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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	) Case No.
	)
Plaintiff,	) <b>RESEPNSE TO OBJECTION TO</b>
	) <b>IMPACT STATEMENTS</b>
vs.	)
	) CR12-269-N-EJL
SHERYL LYNN CARROLL,	)
	)
Defendant.	)
	)
	)
	)

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Comes now the United States Attorney, Wendy J. Olson and Assistant United States Attorney, Traci J. Whelan to make the following response to defendants' Objection to Victim Impact Statements.

The United States believes the issue raised by the defendant goes to the weight of the evidence and not the admissibility. The United States further submits the information is relevant to the 18 U.S.C. §3553 (a) factors.

The individuals who are noticed to testify include the chief executive officer of the City of Coeur d'Alene, Mayor Sandy Bloem, who will address be the spokesman for the citizens whom she serves. City Administrator, Wendy Gabriel, will inform the Court of the repercussions the crime had to city employees and the violation of trust articulated by members of the public to city government. Also making a statement is Vonnie Jenson, Deputy Finance

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Director, who supervised and worked beside Ms. Carroll for years. She will testify about the direct impact the crime had on her and her family. Ms. Jenson can also dispel the myth that this was a simple embezzlement and better describe the complexities involved. Julia Aho, a retired accounting specialist, will also testify about the emotional impact this crime had on her. Dave Yadon, is a city employee but will be testifying in the capacity of former personal friend who can provide information about the defendant's history and character.

Each of these people meet the definition of "crime victim" under 18 U.S.C. §3771(e). As the Court will hear, each of these people have been directly and proximately harmed as a result of the commission of a federal offense. For example, their reputations were tarnished as a result of Ms. Carroll's actions. They lost time away from their family because they had to work overtime.

Additionally, these witnesses, as well as those who submitted letters, provide the Court with information which this court must consider pursuant to 18 U.S.C. §3553(a). Some of these individuals worked with Ms. Carroll very closely for years. They provide insight into the nature and circumstances of the offense and the history and characteristics of the defendant.

The Court should receive information about the seriousness of the offense, the need to promote respect for the law and just punishment and why the public needs to be protected from further crimes of the defendant. These five witnesses all have different information about the ramifications of the crime itself, they each can articulate the direct or proximate harmed they suffered as a result of the defendant's actions.

It is noted that ten letters of support for Ms. Carroll were filed in with the Court in this case. These letters all outlined positive information about the history and characteristics of the defendant. At least one letter discussed how Ms. Carroll did not get caught but turned herself in. This information was incorrect. The United States did not, and does not object, to these letters because the Court should have the benefit of a full picture of the person who comes before it for sentencing. The presentence report is written for the Court by an employee of the Court. That individual does not advocate for either party. The attorney's representing each party does have the responsibility to present their argument to the Court. This argument includes the presentation of witnesses or statements. The Court then will take all the information and make a determination on the correct sentence.

For all of the above reasons, the United States submits the letters and statements should be allowed. The individuals are either victims as defined by the statute or possess information related to specific factors the Court must consider in sentencing. The Court can determine what weight each statement should be given.

Dated this 4th of March, 2013.

Respectfully submitted,

WENDY J. OLSON  
United States Attorney  
By:

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TRACI J. WHELAN  
Assistant United States Attorney