

ALLOCUTION LETTER

(Lawyer Speak: Means Making a Statement to the Court)

When you are before the Court for sentencing, you have a right to provide an allocution. That is nothing more than a fancy legal term that notes you have a right to make a statement to the Court. You can elect to not say anything to the Court. And, you should understand that saying the wrong thing could make matters worse.

In making your statement, there are a few do's and don't's.

Simply stated, avoid the clichés. Do not be overly apologetic, narcissistic, or give an "I have seen the light" type of speech.

An **example of the overly apologetic** would be the general apology to the court, prosecutor, your lawyer, the court staff, etc.... Any true apology is a direct and heartfelt expression of regret. That expression must be expressed and directed to the victim, not expressed in terms of regret that you were caught committing an offense. The one caveat would be if the regret was to being caught, it was a good thing, despite the pending punishment as you can learn from your mistakes and no longer harm the persons hurt in your matter. **If the apology is not heartfelt, then do not apologize.**

An **example of the narcissistic statement** is the typical stale and rote comments such as: "I really want to see my daughter graduate from high school" or "I really want to walk her down the aisle." Honestly, those statements do not work because you should have been thinking about those things as you were committing the offense.

An **example of the "I have seen the light" speech** is just that. Do not state "I have seen the light" or "If you give me probation, you will have my guarantee you will never see me again." Another example to avoid would be "I will talk to high school kids and counsel them to not go down the same road I went through." This is not a sincere statement because you have no clue at this time if you will receive the necessary counselling to fix your problems, let alone teach others how to avoid the same problems you are facing.

When making your statement, I would recommend you consider the following:

Your statement can be long or short. **It is not what you say, but how you say it.** It is your only opportunity to speak to the Court. I have found **short** and **concise** is often best, but it is your only time to make your feelings and thoughts known to the sentencing court.

An apology is always appropriate. It must be sincere. If it comes from the heart, everyone will know it. The only person you need to apologize to is the victim. When speaking from the heart, it is appropriate to be emotional. **DO NOT HOLD BACK YOUR EMOTIONS.** If it is sincere, everyone will understand and appreciate your honesty. It is ok to be scared, ok to be nervous, ok to be humble, and ok to be contrite. Your future is literally in the hands of the judge.

You may wish to read from a prepared statement. There is nothing wrong with that. If you have already provided a letter to the Court, I would recommend only speaking to the Court if you have something additional to add. If you wish to read a prepared statement, there are **two ways to do it.**

1. One, write the letter you wish to read. Write it in big, legible text. Skip lines in your letter (double spaced) so that you will not lose your place on the page.
2. I prefer the second “letter.” Either on paper or 4X6 notecards, your statement should be bullet-pointed by topic or notes. Do not write every word. Rather, use the notes to keep you focused on what you want to say to the Judge. Then, with those topics in mind, tell the judge what you want to say. I believe the second method produces a more honest reflection of your thoughts and emotions.

If you tell the court that you are “taking full responsibility,” those words have little meaning. One of these days, I would not be surprised if a judge would turn to my client and ask how they are taking full responsibility. The answer to how you are taking responsibility is the real issue. **How you are taking responsibility requires you to make an affirmative, positive statement about your wrongful conduct.** You must give the answer some thought. How has your conduct effected the victim. Can you imagine the violation they have gone through, the changes in their daily routine, their need to always look over their shoulder, etc...?

Notice **I have said nothing about excuses. There are no good excuses or rationalizations.** The bottom line is that you did commit the conduct that led to the plea

agreement. Do not put the blame on anyone else, and make no excuses. Your conduct was the result of choices. It is everyone's hope that you have learned from the process, will continue to learn throughout probation and counseling, and as a result, not commit any further criminal acts.

You must acknowledge the victim. You must take responsibility and indicate how you will do so. **You should be prepared to state how you will change your behavior.** Be specific in what changes you will make, when you will make them, how you will make them and the timeframe for making the changes. Explain specifically and realistically your goals for the next year, five years, and long term. Explain how you will obtain those goals. Again, this takes some time to think through. **The more thoughtful and specific you can be, the stronger your statement will be to the court.**

Do not speak in terms of "I want," such as wanting to quit using pornography or drugs. As an example, tell the judge that you will quit using pornography or drugs when, with the help of what you learn in counselling, you can change your behavior.

None of what I have discussed above will be easy. It will require you to take some serious time and thought to address the concerns noted above.

I hope this letter has provided some guidance. If you wish to write a letter, I would be open to reviewing it prior to the sentencing date. Just let me know.

One final thought: as you are facing a specific sentence, you may wish to not say a word to the court. That would be entirely appropriate. If you wish to make a statement, please consider the comments above. There is no wrong choice. I just want to make sure you understand the process.

Sincerely,

A handwritten signature in blue ink that reads "Howard Snader". The signature is fluid and cursive, with the first name "Howard" and last name "Snader" clearly distinguishable.

Howard Snader
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