

**Michael J. Steinle**

May 18, 2021

Brett H. Ludwig, U.S. District Court Judge  
Eastern District of Wisconsin  
517 East Wisconsin Avenue, Room 225  
Milwaukee, Wisconsin 53202

Re: United States v. Thomas E. Smith  
Case No. 21-CR-96

Dear Judge Ludwig,

Thomas Smith will be sentenced in your Court for submitting fraudulent PPP loan applications for CFA to a financial institution. He requests that the Court sentence him under his guideline range to twelve (12) to eighteen (18) months incarceration.

Thomas Smith does not present a risk to the community or to the public. The Defendant has been successful in his businesses and needs to complete restitution. In order to pay restitution, he needs to keep his business running and continuing to produce profit for them. A sentence within the guideline range will cripple him financially and emotionally. It will most likely put him out of business and into bankruptcy.

As indicated, Thomas Smith was raised in an intact, prosocial home. As his brother indicated, Thomas was always the ambitious one who always wanted the best for those around him. His brother described him as a very smart man with a great work ethic. There are many employees in the businesses that will lose their employment if he is incarcerated for any significant period of time. Thomas Smith worked long and hard hours building the well-known businesses in the community. He has gained respect and trust from the community at large. Thomas Smith was defined by his work and is looked up to by others in his family as well as associates in the community. This one fact was the main factor which placed him in the position to commit these crimes. He had the business acumen.

Once Thomas Smith received his legitimate PPP loan and word got out that he received a substantial amount of money, his brother, Stephen came to him to get him to assist in putting together an application for his expired business.

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It was Tom's business knowledge that Stephen needed to assist him. Once he did it for Stephen, Stephen kept bringing more people for him to assist in the fraudulent applications. It just snowballed and got out of control. The sad part of this case is that he did not need to assist these individuals and get a "cut" of the proceeds as he was financially well off. As Thomas Smith indicated, it was just old-fashioned greed that got the better of him.

"It has been uniform and constant in the Federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue." *Koon v. United States*, 518 U.S. 81, 113 (1996). The question is what that means here for a man who has worked tirelessly to achieve so much and involved himself in something very wrong and criminal but is otherwise a decent productive businessman in the Milwaukee community.

Three factors stand foremost in deciding an appropriate sentence for his crimes. First, Thomas Smith came forth immediately and accepted total responsibility and sat down with the government on at least two occasions detailing for them the circumstances of his illegal actions. Second, the total punishment encompasses much more than a term of incarceration. Thomas Smith will be ultimately responsible for the \$960,000 in restitution. It is unlikely that the victim will receive much of anything in the way of restitution from the others based upon their financial ability. Thomas Smith understands the "joint and several" law of restitution and will pay all the restitution as required of him. Third, deterrence and just punishment do not require a sentence of longer than twelve (12) to eighteen (18) months.

Thomas Smith agrees with and accepts fully the established factual basis for his plea in this case. The factual basis reflects that he did come forward at a very early stage and did admit to all the facts contained in the PSR and never questioned the government's proof.

Further, the total restitution is \$960,000.00. However, the actual loss amount is significantly less as most of the money was not spent, checks not cashed or monies had been frozen by the bank. The exact amount is yet to be determined but estimates are less than \$200,000.00. As stated earlier, Thomas Smith will most likely be the one to which the restitution will be responsible for in this matter. The total loss in this matter drove a very high guideline range. The Court should consider actual loss in this matter when sentencing him in this matter.

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The PSR does give him a two-point enhancement for obstruction. A strict reading of §2C1.1 does indicate that it is legally appropriate, however he does not believe that the conduct of his speaking with Tarone Woods indicating that we should delete our text messages is a major obstruction of the investigation of this case. The conduct is an example of a less serious form of conduct that the enhancement should not apply under these facts.

As to the criminal history, Tom Smith finds himself in a Category II instead of a Category I for his 2012 Louisiana conviction. Exhibit 1 (attached) indicates that Thomas Smith received a “first offender pardon” under Louisiana law. It was his understanding that such pardon was an expungement of the matter. However, a Defendant who receives a first offender pardon, must also take a second step, and apply for an expungement of the arrest and conviction. Thomas Smith was unaware of the law and never took the second step. Therefore, it is a conviction but should not have been one. It is Counsel’s understanding that the first offender pardon does not preclude use of it in a subsequent prosecution or sentencing under Louisiana law. Unfortunately, no one indicated to him the needed second step at the time of sentencing in the matter.

For the reasons explained here, Thomas Smith requests that the Court sentence him to twelve (12) to eighteen (18) months of incarceration followed by a moderate term of supervised release. Restitution should be ordered as contained in the PSR. Having reviewed the conditions of release, Thomas Smith raises no objection at the present to the Court imposing this at this time. He will comply with the same.

Lastly, Thomas Smith requests that this Court allow voluntary surrender after an institution has been designated by the Bureau of Prisons.

On behalf of Thomas Smith, I thank you for your consideration of his sentencing recommendation.

Sincerely,

Electronically Signed By:

MICHAEL J. STEINLE

Attorney at Law

MJS/nmm

*Enclosures*

UNITED STATES V. THOMAS SMITH

CASE NO. 20-CR-196

EXHIBIT 1

STATE OF LOUISIANA  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS  
DIVISION OF PROBATION AND PAROLE  
BATON ROUGE, LOUISIANA

DATE: 06/18/19

LETTERFOP

*FIRST OFFENDER CERTIFICATION LETTER*

THOMAS SMITH  
N33W23057 RIDGECREST COURT  
PEWAUKEE, WI 53072

DOC# 00717107

Race/Sex: B/M  
DOB: 01/07/74  
SID# 002773520

DOCKET#: CLC 2089212

To Whom It May Concern:

The above defendant was sentenced by the Honorable MICHAEL CANADAY, Judge of the 14TH JUDICIAL DISTRICT Court, Parish of CALCASIEU, State of Louisiana, under the above listed docket number(s) for the crime(s) of:

SCHEDULE II

POSS. WITD

CDS -NON SPECI

According to the Department of Public Safety and Corrections, Division of Probation and Parole records, said defendant completed this sentence on MAY 23, 2019 and is classified as a first felony offender and, meets the requirements to receive a first offender pardon as provided by Article 1, Section 20, and Article 4, Section 5(E) (1), of the Louisiana Constitution.

The automatic first offender pardon does not restore you to a state of innocence. A full pardon granted by the Governor of the State of Louisiana will restore you to a state of innocence. The automatic first offender pardon is still subject to laws prohibiting the right to receive, possess or transport a firearm. Additionally, you may be subject to the Federal firearms prohibitions. Any questions regarding these legal provisions should be directed to your attorney or the FBI-NICS section.

The first offender pardon is also subject to Louisiana Constitution Article 1, Section 10 (C) and does not restore the right to qualify as a candidate for elective public office or take public office or appointment of honor, trust, or profit for a period of more than fifteen (15) years after completion of the original sentence.

This pardon does not constitute a waiver of any unpaid court costs, restitution or past probation and parole fees. Under Act 399 of the 2013 Louisiana Regular Legislative Session, any debt owed by you to the Department of Public Safety and Corrections and/or the Louisiana Parole Board will be filed as a claim with the Department of Revenue, Office of Debt Recovery (ODR) for further collection activity. ODR may charge an additional collection fee up to 25% to be added to your current debt. ODR may also file a claim with the United States Treasury Program. All payments "eligible for offset" will be seized, up to the amount of your liability plus any additional fees.

Curtis "Pete" Fremin, Jr.

Probation and Parole Director  
  
Leland Hughes  
District Administrator

cc: Defendant  
Clerk of Court  
LCD  
State Police (early termination only)



STATE OF LOUISIANA  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS  
BATON ROUGE, LOUISIANA

VOTING RIGHTS CERTIFICATION

06/18/19

File: SMITH, THOMAS 00717107  
M 01/07/74  
N33W23057 RIDGECREST COURT  
PEWAUKEE, WI 53072

This letter certifies that THOMAS SMITH is:

X not or is no longer under an order of imprisonment for conviction of a felony, or

\_\_\_\_\_ under an order of imprisonment for conviction of a felony, but has not been incarcerated within the last five years pursuant to that order, and is not under an order of imprisonment related to a felony conviction for election fraud or any other election offense pursuant to R.S. 18:1461.2.

Please be aware that in order to register to vote or have your previous registration reinstated, you must appear in the office of the registrar of voters (unless you meet the in-person exceptions in La. R.S. 18:177(A)(2) related to disabilities) and provide this letter showing that you are either not or no longer under an order of imprisonment or, if under such an order, that you have not been incarcerated pursuant to the order within the last five years and you are not under an order of imprisonment relating to a felony conviction for election fraud or any other election offense pursuant to R.S. 18:1461.2.

Respectfully,

James M. LeBlanc  
Secretary, Department of Public Safety and Corrections

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CERTIFICATE OF CORRECTIONS OFFICIAL

I certify that the above information is true and correct based upon the information contained in the Department of Corrections electronic data management system.

Jennifer Fontenot  
(Signature)

6-28-19  
(Date)

Jennifer Fontenot  
(Print Name)

Supervisor  
(Print Title of Corrections Official)

UNITED STATES V. THOMAS SMITH

CASE NO. 20-CR-196

EXHIBIT 2



## Mike Steinle

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**From:** Vernon Crawley <vernon.crawley@yahoo.com>  
**Sent:** Thursday, January 14, 2021 2:41 PM  
**To:** Mike Steinle  
**Subject:** Reference: Thomas Peter Smith

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

### TO WHOM IT MAY CONCERN:

My name is Vernon Crawley. I am a graduate of Rufus King High School and the University of Wisconsin-Madison. I enjoyed a 30 year career as Equal Opportunity Officer in Northern California before retiring to Nevada. I am writing this letter of support and reference on behalf of your client and my nephew Thomas "Peter" Smith. I have very little information about the merits of the case against him, but I have known Peter intimately as a member of our family for the past 30 years. We are extremely proud of him because of what he does for his family and community. Peter is a devoted husband to my niece, Tia and he has been an exemplary father to their five children, as well as to other young people in North Milwaukee. Along with his wife and sons, Peter has built successful small businesses from his own imagination and hard work. As an African American man, Peter's life is of extraordinary value not only to his family, but to his employees and to the African American community. In my opinion, the negative impact on an otherwise unblemished reputation, based on recent news accounts, is punishment enough under these circumstances.

I have always known Peter to be a man of faith, generosity and integrity in word and deed. It is our sincere hope and prayer that there be restorative justice for Thomas Peter Smith. I believe he's worthy of special consideration because of his clean record, devotion to his family, employees and impeccable record of reliable service to the Milwaukee community. Please let me know if there is anything else I can do. I can be reached at (510) 759-9761. Please feel free to call.

6387 W. Cloverleaf Ln  
Brown Deer, WI 53223  
(414) 732-3373

To Whom It May Concern:

My name is Jo Hackney. I reside in Brown Deer, Wisconsin. I am a 70 year old female who has known Thomas Smith Jr. for over 25 years. I am writing to tell you of the many fine qualities I have observed in his character during that time. I shall be honest and direct as I relay my personal knowledge of him during the good as well as the not so good times. I shall direct my thoughts to the areas of Family, Church and Community involvement.

My personal relationship with Tom involves him as the father of my five grandchildren and the husband of my only daughter. I have seen him work many long hours and days to provide for their livelihood. He has at times worked 3 jobs at the same time without complaint. I've seen him come from riding his family in a ragged pickup truck in which his children were ashamed for their friends to see to providing a good living for them to enjoy. He was highly motivated to fulfill his obligations and to make his family proud of him and look up to him as a good and loving provider. As he worked, he instilled in his children a strong work ethic. His boys always went with him to shovel snow, cut grass and to do lite maintenance repair jobs. As a result, his older sons have become successful hardworking business operators today. Tom supported and encouraged his 3 older sons as they matriculated to institutions of higher education. He has lived a perfect example of a man who loves his family and has always been devoted to their wellbeing. All of his boys have participated in organized sports with the support and training of their Dad to always do their best as respected members of the team. Tom's family is of the utmost importance to him and he would not knowingly jeopardize their respect or wellbeing.

Tom is a member of the church in which I am one of its directors, Bethel Temple Church Of God In Christ. He is not just a member in name only. He is faithful in attendance as well as participation in its various ministries, such as the Media Ministry, the Men's Ministry, and the Couples Ministry. He lends his support and resources to the children's ministry, annual summer block explosion, the Food Pantry and onsite feeding program. He is always present and encourages others to support when his children are involved in charitable fundraising activities. I have known him to be a man of good moral character that I esteem very highly as a man of God who exercised poor judgement in his recent desire to provide information at the request of others. I believe he did so without criminal or malicious intent.

Tom's community involvement has grown over the years to include adopting not one, but several families every year to provide Christmas gifts and food for struggling families. He has provided school supplies and book bags to hundreds of disadvantaged school children. He has participated in community mentoring programs for young African American boys who needed some guidance from a successful and caring man. He has helped in fundraising events sponsored by his

children's schools and sports teams always donating more time and money than what was expected. Tom has always been a very caring and compassionate individual placing the needs of other above his own.

Tom is always willing to help individuals who ask for his assistance. I believe that this trait is why he is experiencing his present situation. He has gained a wealth of knowledge over the years in business management and operations. He has always been willing to share that base of expertise with others who seek his assistance. He has struggled and worked hard to build his own businesses as well as mentor others who have opened and operated their own successful legitimate businesses in the community. To sum it up, Tom is an extraordinarily generous and respected member of our community.

My desire and that of his family and many friends is that he be given another opportunity to prove himself as a valuable and respected member of our community, his church and his family. He has shown great remorse for the poor judgement he exercised in the situation he now finds himself. Therefore, I am petitioning you for leniency in your decision in determining the future of Thomas Smith, Jr.

Sincerely,

Jo A. Hackney





**Home To Own2008, LLC/management**  
**P.O. BOX 261**  
**Germantown WI. 53022**  
**262-415-5561**

4/9/2021  
01:50 PM

To whom it may concern,

I'm writing this resident reference letter on behalf of Thomas Smith, who has been renting single family homes (13) from Home To Own 2008 LLC since 2010 to current date. He resides in one property for his personal use and the other properties are used for his business: A Better Living.

During my time with Thomas I have experienced an individual who always carries himself in a polite, respectable and professional manner. In addition he has been transparent with our office if he would have any issues pertaining to late rent.

If you have any questions regarding Thomas rental history feel free to contact me.

Sincerely,

Shelly - CEO

A handwritten signature in black ink, appearing to read "Shelly", written in a cursive style.



POWERED BY



March 31, 2021

Reference Letter: Thomas Smith

To Whom It May Concern,

I am writing this letter on behalf of Thomas Smith. I have known Thomas for nearly 15 years. In that capacity I have come to admire several very important pieces for Thomas.

1. Thomas is a dedicated and committed family man. He has continually been involved and been an example for his 5 children and wife.
2. He is an example of a hard-working entrepreneur. Thomas has always been an example of being an entrepreneur and treating his team and employees like family. He also created an environment of teaching others how to become effective and sustainable entrepreneurs.
3. Finally, he is a great community person. Thomas has routinely in private supported my non-profit organization as well as others throughout the community to help us all reach and meet our mission for the young people we all serve.

If there are any other questions you may have of me, please feel free to reach me at, 414-397-3474.

Thank you!

Sincerely,

A handwritten signature in black ink, appearing to read "LaNelle Ramey", written in a cursive style.

LaNelle Ramey,

Executive Director

MENTOR Greater Milwaukee

MENTOR Greater Milwaukee  
1543 N. 2<sup>nd</sup> Street, 6<sup>th</sup> Floor  
Milwaukee, WI 53212  
[www.MilwaukeeMentor.com](http://www.MilwaukeeMentor.com)