money he could make which was minimal but about placing this innocent child in a good home.* And then one year later he once again helped us adopt our baby girl from the Children's Shelter. Because of this we have developed a great respect and love for him which we can never repay him for. He has helped us make our family complete and our hearts full. (emphasis added)

All too often lawyers and politicians become enamored with their own accomplishments and forget who they represent. Mr. Uresti paid careful attention to his roster of clients and despite his own busy political career, kept proper perspective and focused on the clients, who needed him to be their voice. **Raúl & Aida Carrillo** express to Your Honor their thankfulness for Mr. Uresti's whole-hearted assistance to their family:

My family could have been a number- but Mr. Uresti set aside his busy schedule to make sure that my family's problems were solved. He is not a man that pushes away, but rather uses his compassion to help.

It is because of people like him that I know there are still good people I can trust and that I can learn from and grow.

His son, **Carlos A. Uresti Jr.**, worked as his father's office administrator for ten years, adding:

[H]e made me realize that the law firm was a business and to treat issues firm but people right. He treated clients fair and would often write off clients bills. As his Administrator this was frustrating but that is just who he is a caring loving person. Regardless, of the type of case or client he treated them with respect.

Lisa Uresti Dasher worked at her uncle's law office in her first years as an attorney, observing:

While working in his office, I witnessed first-hand the clients he helped. I saw people of all walks of life come to him for assistance. I saw how he treated each and every one with the same amount of respect. But, I also saw how busy he got

and how overworked he was. But, that never got him down. He stayed late and did what he needed to do to get the job done. During this time, I really got to know my Uncle Charlie on a different level. I already knew what a great and loving uncle and father he was. But here, I learned what a great and truly selfless person he was. He never hesitated to help those who came into his office. Even when people didn't have money to pay him, he would tell me, "just help them.... I will still compensate you for your time." And, he sure did compensate me, even though he didn't always get paid from his clients.

3. Substantial Contributions to Public Good through Honorable Public Service

First elected in 1996, Carlos Uresti served Texas in the 118th District of the Texas House of Representatives for nine years, then as the Senator for its 19th Senatorial District for another twelve years. For twenty-one years, Mr. Uresti worked tirelessly to create legislation to benefit those that elected him to represent them. ***Mr. Uresti has earned well over one hundred awards and recognitions for his legislative work***, though the recognition he sought was the knowledge that he was helping the voiceless.

It would be difficult if not impossible to overstate the significance of the work Mr. Uresti has undertaken, which places him in a unique position before this Court relative to all other defendants. He championed so many important causes with an unending effort that collectively benefited countless citizens throughout Texas. The following is a only a handful of important examples to clearly demonstrate the "good" accomplished by Mr. Uresti throughout his life. These examples are not intended to minimize or excuse the criminal conduct that Mr. Uresti was found by a jury to have participated in. Rather, we ask your Honor acknowledge the jury's verdict of criminal conduct, but to not allow it to completely besmirch a brilliant career and a lifetime of good, meaningful, honest work.

1. **An Emphasis Serving Texas' Children**

(a) **The Blue Ribbon Task Force Fighting Child Abuse**

In 2003, a four-year-old boy named Jovonie Ochoa was starved to death by his grandmother and grandfather. This tragedy affected Uresti, then a seventh-year state representative, more than he could ever have imagined before. Carlos Uresti's brother, State Representative **Tomas Uresti**, describes the origin of Carlos Uresti's relentless fight to prevent this form of horror from affecting another child:

I believe the most important program Senator Uresti ever started was The Blue Ribbon Task Force. This began after the death of a toddler, Jovonie Ochoa that was starved to death by his grandmother. I KNOW this ripped Carlos apart as he has never stopped speaking of it or acting on child abuse because of it. Child Abuse Awareness became his priority over everything else in life. This program had a domino effect as we now have many organizations with the same goal of bringing awareness to child abuse.

Bexar County District Attorney **Nicolas LaHood** reflects on Jovonie's Christmas morning death as one that "shook our community to the core":

This tragedy moved Carlos to initiate the Blue Ribbon Task Force soon after. His vision was to combine local community leaders, organizations, and volunteers to form a coalition to advocate for children, offer parental support, and educate the public on child abuse awareness and prevention initiatives. Since 2003, the task force has grown tremendously, and has focused on advancing community-based solutions for the problems of child abuse and neglect. Through education, support, and prevention efforts, the Blue Ribbon Task Force helped create a community where all children are cherished and protected - all under Carlos' leadership.

Established in 2004, through Rep. Uresti's efforts, the Blue Ribbon Task Force brings together organizations in the San Antonio with local elected officials to discuss and coordinate strategies for the prevention of child abuse in Texas. The task force also acts as a clearinghouse of services for San Antonio families, which may be in the middle of a crisis and in need of support or stability. The impact of Mr. Uresti's action then has been felt around the community, state, and country. **Daniel Chavez's** family was forever changed in the aftermath of Jovonie's death:

I was blessed by the opportunity to adopt the two biological sisters of a 4-yr child who was murdered by his grandmother and uncle in 2003. The child's name was Jovonie Ochoa.

As a State Senator, Mr. Uresti, initiated a state law and formed a coalition named the Blue Ribbon Task Force, which focused on Jovonie's loss and how we, as people, can prevent and protect these children from abuse and neglect at the hands of their family.

The letter of **Elyssa Chavez** is a sterling example of a very good life saved because Carlos Uresti cared:

Uresti has made a huge difference in my life since I was at the age of five. He has provided me and many children a chance to live a good life and a way to escape the clutches of those who seek to harm us instead of protecting us.

I was a victim of child abuse, as are so many poor children. I have been through the horrors of death threats by biological family members, I have been forced to hide in dark places to protect myself, and I even watched my brother die by the hands of people who were supposed to take care of us. But despite all that, and being scared to raise my voice against those who abused me, Senator Uresti provided me that strength.

He has made it possible to protect children like me and to give them a brighter future, he has made it possible for children of abuse to be able to seek better homes and to rise up against their oppressors without fear.

This is a man who has gone above and beyond to protect us children who were not able to protect ourselves.

And I have come, and I will stand on his behalf and aid him in his time of need. Uresti is a *Good* man. As I said before, I am a testament to that. And so is my Brother, Jovani Ochoa, and the many voices of all the nameless children who fall victim to abuse.

He is our voice. He is our helper. (emphasis added)

(b) Carlos Uresti's Singular Legislative Focus on Helping Children

Mr. Uresti's passion for child safety is simply irrefutable. To appreciate his earnest conviction to help others is paramount in understanding who Mr. Uresti is at his core. Mr. Uresti

proudly authored and originated bills throughout his career which made Texas a better place for children of all walks of life:

- **Senate Bill 11 (2017)** –
Relating to the administration of services provided by the Department of Family and Protective Services, including foster care, child protective, relative and kinship caregiver support, and prevention and early intervention services.

- **Senate Bill 200 and Senate Bill 206 (2015, Sunset Bills)** –
Mr. Uresti was directly responsible for elevating the Prevention and Early Intervention division at the Department of Family and Protective Services to an independent office directly under the DFPS Commissioner. He likewise helped to shape the streamlining of data collection and reporting at DFPS to reduce duplicative paperwork for caseworkers without losing valuable information used by child welfare advocates.

- **Senate Bill 1154 (2011)** –
Continues the Statewide Blue Ribbon Task Force until 9/2013.

- **Senate Bill 116 (2011)** –
Kristy Appleby Act allows 3rd party protective orders in dating violence situations.

- **Senate Bill 156 (2011)** –
Expands the Nurse Family Partnership (program to prevent child abuse/neglect).

- **Senate Bill 758 (2007)** –
Improves CPS by increasing substance abuse intervention efforts. Also increases adoption subsidies for special needs children. Requires fingerprint background checks for daycare center employees and implements unannounced inspections of residential child-care facilities.

Having spent nearly a decade as a state Representative, Mr. Uresti also sponsored and championed the house bills of others from his position as a Senator:

- **House Bill 1217 (2015)** –
The bill would amend the Family Code as it relates to reporting information for certain foster children who are missing or are victims of sex trafficking. The bill would also amend the Family Code to require the Department of Family and Protective Services (DFPS) to prepare and disseminate certain child protection statistics by county.

- **House Bill 2630 (2015)** –

The bill would require the Department of Family and Protective Services (DFPS) to develop and implement a five-year strategic plan for prevention and early intervention services. Not later than September 1 of the last fiscal year in each five-year period, DFPS is required to issue a new strategic plan for the next five fiscal years. The initial strategic plan would be due by September 1, 2016.

- **House Bill 699 (2015)** –

Will ensure our college campuses have a campus sexual assault policy that is presented to incoming students, readily available on the school's website and updated on a consistent basis.

- **House Bill 2170 (2011)** –

Amended Foster Children's Bill of Rights.

Mr. Uresti's vote, voice, passion and experience directly impacted the enactment of numerous other bills, as detailed in the attached supplemental summary of his twenty-one years of legislative accomplishments.⁶ Mr. Uresti's focus on protecting children throughout his career is universally noted by his family, friends, colleagues, and constituents. Throughout his life, **Mike Manly** has "noted that Mr. Uresti has a demonstrated passion to help and support the growth and development of children":

His legislative work to reform Child Protective Services for the betterment of helping children in danger serves as proof. Further, he has shared with me his involvement with various charitable organizations, one of which provides toys to under privileged children during the holiday season.

Robert McAlexander met Carlos Uresti nearly forty years ago, and the two began a "long enduring friendship" sprouting from their origins in Junior ROTC. Mr. McAlexander lauds Mr. Uresti's commitment to helping children:

These convictions are truly out of character for Charlie and weigh low on all affected. Charlie has been a highly regarded member of society and been a leader in the advocacy and focus on the children of Texas and his community. *The welfare and needs of the children of Texas has been a major focus of Charlie's attention throughout his over 22 years of public service to the community.* (emphasis added)

⁶ Exhibit 2 to Defendant's Sentencing Memorandum

Mr. McAlexander will never forget the thoughtfulness and compassion that Mr. Uresti extended to him and to his son, even after Mr. Uresti's conviction:

Despite the intense personal grief he has experienced through the trial and conviction, Charlie still has taken time to focus on those in need. My only son Ryan, was born with Muscular Dystrophy. Charlie and his family always made my son Ryan feel like a king and although Ryan was wheelchair bound and didn't like to go out much, he would always love to attend events held by Charlie. Ryan passed away on February 24, 2018 at the age of 19. Even though Charlie was at his lowest personal period with the conviction, he took the time on multiple occasions to visit and comfort my son Ryan during his last days. Charlie was there during my son's final hours/minutes of life and he brought great comfort to Ryan and me, even to the point of having former Spurs Basketball player David Robinson there to pray over Ryan in his final hours.

Diana Martinez worked with Mr. Uresti for years, in her position as the Vice President of Public Policy for the Texas Assisted Living Association:

Carlos Uresti's dedication and work on child abuse prevention issues has been inspiring. He has been committed to the issue of child abuse prevention since he was first elected to office. *He has done more to advance the issue of child abuse prevention than any other legislator I have worked with through the years. He has worked on the issue tirelessly. He has helped secure incredible amounts of funding for child abuse prevention programs, has helped reform Child Protective Services, and has passed many laws protecting children. He has gone above and beyond to talk to an unimaginable number of people on the subject: caseworkers, judges, lawyers representing parents and children, parents in the system, victims of abuse, advocates, and fellow legislators.* He has worked not only on the state level but also on the local level with countless organizations. He has been a pioneer in the area of child abuse prevention and reforming Child Protective Services.

Senator Uresti's dedication to the issue of child abuse prevention has been awe inspiring. He has inspired me and countless others. He has given a great deal to the State of Texas and to its children. (emphasis added)

(c) Extensive Charity Work for Children

Andrew Del Cueto emphasizes Carlos Uresti's "tireless commitment to children's issues":

Carlos deeply cares about the community. Ever since I have known Carlos he has been an advocate for children. These are the individuals that cannot vote, have no choice to whom they are born and are the most vulnerable in our society.

[F]or the past ten years Carlos has worked hard to provide children with school supplies. In his history as a Senator he has donated more than 75,000 backpacks and school supplies for children in need in low-income areas such as San Antonio's south side, Eagle Pass, Del Rio, Crystal City, Carrizo Springs and Brackettville. Also, for longer than I have known him he has had an annual toy drive and has collected more than 20,000 toys and dressed up like Santa Claus while distributing them throughout central and south Texas.

German Garza remembers Mr. Uresti as a “huge advocate for Child Protection Services, child abuse prevention and all of the children in the foster system”:

Carlos always carried a treasure trove of items in the trunk of his car in case he ever saw a student who needed a new backpack full of supplies. He made sure he always had one ready to hand out.

He is a huge advocate for Child Protection Services, child abuse prevention and all of the children in the foster system.

Samantha Mora spent time each year with Mr. Uresti, participating in his charity work:

Mr. Uresti has carried his devotion in serving his country as a Marine, to serving the community he was raised in. His selfless efforts on many projects, such as the annual Christmas Toy Drive and the Back-to- School Backpack Drive, have provided help and joy to many families. It is unfortunate that kids in our neighborhood don't have access to things like school supplies, and every year, Mr. Uresti rallies to help these children. I've never seen so many children so happy to receive a new backpack and pencils.

Likewise, **Kevin Dasher** remembers Carlos Uresti providing “hundreds of toys for needy children through a Marine Corps Toys for Tots Drive. Every school year, he would do the same with a school supplies drive.”

2. Uresti's Work to Educate the Children of Texas

In 2003, Mr. Uresti co-sponsored **Senate Bill 900**. SB 900 led to the creation of Texas A&M University at San Antonio. Throughout the years, Mr. Uresti's work on the Budget Committee gave this institution funding; 2007 saw tuition revenue bonds set construction to begin in 2010. In 2015, the Budget Committee further expanded the University, providing a \$11 million downward expansion grant for A&M San Antonio, \$8 million for the A&M/ UT Health Science

Center, and a whopping \$63 million for the Science, Technology and Math (STEM) building. Mr. Uresti also sponsored **House Bill 3382** in 2007. H.B. 3382 extended Hazelwood Act education benefits to the children of certain disabled veterans, and guaranteed that Visually impaired college students get machine readable versions of their purchased textbooks in a timely fashion.

3. A Tireless Legislative Voice for His Fellow Veterans

In his first year as a Senator, Mr. Uresti championed **House Bill 90** which provides no-cost pre-k to the children of active duty military and military killed in service. Mr. Uresti co-authored **Senate Bill 93** in 2009, an expansion of Hazelwood Legacy Act to allow veterans to transfer their unused benefits to a child. The Bill also allowed a spouse to use the unused benefit if the veteran was Killed in Action, Missing in Action, or totally disabled.

In 2011, **Senate Bill 966** allowed for the awarding of high school diplomas to veterans who were honorably discharged, who were scheduled to graduate from high school after 1940 and before 1975, and who left high school to serve in the armed forces during World War II, the Korean War, or the Vietnam War. Mr. Uresti jointly authored **SJR 14** in 2011, that authorized the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

Senate Bill 1622 set out to create a statewide “Camo Alert” system for missing military members in 2017. **Senate Bill 1305**, which Mr. Uresti co-authored in 2015, formed a rural veterans’ mental health initiative within the mental health intervention program for veterans. **Senate Bill 201**, in 2011, provided for property tax exemptions for 100 percent disabled veterans, in response to appraisal districts’ misinterpretations of earlier the legislative intent, S.B 201 clarified that if a disabled veteran sold his home, the exemption should follow the veteran.

4. Mr. Uresti Inspired Countless Others to Better their Communities

Mr. Uresti's compassion for others inspired and invigorated all who came to know him. Simply put, Carlos Uresti devoted his adult life to helping others. When not fighting for the underdog in the courtroom or on the Texas House and Senate floors, he was fundraising and organizing for countless charities. Mr. Uresti's own contributions are generous. What is also remarkable however, is that he has inspired others as well and he does so by putting time and energy into the charities he supports.

Mr. Uresti has been a mentor and role model to many. Through his kindness, generosity of spirit and time, and by his example, he made a real difference in the lives of many who carry his legacy of working to make a difference in the lives of others. **Leslie Uresti** says that her uncle is a kindhearted man of "gracious character" that inspired her entire family:

Everyone was so proud of him because he worked really hard to get his law degree by overcoming struggles of growing up poor in a family that had not received any education past high school. He showed us that anything was possible, and set the bar high for all of his nieces and nephews to achieve higher education. He always gave us encouragement to do our best, no matter the obstacles we faced.

His heart for service and helping children is pretty impactful. He advocates for children when others don't.

I see children who get overlooked and passed through the system all the time. My uncle has done so much to help so many children who would have otherwise been starved and neglected. He has also given so much of his time and effort to help children with his back to school programs and Christmas parties giving impoverished children hope for their future.

He has always been there when we need him, and it's not just the family he helps, he also helps people and children when they are in need. He has a big heart and is very funny. He has inspired many nieces and nephews to go far with their education, as well as helping them along the way.

In his letter, **John Hernandez** seeks to capture his uncle's lasting impact on so many individuals who truly know him:

I am proud to say, I would not be where I am today without the inspiration I received from Carlos. As a kid from the south side of San Antonio, who went to South San High School, there wasn't much to draw inspiration from. The majority of the people I grew up with became construction workers or criminals. However, I saw how passionate Carlos was about fighting for children & military. I told myself, I wanted to make a difference in people's lives as Carlos has.

He has not only inspired me, but my whole family, many of my friends, and many others who, when they find out that Carlos is my uncle, they cannot stop raving about how he has helped them or their family in some way.

Mr. Uresti has been a powerful role model to many. Many of the people who have written to Your Honor admit that but for the influence of Carlos Uresti, charitable work would not be a part of their own lives. By inspiring others by his example to join him in a life of generosity and public service, he has given the ultimate gift – a gift that will reverberate through generations. Though the youngest of eight siblings, Mr. Uresti has lived as a leading figure among his extensive family, empowering all to dedicate their time to help others.

Robert Hernandez admires Mr. Uresti as a “father figure” and a “role model”:

I looked up to him as an uncle, a man, and as a father figure. I can't think of a time that Carlos didn't give back to his community.

I am proud to say having him as a role model has led myself and many others to the positions we are in today. When hearing his sponsorship at 5 Diamonds I thought to myself I need to be falling in his footsteps and give back when I can. Between myself, two cousins and two other Texas A&M University Graduates, we started a non-profit scholarship 4 years ago. We have raised and donated over \$10,000 amongst 15+ individuals. I am proud to say the start of this scholarship was deeply influenced by witnessing my uncle, Carlos Uresti, over the last 20+ years donate, love, and help strengthen this community. (emphasis added)

Aaron Uresti credits Carlos Uresti and his political career as the inspiration for the entire family to grow in their kindness and generosity, even behind closed doors:

Being in the public eye as an elected official has taught not only me, but also all my cousins how to act and carry themselves. We have been lucky enough to see the growth of our family because of this. I can honestly say that all my family, young and old, will go above and beyond for anyone who needs help. This goes from holding the door open for someone to giving and helping those who are in need.

These beliefs in helping others has been instilled in all of us from seeing the actions of my uncle Carlos.

Of course, we know that he was in the Marine Corps, and that he served his country proudly, but after that he never stopped serving his fellow man. He has shown not only his family, but also those who have met him what it means to truly be an outstanding citizen and to care for everyone.

Carlos Uresti Jr. followed in his father's footsteps to become a Marine.

Since I was a child I wanted to be a Marine just like my Father. He has shown me the true meaning of Dignity, Honor and Respect throughout my life.

As an adult my Father has taught us that if you want something in this world then you must earn it.

Daniel Uresti Jr. recounts the hope that Carlos Uresti's election gave to students across Southside San Antonio:

I remember distinctly being approached by other students in elementary and middle school. They were excited and awestruck that somebody like them, from the Red Apartments, from South Park Mall, from McCollum High School had his name in the papers and was working to make their lives better. It gave them hope. It gave them, and me, something to strive for and an example to chase. Our collective excitement was not in vain. Carlos quickly challenged the status quo, advocating for veterans and helping those who could not help themselves. He was fiercely protective of children across the State of Texas and worked to ensure Child Protective Services got the attention and recognition necessary to help them achieve their overwhelming mission.

He has been a dedicated public servant for 22 years, and although there have been hiccups along the way, the one thing never in question was his dedication to Texas families.

Michael Uresti Jr. graduated as the Valedictorian of his high school, graduating in three just years, and proudly credits his uncle for making him into the man he is today:

He always told me those who work hard succeed. Thanks to that advice I'm the man I am today. Carlos is a person who care not just about those close to him, but everybody regardless of what you have done or who you are. Carlos Uresti is the type of person who gives people hope.

After years of watching Carlos Uresti serve, in both the Marine Corp and in his community, **Tomas Uresti Jr.** describes his uncle as a “positive influence” on him, someone who goes above and beyond to help others. Tomas Uresti Jr. believes that his uncle, who expresses his regret for the actions that led him to involve himself in Four Winds, still has more to offer to his community and family. **Samuel Uresti** calls his brother his “personal hero,” and prays for leniency in the sentencing of Carlos Uresti, pronouncing that Mr. Uresti is more than just this conviction:

He was a servant of and for the people of our community, county, state and country. Always the defender of veterans, children, the elderly and his family. Always putting the needs of others first. From raising awareness of child abuse and actually making a big difference in protecting children.

Carlos is and continues to be my personal hero. A support to me and many others in times of turmoil and hardship. Even in my darkest hours of despair, he never falters, was never ashamed of me. Or anyone who is disadvantaged. And because of him I am a better man because of him.

Carlos is an asset to many. And is needed by not just me but by our entire family, and community.

A state Representative in his own right, who no doubt innocently lost his own Texas House seat due to name association and his own brother’s conviction in this Court, **Tomas Uresti** nonetheless states that his motivation for serving in public office stemmed from watching his younger brother’s tireless work for others, and calls him a “mentor” and “example that many will follow as [he has]”:

Carlos has also been a helping hand to many within his community with legal services. Many times pro-bono work especially when it came to helping families stay together or ensuring the safety of children. We cannot forget the work he has done for our veterans, continually working to ensure they received the help he believed they all deserved. It has never been just one group for Carlos. He has worked to help all citizens of our great nation, and set the example that many will follow as I have.

I have served in the Texas House of Legislatures, Harlandale School Board, and the Bexar Appraisal District. The reason I have served is simple; it was because of watching Carlos working to help children, elderly, veterans, the disabled and all

working families. Even though he was my younger brother he was and still is my mentor which led me to want to serve our communities just partially as well as he has.

While Carlos and I both served in the 85' Legislature, we worked together to produce legislation that would help all Texans. I utilized his experience and passion to help guide my hand.

No man is perfect but I honestly believe that 25 years of Carlos' passion for helping others has made him the leader that many wish they could be like, including myself.

Michael C. Uresti, who adopted by Carlos Uresti as a child, says that his dad shaped him into the man he is today. Though his dad was often busy in Austin, fighting for “citizens, veterans, children of our great State of Texas and his family. No matter what he was doing, if I needed something I could always count on him to be there for me if I needed him.”

Carlos Uresti’s impact is felt far and wide, beyond just his family. His compulsion to do good, to help those in need, is documented in letter after letter that describe his exhaustive efforts to improve the lives of. For each of the large projects that Mr. Uresti has involved himself in, there are dozens of unheralded acts of every day kindness towards family, friends, and even strangers. Where there is a need, Mr. Uresti rises to the occasion.

Roger Legrand is one of the young people motivated by Mr. Uresti:

I have known Senator Uresti since my sophomore year in college when I began interning at his law office nearly a decade ago. Then, as now, Senator Uresti has been a great mentor to me, and a man I hold in the upmost respect. As a college student, I admired and attempted to emulate Senator Uresti’s resolve and self-discipline.

Senator Uresti helped me develop the skills and network I needed in my field of interest, politics. Despite the fact that I am a consistent Republican voter and the Senator is a lifelong Democrat, he was always willing and happy to assist me as needed.

I know the Senator to be a man of the upmost character with an extreme commitment to his constituents and his community. I can say with no reservation that his influence has pushed both my personal development and professional development in a positive direction.

Cameron Andrews worked for three years in Carlos Uresti's legislative office. To this day, he is still grateful for the positive experience of working with Mr. Uresti:

The Senator made me understand that the primary and overwhelming mission of the office was the service of the constituents of Senate District 19.

As the elected representative of some of America's poorest communities, I found Senator Uresti to be exclusively concerned the quality of life for his constituents, whether they be young or old, Hispanic or Anglo, immigrant or citizen.

I am confident that my time working with Senator Uresti made me into a better person.

Mr. Uresti influenced **Omar Lacayo** to be a proactive figure in his community; Mr. Lacayo asks the Court to please "consider his background as a leader of our community and all of his selfless acts throughout his life":

[P]rior to meeting Carlos, I knew of him from his service to our city. Carlos was someone I have looked up to for his accomplishments, and his kind acts to the people of San Antonio. Some of those acts of service were helping stop human trafficking, giving to families in need through countless fundraisers, fighting child abuse, and supporting our veterans to name a few.

[H]e is someone who is passionate to help those in need, he is a man who loves his family, and a humble man. Carlos has influenced me to be more proactive in the community and in helping others.

I hope this letter shows you that Carlos has the support of many, and as a member of this community, we cannot afford to lose someone who has such an impact in our city.

Ali Hakeem first began his legal career working at Carlos Uresti's law office, but found more than just a job in his time with Mr. Uresti:

During that time, I got to know Carlos and the work he was most passionate about, which was serving children and veterans. Much of his work in the state legislature was focused on protecting our children. And, he often handled cases for veterans on a pro bono basis or at reduced rates. He had a personal touch with them guiding them through their own difficult circumstances. It was clear to me why he has had such strong support from them.

On a personal basis, Carlos provided me with work, but also provided me with invaluable mentorship. Though he was already a State Senator at that time I started working with him, he never made me feel that I was beneath him or that my input was unwelcome. More importantly, as a young lawyer who was trying to develop my own legal practice, he never used his stature to try and force me in to an unfair position. Having the encouragement and confidence of Carlos was a tremendous asset to me as a young attorney, and it is something for which I will always be thankful.

Like Mr. Hakeem, **Rund Khayyat** is appreciative of Carlos Uresti for trusting her work and passion, despite her young age:

I came to know Mr. Uresti when I joined his office as a college junior in January 2016, which was the start of the Legislative Session.

Mr. Uresti also took on a massive bill that I presented to him when I first came onboard. No other Senator would trust a young staffer to this extent or grant him or her with so much responsibility or autonomy. He is always responsive to the District's needs, and incredibly kind and humble around others.

Kym Bolado is an accomplished businesswoman, the CEO of SHALE Magazine and the host of a talk radio show. Kym first met Mr. Uresti while she was serving in a leadership capacity for the National Alliance on Mental Illness. She recounts the commitment and passion that Mr. Uresti exhibited in the time that the two worked together:

I met Senator Uresti when I was on the Board of the San Antonio chapter of the National Alliance on Mental Illness (NAMI) as well as the organization's National Board in Washington, D.C. Senator Uresti showed a great awareness and understanding of this very vulnerable population. Every session, Senator Uresti gave us access to his staff to assist us to write bills that would help secure services and provide a safety net for the people living with mental illnesses. It was with his help that we passed three bills that I still believe, to this day, have directly saved many of their lives.

In the seven years I spent volunteering with him and his legislative staff, we were able to make San Antonio a better place. One of the proudest moments we achieved was helping San Antonio Police Chief McManus and Bexar County Sheriff Ortiz to implement a forty-hour Crisis Intervention Training (CIT) for all of the San Antonio Police departments and Bexar County Sheriffs. I truly believe this could not have happened if Senator Uresti had not advised and assisted me in this process. I cannot express to you how positively this has impacted the community.

[T]his implementation has given our great city a reputation for being the first city in the nation to have this very special program, and an example for others to follow. I truly believe this would not be possible with the direct help of Senator Uresti.

Senator Uresti has served our community for more than twenty years, passing many laws that improved and saved lives.

Like Kym, **Diana Martinez** credits Mr. Uresti's dedication to working with vulnerable populations, and writes Your Honor about Mr. Uresti's kindness and passion towards raising funds and awareness for Child Protective Services:

I worked very closely with Senator Uresti on issues pertaining to vulnerable populations: children; the elderly; and veterans. The Senator was incredibly professional and dedicated to serving his constituents.

Carlos Uresti's dedication and work on child abuse prevention issues has been inspiring. He has been committed to the issue of child abuse prevention since he was first elected to office. He has done more to advance the issue of child abuse prevention than any other legislator I have worked with through the years. He has worked on the issue tirelessly. He has helped secure incredible amounts of funding for child abuse prevention programs, has helped reform Child Protective Services, and has passed many laws protecting children. He has gone above and beyond to talk to an unimaginable number of people on the subject: caseworkers, judges, lawyers representing parents and children, parents in the system, victims of abuse, advocates, and fellow legislators. He has worked not only on the state level but also on the local level with countless organizations. He has been a pioneer in the area of child abuse prevention and reforming Child Protective Services.

Senator Uresti's dedication to the issue of child abuse prevention has been awe inspiring. He has inspired me and countless others. He has given a great deal to the State of Texas and to its children.

Juanita Martinez, in her letter, distinguishes Mr. Uresti's work in her county compared to other politicians:

Living in a poor county with so many needs, one can only pray for a representative to care and work on our behalf. Senator Uresti *was* that representative for Maverick County for many, many years!

He was in tuned with the needs of our county and represented and defended us countless times throughout the years. Being a border town presents many unique and urgent issues. One of these issues is environmental as it concerned the opening of coal mines which are not even one mile away from an elementary school. He

worked tirelessly and diligently in our fight against the huge company that has brought much air and water pollution to our county. Maverick County will forever be grateful to Carlos Uresti.

A long-time aide at Mr. Uresti's Senate office, **Michael Ruggieri** explains that Juanita Martinez's experience with her Senator was a typical example of Carlos Uresti's dedication to his constituents:

I have always been impressed with the work ethic of Senator Uresti, and his devotion of time for the benefit of his constituents, and the community he grew up in. Elected and appointed public servants are often treated harshly in the media, and I believe the public has very little idea just how much of a time commitment a person makes in public service. To be successful in the Senate, you essentially have three full-time jobs--state matters, community outreach, and private employment. Senator Uresti gave his time to his constituents for nearly twenty years, and I have seen him push himself into severe exhaustion multiple times when a better deal for his constituents was on the line.

While Senator Uresti does a lot of good that receives much attention, such as distributing backpacks, school supplies, and toys to children, I have seen many more moments that did not. Senator Uresti has taken money from his own pocket to provide a little help to a mother facing eviction, bought food for a hungry family around the holidays, helped countless Veterans with pro-bono legal advice--and there are many more examples. Staff know that if Senator Uresti is talking to a crying constituent, that we better re-arrange his schedule because he will not be leaving until he has heard them out and formulated a plan to help.
(emphasis added)

These letters all describe a "common" theme – that Mr. Uresti treats everyone, regardless of their situation in life, with kindness and compassion. Now it is he who is in need. All we ask is that your Honor treat him with at least some measure of the great kindness that he has extended throughout his life.

5. So Many Plead for Lenient Sentence that Considers the "Total" Life of this Man, Rather than Just Nine Months in Four Winds Logistics.

Carlos Uresti humbly comes before this Court with much to be proud of despite the conduct for which he was convicted -- his involvement in Four Winds Logistics from May 2014 – January 2015.

Rene Pena served as the elected District Attorney for the 81st Judicial District for twelve years. He has maintained a personal and professional relationship with Mr. Uresti for twenty years:

The Carlos Uresti I have known is one of great compassion and commitment to people and public service. I have seen the impact his legislative efforts have made on children's lives. Especially, the unseen in our society. I have worked with him as a District Attorney to push legislation that protected people in our state and beyond. Specifically, regarding a measure titled the Border Prosecution Unit. The Border Prosecution Unit is one that takes on cartels, gangs, trafficking and human trafficking of children.

Having written the above I believe the measure of one's life should not be confined solely to events that led to convictions. It is clear to me that Carlos understands his wrong doings, regrets his conduct and wishes to be a productive member of society.

Carrie Wilcoxson worked with Mr. Uresti on a number of Child Protective Services policy reform proposals over nearly a decade. She asks for a merciful sentencing to take into account his twenty years of service, and for the Court to afford him a second chance:

[M]any will volunteer and serve a cause for a while, but only a few steadfast people will stay the course. State Senator Carlos Uresti has stayed the course for the children of Texas, it's state caseworkers, veterans, and his constituents for twenty years.

Service is not just a word. It is many acts, many days, backed by sheer will some days. It is a promise to others and something bigger than ourselves. It will take more from a person that what it may give back. It is selfless and driven by sensitive hearts and strong backs. All of this is what one man gave for 7,300 days for so many others.

Some will say it's what he signed up for. This is true. He will never deny that. Any of us who serve the public understand and acknowledge the willingness to serve. However, something begins to happen as you meet the people you serve. It becomes personal in some ways. You also begin to appreciate your own abilities to be able to help and make a difference for others. This is the shift from willingness to duty.

Senator Uresti saw his service as a call to duty. He was obliged to help. As in the case with most who serve, I believe I have seen Senator Uresti wear his sense of obligation to serve at the expense of his personal life at times.

His passion was relentless. His frustration genuine.

So with this, I respectfully and humbly ask you to consider what twenty years of service really looks like for a person. I ask that you show great mercy in your

decision for all the time he has already given and will already never get back with his family. Please allow him back some time for the time he gave us all. And please grace him with a second chance as he has done for so many others.

Andrew Del Cueto first met Mr. Uresti through his work at the District Attorney's Office. He knows his friend as a "loving father, a loyal friend, and is a person who shows a great deal of compassion towards his fellow man." He recounts an incident when a judge offered leniency for one of his own clients:

Your Honor, I had a federal sentencing with a client of Korean descent who spoke very little English. Before he had picked up criminal charges he volunteered countless hours at his church. I remember bringing witnesses to testify to that fact. In the end, the Honorable Judge in that case looked at my client and praised him for serving a higher purpose and not initiating acts of kindness with the intent of using these acts to mitigate his punishment. In light of my client's sincerity towards charitable works he was shown great mercy. Carlos fits that exact mold. Carlos worked for Fourwinds a little over six months. Those six months are just a few pages from the book of the life of Carlos Uresti. Please be merciful on him and consider the other parts of his life such as his tireless commitment to children's issues and his legislative duties, his military service, his dedication to his children and his loyalty to friends like me and many others.

Samantha Mora describes Mr. Uresti as "role model, not only to myself, but our community," asking this Court to take his "selfless efforts" and service into consideration in his sentencing. **Biridiana Navarro** first met Mr. Uresti when he spoke at her high school about "the importance of education and never forgetting where you come from." She has since had the opportunity to know Mr. Uresti, and respectfully requests that his sentence be based on who he is, not solely on his present conviction:

I have never met such a humbled person who is passionate about helping people. He is a determined person who puts himself last in any occasion. Carlos is a person of faith who will always extend his hand no matter the circumstances; his empathy towards everyone who surrounds him has gained my respect, friendship, and love towards him and his family. In my eyes, I will always see Carlos, as he is, an individual who is honest, caring, and loving.

Mr. Uresti's brother, **Daniel Uresti**, a fellow Marine, asks the Court to note his brother's lifetime of service:

Your honor, Judge Ezra, I understand the position you are in; however I want to make sure you know how sincere I am when I say Carlos has given so much to not only our country, and community but to those that cannot care for themselves, especially the most vulnerable, our elderly, and our children.

I ask that you remember how Carlos can continue to contribute goodness in many lives for years to come. I ask that you remember the sacrifice my military brothers have made so we can enjoy the freedoms and rights of our society. I know Carlos has much more selfless service to give, & I am prepared to help ensure this as you show leniency for my brother Carlos.

German Garza asks for great leniency for Mr. Uresti, a "great man":

[W]hen it comes to doing the right thing Carlos simply gets it done.

I can only imagine the difficulty you have before you in determining the fate of a person whom you may only have known for such a short period of time. My only goal is to make sure you know a little about the person that I have known for several years. I simply ask that you consider and weigh the heart of the great man that will sit before you come sentencing date.

Gloria Esparza implores Your Honor to "please consider the lifetime of servitude Carlos has given to many," and asks for a second chance for her friend to contribute further to his community:

I am writing you this letter to ask that you please consider imposing the most minimum sentence whether it is in the form of a fine, monitoring, or community service. It is in the community's best interest to give Carlos a minimum sentence and keep him as an integral part of society. Carlos is a great asset to the community. I ask you consider all the good Carlos has done for thousands of people in Texas. As a Senator his main purpose was to serve others.

Honorable Judge Ezra, I humbly ask that when you make your decision please consider the lifetime of servitude Carlos has given to many. His years of service in the community outweighs the service that most people in the community never accomplish. Carlos has the heart of a public servant for many years he has served San Antonio and his district by trying to make into a better community. If Carlos was not a part of the community our city would suffer a great loss. Carlos must remain in the community to continue his cause. He has fought and brought awareness to neglected and abused children, human trafficking, and other causes.

Also, thousands of citizens of his district would be affected and suffer the loss of the benefits he brings by his yearly events.

Overall, in considering your decision please be reminded that for many years Carlos has brought a lot of positive to San Antonio and Texas.

To **Gerardo Esparza**, Mr. Uresti been a positive influence on others, a “man with a big heart” that “serves as the voice of many abused innocent children.” Gerardo explains his concern that Mr. Uresti’s inability to continue his work as an advocate for children “will allow children's cries to go unheard,” and asks this Court to be lenient with his friend so that Mr. Uresti may continue to protect children from dangerous environments.

With “utmost respect for this jury’s verdict,” **Mikal Watts** writes Your Honor to request that Carlos Uresti be judged on the totality of his career and life:

Yes, he has been convicted. He has spent much of his time doing what he should be doing. He voluntarily relinquished his law license, an act which he dreaded. When his wife left him, he has acted honorably in divorce proceedings. He also has done everything federal authorities have asked him to do. He has worked incredibly hard to make monthly payments on his building and his home, so that the equity therein would not disappear. Knowing those assets would enable him to provide restitution for the victims of the Four Winds debacle, he has diligently worked to sell those assets. He has put his affairs in order, knowing he is facing prison time. And I am worried.

He is a 54-year-old man. Still spry, but no longer a young man. Prosecutors seek, and PSRs following “guidelines,” suggest a lengthy sentence – functionally a life sentence. I write to humbling request that you use your discretion to prevent this man who has provided a lifelong service to others – in the Marine Corps, as an elected official, and a lawyer to his people, from having to spend decades in jails. I hope that you will concluded that is role in the Four Winds failure – passive when compared to that of Stan Bates - does not warrant an essential life sentence. A lifetime of good deeds, compared to seven months of “willful blindness” to a scheme orchestrated by another should not result to a good man dying in prison.

As a lawyer, I know that Your Honor has an awesome responsibility — to peer through the lens of wisdom and dispense judgment upon my friend. But I pray that Your Honor will consider my friend’s whole life and his unique and extraordinary contributions to society and the millions of people whose lives he's touched.

District Attorney **Nico LaHood**, a man well-versed in prosecutions, views Mr. Uresti as a tireless advocate who should be sentenced on the entirety of his career:

I contemplated what to ask you to consider in your deliberation over the final sentencing of Mr. Carlos Uresti. After much thought and prayer, service came to mind. Carlos Uresti has exemplified service in his passion to protect the most vulnerable members of our community in Bexar County and throughout Texas.

Since I have known Carlos, I have known him to give voice to those who might otherwise go unnoticed or have no voice of their own. I can affirm this as we have worked together to protect Bexar County's children, elderly, and disabled from abuse & neglect during my time as District Attorney.

I ask that you give Carlos your consideration in light of his abundant contributions to the people, especially children, of Bexar County and Texas.

So many people from so many different walks of life all united in an effort to obtain leniency for a man whom they all believe to be worthy of great compassion.

To be fully candid, it is difficult to imagine a greater punishment than the punishment that already has been imposed by the public humiliation Mr. Uresti and his family have suffered and will continue to suffer as he now deals with the prospect of incarceration, the surrendering of his law license, and the indignity of resigning from the position of public trust that he has held since 2006. The consequences that have already befallen Mr. Uresti are substantial. We beg your Honor to impose a minimum period of incarceration, so that Mr. Uresti can hopefully soon return to the important work he can pursue as a private citizen -- service to his community-- service that he has actively engaged in throughout his life, community service that he has performed better than anyone else.

Lorenzo Uresti, Carlos Uresti's twin brother, reminds the Court of the insufferable punishment his brother is currently enduring and will live with in his heart for the rest of his life. For this reason, Lorenzo Uresti implores the Court to show mercy to this "man of great nature":

He has excelled in everything he has done. Only a man of good nature could have served 25 years in the legislature passing laws and fighting to protect children, veterans and the disabled. He has raised over 25,000 toys for needy children. He has always advocated for children especially.

Carlos has lost his family, home, business, law license, and has had to retire from his exemplary political career. He has literally lost everything.

I think his biggest loss he will feel is not being able to help any kids anymore.
(Emphasis added.)

Lisa Dasher writes about the abrupt conclusion of her “selfless” uncle’s career:

This man, my uncle, has given me and so many others so much. And now, I am unable to give him anything that can possibly help him. This letter I write you can't even scratch the surface to begin to tell you what a great person he is. But, it is a start.

He has already lost so much. He has lost his Wife. He has lost his home. He has lost his license to practice law —the only career he has ever had. He will lose his position as an officer of the State as a State Senator, a position in which he has dedicated so much of his life to helping others. He will likely never be able to work again. But, whatever the outcome of his sentencing, I, along with my entire family, am committed to supporting him.

B. NEED FOR THE SENTENCE IMPOSED TO ADDRESS SENTENCING CONSIDERATIONS.

As noted above, other factors that this Court is to consider under Section 3553 is "the need for the sentence imposed to reflect the seriousness of the offense, (A) to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct; and (C) to protect the public from further crimes of the defendant." In this regard, we respectfully request that this Court place this case in context with the punishment proposed by the Government and ultimately imposed by a Court in this Division in a case involving an attorney. San Antonio attorney Todd Prins was indicted last June for his \$2.4 million fraud scheme. The indictment alleged, in part, that Todd Prins “forged rulings, opinions, and orders that purported to be issued by various state and federal courts to include Bexar County District Court, the Texas

Fourth Court of Appeals, the Texas Supreme Court, the United States District Court for the Western District of Texas, and the United States Courts of Appeals for the Fifth and Seventh Circuits, many of which bore what purported to be signatures of various judges of those courts.” In contrast to the \$3,000,000 in restitution that Attorney Prins was ordered to pay as his fraudulent profited, Carlos Uresti gained far less.

During Carlos Uresti’s trial, the Government introduced US Exhibit 89, a summary chart totaling \$115,098.51 purportedly earned by Mr. Uresti during his brief involvement in Four Winds. The undisputed evidence, however, proved that (1) \$40,000.00 of this was a loan that was repaid; (2) the Government was unable to confirm a \$1,350.00 figure included in their summary chart; and (3) the \$25,000.00 payment from Denise Cantu to Mr. Uresti was repaid in full, with interest. Ultimately, the evidence proved that Carlos Uresti profited a sum substantially below \$75,000 from the conduct at issue.

Additionally, Attorney Prins absconded to Europe after his criminal conduct, and sought to evade the jurisdiction of the United States Bankruptcy Court. By contrast, Carlos Uresti appeared and testified under oath at a bankruptcy hearing without an attorney present. Moreover, evidence was introduced in trial that Carlos Uresti, upon raised suspicions related to his former client, Four Winds Logistics, consulted with Chief United States District Judge Orlando Garcia⁷ and subsequently called the Federal Bureau of Investigation⁸ regarding a possible investment fraud case.

Mr. Uresti’s role in Four Winds’ fraud scheme was inarguably lesser than that of Todd Prins. On May 18, 2018, Todd Prins was sentenced to 72 months of imprisonment, 3 years

⁷ Exhibit 3 to Defendant’s Sentencing Memorandum

⁸ Exhibit 4 to Defendant’s Sentencing Memorandum

supervised release, no fine, and nearly \$3 million in restitution. At the time of Todd Prins sentencing, Your Honor said:

Mr. Prins' activities and his utter disregard not only of federal and state criminal law but also of his many duties and responsibilities as an attorney have tainted the good reputation of every lawyer in this community through no fault of their own.

In significant contrast, in the Court's April 5, 2018 Order Denying Mr. Uresti's Motion for New Trial (Doc. No. 339), filed, Your Honor wrote the following about Mr. Uresti's involvement:

[T]here was "telling evidence" that Uresti was subjectively aware of the illegal ongoings at Four Winds. . . . The evidence compels a finding that Uresti was subjectively aware of the illegal conduct surrounding Four Winds. . . . [A]n abundance of evidence was presented at trial that Defendant continuously failed to question the suspicious ongoings at Four Winds. In effect, Defendant's *modus operandi* amounted to a perpetual emanation of "Don't tell me, I don't want to know." (Emphasis added.)

The Government has proposed 210 to 262 months' imprisonment for Mr. Uresti, when it proposed a sentence much more lenient for Mr. Prins. Yet the personal, intentional criminal conduct of Mr. Prins far exceeds the deliberate ignorance conduct of that of Mr. Uresti.

C. NATURE AND CIRCUMSTANCES OF OFFENSE.

This Court is fully aware of the circumstances of the instant case. Several factors relative to Carlos Uresti, however, bear heavy consideration.

First, the victims who had dealings with Mr. Uresti (Ms. Cantu; Mr. and Mrs. Thum; and investors from Mexico) all complained that they were not told that Mr. Uresti was to gain a percentage of profit. What should be noted, however, is that Mr. Uresti's financial gain through each of their investments was relatively small in terms of his co-defendants. Also, some of the monies gained by Mr. Uresti were negotiated to be earned by him. As proved during trial, the contract entered into between Mr. Uresti and the investors from Mexico specifically provided that he was to earn a fee for his services in executing the escrow transfers of funds. Monies earned in

this manner were expected by the investors. What were not expected, in the view of the investors, was the additional monies paid to Mr. Uresti as a percentage profit, unrelated to escrow funds. This amount, again, was extremely small on a relative scale to the victims' investments and the monies paid to Stan Bates and Gary Cain. This is a factor that this Court can and should consider.

Also, the Court should consider the dearth of evidence that Carlos Uresti knew how hundreds of thousands of dollars were being misappropriated by Stan Bates and Laura Jacobs. Mr. Uresti didn't receive these amounts of monies, nor engage in the lavish lifestyle that Mr. Bates did off of the investors' monies.

Third, this Court should consider the actions taken by Carlos Uresti beginning January 2015, much prior to any investigation or lawsuit. Emails and text messages confirm Mr. Uresti withdrew from participation with Stan Bates, helped Ms. Cantu retain an attorney to pursue Stan Bates, contacted United States District Judge Orlando Garcia, and otherwise confronted Mr. Bates. As the evidence proved, persons witnessed Mr. Uresti's confrontation of Stan Bates and his misappropriation of monies. These actions are not taken into account by the guidelines, nor by the probation officer or Government.

Fourth, there is no evidence that Mr. Uresti was involved in the day-to-day operations of Four Winds, such that he would be in a position to know what sand is being purchased, what sand is being sold, what problems are being encountered, and what actions are being taken by Stan Bates. These are important factors that set Mr. Uresti apart from the person typically convicted of these types of offenses.

IV. CONCLUSION

Carlos Uresti honorably surrendered his law license, before any court or tribunal compelled him to do so. He also has resigned from the position he held in public office for more than two

decades. He has fully complied with the conditions of his pretrial bail, and his post-trial conditions of release.

Mr. Uresti will be almost 55 years old on the on the date of sentence and poses no threat whatsoever. He has a lifetime of honorable achievements, and a jury verdict involving conduct occurring over only nine months of this life.

The multitude of people who have written to this Court on behalf of Mr. Uresti verify beyond dispute that despite his criminal conduct, Mr. Uresti has been a very generous, compassionate member of society who has throughout his life contributed greatly to the betterment of society and the world at large.

In sum, the record before this Court shows that leniency has been earned.

We respectfully believe that we have provided your Honor with compelling support for a lenient sentence in the case of Mr. Uresti that would fully comport with the requirements of § 3553(a), and that a sentence should be adequate but not greater than necessary to address the seriousness of the criminal conduct and promote respect for the law.

DATED: June 25, 2018

Respectfully submitted,

By 

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CERTIFICATE OF SERVICE

I hereby certify that on 25 June 2018, I electronically filed the foregoing with the Clerk of Court using the ECF system, which sent notification of such filing to all counsel of record.

By: /s/ Michael McCrum
Michael McCrum