

United States v. M.J. (US Dist. Ct., 78/21).

MR. CORLETTA, AFTER NEARLY TWO YEAR BATTLE, OBTAINS FAVORABLE DISPOSITION FOR DEFENDANT IN SERIOUS FEDERAL ENVIRONMENTAL ASBESTOS CASE

Cases in Federal Court are far different from those in State Court. There is a completely different set of rules. Federal cases are governed by Federal Sentencing Guidelines. In Federal criminal cases, Misdemeanor reductions are rare. Further, non-jail sentences are rare.

Notwithstanding, Mr. Corletta obtained exactly that in **United States v. M.J.** (US Dist. Ct., 8/21).

In that case, Mr. Corletta's client, a 30+ year employee of the State of New York, was indicted by a Federal Grand Jury for Unlawful Release of Asbestos into the Environment, a federal felony. Mr. Corletta's client was a low level Maintenance Supervisor on a New York State property containing several older buildings in need of asbestos remediation.

None of the client's superiors were indicted. The contractor who contracted with New York State to perform a "cleanout" of this old building was not indicted. Mr. Corletta's client, a Maintenance Supervisor who performed maintenance with a small crew on numerous buildings on that property, was indicted, because the client was the only person who forthrightly told environmental investigators what happened.

Mr. Corletta's client did not participate in the planning, administration, supervision, or bidding of the job, had virtually no purchasing authority. An outside contractor did it. The client "opened" the door.

Mr. Corletta's client had minimal involvement in this job. Nonetheless, as the last person in the "food chain", the client was indicted, as the client's superior disclaimed all knowledge. The contractor who submitted a "lowball" bid, promptly obtained an attorney, and also disclaimed knowledge.

Mr. Corletta reviewed over 1500 pages of Discovery materials and Grand Jury transcripts in representing this client. After assessing the client's potential exposure under the Federal Clean Air Act, Mr. Corletta was able to obtain the government's assent to a Misdemeanor Plea. This was done after assessing all facts

and circumstances, including the possibility of conviction and incarceration during a pandemic for an older Defendant with health problems.

The next hurdle was to convince the District Judge to depart from the Federal Sentencing Guidelines and impose no jail. Mr. Corletta filed the appropriate Sentencing Memorandum and Downward Departure Motion under the Federal Sentencing Guidelines and made multiple arguments on Defendant's behalf, primarily centered on his lack of authority, the responsibility of higher-ups, and that he was acting on their orders. Not only was Mr. Corletta able to convince the District Judge to impose no jail, but the client was sentenced to only one year probation; a virtually unheard of sentence on the Federal level.

Mr. Corletta also saved his client tens of thousands of dollars in legal fees if the matter was tried.

Needless to say, the client was extremely grateful to Mr. Corletta and expressed that sentiment in open Court at the time of sentencing.

Mr. Corletta, sensing injustice, told the District Judge in his Sentencing comments that it had been an honor to represent this client, who was clearly one of the most forthright, standup individuals Mr. Corletta has ever represented, who had been betrayed by superiors, people the client trusted.