

Get Out of Jail, Not Quite Free

Sentencing consultants are doing a brisk business helping clients beat the rap

By ADAM ZAGORIN

WASHINGTON

MY REPENTANCE IS FOREMOST in my mind in every waking moment and its intensity increases with the passing of every day," writes Leona Helmsley in an uncharacteristically groveling letter to a New York federal judge. The missive goes on to contend that Helmsley, the prominent hotel queen who is serving a four-year sentence for evading \$1.2 million in federal income taxes, should be released as soon as possible from the prison in Danbury,

tax evasion, hired one to help him reduce a four-year prison sentence by performing community service at a boys' club. A consultant was instrumental in advising Miami moneymen and convicted tax cheat Victor Posner on his offer to establish shelters for the homeless in lieu of prison time. Onetime Wall Street legal eagle and insider trader Martin Siegel asked for and received the chore of running a children's computer camp. Securities fraudster Michael Milken is awaiting court approval for his plan to educate inner-city youth, a proposal that appears to have contributed to his early release from prison despite an initial 10-year jail sentence.

Celebrity felons may be charged more than \$10,000 a case or up to \$200 an hour for the services of top-flight sentencing consultants: garden-variety or indigent miscreants are asked to pay far less.

The quintessential post-'80s growth industry: Sentencing consultant Herbert J. Hoelter, left, advises clients like Leona Helmsley, below



Connecticut, where she has been studying for a high school-equivalency diploma. An expected favorable ruling by the judge, perhaps this week, would allow Helmsley to rejoin her ailing billionaire husband Harry and travel, presumably by limousine, to perform 750 hours of community service as a playroom assistant or clerk at a nearby health center.

Helmsley's plea for mercy is a masterly exercise in fawning self-promotion. It includes details of the good works she would do during her parole, newspaper editorials calling for her release, doctors' reports on her allegedly failing health and even letters from well-wishers, including one man who offers to distribute buttons, bumper stickers and lawn signs emblazoned with the words FREE LEONA. It was presented in court by Helmsley's lawyer with the aid of a kind of professional called a sentencing consultant, one of a growing breed of specialists who counsel convicted offenders on how to avoid or cut down on prison time.

Sentencing consultants are poised to be the quintessential post-'80s growth industry. Paul Bilzerian, nabbed for securities fraud and



Business has been so good at all levels that the consultants have formed their own professional body, the National Association of Sentencing Advocates, with 100 member firms so far. Practitioners, often criminologists or social workers, have found themselves increasingly asked to decipher the compendium of federal sentencing guidelines, which has grown from paperback size to the dimensions of a metropolitan phone book over the past five years.

Faced with a federal prison population that has more than doubled nationwide in the past decade and incarceration costs that average \$20,000 a person each year, judges

often welcome the alternatives to imprisonment that consultants are paid to contrive. Recent efforts to loosen federal sentencing guidelines, which restrict a judge's discretion in letting convicted offenders avoid prison, could further this trend. Attorney General Janet Reno has announced she will review and possibly dispense with sentencing guidelines for minor drug offenses, and U.S. District Judge Harold Greene declared guidelines unconstitutional in a variety of cases. A change in the federal procedure could allow judges greater leeway to find creative alternatives to prison terms, and thus give consultants a larger role. "There's a lot of very talented people in prison mowing lawns and doing laundry," says Herbert Hoelter, an advisor to Helmsley and other well-known offenders. "Why not put them to work on the outside at far less cost to the taxpayer?"

The most successful sentencing proposals serve clients' interests yet avoid offending judges and prosecutors with excessive calls for leniency. Some can be extremely innovative. When Doc McGhee, the former manager of rock bands Motley Crue and Bon Jovi, was convicted of marijuana smuggling in North Carolina, he faced a tough judge and an aggressive prosecutor. He pleaded guilty and threw himself on the mercy of the court. Consultant Hoelter, whose nonprofit firm handles about 750 cases a year as well as sentence reductions in capital crimes, came up with the idea that McGhee should stage rock concerts to raise money for drug-treatment programs. Thus was the Make a Difference Foundation born. It has since put on major concerts in Moscow and the U.S., and is planning a PBS documentary on drug use and other problems faced by young people.

If Helmsley is soon to be released, it may be because her consultant is able to dramatize the harsh treatment she has received in comparison with other tax evaders. As the judge was reminded in Helmsley's court filing, singer Willie Nelson was allowed to settle \$15.6 million in unpaid taxes and penalties without any jail sentence at all, partly by agreeing to produce an album — which he titled *Who'll Buy My Memories: The IRS Tapes* — and turn all proceeds over to the government. ■