

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

1			
2			
3	UNITED STATES OF AMERICA,	)	Docket No. 97 CR 63
		)	
4		)	
	Plaintiff,	)	
		)	
5	vs.	)	Chicago, Illinois
		)	August 3, 2005
6	TERRY YOUNG,	)	11:00 o'clock a.m.
		)	
7		)	
	Defendant.	)	

TRANSCRIPT OF PROCEEDINGS - SENTENCING  
BEFORE THE HON. GEORGE W. LINDBERG

APPEARANCES:

10	For the Plaintiff:	HON. PATRICK J. FITZGERALD
11		United States Attorney
12		BY: MR. DANIEL RUBENSTEIN
		Assistant United States Attorney
13		219 South Dearborn Street
		Suite 500
14		Chicago, Illinois 60604
15	For the Defendant:	MR. MICHAEL B. COHEN
		33 East Wacker Drive
16		Chicago, Illinois 60601
17	Probation Officer:	MS. KATHY KIRIKLAKIS
18	Court Reporter:	MARY M. HACKER
		Official Court Reporter
19		219 South Dearborn Street
		Room 1426
20		Chicago, Illinois 60604
		(312) 435-5564

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 THE CLERK: 97 CR 63, U.S.A. versus Terry Young.

2 MR. COHEN: Good morning, your Honor. Michael Cohen,  
3 representing Terry Young, who stands to my right.

4 MR. RUBENSTEIN: Good morning, your Honor. Dan  
5 Rubenstein, appearing on behalf of the United States.

6 PROBATION OFFICER: Good morning, your Honor. Kathy  
7 Kiriklakis, United States probation officer, for E.J. Tolle.

8 THE COURT: Okay. Let me ask counsel if there's  
9 anything further beyond the arguments that we've had in our  
10 previous sessions?

11 MR. RUBENSTEIN: Not for the United States, your  
12 Honor.

13 MR. COHEN: There's nothing further for the defense.  
14 Just one preliminary matter, Judge.

15 THE COURT: Sure.

16 MR. COHEN: During the elocution phase it was our  
17 desire to have Mr. Young's sister say a few words on behalf of  
18 the community. I brought that to the attention of Mr.  
19 Rubenstein; he had no objection, and I am bringing it to your  
20 attention.

21 THE COURT: Okay. And the Court has Mr. Young's  
22 letter; I guess there's not a date on it but I have read it.

23 MR. RUBENSTEIN: Your Honor, I haven't seen that. Is  
24 it going to be made part of the record so I can get a copy of  
25 it?

1 THE COURT: Yes, it will be.

2 MR. RUBENSTEIN: All right. Thank you.

3 THE COURT: Okay. For the record, you are Terry  
4 Young?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. In previous proceedings in this  
7 matter a determination was made after trial by jury that you  
8 are guilty of violations of 21 United States Code, Sections  
9 846 and 841(a), and 18 U.S. Code, Section 1956(a)1(B)(i) as  
10 charged in Counts 1, 2 and 14 of the superseding indictment.

11 Based on that determination, it was the judgment of  
12 the Court that you were guilty of the crimes of conspiracy to  
13 possess with intent to deliver narcotics, possession with  
14 intent to deliver narcotics and money laundering.

15 Your convictions were appealed and the cause has been  
16 remanded to this Court for further proceedings.

17 The Court will note for the record that several years  
18 have elapsed since the entry of the remand of the Seventh  
19 Circuit. Ordinarily resentencing would have been completed  
20 within a few months of the remand. However, two circumstances  
21 have resulted in your resentencing being postponed.

22 First, sentencing was postponed for a period of time  
23 while awaiting the United States Supreme Court's decision in  
24 Booker as that decision may impact on your resentencing.

25 Second, you have expressed dissatisfaction with the

1 advice of a succession of attorneys. They have had to  
2 withdraw their representation of you, necessitating the Court  
3 to delay the resentencing several times while each of the new  
4 attorneys had the opportunity to investigate the record so as  
5 to provide you the benefit of informed counsel.

6 Let me ask you, Mr. Young, are you in any way  
7 dissatisfied with the service or representation provided by  
8 Mr. Cohen?

9 THE DEFENDANT: No, sir.

10 THE COURT: Okay. And once again, Mr. Cohen, we've  
11 had extensive argument. Is there anything further beyond that  
12 which has been discussed at the last hearing or that has been  
13 otherwise presented on behalf of Mr. Young?

14 MR. COHEN: No. I believe you've heard everything  
15 that we have to say, your Honor.

16 THE COURT: All right.

17 Mr. Young, as the Court indicated, I have your letter  
18 and your attachment to the letter. Is there anything more  
19 that you would like to say at this time on your own behalf  
20 before sentencing?

21 MR. COHEN: Judge, it was our desire that Mr. Young  
22 speak last, if that's all right.

23 THE COURT: Sure.

24 MR. COHEN: So I would like to say a few words on his  
25 behalf.

I must have omitted this vital page some kind of way.  
Please forgive me. August 3rd Sentencing. Add to your collection  
love Newsense.

1 THE COURT: Oh, of course.

2 MR. COHEN: Sure.

3 I, as your Honor knows, got involved in this case  
4 rather late and I can just give you some observations,  
5 probably not in the depth that Mr. Young may speak or his  
6 sister may speak.

7 I have learned, as your Honor has, that not only has  
8 Mr. Young been in the army serving his country, but he's done  
9 so on three occasions, sacrificing his life, if necessary, in  
10 defense of our country. He's a three-time decorated veteran.  
11 This was his first conviction.

12 What's interesting to me, for the purposes of  
13 sentencing, assuming my legal arguments don't persuade your  
14 Honor -- and we discussed that previously -- is while  
15 incarcerated he's taken numerous classes. And I think your  
16 Honor has documents dealing with the certificates of  
17 completion. He's made, to my way of thinking, remarkable  
18 strides in changing his life around and he now seeks to God  
19 for salvation and leadership.

20 He has been married for six years, he has five  
21 children to raise, and he's had no problems while being  
22 incarcerated I think six, seven years already, maybe more.  
23 He's seeking to -- and has rehabilitated himself to a great  
24 degree.

25 You know of our previous position with reference to

1 the legal arguments made that he's already served well over  
2 the amount of time that he should have. Releasing him to his  
3 wife and his children would be the right and just thing to do.

4 He's respected the entire inmate process, he's had no  
5 disciplinary problems whatsoever, he's continued to educate  
6 himself and rehabilitate himself in spite of the situation  
7 that he finds himself.

8 He now deserves his chance at freedom, not a  
9 continued fight with the same system he loves and respects to  
10 the point where he put his own life on the line three separate  
11 times.

12 He deserves the opportunity to put all this behind  
13 him. He realizes -- and he will probably tell you -- that  
14 everyone makes mistakes in life and they make poor decisions.  
15 When you factor this in with the reality of the situation,  
16 poverty, peer pressures and the will to want to achieve goals  
17 and survive, I can understand people making poor decisions.  
18 However, with a man such as this who stands to my right, with  
19 his reputation in the community -- and the community loves and  
20 respects him dearly even in the result of these decisions --  
21 he doesn't deserve life in prison.

22 It's been nine years now. He still continues to have  
23 an overwhelming amount of love and support from his family and  
24 the community. You see right here in the courtroom his  
25 friends and fellow parishoners.

1           Also, he's not a threat to the community. The entire  
2 community supports him, and I believe you probably received  
3 numerous letters to that effect.

4           If it was this case that he was a threat, which it  
5 isn't, it still generally wouldn't matter as of this date  
6 because the area he came from has changed dramatically. The  
7 project housing has been torn down, most of the older  
8 residents who previously occupied that area have been moved to  
9 the suburbs.

10           I'm sure your Honor has read the report of the social  
11 worker prepared by Mrs. Miller. Mrs. Miller's report was a  
12 report made to you voluntarily, no strings attached and she  
13 had nothing to gain or lose by preparing that report, whereas  
14 when you compare that report with the report of Ms. Ehrlich,  
15 the facts that she gleaned were gleaned from the various  
16 people that were receiving benefits from the government as a  
17 result of the deals they made and the time they received off  
18 of their sentencing for their cooperation.

19           Because of this substantial amount of good deeds and  
20 assistance to the community, Mr. Young is deserving of a  
21 second chance. He can reconnect with his wife and children.  
22 Some of the finest people in our country make poor decisions,  
23 they just never get punished for them.

24           I believe that Mr. Young is contrite when he says  
25 that he's more disappointed in letting his family down and the

1 community down. He genuinely wants to put this all behind  
2 him, get on with his life, with his family who love him and  
3 miss him dearly.

4 I think he's learned the lesson and I am assured, and  
5 I believe, that he'll never again compromise his freedom and  
6 stability of his family for any reasons.

7 He's done a whole lot of positive things in his life,  
8 your Honor. He's done a couple of dumb things, but if you  
9 look at this case from all of the angles, I request  
10 respectfully that he be released so he can begin his second  
11 chance.

12 If anyone deserves a second chance, I believe it's  
13 Mr. Young. He served his country three times, has three  
14 honorable discharges. He served his community, and now he  
15 needs to only serve his God and his family that love him.

16 Thank you, Judge.

17 THE COURT: Okay. Did you want to --

18 MR. COHEN: If we could hear from his sister, your  
19 Honor?

20 THE COURT: Sure.

21 Do you want her sworn, Counsel?

22 MR. RUBENSTEIN: Yes.

23 CORINTHIA FEDERICK, DEFENDANT'S WITNESS, DULY SWORN

24 MS. FEDERICK: Firstly, I would like to thank the  
25 Court for allowing me to speak on behalf of the community.

1 Because I don't know how to address the Court in legal  
2 terminologies, I must respectfully speak from my heart.

3 Our ward, the 22nd Ward, Chicago, is or was a poverty  
4 infested, economically challenged cluster of neighborhoods  
5 surrounded by low or no maintenance project housing, vacant  
6 lots, abandoned buildings, until recently, that is.

7 But then, however, in the '80s and '90s, the way the  
8 community had degenerated, we as residents were convinced that  
9 no one cared about our obvious state of emergency, not our  
10 politicians, law enforcement officials, elders, clergy and  
11 even, in some cases, God himself.

12 And then there was Terry Young, a young, energetic,  
13 caring individual with a vision of hope for our community.  
14 Along with the help of Horner Association of Men, the major  
15 James Adams Foundation and other neighborhood organizations,  
16 Mr. Young was able to spearhead and create programs that would  
17 provide for our community residents jobs and housing  
18 opportunities, food and clothing drives, voter's registration  
19 drives, mentoring and tutoring programs for the youth, sports  
20 camps, school truancy programs, volunteer programs where the  
21 youth can provide assistance for the elderly, and fatherhood  
22 programs to teach our men how to be men and properly raise  
23 children, just to name a few.

24 These programs were direct results of Mr. Young's  
25 vision for a better, safer community for us. He was a huge

1 advocate for education, health, family values and non-violent  
2 methods in situations where violence would normally occur. I  
3 know because my five-year old son and I are direct recipients  
4 of the rewards these programs had to offer and, like so many  
5 others, we know that had it not been for the selflessness and  
6 humanitarianism of Mr. Young, we don't know where we would be  
7 now.

8           He personally assisted us hands-on before he even  
9 knew our first and last names. He never once asked any of us  
10 for anything in return, which was amazing because,  
11 unfortunately, back then, especially for young women, men his  
12 age was always wanting something in return. So when we hear  
13 the prosecutor say that he is a threat to the community, we're  
14 all like, what community?

15           Didn't the Court receive the petitions with thousands  
16 of signatures and letters of support not only from the  
17 community and his family, but from our senators, committeemen  
18 and women, church leaders, school officials, local business  
19 owners and operators and even the small children?

20           The community has over the years sent tons of  
21 documents to this very building, this courtroom, addressed to  
22 your Honor, in unified support of Mr. Young. To us, it seems  
23 obvious that the Court has ignored those documents because of  
24 statements such as the prosecutors, with no offense intended.

25           They made no effort to investigate, just freely

1 assume that he was a threat, put it on record as what seemed  
2 to be a blatant attempt to assassinate his character in the  
3 eyes of the Court.

4           The very fact that the Court has strived so hard to  
5 sentence Mr. Young to sit in prison for the rest of his life  
6 when they have the power to either abide by the U.S.  
7 Guidelines or sentence him minimally because of his reputation  
8 in the community, gives us the impression that the Court has  
9 taken a personal bias toward Mr. Young, which is even more  
10 discouraging to us, not only as a community but as a minority.  
11 It simply makes it okay to destroy someone's life all because  
12 of a misunderstanding of who they really are.

13           In Terry's case, this situation has destroyed  
14 hundreds of opportunities for thousands of people and our  
15 government shows no concern. Our community loves and respects  
16 and stands by Mr. Young in this trying ordeal.

17           Considering the fact that the crime that he was  
18 convicted of was never proven by way of evidence or trial by  
19 jury of his peers, in our opinion it is not only discouraging  
20 and disrespectful, but it's dissapointing to us as a whole,  
21 and it now makes us question the very justice system that  
22 holds the motto "Innocent until proven guilty."

23           What is even more hurtful to us is that Mr. Young's  
24 case is entitled U.S.A. versus Terry Young. The same country  
25 Mr. Young vowed to serve and give his life for can't possibly

1 be the entity that is suing him. He not only signed up for  
2 the army, but he is a three-term decorated veteran with three  
3 honorable discharges. A man with such stature can't possibly  
4 be worthy of anything more than the U.S. Guidelines suggest  
5 for a first-time non-violent drug conspiracy, without  
6 evidence, mind you -- without tangible evidence. Excuse me.

7           So our real question is, as the community, who is Mr.  
8 Young actually defending himself against? See, the army has  
9 taught him how to be a man, never to give up, fight to the end  
10 and choose death before dishonor, which is why we are so proud  
11 of him for defending himself against a system that obviously  
12 wants to destroy him. He stood up and did not bow down and  
13 accept life in prison, like so many others who would give up  
14 and allow themselves to die in the system.

15           Our community and many others outside the community  
16 stand by Mr. Young 100 percent and will collectively stand by  
17 him until the end.

18           Lastly, we see people such as John Walker Lindh, a  
19 traitor of our country, performing acts leading to one of the  
20 largest attacks on our U.S. soil in history, receive less  
21 amount of time than Mr. Young did, 20 years. We see a woman  
22 kill her two children to collect insurance monies to feed a  
23 poor gambling habit receive 20 years, which was five years  
24 under the mandatory minimum of 31.

25           And we know that our system has the power to do the

1 right thing, and not do us a favor because we're not asking  
2 for a favor, but sentence Mr. Young according to the law and  
3 the guidelines.

4 We as a community need him back in our community to  
5 help us restore our neighborhoods once again. So for justice  
6 sake, please do the right thing and release Mr. Young today  
7 because, according to the U.S. Guideline, he has already  
8 consecutively served a maximum sentence for both Counts 1 and  
9 2.

10 Thank you, the 22nd ward community.

11 THE COURT: All right.

12 Mr. Cohen, did you want to ask her any questions?

13 MR. COHEN: No, I didn't, Judge.

14 Mr. Young I guess would like to say a few words.

15 MR. RUBENSTEIN: I don't have any cross, your Honor.  
16 I would point out, though, that Mr. Young's sister's statement  
17 that there was not a trial by jury of his peers strikes to the  
18 heart of the statement.

19 I understand her feelings for Mr. Young and I'm sure  
20 those are truly felt, but the Court is quite well aware of the  
21 proceedings that have taken place before this Court, including  
22 the lengthy jury trial and a very detailed lengthy opinion by  
23 the Seventh Circuit noting the findings both of the jury and  
24 this Court, specifically that -- and I will just read from  
25 that opinion -- that the jury convicted the defendants on the

1 conspiracy charged and, quote, the record leaves no doubt that  
2 the conspiracy involved far more than the distribution of five  
3 kilograms of cocaine and/or one or more kilograms of heroin.  
4 Quote, indeed, the trial evidence readily confirms that the  
5 trial court's finding that the defendants who received life  
6 terms were responsible for the distribution of at least 150  
7 kilograms of cocaine, is flatly at odds with what Mr.  
8 Young's sister just told the Court and I would ask that you  
9 receive her statement accordingly.

10 THE COURT: Okay.

11 Mr. Young, you can address the Court at this point.

12 THE DEFENDANT: First of all, I would like to add  
13 that what the prosecutor just read, that was prior to Booker  
14 or Blakely.

15 First and foremost, I am honored to thank my leader,  
16 teacher, God and Heavenly Father, for giving me the mental and  
17 testicular fortitude to endure this ordeal. There are a few  
18 things I would like to touch on and clarify. I pray that you  
19 listen open-mindedly and not be misled by the prosecutor's  
20 preconceived notion that I am the most horrible man in the  
21 world.

22 I definitely wasn't born with a silver spoon in my  
23 mouth. My family was extremely poor and I grew up in one of  
24 the toughest and economically poverty stricken neighborhoods  
25 in the country. At the young age of 15 I had to drop out of

1 the academically able program and join a work related program  
2 to help my family with the bills.

3 I had a similar dream as Dr. Martin Luther King. His  
4 dream was that one day I would be able to overcome all the  
5 obstacles of racism and personal bias. It appeared that my  
6 dream has become that nightmare that I always feared. Once I  
7 turned 16 I signed up to the U.S. Army Delayed Entry Program.  
8 I was faced with no other choice but to enter the United  
9 States Army.

10 In doing so I accomplished two goals: It enabled me  
11 to help my mother with the bills and I established forms for  
12 my education. I successfully acquired three honorable  
13 discharges from the U.S. Army. Each time one of my  
14 enlistments expired, I attempted to obtain sufficient  
15 employment, but due to the extreme racism in a patronage  
16 system that has always been a part of Chicago, I was  
17 unsuccessful in securing a decent job.

18 My other plan was to also go to college and get my  
19 law degree. I have always wanted to be a civil rights or a  
20 human rights attorney. In saying this, I would like to take  
21 this moment to publicly apologize to not only my family, but  
22 the community as well as my associates and their families for  
23 any negative effects my situation may have had on their lives.

24 I let my family and my community down by making such  
25 horrible choices, but I am only human and they have forgiven

1 me.

2           Since my incarceration God has bestowed in me a new  
3 set of morals and principles that I shall never compromise.  
4 This journey has been a heavy burden upon my wife, our  
5 children -- and our children. I shall never put my family  
6 through this type of torture and embarrassment again. It is  
7 imperative that I rebuild my family's name that I have caused  
8 to tarnish.

9           I often question whether or not if I would have  
10 gotten out of prison, according to what the Constitution  
11 guarantees, would I have made it there in time enough for my  
12 sick mother. If for nothing, just to hold her hand and let  
13 her know things would be okay. This is something I will  
14 never, ever forgive myself for.

15           I also requested of the Court, the Bureau of Prisons,  
16 to at least allow me to attend my mother's funeral to say  
17 good-bye when she passed, but for whatever reason still  
18 totally unclear to me, my request was denied.

19           In fact, I have had several motions denied and a few  
20 reports to go unacknowledged by the Court. I am baffled and  
21 hurt that your Honor would totally ignore the report from the  
22 forensic social worker, Ms. Gia Miller.

23           Ms. Gia Miller personally went into my community and  
24 did a report on who Terry Young truly is and what his  
25 accomplishments were. The Court appeared to give the

1 community the impression that he totally ignored the knowledge  
2 and credibility of one of its own residents, thus questioning  
3 their credibility, in the same breath validating probation  
4 officer's E.J. Ehrlich's report that simply mirrored exactly  
5 the same thing as the government's version.

6 Not only did Ms. Miller interview the community  
7 residents, she talked to the United States Army, politicians,  
8 high schools, colleges and social services. All the people  
9 that Ms. Miller interviewed definitely didn't have plea  
10 agreements and had nothing whatsoever to gain, unlike those  
11 plea agreement snitches that had to impress the government to  
12 secure their deals. It's amazing how 100 percent of the  
13 credibility was awarded to the probation officer's report.

14 There has also been so much hollering about the  
15 amount of attorneys I've had when I believe Mr. Rubenstein  
16 might have been the eighth or ninth prosecutor's signature I  
17 have seen on the tax filings in my case. I describe the  
18 attorneys the Court appointed with the acronym WIMPS; it  
19 stands for they are Weak, Incompetent, Malingering  
20 Politicians. They only want to move me through the system  
21 without upsetting the Court or the prosecution, thus violating  
22 all my rights and waiving all my issues.

23 Carl Clavelli told me the Judge was prejudiced.  
24 Mr. Sullivan, it wasn't his fault, but he went to the Iraq  
25 war. And I had to fire Mr. Saltzman because he told me that

1 if I mentioned that he told me that the judge would impose a  
2 life sentence, he would violate my attorney/client privilege.  
3 But the main reason he had to go was because I caught him  
4 discussing my case with probation officer Mrs. E.J. Ehrlich at  
5 MCC Chicago.

6           However, I did successfully achieve a part of my goal  
7 by obtaining an associate's degree in criminal justice before  
8 my incarceration, which was a benefit to me because by  
9 constantly being appointed attorneys who believed that your  
10 Honor would not give me a fair chance, I was forced to defend  
11 myself. If I had not been educated about criminal justice  
12 prior to my incarceration, I would have been in a more  
13 horrible position than I am in now, which is why I plan on  
14 pursuing my law degree.

15           If Sammy The Bull Gravano can admit to killing 19  
16 people, then get out of prison on supervised release, start a  
17 multi-million dollar drug conspiracy in Arizona with the Arian  
18 brotherhood and only receive 15 years, then surely I, Terry  
19 Young, deserve a second chance.

20           I haven't killed anyone. In fact, according to the  
21 Bureau of Prisons, in nine years of incarceration I have  
22 remained extremely optimistic. I have taken all of the  
23 appropriate steps to rehabilitate myself and am considered by  
24 many to be a model prisoner.

25           All of my certificates, schooling and lack of any

1 disciplinary problems since my incarceration should not go  
2 unnoticed. The government can scream about what somebody says  
3 happened over nine years ago, but unfortunately these things  
4 aren't what I was charged with or proved by a jury.

5           If I sound arrogant or disrespectful, it's not my  
6 intent. However, I must concur 100 percent with Supreme Court  
7 Justice Scalia. He stated that defendants with no warning in  
8 an indictment will routinely see his potential sentence  
9 balloon from as little as five years to life in prison based  
10 not on facts proved to his peers beyond a reasonable doubt but  
11 on allegations extracted at the trial from a report compiled  
12 by a biased probation officer who the Judge thinks like he got  
13 it right, then got it wrong.

14           The U.S. Army trained me to be a great soldier,  
15 leader and a real man. I was trained by the greatest and the  
16 most sophisticated military in the world. They told me to  
17 never retreat, surrender or accept leniency in exchange for  
18 dishonoring myself, the infantry or my country. This frame of  
19 thinking has stuck with me throughout my life.

20           However, it also confuses me that the same government  
21 that trained me and instilled in me to accept death honorably  
22 before I dishonor myself, my country and the infantry, in the  
23 same breath so happens to be the same government that promotes  
24 leniency for untrustworthy snitches in exchange for their  
25 prosecution for any testimony.

1 I am proud that I stand here firm in the teachings of  
2 the infantry, that I should always be a man despite the  
3 circumstances and never dishonor myself, my family or my  
4 community.

5 I am truly a changed man with purpose and vision.  
6 Second Corinthians, Chapter V, Verse 17, states that, "One  
7 becomes a total new creation, all things are passed away and  
8 all things become new."

9 All humans make mistakes and poor choices in life. I  
10 saw forgiveness from my family and the community. I should  
11 never again allow myself to be vulnerable to any type of  
12 illegal situation. Nothing in this world is worth me ever  
13 losing my freedom, my family or my relationship with the  
14 Creator again.

15 Now to comment on the prosecutor's statement at the  
16 13th of July sentencing hearing, that Mr. Terry Young knows  
17 that drug-dealing is illegal. I am quite sure the Judge and  
18 prosecutor felt that the defendant that attempted to  
19 assassinate President Reagan and paralyze Mr. Brady, knew not  
20 only that he was committing a crime, but also that he  
21 shouldn't have been protected because of his intelligence and  
22 great family upbringing. Unfortunately, the doctor that  
23 examined the defendant concluded that he was not competent to  
24 stand trial despite how educated, rich or intelligent he was.

25 In my case the doctor made an evaluation, and it's

1 ashame that because of -- because I am not someone of  
2 importance, that my rights don't mean anything. I certainly  
3 wish the prosecutor could put half of their energy and  
4 resources going after some of the rapists, child molesters and  
5 child pornographers.

6 I'm a three-time decorated U.S. Army veteran and  
7 college graduate that admits to making some poor choices. My  
8 God, my family and the community forgave me, so why am I so  
9 much of a target?

10 This whole argument in which I have been trying to  
11 articulate to the Court has been and still is deeply rooted in  
12 the Bill of Rights of the United States Constitution which  
13 supposedly covers all citizens.

14 Unfortunately, it appears that since the enactment of  
15 the United States Constitution, neither me nor my ancestors  
16 were considered citizens. Therefore, if the Constitution  
17 doesn't apply under the clear Booker, Blakely and Apprendi  
18 situation, then maybe the Dred Scott opinion of the United  
19 States Constitution still to this day rings true, that a black  
20 man has no rights, laws or guidelines that a white man is  
21 bound to respect.

22 The Dred Scott opinion specifically states that  
23 African-Americans were not included and were not intended to  
24 be included under the word "citizens" or "we, the people" in  
25 the United States Constitution, therefore claim that none of

1 the rights and privileges which the instrument provides for  
2 secure citizens of the United States -- African-Americans were  
3 considered as a subordinate and inferior class of beings who  
4 has been subjugated by the so-called dominant race.

5           The Dred Scott opinion and the Declaration of  
6 Independence shows that neither a class of persons imported as  
7 slaves nor their decendents, whether they thought they had  
8 become free or not, weren't then acknowledged as part of the  
9 people nor intended to be included in general words used in  
10 the memorable instrument.

11           According to the Constitution and Supreme Court law,  
12 issues raised here in this courtroom are 100 percent solid  
13 issues. However, I think my issues simply weren't  
14 acknowledged because of the existence of the Dred Scott  
15 decision.

16           In my case before the Court today the prosecutor  
17 could never get over the hurdle of the first opinion in the  
18 Booker case. Instead, they attempted to circumvent the U.S.  
19 Constitution by relying on the second opinion of Booker, but  
20 they never offered a response to the constitutionally  
21 understood ex post facto concern. The Supreme Court authority  
22 prevents the evil remedy that the prosecutor would like to  
23 extract from this case.

24           I am very interested in reading the Court's opinion.  
25 I believe the government has totally waived any arguments

1 pertaining to the ex post facto issue. I think the government  
2 is simply relying on its relationship with the Court, the  
3 mandate and the previous opinions that the Court has written.  
4 Unfortunately, the relationships, the mandate and the Court's  
5 previous opinions came before Booker and Blakely, thus totally  
6 changing how the ballgame is to be played.

7 I honestly don't see how the government can have a  
8 legitimate decision unless it relies on the Court to, once  
9 again, bail them out by finding for them.

10 It's more than obvious how the Court has allowed the  
11 government to have one position in the appeals court, then  
12 back in the District Court take a different position that so  
13 happens to be to the detriment of Terry Young. This has  
14 resulted to a cat and mouse game, a musical chairs with my  
15 life and freedom on the line.

16 The image you have also taught me, to always utilize  
17 tact when dealing with authority. I define tact as having the  
18 uncanny ability to make a point without making enemies.  
19 Hopefully this is what I have done today.

20 I pray that your decision was made based upon facts  
21 and law and not speculation and prejudice. The reason I must  
22 say this is because on the March 17th telephonic hearing, you  
23 briefed the prosecutor, my attorney and Mr. Hasford (phonetic)  
24 from the Bureau of Prisons about an allegation that Terry  
25 Young was somehow involved with some corrupt guard. Not only

1 did you not have any details, but you stated that you knew  
2 nothing about this allegation. You stated that you thought  
3 Marshal Shaw anticipated I might resist. It also was your  
4 presumption that it must have been my attitude, since I have  
5 been back here, that justifies the marshal's request. This  
6 request was extraordinary and unusual, especially considering  
7 the fact that you had never given one before.

8           Marshal Chris Shaw requested that he be given  
9 exclusive authority to use whatever means necessary to remove  
10 me from MCC Chicago through my judgment of commitment. Not  
11 only didn't you at least hold a hearing to confirm the untrue  
12 allegations or provide me with my constitutional right to  
13 confront my accusers, you simply without any knowledge or  
14 confirmation went right along with the government -- excuse  
15 me, with Marshal Shaw, with misrepresentations to the Court,  
16 not thinking to question his ulterior motives.

17           Chris Shaw is the same marshal that beat Mohammad  
18 Mansoori and Mr. Mansoori sued him in federal court. How  
19 could you have forgotten this? It happened when we were  
20 coming to your court. And I believe the lawsuit was assigned  
21 to your courtroom initially.

22           I'm sure either you or your law clerk knew I was a  
23 potential witness to the beating of Mr. Mansoori. I was never  
24 questioned, segregated or even a subject of interest in the  
25 investigation involving this guard. This was told to me by

1 the head SIA at MCC Chicago, Mrs. Jones, and my unit manager,  
2 Mrs. Shanoki (phonetic). The only people that seem to know  
3 this lie or a reason to grant this request seems to be Mr.  
4 Chris Shaw or Mr. Gary Hicks, your law clerk.

5 I wonder why you would give a known brutality officer  
6 authority to attempt to beat or intimidate me. This is why I  
7 believe you allow other things into your decision making,  
8 because the request wasn't based on facts or the law; it was  
9 based on preconceived notions and a law enforcement's  
10 relationship.

11 I now clearly understand the mind-set and the  
12 struggle that two of my favorite role models, Malcom X and  
13 Nelson Mandela, had to endure during their incarceration.  
14 Like the both of them, I have taken this incarceration as a  
15 transformation, and I 100 percent submit to the calling that  
16 God demands upon my life.

17 I have humbly taken my bumps and bruises. I have  
18 painstakingly learned to accept certain realities about the  
19 effects of making poor decisions. My vision and my mission in  
20 life could never be any clearer than it is today. I believe  
21 that the same spirit that traveled through my role models is  
22 trying to get my attention. I look forward to devoting a  
23 substantial portion of my life to seeking and demanding  
24 justice.

25 Despite the outcome of this hearing, I expect my

1 family and the community to remain strong and know without a  
2 shadow of a doubt that God still is in control and Him alone  
3 controls our faith. No evil weapon of bias or prejudice  
4 formed against us shall ever prosper.

5 None of my actions were concocted to give the Court a  
6 hard time, nor was there any intent for the Court to take  
7 these matters personal or offensive. I am just a man not only  
8 fighting for my freedom, but also the reunion and repair of my  
9 broken family.

10 A true apology consists of what's been taught to me  
11 as the three Rs: Regret, Responsibility and a Remedy. I do  
12 believe I have not only addressed all of these three elements,  
13 but I also have received total acceptance from God, my family  
14 and the community, thus totally not only acknowledging but  
15 accepting full responsibility for my actions.

16 I pray this very moment that God shall remain the  
17 captain of my faith and the master of my soul.

18 I thank the Court for its patience, understanding and  
19 undivided attention. May God's will continue to be done.

20 If you have any questions, please don't hesitate to  
21 inquire deeper. Thank you.

22 THE COURT: Okay. The Court expresses its  
23 appreciation of the probation office during these protracted  
24 proceedings.

25 Mr. Young, you stand before the Court convicted of

1 the aforementioned offenses pursuant to the verdicts of the  
2 jury at trial. This Court's authority in this case is limited  
3 to the scope of the remand ordered by the Seventh Circuit.

4 The final paragraph of the Seventh Circuit's opinion  
5 states in general terms, for all the foregoing reasons, we  
6 affirm the defendants' convictions but vacate their sentences  
7 and remand for resentencing in accordance with this opinion.

8 A key phrase in that paragraph is that resentencing  
9 is to be in accordance with this opinion. The opinion states  
10 with respect to Count 2, accordingly, we shall remand the case  
11 to the district court for resentencing on this count. The  
12 district court on remand may not impose a sentence in excess  
13 of 20 years on Count 2.

14 With respect to special assessments erroneously  
15 imposed, the opinion states, accordingly, we shall also remand  
16 for resentencing in this regard as well.

17 With respect to your argument that you should receive  
18 a downward departure for diminished mental capacity, the  
19 opinion states, we must therefore remand so that Judge  
20 Lindberg may consider anew whether Young's allegedly  
21 diminished mental capacity calls for a downward departure.

22 And with respect to community restitution erroneously  
23 imposed, the opinion states, we therefore vacate and remand  
24 the sentencing of all defendants for correction of that error.

25 The Seventh Circuit made an explicit statement with

1 respect to each matter that was to be addressed on remand and  
2 this Court is limited to determining those matters.

3           The application note to sentencing guideline 5K2.13  
4 states, significantly reduced mental capacity means the  
5 defendant, although convicted, has a significantly impaired  
6 ability to, A, understand the wrongfulness of the behavior  
7 comprising the offense or to exercise the power of reason, or,  
8 B, control behavior that the defendant knows is wrongful.

9           The Court has had much opportunity to observe you in  
10 court and also has had the benefit of reviewing the report of  
11 your mental examination. In addition, the Court heard all of  
12 the testimony at trial about your conduct at the times your  
13 offenses were committed.

14           The Court finds that you do not and did not have a  
15 significantly impaired ability to understand the wrongfulness  
16 of the behavior comprising the offense or to exercise the  
17 power of reason and did not have a significantly impaired  
18 ability to control behavior you know or knew at the time of  
19 the commission of the offenses to be wrongful.

20           The Court concludes that you are, therefore, not  
21 entitled to a downward departure for diminished capacity  
22 because your mental capacity is not and was not significantly  
23 reduced.

24           Having determined that you are not entitled to a  
25 downward departure for diminished capacity, the mandate only

1 authorizes resentencing with respect to Count 2. Under the  
2 mandate the Court may not impose a sentence in excess of 20  
3 years on that count.

4 In accordance with the mandate of the Court of  
5 Appeals, the Court imposes the maximum 20-year term of  
6 imprisonment as the sentence for Count 2. Even in the absence  
7 of the drug amount, the other factors this Court considered at  
8 your original sentencing warrant a maximum 20-year prison  
9 sentence for Count 2 regardless of whether the guidelines were  
10 mandatory or simply advisory.

11 The government has requested that this Court also  
12 make an alternative sentence on all counts under Booker.  
13 While the Court can state that it would not have imposed a  
14 lesser sentence under advisory guidelines than it did under  
15 mandatory guidelines, the Court declines the government's  
16 request.

17 Resentencing under the full requirements of Booker  
18 would, at least it seems to the Court, require the impaneling  
19 of a jury and a trial on the amount of drugs. The Court is  
20 unwilling to do that in order to avoid a possible remand for  
21 resentencing just in case this Court's interpretation of the  
22 mandate turns out to be in error.

23 The government also has requested that this Court  
24 impose a second alternative sentence on all three counts of 20  
25 years per offense, all to be served consecutively. If this

1 case were to be returned to this Court for resentencing under  
2 Booker, the Court would impose such a sentence, if consecutive  
3 sentences on the three counts were permissible.

4 Finally, pursuant to the Seventh Circuit's mandate,  
5 no community restitution is ordered, and the special  
6 assessment for Count 14 shall be reduced to \$50.

7 You are remanded to the custody of the U.S. Marshal.

8 If there are no questions, these proceedings are  
9 concluded.

10 MR. RUBENSTEIN: Your Honor, you're leaving in place,  
11 then, the life sentence on Count 1?

12 THE COURT: Yes. It was not returned here.

13 MR. RUBENSTEIN: Yes, sir.

14 Thank you, your Honor.

15 MR. COHEN: Judge, was he going to be sent back --  
16 his request was he be sent back to MCI Terre Haute.

17 THE COURT: I will make the recommendation.

18 As you know, Mr. Young, the Court can only recommend  
19 and I'll make that recommendation.

20 THE DEFENDANT: All right.

21 MR. RUBENSTEIN: Thank you, your Honor.

22 (Which were all the proceedings had at the hearing of the  
23 within cause on the day and date hereof.)  
24  
25

CERTIFICATE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I HEREBY CERTIFY that the foregoing is a true,  
correct and complete transcript of the proceedings had at the  
hearing of the aforementioned cause on the day and date  
hereof.

*Mary E. Hacker*

Official Court Reporter  
U.S. District Court  
Northern District of Illinois  
Eastern Division

*8/30/05*

Date

REPORT TO THE COURT

TO: The Honorable George W. Lindberg  
United States District Court Judge  
Northern District of Illinois

RE: United States vs. Terry Young  
Docket No. 97 CR 63-1

DATE: March 3, 1999

Terry Young appears before the Court for sentencing on one count of Conspiracy to Possess with Intent to Deliver Narcotics, contrary to 21 USC 846; one count of Possession with Intent to Deliver Narcotics, contrary to 21 USC 841(a)(1); and one count of Money Laundering, contrary to 18 USC 1956(a)(B)(i). He was convicted of these offenses in a jury trial on April 13, 1998. Young was arrested in this matter on January 31, 1997. He has remained in the Metropolitan Correctional Center during the pendency of this case.

This report has been prepared at the request of Mr. Young's attorney, Alan Ellis. The purpose is to explain, expand upon, and correct information provided in the Presentence Investigation Report furnished to the Court by Elisa J. Ehrlich, Senior United States Probation Officer; and to present additional information regarding Terry Young that is not included in that report. Details of the instant offense will not be discussed in this report. The specifics of the charges and the government's version of the offense are provided in the PSI. The court presided over the trial. Mr. Young was directed by counsel not to discuss the facts of the offenses. The purpose of this report is to supplement information previously provided or available to the Court.

Criminal History

Mr. Young has one prior criminal conviction. He pled guilty to two misdemeanor counts of False Written Statement on Application for Federally Funded Student Loans in the Northern Illinois

side. This has been the family home during Terry's entire life. During Terry's childhood (and continuing to the present time), his father lived and worked in St. Louis. The family remained in Chicago. The senior Young would occasionally visit on weekends, holidays and vacations, though Terry admits that he did not visit often. Terry stated that his father did not provide much in the way of financial support to the family, and they struggled to survive. He recalls that the situation for the family was "extremely difficult." Clothes were generally obtained from Goodwill or garage sales; the younger children wore hand-me-downs from their siblings. While he cannot recall going hungry, he said the his family's situation was "rough."

After Terry finished high school, his mother moved to St. Louis, though she continued to spend extended periods of time in Chicago. According to military records and his sister, Antoinette Young, Willie and Ruby Young "separated" at some point during the 1980's. They had had marital problems for several years. While they had lived apart for much of Terry's life, his father's abandonment of the family was total during this period. Ruby lived for several years in the family home in Chicago. She and Willie would get back together from time to time. They finally reconciled in the late 1980's, though Mrs. Young continues to return to Chicago for lengthy visits.

Except for periods during which he was in the Army and college, Terry has always resided in the family home. During his early years, his maternal grandmother, Laura Peoples, lived with the family in the home, as well. Terry's sister, Antoinette, and both living brothers, Larry and Ernest, continue to reside at home. Larry is a disabled veteran, having served in the Marines. He currently works for the Chicago Board of Education. Ernest works at the Cook County Hospital, and Antoinette works for ACT Maintenance at the Cook County Juvenile Detention Center.

Ruby Young reported that Terry was a developmentally normal and physically healthy child, who was always well-behaved. He attended both Catholic and Baptist church services at times. Discipline in the Young home was described as strict. Ruby Young said that Terry was disciplined "the old-fashioned way, if I had to." Terry described his parents as strict, adding, "when I was out of place, I got put in place...by whatever means." This included spankings. Ruby said that Terry was not disciplined often. She described him as a pleasant child, with a good disposition, who was helpful to his parents. All of her children had chores at home. She described Terry as "god in the kitchen...when he cleaned up", adding that he was very particular about cleaning the kitchen.

Terry entered kindergarten at William H. King Grammar School in 1970. He attended King School through the eighth grade, then enrolled at Crane High School. Terry attended Crane for three and a half years, transferring to Manley High School midway through his senior year in order to participate in their work-study program. Transcripts indicate that his grades were average to above average. Terry graduated from high school on June 17, 1983. Ruby Young described Terry as a good student who had no problems in school. During his school years he participated in a number of activities including Cub Scouts, Boy Scouts, Little League baseball, and basketball. He joined the YMCA and the Boys and Girls Club, and participated in organized sports programs at both facilities, as well as at neighborhood parks.

Howard Lathan, who currently works at the Chicago Area Project, worked for the Chicago Park District when Terry was a teen. Lathan ran programs at Altgeld Park, in Terry's neighborhood. He remembers that Terry was active in sports programs at the park, including basketball, track and football. Lathan said that as a teen Terry evidenced some leadership skills. He would organize kids into teams, and would always make sure that the kids worked their problems out peacefully. Lathan described Terry as a mediator. Lathan also knew Terry as a youngster through his (Lathan's) work as Director for the Boys and Girls Club at Horner Homes in the mid to late '70's. Terry spent time at the club.

Terry was close to his maternal grandmother, who lived in the family home. Laura Peoples died in 1981 after a long illness. Terry was generally healthy throughout his childhood and adolescence, though he did sustain one head injury. He reported that he was doing gymnastics in the neighborhood when he flipped off the mat and fell on a piece of glass, sustaining a cut to his head. His grandmother treated the injury; he did not obtain medical care. He has a scar on his head from this accident. Metropolitan Correctional Center medical records contain notations of scars on both his arms from childhood accidents.

During his high school years, Terry had several jobs. He worked briefly at an Amoco Gas station in 1981; then worked at Self Insurers Services, Inc. Social Security records indicate that he earned \$689.40 at Self Insurers Services and \$78 at Amoco that year. In 1982 and 1983, while attending high school, Terry worked for Globe Life Insurance Company. He earned \$4237.30 in 1982, and \$1589.85 in 1983. Ruby Young said that Terry used his money to buy his own clothes; he also saved some of his earnings.

When asked about his exposure to violence in the neighborhood and community during his childhood and adolescence, Terry responded that he was aware of a certain level of violence, including

shootings, stabbings and assaults. He can remember hearing shooting in the neighborhood. As a teen he attended the funeral of a friend from the neighborhood who had died violently. When he was fifteen, Terry was playing basketball at a park on Western and Harrison. Some youths drove up in a car and started shooting. He ran home. He didn't know what the shooting was about. Terry said that he learned growing up in the neighborhood that when someone started shooting, you should get out of the way as fast as possible.

Adult Years: 1983 - 1997

Upon graduation from high school, Terry enlisted in the United States Army. He entered the Army on July 13, 1983, and went to Fort Benning, Georgia for basis training. After completing his basic training, he was sent overseas. Terry left for Germany on October 10, 1983. He remained there until May 18, 1985, at which time he was transferred back to the States, to Fort Campbell, Kentucky. He remained at Ft. Campbell until his discharge in May, 1986. While in Germany and at Fort Campbell, Terry received several awards from the Army, including: Army Service Ribbon, Good Conduct Medal, Overseas Service Ribbon, Sharpshooter Badge, Army Achievement Medal, and Air Assault Badge. He was promoted to Specialist 4 on April 1, 1985.

Terry married his high school sweetheart, Wondra Boyd, while at Fort Campbell. Terry said that he had been missing her while stationed in Germany. When he returned from Germany, he had a leave before reporting to Fort Campbell. He went to Chicago and took Wondra to Kentucky with him, where they married. Terry received an honorable discharge from the Army on May 12, 1986. Social Security records indicate that he earned a total of \$24,416.46 in pay from the Army during this period (1983-86).

After Terry was discharged from the Army, he and Wondra returned to Chicago and to his family home. His mother, three brothers and one sister were living there at the time. His sister Sheila lived with her husband. He began looking for work. He states that while he was still in Germany he had sent applications to many area police and fire departments. Most told him that he was too young. He was almost twenty-one years old at the time of his discharge. Records indicate that during 1986, Terry worked for a time for Allied Security. He earned only \$545.63. He also earned \$441.75 in Army Reserve pay. Terry said that he looked for better jobs, but soon became discouraged. Members of his family were having problems at the time. Two of his brothers, Howard and Larry, had substance abuse problems. Both were military veterans, Howard having been in the Army and Larry in the Marines. Terry's father abandoned his mother at some point in the early 1980's. Most family members were unemployed and living on assistance.

At the end of 1986 or early 1987, Terry decided to re-enlist in the Army. He entered the Army on January 29, 1987. On February 17, 1987, he was sent overseas, to Rhein-Mein Air Base near Frankfurt, Germany. During his second tour of duty, Terry received the rank of Corporal, and earned several awards, including: Army Achievement Medal, Overseas Service Ribbon, Army Service Ribbon, Good Conduct Medal, Expert Marksmanship Badge, and Air Assault Badge. The Army Achievement Medal is awarded for meritorious service. He also earned certificates for completion of a Community Awareness Readiness Enhancement program and for Achievement in the Army Physical Fitness Test. Terry remained married to Wondra during this period, but she was beginning to engage in alcohol and drug abuse, which put a strain on their marriage.

The situation in Terry's family deteriorated during 1987. According to military records, Terry's father had abandoned the family. Ruby, Howard, Larry and Antoinette were living in the home. None of them were working; they were all on public assistance, receiving a total of \$480 per month in benefits. Their monthly bills were \$1000. Though he was married and earning only about \$950 per month in the military, Terry was sending \$600 per month home, according to military records. The family's situation was exacerbated by Howard's physical health problems and Larry's mental health problems. Both brothers also had substance abuse problems. Howard had been a drug user and Larry was alcoholic.

According to a letter in Terry's military file, written by Father Darrell Rupiper of Precious Blood Parish (a Catholic church a few doors down from the Young home on West Congress), and dated 8-20-87, Terry had been home on leave in order to be of assistance to his family. The primary problem was Larry, who was engaging in "constant dangerous behavior...in the home and neighborhood." Larry, a veteran of the Marines, was described as a threat to the family due to severe mental problems. His conduct included throwing his mother's furniture into the backyard during rainfall; threatening and trying to burn the house down; and running naked through the neighborhood. In addition, Howard was in and out of the hospital. He suffered from a seizure disorder and had been diagnosed with AIDS. Doctors from the VA Hospital, where he was being treated, reported that he required constant care and assistance, and that his condition was expected to worsen over the coming months. Military records indicate that Terry took leaves to visit his family and try to help alleviate the problems from July 15 to August 9, 1987, and from October 14 through October 28, 1987. His efforts were unsuccessful.

Ruby Young wrote a letter to the Army seeking Terry's discharge so that he could return home to help the family. In her letter she referred to the "traumatic and uncontrollable circumstances" in her home. Mrs. Young reported that she suffered

from a nervous condition; that Howard had a seizure disorder and needed constant care; and that Larry was mentally ill and causing severe problems at home and in the neighborhood. Larry had been in and out of the psychiatric ward at the VA Hospital, but would always sign himself out before he received any real help. Mrs. Young said that Larry was harassing the neighbors and threatening to assault her. Despite the fact that Terry was the youngest child in the family, and only twenty-two years old at the time, he was seen as the only one who could help stabilize the situation at home. Antoinette stated that the situation in the family at that time was extremely serious. Her father would come to Chicago to help, but soon left. He couldn't control Larry. They all felt that Terry, in spite of being the youngest, was the most stable member of the family and the only one who could help.

Terry applied to the Army for a hardship discharge in January, 1988. In his sworn statement, he spoke of his fruitless efforts to help resolve his family's problems while on leave. He said that his mother, due to her age and financial problems, was unable to manage the situation. She could not control his brothers. The situation was placing an undue burden on her. He was able to get his brothers to counseling while he was home on leave, but as soon as he left, they would stop attending. He felt that if he could return to the family, he could insure that his brothers got professional help and that his sister got into a training program, so that she could obtain gainful employment. Terry asked the Red Cross to assist him in obtaining documentation of the problems. He concluded his statement by saying, "I try to soldier on the best I can, but I am reaching a point where I just cannot properly concentrate on my duties." He said that he thought about the terrible situation of his family constantly, and felt that he needed to physically supervise the daily activities of family members in order for their situation to improve.

There are also sworn statements in the military records from Daniel Sacks, Terry's commanding officer, dated 1-8-88 and 1-28-88. In his first statement, Sacks noted Terry's difficulty in getting the required affidavits from his family members, due to their dysfunction. Sacks stated that Terry was the main financial resource and stabilizing factor in his family. Even though his brothers were older, they were unable to work due to their disabilities. Sacks said that it was Terry's hope to return home, obtain work in a police department, live in the home, and help his family members achieve stability and independence, so that his mother would be relieved of the burdens she was suffering. Terry's request for hardship discharge was supported by his commanding officer and his direct supervisor, Ronald Covill. In his 1-28-88 statement, Sacks reported on his efforts to verify the problems in Terry's family. He spoke with Father Rupiper and medical staff from the VA. Sacks noted that Larry Young presented very serious

problems in the neighborhood and was "an untold torment to his mother." The family was in a very impoverished situation. Howard was in the hospital, with his condition worsening.

Sacks concluded that Terry had a genuine hardship due to his family's condition, which had been aggravated and had deteriorated in Terry's absence. Terry had made every effort to resolve the problems while remaining in active duty, to no avail. His hardship discharge was approved. He was given an Honorable Discharge from the Army on February 28, 1988. He was placed in the Individual Ready Reserve (inactive), from which he was subsequently discharged on September 14, 1989. He did participate in two weeks summer duty at Fort Bliss, Texas in 1989. Social Security records indicate that Terry earned a total of \$11,976.20 during his second stint in the Army, and \$69.42 in reserve pay in 1989.

Upon his discharge from the Army, Terry and his wife returned to the family home in Chicago. His marriage continued to be troubled, due to Wondra's substance abuse. Terry subsequently divorced her. Shortly after arriving back in Chicago, Terry was in a motor vehicle accident. According to medical records from Cook County Hospital, he was admitted to the hospital on 3-9-88. He reports that a woman ran a red light and struck his vehicle, running it into a pole. He had been wearing a seatbelt, which prevented more serious injuries. He hit his chest on the steering wheel and his head on the windshield; he suffered a loss of consciousness. Medical records indicate a cardiac contusion and irregular heartbeat. He was discharged from the hospital on 3-13-88, with recommendations for follow-up at the Trauma Clinic and Neurosurgery Clinic. Terry eventually obtained a job at Borg Warner Protective Services, earning \$1386 in 1988, and \$546 in early 1989. His efforts during 1988 were focused primarily on his family situation.

Howard Young's medical situation was very serious by the time Terry got back to Chicago. He spent a great deal of time in the hospital. He suffered from seizures, AIDS, and pneumonia. He finally died at home of complications of his medical problems on April 19, 1988. Less than four months later, on August 9, 1988. Terry's sister Sheila was killed in a motor vehicle accident. Sheila had two young children at the time. The accident occurred outside the Young home on Congress. Sheila had pulled up and parked her car. She got out of the car and was reaching in for her two-year old child when an 18-wheeler truck struck her. Her infant was in the car, as well. Terry described her death as very traumatic; he had been particularly close to her. Ruby Young stated that the deaths of both siblings were very hard on Terry.

On April 17, 1989, Terry was shot and seriously wounded while visiting a girlfriend in the Rockwell Gardens Housing Project, near

his home. He states that as he was about to enter the building in which his friend lived when a man approached him and tried to rob him. The man shot him in the stomach. Antoinette Young recalls hearing the shots. She said that Terry had just gotten off work and had gone to visit a female friend. She added that there were a lot of shootings in Rockwell Gardens at that time. Terry was taken by ambulance to Cook County Hospital. He was admitted, and underwent surgery. Medical records indicate that the bullet had lodged near his spine. They did not remove it. An exploratory laparotomy was performed, including repair of the vena cava and removal of part of the small bowel. Terry was admitted to the trauma unit following surgery. He was discharged from the hospital on April 25, 1989 with orders for follow-up care at the trauma clinic.

Terry received some follow-up care at the Fantus Health Clinic, affiliated with Cook County Hospital, then applied for medical care at the VA Hospital. He decided to recuperate at his parent's home in St. Louis. He applied for medical care at the VA Hospital in St. Louis on 5-2-89. Their records indicate that he received medical services, including physical therapy through 7-21-89. Medical records indicate that Terry had problems with walking, and pain in his back and legs. He arrived at the hospital for treatment in a wheelchair until late June, 1989, at which time he was able to walk with an assistive device (walker). He received physical therapy three times a week, and was placed on a home exercise program. Terry regained use of his legs, and was able to return to Chicago in late July, 1989. He states that after this incident he was more apprehensive when out in the community. He felt nervous and jumpy; he would visually scan the area when we walked in the neighborhood. He said that he startled easily. In late 1989, Terry worked for a time at Indak Manufacturing Company. Social Security records indicate that he earned \$997.50 at that job.

On October 27, 1989, the first of Terry's four children, Talila Cox-bey, was born. She is the daughter of Zerita Cox-bey. Ms. Cox-bey stated that she met Terry in the early 1980's, when both were students at Crane High School. She saw him off and on over the years, when he was home on leave from service. She started dating Terry when he returned from the service in 1988. Terry said that he learned of Zerita's pregnancy when he was in the hospital, after being shot. Zerita reported that Terry was with her at the hospital at the time of their daughter's birth. She described him as a very active and involved father who participated in the care of his daughter. Though they did not remain romantically involved after her birth, Terry and Zerita remained friends. She said that he spent a lot of time with his daughter and provided financial support to her for Talila by providing her with whatever she needed, e.g. clothes, etc.

his sister Antoinette get a job through ACT Maintenance. She now works at the Juvenile Detention Center. He also helped his brother Larry obtain work at the Board of Education, through the Chicago Area Project's Mentoring Training and Employment program. Larry, who had severe mental health problems during the 1980's and early 1990's, finally obtained appropriate treatment, and is a recovering alcoholic. Terry spent a time with his children, often bringing them to his mother's home for overnight visits or weekends. His daughter Talila Cox-bey said that her father encouraged her to do well in school, and took her on outings. Daphne Johnson said that Terry also encouraged his son Terrion to do well in school. He took Terrion to basketball games and other sporting events. Nakita Grant described Terry as a very loving father towards his children.

#### **COMMUNITY SERVICE ACTIVITIES**

Early in my involvement in this case, I reviewed numerous letters written to the Court regarding Terry Young's community service activities. I made extensive efforts to verify that the organizations and programs for which he provided services were legitimate and reputable; and to obtain first-hand, detailed information regarding the nature of Terry's contributions. My associate, Marylyne Kaplan, and I personally interviewed a number of persons connected with these programs. I made site visits to several programs. Program materials, including such things as statements of incorporation, brochures, and newsletters, were obtained and reviewed. Thorough investigation indicates that Terry Young has made substantial contributions to his neighborhood and community through his involvement in community service activities.

Howard Lathan is the Associate Executive Director of the Chicago Area Project (CAP). CAP was founded in 1930 by sociologist Clifford Shaw to address the problem of juvenile delinquency in poor communities in Chicago. The mission of CAP is to work towards the eradication and prevention of juvenile delinquency through the development and support of affiliated, local, community self-help efforts. CAP uses a three-pronged approach of direct service, advocacy and community organizing. CAP has over forty affiliates and special projects, which include the Horner Association of Men, and the Male Alliance for Leadership and Economic Security (MALES). It sponsors the Mentoring Training and Employment Program (MTE), in cooperation with Horner Association of Men, and the Women in Transition Work First Program (see below). CAP is funded through contracts with the state and private grants. Lathan received a Lifetime Humanitarian Award from the Henry Horner Alumni Association in 1998. Lathan has worked for the Chicago Park District and the Boys and Girls Clubs.

Zerita Cox-bey reported that Terry played an active role in the lives of a lot of teens in the neighborhood. He tried to keep them out of gangs. He arranged activities in the community, such as basketball games or tournaments. He encouraged them to stay in school. Cox-bey noted that she has a fifteen year old son who Terry encouraged to stay in school and out of trouble. He helped her son get a summer job. She noted that her son had no other father figure, and that she was grateful for Terry's help. Peaches Barker, a friend of Terry's, said that Terry helped a couple of her friends get jobs. He tried to get young boys in the neighborhood to get involved in the Boys Club. He encouraged her to go back to school, which she did, earning a certificate as a day care provider. Barker also said that Terry was involved in activities to feed the homeless. Ingrid Holt commented on Terry's efforts to keep kids in school and his organizing of basketball games for kids in the neighborhood. She often saw him out in the community talking to kids about school and work.

Brother Michael Cameron, of Precious Blood Church, spoke about Terry's efforts to keep peace between rival gangs in the neighborhood. While he was aware of Terry's affiliation with the Traveling Vice Lords, Cameron said that he and Terry never spoke about Terry's activities in this regard. He just knew Terry as someone he could call upon when there were problems that needed to be resolved. Cameron, who is the gang minister in the area, described Terry as someone who "was very keen on keeping violence down." He recalled that he met Terry in late 1995, when Terry asked to meet with him. He said that Terry asked for his help in reducing ethnic tensions between blacks and Hispanics in the neighborhood. The two discussed ways to bring peace to the area. Cameron commented that he had seen Terry in the middle of the projects, Rockwell and Horner, calming people down and preventing violence. Calling Terry a "force for peace", Brother Michael said that whenever he knew of a problem between two gangs in the area, he could call Terry. Terry would get involved, and get the groups to resolve their differences without violence. Cameron said that Terry was very motivated to help black youth obtain education and legitimate jobs. He used his political position to advocate for people in his community. He noted that Terry absolutely insisted that people stay in school. He had very strong feelings about this. Terry was also involved in food banks and toy drives for residents of the area. Cameron said that Terry was genuinely motivated to help young men stay out of trouble through education, training and jobs; and that he made real contributions to keeping violence down in the community.

During 1996, Terry continued to live in his family home, and to be very involved with his immediate family and his children. His mother reported that he has helped the family over the years, both financially and by helping members with problems. He helped

In Early 1996, Terry decided to seek political office as a way of being in a position to help his neighborhood. He ran for the 2<sup>nd</sup> Ward Republican Committee in Chicago. Ingrid Holt reported that she and other members of the community who were involved in voter registration and other community organization activities had encouraged Terry to run for this office. Lou Kasper, the City Chair of the Chicago Republican Central Committee, reported that Terry obtained the necessary signatures on a petition to run for the office, and that he was elected to a four year term in March, 1996. His Certificate of Election is dated 3-19-96, and signed by the Cook County Clerk. Kasper stated that Terry was properly elected and there were no indications of any irregularities in his election. He described Terry as a "nice young fellow" who participated in Republican Committee meetings, and made appropriate contributions to the process. Kasper also said that, in his capacity as 2<sup>nd</sup> Ward Committeeman, Terry engaged in activities for his community, including helping constituents obtain public jobs and holding fundraisers to support community projects. Antoinette Young reported that Terry had an office in the basement of his home, from where he did his political work, including food and toy drives for area families (see below).

Terry graduated from Parkland College in May, 1996, earning an Associate Degree in Applied Science - Social Science and Human Services, with a major in Criminal Justice. His cumulative GPA was 2.8. He had transfer credits from Malcolm X and Youngstown, and earned a total of 51 credits at Parkland. During the remainder of 1996, he worked at several jobs. A review of W-2 forms for 1996 indicates that Terry had the following jobs and earnings: Habitat Company (a construction company), \$3290; HAM (Horner Association of Men, where he was Associate Director), \$9600; Colfax Corporation, \$2902.35; and ACT Maintenance, \$15,710.76. During the first month of 1997, prior to his arrest, he continued to work for ACT Maintenance, earning \$2400.

Several persons described Terry's informal activities in the community (formal community service is described below), including efforts to keep kids in school or get them back into school, and to keep peace between different gangs in the neighborhood. Nakita Grant said that Terry had a real obsession about school; he felt everyone should at least complete high school. He encouraged many people to pursue education or training after high school. Grant said that Terry would often talk to youth on the street about going to school, working, respecting adults, taking care of their kids, and setting goals for themselves. Grant's aunt lived in Rockwell Gardens, and told her about the food and toy drive that Terry did for residents there during the holidays in 1996. Ms. Grant said that there were members of both the Vice Lords and the Gangster Disciples in Rockwell Gardens. Terry would talk with them about getting along, and about staying off the street corners.

community, so he began developing associations with community leaders who were committed to projects for improvement.

One of the people that Terry met through his community activities was Ingrid Holt. Holt states that she met Terry in about 1993, through a voter registration drive in which they both participated. Holt described Terry as a person who "was always preaching...had a way of dealing with negative youth in the community." She said that he would see youth on the street, and would talk to them about staying in school and not engaging in negative behavior in the neighborhood. Terry, according to Holt, was instrumental in keeping kids in school. He had very strong feelings about this. He also got kids involved in basketball programs in the neighborhood.

Holt stated that she went through a very difficult period in her life not long after meeting Terry. She lost both her parents. Then she was raped and sodomized. The perpetrator was arrested and jailed, but she was afraid to go to court. She said that she was suicidal, and was admitted to Cook County Hospital following a suicide attempt. Terry was away at college at the time, but he phoned her and encouraged her in her treatment. Ingrid said that she soon made another suicide attempt, and was placed in the hospital at Tinley Park. Terry came to see her. Upon her release from the hospital, he spent time with her, once again encouraging her to get involved in positive activities. Holt had a third bout with suicide in 1995. Terry took her into his family home for a couple weeks, until she could get back on her feet. Ingrid Holt said that she was very grateful for Terry's help and encouragement during this difficult period in her life.

In the fall of 1994, Terry enrolled at Parkland College in Champaign. He attended there until May, 1996. During the summer of 1995, he took courses at Malcolm X College in Chicago. While he was attending Parkland, Terry would return to Chicago for weekends and school vacations. At those times he worked for ACT Maintenance. He earned a total of \$15,120.24 from ACT Maintenance during 1994-95. Terry's youngest child, Tekierra Grant, daughter of Nakita Grant, was born on February 2, 1995. Nakita Grant states that she met Terry in the summer of 1993. They dated casually for a few months, then became more serious in early 1994. They broke up in 1996, but remained friends. Nakita noted that Terry was away at college during much of this time. She would visit him in Champaign, or he would spend weekends in Chicago. Ms. Grant said that Terry was very involved in the care of his daughter, changing diapers, doing feedings, etc. He has contributed to the financial support of his daughter. After they broke up, Terry continued to see his daughter regularly, and to take her to spend time with his other children.

the food and gang minister at Precious Blood Church, noted that for most poor, minority youth in Chicago, it was a given that they would become involved in whatever gang was active in their neighborhood. Membership provided a sense of community and belonging, as well as protection in the streets. Brother Michael added that the Catholic Church's policy on gangs is that there is nothing wrong with being a member, but there may be something wrong with what you do in it. He has worked over the years to keep peace between different gangs, and to help young people find a way out of the gangs.

In 1992, Terry began considering what he was doing with his life and how he might achieve some long-term stability. He said that he explored going back into the Army, but was told that due to the severity of his injuries from the gunshot wound, and his previous hardship discharge, he would not be eligible to enter the regular Army. He then decided to pursue a college education. Terry enrolled at Malcolm X College, in Chicago, in January, 1993, as a part-time student. On August 23, 1993, Terry entered the Army Reserves. He remained in the Reserves until being honorably discharged on December 21, 1995. Social Security records indicate that he earned a total of \$1549.49 for reserve duty during this period. Terry transferred to Youngstown State University, in Youngstown, Ohio, in August, 1993. He attended at Youngstown through the fall, 1993 semester, earning 13 credits, with courses in Sociology, Speech, Black Studies and ROTC. His grade point average was 3.07. Terry returned to Malcolm X College for the spring, 1994 semester.

In April, 1994, Terry began working for ACT Maintenance (see details on this project below), a program that obtained contracts for maintenance and janitorial services. By that time, Terry had become active in the Horner Association of Men (HAM), a community organization that worked on projects for the improvement of the Horner Homes community and the surrounding west side area, including job training, education and housing programs (see below). Terry had become quite involved in community organizations and programs during the early to mid-1990's. He states that he had witnessed many problems in his neighborhood and community, stemming from poverty, racism, poor housing, lack of education, and lack of employment opportunities. Terry commented on the problem of violence in the neighborhood, noting that he had been to many funerals of friends and relatives who had died as a result of gunshot wounds or stabbings. He said that most African-Americans in his age group had a pessimistic view of the future. They didn't expect to live past their mid-20's. Observing these things in his community made him aware of the need to learn how to communicate with others and to develop good conflict resolution skills. He states that he decided that he wanted to make a difference in his

Terry's second child, Jasmine Latham, the daughter of Dionne Latham, was born on January 29, 1990. Dionne Latham reports that she met Terry in 1989. They had a brief romantic relationship. When she learned she was pregnant, she told Terry. They agreed that she would have the baby, and that he would take care of her and the child. Dionne said that Terry made sure that she obtained pre-natal care and took care of herself. After the birth of Jasmine, Terry participated in his daughter's care and spent time with her. Ms. Latham said that Terry has provided financial support to her. If she needed anything for Jasmine, she would ask Terry and he would provide it. The two parents remained friends over the years. Dionne Latham noted that Terry was very good in his dealing with young people in the neighborhood. She said that when he saw young people out on the street, he would stop and ask them why they weren't in school. Sometimes, he would pick them up and take them back to school. He organized basketball games for youths in the neighborhood; and supported the young men who played high school basketball by buying them shoes, making sure they went to school, and taking them out to eat after games.

Terry's only son, Terrion Johnson, was born to Daphne Johnson on July 24, 1990. Daphne Johnson stated that she grew up in the same area as Terry, and knew him from the neighborhood and school. She saw him again when he returned from the Army. They began dating in 1989. Ms. Johnson said that she and Terry lived together for over a year. They broke up in about 1991, but remained friends. Terry was involved in the care of his son, including changing diapers, feeding, bathing, etc. He has provided financial support to her and their son. Terry saw his son frequently over the years. Daphne commented on Terry's strong feelings about education and work, stating that she had worked prior to her pregnancy with Terrion. Later, he encouraged her to go back to work. She now works at P & C Mortgage; is married; and has a two year old son by this marriage.

At some point in the mid to late 1980's, according to trial testimony of Chicago Police Officer Mike Cronin, Terry was identified as a member of the Traveling Vice Lords Gang. It is not clear when this occurred, as he was away in service for all but eight and a half months between July, 1983 and February, 1988. Gangs in Chicago are organized into two nations, the People and the Folks. Membership is generally determined by where one lives. In the neighborhood in which Terry grew up, the Vice Lords were the predominant gang, and more specifically, the Traveling Vice Lords. They are in the People Nation. Antoinette Young noted that while the Vice Lords are the primary gang in their neighborhood, there are other gangs in the area, including Gangster Disciples, Latin Kings, Satan Disciples and 4 Corner Hustlers. Terry acknowledges being a part of the Traveling Vice Lords, stating that it was the gang in the area when he was growing up. Brother Michael Cameron,

As reported earlier, Howard Lathan first met Terry Young when he was a teen. Lathan ran a park program in which Terry participated. Lathan met Terry again in the neighborhood, after Terry returned from the Army. He said that Terry was involved in sports activities in the neighborhood at the time. Lathan approached Terry and encouraged him to get involved in community improvement activities. He had noticed that Terry was effective in communicating with youth, and encouraging them in positive directions. Lathan described Terry as a young man who understood the importance of the well-being of the community, and who was a real advocate for young people, especially in regards to getting them to go to school. Howard Lathan reported that Terry Young was a co-founder of HAM, the Horner Association of Men (HAM), which organized in the early 1990's. Lathan had been involved in its predecessor, the Henry Horner Alumni Association, which was established in 1969. According to Lathan, the goals of HAM are youth development, community and economic development, development of housing for the homeless, and employment.

The men who founded HAM, including Terry, wanted to work to overcome the barriers to self-sufficiency for African American males. They also wanted to reduce the number of youths ending up in the justice system. General assistance was being eliminated, and they hoped to develop programs to counter the impact of the loss of the safety net of welfare. They developed MALES, the Male Alliance for Leadership and Economic Security, under the auspices of CAP, and looked at a community organization approach, with an economic and community development model, to create businesses, jobs and housing. Their efforts led to the creation of such programs as ACT Maintenance, a business that provided jobs; the Mentorship Training and Employment Program (MTE), which helped place young men in jobs; and East Park Apartments, a single-occupancy apartment building for the homeless.

Howard Lathan stated that Terry was intricately involved in the projects initiated and sponsored by HAM and CAP. He worked hard to access resources for residents of the community (the areas including Horner Homes and Rockwell Gardens projects). Through his work with ACT Maintenance, Terry helped obtain contracts for maintenance and janitorial services, which led to jobs for many young men and women. He placed others in jobs through his position as a Republican Committeeman. Lathan observed that Terry was particularly talented at outreach and mobilization. He referred many young men and women for jobs, and to education and training programs. Terry worked to leverage jobs for non-custodial fathers so that they could support their children. Lathan noted that Terry was a Vice President of HAM and one of the owners of ACT Maintenance. He was also supportive of MTE, a joint project of CAP and HAM, which helped in training and job placement of men from the community.

As reported earlier, Howard Lathan first met Terry Young when he was a teen. Lathan ran a park program in which Terry participated. Lathan met Terry again in the neighborhood, after Terry returned from the Army. He said that Terry was involved in sports activities in the neighborhood at the time. Lathan approached Terry and encouraged him to get involved in community improvement activities. He had noticed that Terry was effective in communicating with youth, and encouraging them in positive directions. Lathan described Terry as a young man who understood the importance of the well-being of the community, and who was a real advocate for young people, especially in regards to getting them to go to school. Howard Lathan reported that Terry Young was a co-founder of HAM, the Horner Association of Men (HAM), which organized in the early 1990's. Lathan had been involved in its predecessor, the Henry Horner Alumni Association, which was established in 1969. According to Lathan, the goals of HAM are youth development, community and economic development, development of housing for the homeless, and employment.

The men who founded HAM, including Terry, wanted to work to overcome the barriers to self-sufficiency for African American males. They also wanted to reduce the number of youths ending up in the justice system. General assistance was being eliminated, and they hoped to develop programs to counter the impact of the loss of the safety net of welfare. They developed MALES, the Male Alliance for Leadership and Economic Security, under the auspices of CAP, and looked at a community organization approach, with an economic and community development model, to create businesses, jobs and housing. Their efforts led to the creation of such programs as ACT Maintenance, a business that provided jobs; the Mentorship Training and Employment Program (MTE), which helped place young men in jobs; and East Park Apartments, a single-occupancy apartment building for the homeless.

Howard Lathan stated that Terry was intricately involved in the projects initiated and sponsored by HAM and CAP. He worked hard to access resources for residents of the community (the areas including Horner Homes and Rockwell Gardens projects). Through his work with ACT Maintenance, Terry helped obtain contracts for maintenance and janitorial services, which led to jobs for many young men and women. He placed others in jobs through his position as a Republican Committeeman. Lathan observed that Terry was particularly talented at outreach and mobilization. He referred many young men and women for jobs, and to education and training programs. Terry worked to leverage jobs for non-custodial fathers so that they could support their children. Lathan noted that Terry was a Vice President of HAM and one of the owners of ACT Maintenance. He was also supportive of MTE, a joint project of CAP and HAM, which helped in training and job placement of men from the community.

Keith Jackson is one of the other founders of HAM. Jackson grew up in Horner Homes, and was a VISTA volunteer before coming back to the area to become involved in community organizing activities. Jackson said that he met Terry in the neighborhood after Terry had returned from the Army. Jackson was volunteering at the Boys and Girls Club at Horner Homes at the time. He talked with Terry about the problems of the community. Jackson said that Terry was very concerned about senior citizens, noting that it was hard to be old and poor. Terry had some ideas about how to help, including starting inter-generational programs that would encourage seniors to mentor young people. Jackson drew Terry into involvement in the community. One of their early activities was to organize a basketball tournament for youth in the area. Terry quickly saw the merits of organizing, according to Jackson.

Jackson reported that HAM was incorporated as a tax-exempt, non-profit agency in about 1993, and affiliated with CAP. Terry was on the Board of Directors of HAM, and was its Vice President. In about 1994, they started ACT Maintenance, a for-profit business to provide jobs. The agency would obtain contracts to provide janitorial and maintenance services; then would hire people to do the jobs. They provided jobs to persons who might otherwise have difficulty obtaining employment. ACT Maintenance employs about fifty to sixty people year-round, and seventy five in the summer. They have contracts with the United Center, Comiskey Park, and the Juvenile Detention Center. Terry was very involved in setting ACT Maintenance up and was an employee from April, 1994 until the time of his arrest. He worked on developing contracts, and on hiring and placement of employees. Jackson said that Terry was also involved in the MTE program, which HAM developed under the auspices of CAP. MTE is funded by the Illinois Department of Public Aid. They get referrals from welfare offices of people who are indigent, and are required to look for jobs. MTE has classes to teach life skills, interviewing skills, and job skills. They assist participants in obtaining jobs.

Jackson also described two housing projects sponsored by HAM, in which Terry played an integral role. The first was East Park Apartments. The single-occupancy apartments were built to provide housing for homeless persons, and to provide them with supportive services to become independent. HAM developed the apartments in partnership with Habitat Company, a construction company that obtained funds from HUD to build East Park. HAM was a co-developer, along with Habitat, of West Haven Homes, replacement housing for Horner Homes. Horner is being torn down, and replaced by townhouse-style homes. HAM hired community residents to work on the construction of West Haven. Terry was involved with the planning and development of this project. HAM also initiated the creation of another for-profit business, Community Based Safety, a

security agency. This agency provides security for West Haven Homes.

Keith Jackson stated that the goal of HAM was to help residents of the area become self-sufficient, and to focus on stabilization of African American men. Terry was committed to this goal. Terry was involved in a number of other activities of HAM, and was instrumental in the following projects: placing community residents in Asbestos Abatement school; helping to raise funds for others to attend school; outreach to obtain construction-related jobs for residents of the area; placing over fifteen local residents in college; coordinating numerous food and clothing drives for the homeless and elderly; and coordinating local youth sports programs and tournaments. Jackson said that Terry worked to develop educational and recreational programs for youth; volunteered at the Horner Boys and Girls Club; provided positive counseling to disadvantaged youth in the Horner and Rockwell Gardens area; and mediated gang disputes.

Tony Woods is the President of HAM and the manager of East Park Apartments. He states that he met Terry in about 1992 or 1993, at a HAM meeting. His first experience with Terry was when Terry came in to help with a basketball tournament they were sponsoring. Noting that Terry was able to communicate with guys in the neighborhood, Woods said that Terry was particularly effective at community outreach. Terry would see guys hanging out in the neighborhood and would talk to them about school, training and work. He would find jobs for young men. Woods said that Terry got a lot of youths back into school. He brought young men to the HAM meetings, and then would physically take them to school. Woods said that Terry was pretty active in HAM. He helped start ACT Maintenance, and got jobs for a lot of people through the program.

Woods spoke at length about East Park Apartments, which he manages. A joint project of HAM and Habitat Company, East Park addresses the needs of homeless people in the Horner area. They provide government subsidized single-occupancy apartments. The building is clean and well-maintained. They provided social services on site, including AA meetings, Bible studies, life skills training, job skills, and job placement. The goal is to help the residents achieve independence and self-sufficiency. Terry was involved in the development of the project, and referred residents to the apartments. He got some of the residents into school programs and placed a number of residents in jobs.

James Redding is on the Board of Directors of HAM, and works at the James Major Adams Youth and Family Development Academy. He was familiar with Terry's work at HAM, including his work in developing businesses that would provide jobs, e.g. ACT Maintenance, Community-Based Safety, and construction work.

Through this work, Terry helped many residents of the area get jobs. Redding said that Terry was involved in a number of other programs. He did tutoring for kids and recruited others to do tutoring. He helped find housing for people, at East Park and other CHA programs. One of Terry's primary interests was the "Dead-beat Dads" program of HAM's. This program was an effort to help non-custodial fathers get education, training and jobs so that they could support their children. He encouraged them to take an active role in their children's lives. Redding said that Terry also participated in demonstrations and protests to help the community, including protesting the ending of bus routes in the area or advocating for more street lights. Terry worked to develop more construction jobs for residents of the area, who were being discriminated against. He also organized the Back to School Fest for area kids in the summer of 1996. Terry, according to Woods, was involved in the Toys for Tots Christmas drive. Woods said that Terry tried to work within the gang structure to do something positive and constructive. He was instrumental in reducing gang violence in the community.

James Major Adams has worked with youth on the west side of Chicago since 1955. He has received many awards for his work in the community, including national awards. For many years he was the Director of the Horner Boys and Girls Club. He created and ran a drug and bugle corps for Horner area youth which was one of the largest in the state. When the Boys and Girls Club pulled out of Horner Homes, HAM fixed up the building and started the James Major Adams Youth and Family Development Academy, which Adams directs. Adams knew Terry as a teen when he played basketball at the Club. When Terry returned to Chicago from the Army, he volunteered at the Club, helping with the basketball program, other sports programs and tutoring. Adams said that Terry ran a basketball tournament for kids. He organized it, coordinated it, and provided the trophies. Terry did this for several years.

Adams called Terry "an inspiration", stating that he grew up in the neighborhood, then came back and got involved in helping the people of the community. He organized and coordinated sports tournaments. He tutored kids, and counseled them on the importance of education. He took kids on field trips. Adams noted that Terry also helped feed families in the neighborhood, principally by doing food baskets at the holidays. Terry worked to get fathers involved in their children's lives. Adams said that Terry had been a big help to him at the Club. He described Terry as "always respectful" and as a man with "a good heart."

Geneva Peterson currently works in the Women in Transition Work First Program, sponsored by CAP. The program is located in the Youth and Family Development Academy building on the grounds of Horner Homes. She previously worked in the Mentoring Training and

Employment Program, sponsored by CAP and HAM. She also worked as a volunteer for a time in the HAM office. Ms. Peterson stated that Terry brought programs into the community to help the residents. He implemented employment programs, and helped people obtain jobs. He mentored kids in the area, urging them to stay in school and make something of themselves. Peterson's mother lives next door to the Young family. She said that Terry had helped her son and daughter obtain summer jobs in 1996 at the Illinois Department of Human Services and the Illinois Department of Transportation. Both are now in college. Peterson worked on Terry's 1996 campaign for Republican Committeeman, and noted that he had used his political position to help his community. She worked with him on the toy and food drives at the holidays.

Alexander Munoz, who obtained a job from Terry through ACT Maintenance, working at the Juvenile Detention Center, commented on Terry's food and toy drives, as well. He knew families in Horner and Rockwell Gardens projects who received baskets from this program at Christmas. Volunteers helped Terry with this project; they ran it out of the basement level of the Young family home on Congress. Among Terry's personal papers, left in his home, are literally dozens of lists of the names of families, and their apartment numbers, used to deliver toys and food at Christmas, 1996. Andre Winters got a job, with Terry's help, for ACT Maintenance, in late 1994. He started at \$7.75 per hour, and now earns \$11.20. This job has helped him support his two daughters. Terry urged him to support his daughters, and become more involved in their lives. Andre's family lives in West Haven Homes, the new townhouse project that is replacing Horner Homes. Winters is grateful for the help and encouragement that Terry has given him.

Ingrid Holt got to know Terry when both were involved in a voter registration drive in 1993. She noted that in 1994, when the new United Center was being built, Terry led over nine hundred people in a protest. People in the community weren't getting jobs at the Center, including construction and vending jobs. They then started a construction site there; a lot of men and women in the community got jobs. Holt also commented on the "Deadbeat Dad" program, noting that it made men own up to the children they fathered, through getting training and jobs. Holt noted that Terry was a problem-solver and mediator in the community. She said that the president of the residents at Rockwell Gardens would call Terry when they had gang problems. He would mediate and bring peace between different gangs. Terry helped Ingrid Holt start her program, ACTUFF (Aggressive Citizens to Unite Family and Friends). ACTUFF is an organization that reaches out to at-risk youths and young adults through mentoring, training, and education enhancement. Terry helped raise funds to get the program going.

Earl and Lisa Williams are the founding directors of Williams Youth Services, on the south side of Chicago. Williams Youth Services is a tax exempt, non-profit agency that offers programs for at-risk youth. They operate an alternative high school, a pre-employment training program, a Jobs Advantage program for young mothers, and Jump Start, an intensive program for youths on probation. Earl Williams stated that he met Terry in about 1993 through Terry's work with community programs on Chicago's west side. Williams noted that Terry had been instrumental in getting kids job. Terry would refer teens to Williams' program. Through his political position, Terry was able to get fifty desk and chairs donated for the alternative high school. Terry has worked as a volunteer at Williams Youth Services, as a guest speaker and in counseling children to stay in school, stay off the streets, and take advantage of positive opportunities. Lisa Williams said that Terry related well to young people; they responded to him. Earl Williams added that Terry was very good at conflict resolution in the community.

Otis Williams (no relation to Earl and Lisa) is affiliated with New Beginnings Recovery Homes. This program operates seven halfway houses for recovering alcohol and drug abusers on the west side of Chicago. They offer both residential and outpatient services. Otis Williams stated that Terry had been helpful to their program in several ways. He helped several client who completed the treatment program obtain employment. He facilitated transportation to and from job interviews; helped prepare resumes; and prepared the clients for their interviews. Terry often maintained contact with residents' probation officers, facilitating the client's successful performance on probation. He advocated for the clients to get into various community programs, such as training and education. If clients were in need of legal representation, Terry facilitated contact with Legal Systems Foundation, a low-fee and pro bono legal services program. He was a volunteer at New Beginnings for about eighteen months.

Hal Baskin is the co-founder and president of People Educated Against Crime in Englewood (PEACE), at the Peace Community Center in the community of Englewood. He is currently running for the position of 16<sup>th</sup> Ward alderman. The Peace Community Center has a Youth Delinquency Program for teens. It also offers a conflict resolution program, in which the kids and a mentor roleplay ways of resolving disputes. The agency began in 1991, and was incorporated in 1993. It is funded through a community development block grant from the City of Chicago. Baskin said that Terry was a volunteer at his agency from 1994 through 1996. He volunteered about twice a month for three hours each time. Terry worked with the youths in the conflict resolution program. He talked with kids about alternative ways of handling problems, and encouraged them to stay in school, practice safe sex, and "just say no." Terry also worked

with the teens on their homework. He made a valuable contribution to the program.

Wardell Yotaghan is a co-founder of the Coalition to Protect Public Housing, which was founded in 1992 to prevent public housing tenants from being homeless when units are torn down. The agency is funded by a several foundations and the archdiocese of Chicago. Wardell met Terry Young in 1993, when Terry was facilitating basketball and softball tournaments with the youth in the Rockwell Gardens community. He said that Terry preached to the kids to stay in school, and to stay out of trouble. Yotaghan described Terry as a mediator and peacemaker in the neighborhood. He would teach problem-solving skills and encourage groups to reconcile their differences. Yotaghan also noted that in his capacity as 2<sup>nd</sup> Ward Republican Committeeman, Terry was responsible for obtaining many jobs for people in his community.

Larry Patterson is the organizer of the Hope 6 Program, under the auspices of the Robert Taylor Boys and Girls Club. The program is designed to create self-sufficiency in the public housing development. It is federally funded and has operated since 1996. Patterson reported that Terry Young organized fundraisers for programs in the community, and ran food and toy drives, particularly during the Christmas season. Terry would lecture to children about staying in school and doing the right thing. Children seemed to respond positively to him. Just prior to his arrest Terry was working with Patterson to develop hydroponic farming in the Robert Taylor and Cabrini Green community in an effort to create self-sufficiency.

Brother Elliott Taylor, of Young People to Save a Lost Generation, a program for youth on the south side, stated that he worked with Terry on a coalition of various community organizations that did voter registration and sponsored programs to clean up various area in their community. The coalition was organized by the Chicago Urban League (see below). Taylor noted that Terry was involved in mentoring classes for at-risk teens. He held classes and spoke to the youths about staying in school, setting goals, and working to achieve their goals. Terry was respected by the kids, and was effective at reaching them. Taylor said that Terry was involved with his agency as a mentor for about four years prior to his arrest.

Derrick Strongs is a young man who has benefitted from Terry's services to the community. Strongs grew up in the neighborhood. Terry helped him obtain employment. Strong said that Terry had a job referral service. He helped youths develop their resumes and prepare for interviews. Terry encouraged Derrick to stay in school. Derrick Strongs now works as a case manager at the Family Link, a child welfare agency that contracts with the Department of

Children and Family Services to help wards of the state achieve permanency. Strongs also noted that Terry put on basketball tournaments for kids in the neighborhood. He preached to kids to stay out of the streets and to continue their education. Strongs felt that Terry had been an asset to the community.

Calvin Omar Johnson is the 24<sup>th</sup> Ward Republican Committeeman. He has known Terry for more than ten years, and encouraged Terry to run for 2<sup>nd</sup> Ward Committeeman. Johnson commented that through his political office Terry had helped many residents of the area obtain state jobs. He obtained furniture, equipment and supplies for community programs. Terry was also instrumental in the reducing the violence in the community, by preventing gang wars, keeping kids in school, and getting jobs for people. Johnson noted that he and Terry had been active on the Mobilization and Strategy Committee for the Million Man March.

Dr. Cornelius Collins is the head of the Advocacy Division of the Chicago Urban League. Dr. Collins reported that he got to know Terry in early 1996, when the Urban League coordinated a coalition of community groups in a voter registration drive. The Ad Hoc Voter Registration Organization became known as "the Coalition." Terry was involved in it as a representative of HAM. Several other groups mentioned above were also members of the Coalition, including ACTUFF, Williams Youth Services, Young People to Save a Lost Generation, and New Beginnings Recovery Homes. The Coalition met every Thursday at the Urban League to discuss strategy and plan the voter registration drive. On Saturdays they did the drive, primarily in Robert Taylor Homes, Stateway Gardens, and other CHA projects. Terry worked on the drives on Saturdays, going from building to building, door to door. The drive went from April, 1996 through the remainder of the year. Collins said that Terry attended regularly and was an active participant.

#### CONDUCT AND CIRCUMSTANCES DURING INCARCERATION

Terry has remained incarcerated at the Metropolitan Correctional Center during the pendency of this case. Records indicate that he has made a positive adjustment. He has had only one minor conduct report, for using the phone without signing the phone list, on April, 26, 1997, for which he received a warning. Health screening records note that he is a healthy, non-smoker who was found qualified for regular duties and diet. He has sustained a couple minor sports injuries at the MCC, and was also treated for poor circulation in his leg. X-rays revealed mild degenerative changes in his knee.

Terry has participated in available programming at the MCC. He has earned Certificates for completion of a Stress Management

Counseling Group on May 10, 1997; completion of a Parenting course; and Completion of the Drug Awareness Self-Study Course on October 16, 1998. He reports that he also earned a Sports award certificate. Terry regularly receives visits from family members, including his children, and maintains regular phone contact from family, including children. He spends time in the law library. Terry stated that he has focused on complying with the rules, doing what he is told, and making constructive use of his time.

Family members have remained supportive of Terry during his incarceration. His mother has spent several extended periods in Chicago so that she could visit him. She has health problems, and has been on oxygen since undergoing surgery in September, 1996. Terry's father, who suffers from diabetes, continues to work for Ford Motor Company in St. Louis. Mrs. Young reported that he was supposed to retire over a year ago, but he has continued working long hours in order to contribute to Terry's legal expenses. All of Terry's children visit regularly. Their mothers report that Terry also maintains telephone contact with them. He continues to encourage his children to do well in school, behave, and set goals for the future.

MCC records describe the Drug Awareness Self-Study Course as a twenty hour program of comprehensive discussion of the psychological and physiological aspects of addiction. It includes extensive reading and self-study assignments. It is generally for persons who have a history of substance abuse. Terry states that he had to obtain the instructor's permission to enter the course, as he had never used drugs or abused alcohol. Terry said that he told Larry Rogers that he wanted to better understand the problems caused by drug use and the negative consequences, and to examine his own actions in contributing to the problem. Counseling records completed by Mr. Rogers indicate that Terry spoke with him on a number of occasions regarding his past association with anti-social individuals, and his own anti-social lifestyle. He participated in the class, did the reading, and completed essays as required. According to MCC counseling records, Terry reflected, in his essays and discussion, on the errors in his thinking that resulted in negative consequences and his poor choices. He focused on the behaviors that led him to participate in crime. Terry successfully completed the program. His subsequent treatment plan, dated October 26, 1998, recommended him for enrollment in the Values and Lifestyle Program, to examine the beliefs and values which led to his involvement in the offense. Terry was scheduled for this program, but staff at the MCC have been unable to offer it as yet. Dr. Pindelski, Chief Psychologist at the MCC reports that Terry has participated in the programs available to him as a pre-sentenced inmate. The Values and Lifestyles Program would be appropriate for him. It is available in other Bureau of Prisons facilities.

Terry states that he enrolled in the Drug Awareness program to develop a better understanding of what persons who abuse drugs are going through, and to understand the problems drugs cause. He said that his participation in the program caused him to reflect on what he was involved in. He added that he did have a better understanding, and that he regretted "wholeheartedly" what he had done. Terry said that he thinks about his own children, and the situation he has placed them in through his conduct. They will have to grow up without their father.

#### ASSESSMENT

Terry Young is a thirty-three year old man in generally good physical and mental health, with estimated average to above average intelligence, and with no history of alcohol or drug use. He is a high school and college graduate, having earned an Associate Degree from Parkland College in Champaign, Illinois. Terry is a lifelong resident of Chicago, except for periods of military service and attendance at college. He has a supportive family, and maintains regular contact with family members. He has been employed for substantial periods of his adult life, including military service. Terry served two periods of enlistment in the U.S. Army, and was given honorable discharges both times. He also served in the Army Reserves, from which he was honorably discharged. He has a history of extensive involvement in community service activities for at least five years preceding his arrest; and in which he made substantial positive contributions to his neighborhood and community. Terry Young appears for sentencing on three counts of criminal conduct, covering a period from 1992 to 1997, and relating to the distribution of cocaine by the Traveling Vice Lords on the west side of Chicago.

Terry Young has one prior misdemeanor conviction involving fraud, for conduct occurring in 1986, and for which he successfully completed probation in 1993. He has made a positive adjustment during pre-trial incarceration. He has not had conduct problems; he has generally complied with rules; and he has participated in programs, including treatment programs. He would be expected to make a positive adjustment during any period of incarceration, including exhibiting good conduct and taking advantage of program opportunities. He has no history of violent or assaultive behavior, and no history of substance abuse.

Terry is the youngest of six children, raised in a poor family in which the father was essentially absent throughout his childhood and adolescence. Terry's family lived in a deteriorating neighborhood, near a major Chicago housing project. He was described by all as a well-behaved child and teen, and a good student. Despite being the youngest in his family, Terry had to

take on a lot of responsibility for other family members, and for the general well-being of the family, at a young age. Older siblings had serious problems, including substance abuse and mental health problems. They were all unemployed during the time that Terry was in the Army. He was forced to take a hardship discharge from the Army in order to return home to help stabilize his family, and protect his mother from the disturbed actions of one older brother. Terry suffered a number of traumatic losses in his life, most particularly the deaths of a brother and a sister within months of his return from the Army in 1988. He was also the victim of a gunshot wound at age twenty-three. Following that event, he evidenced symptoms of trauma syndrome, including hypervigilance and startle response.

One valid consideration in determining the appropriate length of sentence in a case is the likelihood that the defendant will engage in future criminal conduct. In recent years a number of risk assessment models and assessment tools have been developed that have been found to be more valid and reliable than clinical judgement in predicting future behavior. Three of the most accepted methods have been developed by Dr. John Monahan, Michael Radelet and James Marquart, and Dr. Robert Hare. All models and analyses of risk assessment, as it relates to criminal conduct, find that aging is the most significant factor in reducing base rate likelihood of criminal conduct and violence, in both the community and prison contexts. Actuarial data indicates that there is a dramatic decrease in criminal conduct as people age through their thirties. After age forty, there is a minimal chance of involvement in criminal conduct. There is a significant decline in recidivism rates with increased age at release. Inmates who are forty-one or older had as high as a 96% favorable outcome.

The Monahan model looks at the context of past criminal conduct, and examines history, behavior patterns and disposition in individualizing risk assessment. Monahan has identified eleven items to consider in predicting future dangerousness. Terry Young has no prior offenses involving violence; he is thirty-three years old; he has no history of alcohol or drug abuse; he has a history of employment; and he has a stable, supportive family. These factors, under Monahan's model, would indicate that he does not present a high risk of future criminal conduct. The Marquart and Radelet model looks at seven factors: prior record of violent crime; characteristics of the crime; age at release; age at time of offense; history of alcohol or drug abuse, or mental disorders; institutional adjustment; and social supports outside prison. Applying these factors to Terry Young would, again, indicate that he would present a low risk. The Hare Psychopathy Checklist is a scored, diagnostic instrument. Subjects are given scores of 0 - 2 on twenty factors, with a highest possible score (highest risk) of 40, and a cutoff score for psychopathy of 30. Using this model,

and taking the most conservative approach (giving scores least favorable to the subject when there is a question in rating a particular item), Terry's score would be 12, well below the level for psychopathy. Again, he would present a low risk.

Respectfully submitted this 3<sup>rd</sup> day of March, 1999,

  

---

Jill Miller, MSSW, LICSW

SOURCES

Terry Bryan Young  
Ruby Young, mother  
Antoinette Young, sister  
Ernest Peoples, maternal uncle  
Talila Cox-bey, daughter  
Zerita Cox-bey, mother of Talila  
Dionne Latham, mother of Jasmine (daughter)  
Daphne Johnson, mother of Terrion (son)  
Nakita Grant, mother of Tekierra (daughter)  
Peaches Barker, friend  
Joan Hill-McClain, former attorney  
Dr. John Pindelski, Ph.D., Chief Psychologist, MCC  
Larry Rogers, Drug Abuse Treatment Specialist, MCC  
Lou Kasper, Chicago Republican Central Committee  
Calvin Omar Johnson, 24<sup>th</sup> Ward Republican Committeeman  
Dr. Cornelius Collins, Chicago Urban League  
Howard Lathan, Chicago Area Project  
Keith Jackson, Horner Assoc. Of Men (HAM), ACT Maintenance  
James Major Adams, Youth and Family Development Academy  
James Redding, HAM, Youth and Family Development Academy  
Tony Woods, Manager, East Park Apartments, Pres. Of HAM  
Ingrid Holt, ACTUFF  
Earl Williams, Williams Youth Services  
Lisa Williams, Williams Youth Services  
Geneva Peterson, Chicago Area Project, Women in Transition  
Otis Williams, New Beginnings Recovery Homes  
Brother Michael Cameron, Precious Blood Church  
Hal Baskin, People Educated Against Crime in Englewood  
Brother Elliott Taylor, Young People to Save a Lost Generation  
Wardell Yotaghan, Coalition to Protect Public Housing  
Larry Patterson, Robert Taylor Boys and Girls Club  
Derrick Strong, The Family Link  
Alexander Munoz, ACT Maintenance employee  
Andre Winters, ACT Maintenance employee  
Lester Jones, ACT Maintenance employee

Records, Reports and Documents

Presentence Investigation Report, prepared by E.J. Ehrlich  
Government's Official Version of Offense, prepared by Mark Hersh  
Portions of the trial transcript  
Defendant's Position Paper as to Sentencing Factors  
1991 Presentence Investigation Report  
Metropolitan Correctional Center Records  
Kindergarten report card, King Grammar School  
Crane High School transcript  
Manley High School transcript

Malcolm X College transcript  
Youngstown State University transcript  
Parkland College transcript  
Military records, 1983-86, 1987-88  
Honorable Discharge Certificates, 1986. 1989, 1995 (Reserves)  
Cook County Hospital, medical records  
VA Medical Center records, Chicago and St. Louis  
Social Security Administration, Earnings Record  
W-2 and 1099 forms for earnings in 1996 and 1997  
Certificate of Election, 2<sup>nd</sup> Ward Republican Committeeman (1996)  
Letters sent to the court on behalf of Terry Young