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Supporters praise convicted former probation chief O'Brien

Judge prepares sentences in probation case



AP PHOTO

Former Mass. state probation commissioner John O'Brien walked out of federal court in Boston in July.

By **Milton J. Valencia** | GLOBE STAFF NOVEMBER 12, 2014

To his three daughters, John “Jack” O’Brien was a doting father, the family bedrock who coached them in sports and nurtured them at home.

To his friends, he was unfailingly loyal.

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And to his colleagues in the state Probation Department, O'Brien was a leader who brought sweeping reforms during his tenure as commissioner.

As US District Court Judge William G. Young prepares to sentence O'Brien and two codefendants in federal court, scores of relatives, friends, and colleagues – including politicians and former judges – have written letters of support on the defendants' behalf, hoping to paint a picture far different from federal prosecutors' description of corrupt officials who should be sentenced to prison.

"I am writing this letter to you in hopes that it will help you see the Jack O'Brien that I know," a niece wrote.

"I see no purpose to incarcerate a man who has worked so hard to help so many," wrote Kevin Cunniff, a retired probation officer who played football with O'Brien in college.

O'Brien and top deputies Elizabeth Tavares and William Burke III were convicted in July of racketeering conspiracy, for running their department like a criminal enterprise. A jury found they ran a rigged hiring system that favored job candidates who were sponsored by state legislators over more qualified candidates. In exchange, prosecutors had argued, the legislators handed out political favor to O'Brien.

O'Brien and Tavares were also convicted of racketeering and mail fraud, for rigging the system to make it appear as if they were following department protocol.

Young, who oversaw the 12-week trial, plans to sentence O'Brien Thursday after holding hearings that start Wednesday. The defense lawyers and prosecutors plan to present arguments about what punishment O'Brien, Tavares, and Burke should face under sentencing guidelines, and what the appropriate punishments should be.

The defendants may also address Young during the hearings.

O'Brien, 57, who was determined by Young to be the leader and organizer of a criminal enterprise, faces 57 to 71 months in prison under sentencing guidelines. In filings submitted before the sentencing hearings, prosecutors have asked that he serve 70 months, saying "the public corruption in this case was so pervasive and enduring."

The prosecutors also have asked that Tavares and Burke be sentenced to 60 months.

“The defendants breached the public trust by implementing a system in which they falsely purported to hire employees based on ‘what you know’ when, in actuality, they were hiring based on ‘who you know,’ ” prosecutors argued. “Although society has attempted to rid itself of crony politics, the defendants apparently never received that message.”

Lawyers for O’Brien, 57-year-old Tavares, and Burke, who is 71, have asked in their own filings that they be sentenced to probation, with O’Brien’s lawyers citing court standards that, “Punishment should fit the offender and not merely the crime.”

“Mr. O’Brien has devoted his life to public service and public safety,” his lawyers argued, citing the dozens of letters of support. “He has lived a life of hard work, compassion, honor, and respect, not only for those who are closest to him, but for those with whom he merely crossed paths.”

The practice of submitting support letters from family members, friends, and colleagues is common. Martin Weinberg, a Boston-based attorney, said that judges are not bound by sentencing guidelines, and lawyers seek such letters to help a judge see their clients as their family members and friends know them.

“It’s a way to humanize them, a way for a judge to receive information about who the offender is beforehand in contrast to information about the offense,” Weinberg said. “Lawyers submit letters to make their clients three-dimensional, to help communicate their humanity and background and entire universe of life that is outside the confines of an indictment and a defense.”

The letters for O’Brien and his codefendants came from immediate family members, nieces, and nephews, colleagues in the Probation Department, retired judges, and at least two county sheriffs. The list includes a retired district attorney, police chiefs, a former mayor, and O’Brien’s car mechanic.


“His devotion to family and friends and his openness and compassion for everyone shine through in the letters of those who have known him whether for a lifetime or only a few years,” his lawyers said in a court filing.

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