

August 22, 2007

Judge William N. Stiehl  
Courtroom I  
750 Missouri Avenue  
East St. Louis, Ill 62201

Re: Frank Fabbri

Dear Judge Stiehl,

This letter is difficult to compose on so many levels. First, because I have the highest regard for you, I find the idea of suggesting to you what sentence a defendant should get is almost comical, and if not for the serious nature of the subject matter.

Second, while Frank is a good friend of my wife Kathy and I, and who I feel much sympathy, I am also angry that one of "our" lawyers has done something so stupid.

So, Judge, as you can see, I don't know which way is up or down.

What I do know is this: Frank is a good person who should not go to prison for this one idiotic and criminal act.

Although I have known Frank for 20 years, I did really not get to know him until the last few years. He is difficult to really know, but once you do you discover his kindness, thoughtfulness and overall sense of decency.

This is why his crime is so devastating to him and all of us. We expect more from Frank. We are disappointed and sad for him.

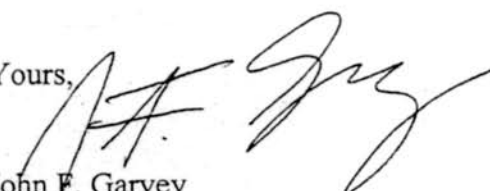
This is what this letter is about. Frank is feeling this sense of betrayal and shame. I strongly believe this is the most devastating aspect of Frank's plea; the sense he lost a

little of himself and what was good about him when he involved himself with this money. Frank knows he will never recapture that part of his worth, nor will we – but we still love him.

This disgrace on himself , the loss of his law license, and restitution of the amount at issue is enough. No goal of society or the system is met imprisoning this man.

Judge, thanks for listening. [REDACTED] Say hi to Julie and Sandy for me.

Yours,

  
John F. Garvey  
Circuit Judge

Honorab  
Northern  
Court

PE Unit

DEMPSEY & KINGSLAND, P.C.

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August 20, 2007

Honorable William D. Stiehl  
U.S. District Court  
750 Missouri  
East St. Louis, Illinois 66201

Re: USA v Frank R. Fabbri, III  
SDIL No. 3:07 CR 30072 WDS

Dear Judge Stiehl:

I am writing on behalf of Frank Fabbri whom I have known both as a close friend and a respected attorney colleague for over 20 years. Frank is charged with Failure to File IRS Form 8300 after receiving in excess of \$10,000.00 in cash on November 10, 2004. His sentencing hearing is scheduled for August 27, 2007 at 1:30 p.m.

It is my hope that the sentence you impose will reflect leniency for this decent individual whose career has otherwise been marked by diligence, honesty and exemplary service to his clients.

Although I live and practice in Kansas City, I am well acquainted with the hard work and personal sacrifices Frank has made as an attorney. Frank has an outstanding work ethic. On many occasions I have telephoned Frank during the evening well after 5:00 p.m. and discovered that he was still in the office. When I have inquired about the various matters that have kept him at the office, Frank has replied that he was preparing a brief, or motion or getting ready for trial. I do not know of any attorneys who are more dedicated to their work and their clients than Frank.

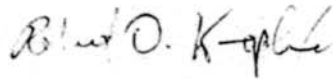
I am also acquainted with Frank's considerable skill in the courtroom as a criminal attorney. I once attended a motion hearing with Frank in which he argued a complicated motion before (Federal) Judge Elmo Hunter, a legendary jurist and legal scholar here in Kansas City, whose distinguished record was marked by the lowest reversal rate in the 8<sup>th</sup> Circuit. Although the hearing before Judge Hunter occurred over 10 years ago, I can vividly recall my admiration for the way in which Frank's persuasive advocacy completely dominated the proceeding. Frank's advocacy epitomized thorough preparation and zealous advocacy. In fact, Frank's presentation at the hearing was so powerful and compelling that he managed to overshadow Judge Hunter – at least in my eyes. In the more than 20 years that I have practiced law, I have never witnessed more effective advocacy.

The Frank Fabbri that I know is also humorous, thoughtful, generous and humble. This single episode that brings Frank before you is atypical and totally unrepresentative of the character of this honorable man.

My father, Robert D. Kingsland Sr. (now deceased) was a federal magistrate in St. Louis, Missouri was proud to call Frank Fabbri his friend – and so am I.

I know that it is not fashionable for judges to show lenience. Harsh and stern punishment seem to be the order of the day. Nevertheless, I appeal to you on the basis of fairness and equity to weigh Frank's good character and his exemplary service to our profession and mitigate the sentence you impose on him.

Very truly yours,



ROBERT D. KINGSLAND

RDK/lmk

FILED  
U.S. DISTRICT COURT  
ST. LOUIS, MISSOURI  
CLERK OF COURT  
JULY 10 1998

# EICHELBERGER PROPERTIES, INC.

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**August 21, 2007**

Honorable William D. Stiehl  
U. S. District Court  
750 Missouri  
East St. Louis, IL 62201

Re: U.S.A. vs. Frank R. Fabbri, III  
SDIL No. 3:07 CR 30072-WDS

Your Honor:

I am a retired St. Louis Police Detective and am currently a real estate investor and developer. I have known Frank Fabbri for over 30 years and can attest to his good character. I first met Frank when he was a Public Defender and continued a relationship through his going into private practice. Even though we were in adversarial positions my respect for him grew into a social friendship. I have always known Frank to have the utmost integrity and respect of his peers.

Very truly yours,

James D. Eichelberger  
President

**Fischer & Byrne, L.L.C.**  
Attorneys At Law  
818 Lafayette Avenue  
St. Louis, Missouri 63104-3820  
Telephone: 314-231-0777 Fax: 314-231-3704

August 10, 2007

Honorable William D. Stiehl  
U.S. District Court  
750 Missouri Ave.  
E. St. Louis, Illinois 62201

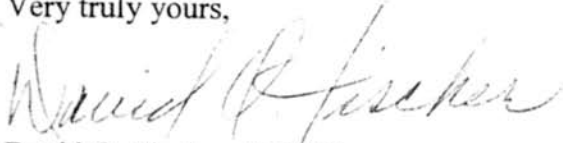
RE: U.S.A. v. Frank R. Fabbri, III  
SDIL No. 3:07 CR 30072-WDS

Dear Judge Stiehl:

This year marks my 50<sup>th</sup> year in the practice of law, the great majority of which has been spent in the area of criminal law and which includes ten years as an assistant circuit attorney in the City of St. Louis and five years as a special agent with the FBI. I mention that only to hopefully lend a little more credibility to the purpose of this letter, which is to recommend to the court probation for Mr. Fabbri when he comes before you for sentencing later this month.

I've known Frank for over 30 years and have worked with him on several cases during that period of time. It is my personal, as well as professional, opinion that Frank is an individual of good, moral character and one who, should probation be a consideration, would not disappoint by violating any conditions the court might establish. I can't see how the ends of justice would be furthered by incarcerating Frank and I urge the court to be compassionate at sentencing.

Very truly yours,



David O. Fischer, #16715  
Attorney at Law

DOF:fw

DEVEREAUX, STOKES, NOLAN, FERNANDEZ & LEONARD, P.C.  
ATTORNEYS AT LAW

August 7, 2007

DANIEL DEVEREAUX  
(1941-2000)  
MICHAEL D. STOKES\*  
W. T. NOLAN†  
GONZALO FERNANDEZ‡  
JAMES P. LEONARD\*\*

Honorable William D. Stiehl  
U.S. District Court  
750 Missouri  
E. St. Louis, IL 62201

In Re: U.S.A. v. Frank R. Fabbri, III  
SDIL No. 3:07 CR 30072-WDS

Dear Judge Stiehl:

I'm writing this letter on behalf of Mr. Fabbri. I've known Frank as an attorney for over thirty years. I believe he is both well-meaning and hard-working. Frank and I first met when we were public defenders back in the early 1970s and we have been friends since that time.

I am on the Board of Directors for Habitat for Humanity St. Louis. I'm also on the Board of Directors for Gateway Homeless Shelter in downtown St. Louis and am actively involved with the Griffin Center in East St. Louis. The Griffin Center is a community shelter operated by two wonderful nuns, Sister Julia and Sister Helen. I mention that only because I've been doing fundraising for these organizations for at least seventeen years. Every year I call Frank and ask for his financial help, and every year he stands up and helps. Whenever the event, whatever the requested amount, he has never said no. He complains a lot that I call him too much, but I've never stopped calling and he has never stopped giving.

For many reasons, I think it would be awful if he had to spend any time in prison. I can't tell you how much I appreciate the help he has given to the charities that I represent. If you need anything further for me, I would be happy to appear on Mr. Fabbri's behalf at his sentencing hearing.

Very truly yours,

DEVEREAUX, STOKES, NOLAN,  
FERNANDEZ & LEONARD, P.C.

  
MICHAEL D. STOKES

MDS/ljs

GARY K. BURGER, Ph.D.  
PROFESSOR EMERITUS - UMSL  
3512 CRITTENDEN ST.  
ST. LOUIS, MO 63118

August 14, 2007

Honorable William D. Stiehl  
United States District Court  
750 Missouri  
East St. Louis, Illinois 62201

In re: Frank R Fabbri III

Dear Judge Stiehl:

I am writing you concerning Mr. Frank Fabbri, who will be sentenced by your court in the near future. Mr. Fabbri is a neighbor and member of the community in which I live in St. Louis. I have known Mr. Fabbri for almost 16 years, not only as a part of my neighborhood, but also through the many individuals I know in the legal profession. My wife is Judge Joan Burger of the St. Louis Circuit Court and my son Gary Burger Jr. is a licensed attorney in both Missouri and Illinois, so I have many friends and contacts in the legal community who, like myself, know Frank quite well. I would ask you to consider my comments below when you decide on Mr. Fabbri's sentence.

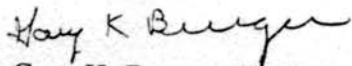
Obviously, I cannot comment on the charges against Mr. Fabbri or the degree of his culpability for them. I can comment upon his character, his community involvement, and how he is perceived among my friends and acquaintances in St. Louis. Personally, I have always been impressed by Frank's commitment to his community and his profession. In many discussions with him over the years, I have been struck by his belief in the necessity of providing all individuals in our society the representation promised them by our legal system. It always seemed to me that he put his clients first and tried to represent them as well as he possibly could (based on our conversations), and that opinion seems to be shared by most of my "legal type" friends.

Frank has also been an upstanding and responsible member of our local community. He is liked and respected by my neighbors, and he has participated actively in many neighborhood events (e.g., block parties and the like), and has been concerned with us all about various local problems. In speaking with my neighbors and attorney friends about Frank, I have heard a strong consensus that the man we know does not seem to be one who has been convicted of a crime. The behavior we have witnessed from Frank over the years argues that he is a man of principle and commitment to his community and profession.



In summary, I have a very positive assessment of the character and behavior of Frank Fabbri, as do most of his neighbors and friends that I know and talk to. I hope you will consider these comments when you make your decision.

Respectfully,



Gary K. Burger, Ph. D.  
Professor Emeritus  
Department of Psychology  
University of Missouri – St. Louis



# Missouri Court of Appeals

EASTERN DISTRICT

IN CHAMBERS

GEORGE W. DRAPER III, JUDGE

ONE POST OFFICE SQUARE  
815 OLIVE STREET  
SAINT LOUIS, MISSOURI 63101

(314) 539-4345  
Fax (314) 539-4339  
George.Draper@courts.mo.gov

August 23, 2007

Honorable William D. Stiehl  
United States District Court for  
The Southern District of Illinois  
United States Federal Courthouse  
750 Missouri Avenue  
East St. Louis, Illinois 62201

RE: Frank Fabbri

Your Honor:

I am writing on behalf of Frank R. Fabbri, not because he requested it and not because I believe he is innocent of the crime charged; but rather because of all of my years in this business I have learned to value those individuals whose word I could trust. As a former prosecutor of ten years, as a First Assistant, and as a Judge of thirteen years, I have had the unfortunate opportunity to know more than a few in our profession that have slipped from the role of counselor to being charged as a defendant. I believe these two classifications have very little in common and each case is unique, as is the case with Frank.

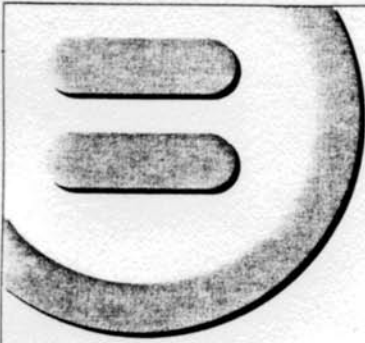
Frank is what I would characterize as an "old school" attorney. He would put up a serious fight in favor of his client's rights, reason for leniency on his client's behalf, and advise you he would work to uncover the truth if it was hidden from him. Thereafter, after expressing such zealous advocacy, he would converse with you personally about your family, his family, your mutual friends, and the topics of the day. He did this not to ingratiate himself or gain advantage for his clients, but because he was genuinely interested in what made you unique and because we were all members of the same profession.

It is my hope this letter gives the court some insight into Frank as a professional and not merely a defendant. I am certain justice and the guidelines require some punishment as Frank has pleaded guilty for his conduct. That being said, I am also certain that based upon the prior conduct and character of the man, unrelated to this charge, that Frank deserves some measure of mercy.

Sincerely,

  
HONORABLE GEORGE W. DRAPER III

www.courts.mo.gov



# Urban League

of Metropolitan St. Louis, Inc.

*Empowering Communities. Changing Lives.*

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President/CEO

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October 2, 2007

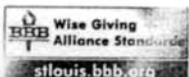
Honorable William D. Stiehl  
U.S. District Court  
750 Missouri  
East St. Louis, IL 62201

Re: Frank R. Fabbri, III  
AKA "TONY"

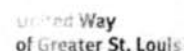
Your Honor:

The Urban League movement has had the challenge of empowering communities and changing lives for 89 years. Our vision is that African Americans and others in the St. Louis Region [which has included St. Clair County, Illinois since 1979] will have the opportunity to secure economic self-reliance, social equality and civil rights. Our progress has helped us to become the #1 ranked affiliate of our 105 affiliates and to be selected to host the 2007 Annual Conference for the first time in over 20 years this July. Frank R. Fabbri has been with us on our journey for over 25 years.

One of our specific efforts to educate and to empower African Americans and others to achieve economic self-sufficiency is by promoting homeownership and by providing housing counseling and homeownership assistance training through our Housing Counseling Program. Frank was one of the original developers of the homeownership assistance program. This program was developed to help primarily single parents, the elderly and the disadvantaged to utilize housing and special bank financed programs to purchase and to rehabilitate their homesteads and to achieve housing independence. Frank spent countless pro bono day and evening hours counseling prospective homeowners and working with them and insuring that often times small independent contractors would properly perform their contracts. Frank would actually go to the homes and meet and critique the work of these contractors with the homeowner. Needless to say, meeting a lawyer in a suit at a jobsite remedied many problems! We are proud to state that our Housing Counseling has now been approved by HUD and includes pre-purchase counseling as well as homeownership counseling. We owe our success to Frank and those like him who have lent their expertise and support to our efforts and services.



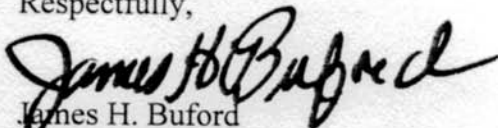
Affiliated with the National Urban League



As a friend, I have known Frank professionally and personally since before I became the sixth President of our Urban League of Metropolitan St. Louis in 1985. Frank is one of those few "chosen" people who has been tireless in helping African Americans and other minorities and disadvantaged in their struggles for dignity, honor and power within our community. He was, in my opinion, one of the first I met who naturally had the quality and character to "bridge the gap" of economic and social self-sufficiency in our community. His company has always been enjoyable and enlightening. We need more people like Frank in our community.

I am not familiar with the provision of the law that Frank has admitted violating. But I do know he did so in late 2004 when he was going through a lot of personal strife. I also know that Frank has been extremely remorseful of the incident and the "shadow" he believes it has cast over his efforts to help others. I ask that you not expensively and wastefully send him to prison but that you require him to do community service to continue to help people. We would be proud and honored to accept a sentence of a vital community service to any of our facilities in Missouri or Illinois. You need only ask me and we will do the rest. Thank you.

Respectfully,



James H. Buford  
President & CEO

cc: Fax @ 618-277-7718  
Attorney Clyde Kuehn  
Attorney at Law  
23 Public Square #450  
Belleville, IL 62220



**United States District Court**

Eastern District of Missouri  
111 S. Tenth Street  
St. Louis, Missouri 63102

**CHARLES A. SHAW**  
U.S. District Judge

August 17, 2007

314-244-7480

The Honorable William D. Stiehl  
United States District Court for the  
Southern District of Illinois  
United States Federal Courthouse  
750 Missouri Avenue  
East St. Louis, Illinois 62201

Re: United States v. Frank Fabbri, III  
SD/IL Docket No. 3:07CR30072 WDS

Dear Judge Stiehl:

I was advised by my brother, Judge Booker T. Shaw, that you have requested reference letters as to Frank Fabbri, III, from judges having personal knowledge of him. I have known Frank for almost thirty years, first as an Assistant United States Attorney, second as a Missouri Circuit Judge, and lastly as a United States District Judge.

Frank Fabbri has steadfastly been one of the most conscientious and zealous attorneys on behalf of his clients that I have ever known. From my experiences with Frank, I have always known him to be honorable, considerate, punctual, generous and good-hearted. We all make mistakes. Frank's mistake was one of the head and not the heart. There is no doubt that his mistake was a violation of the law, but it was a human failure, not one of the soul. As Archie Bunker once said, "God don't make no mistakes. That's how he got to be God."

Frank Fabbri is a lawyer that truly enjoyed his profession. This was obvious from the enthusiasm and zeal that he displayed in his practice. Losing his law license will be greater punishment than he will otherwise suffer. This factor should not be overlooked or minimized.

Thank you for reading this letter. I know that you will give Frank every consideration and I encourage you to do so.

Very truly yours,

Charles A. Shaw



BLACK  
ALCOHOL / DRUG  
SERVICE  
INFORMATION  
CENTER

September 14, 2007

Honorable William D. Stiehl  
750 Missouri  
East St. Louis, IL 62201

Re: Frank R. Fabbri, III

Dear Judge Stiehl:

Since its inception in 1982 Black Alcohol/Drug Service Information Center [BASIC] is a multifaceted program imparting a continuum of services being provided in the field of chemical abuse. Our specific goals and objectives are: To have more people, Black in particular, receive services from the present chemical dependency recovery system; To implement community intervention methods; To cooperate with other community agencies in problem identification; To establish community support systems; and to provide a link between the Black community and chemical dependency service providers. Frank Fabbri has enthusiastically helped us pursue our goals and objectives for well over thirteen (13) years and has been on our Board of Directors since May 12, 1997.

Initially Frank came to visit us because he had heard about our program from one of our caseworkers and wanted to know more about it on a personal basis. (No other attorney, before or since, has expressed such a high level of curiosity and concern.) We readily accepted him because we had already heard of his unique ability as a White man to "connect" with minority youth and young adults and redirect them toward sobriety. We found, and still find, Frank's desire and abilities unique.

When Frank came to us, he had already developed a "kit" for presentation. Along with the help of a federal narcotics officer, Frank made two (2) sets of "dummy dope" samples: one set of 500 grams powder cocaine - 5 grams crack cocaine and the other set of 250 grams powder cocaine- 2 grams crack cocaine i.e. the mandatory minimum amounts in federal and Missouri courts. Frank had used his "kit" in compelling presentation before the Missouri Black Caucus and various minority churches and organizations to educate both minority youth and their parents. (Incidentally, his "kit" presentation now also includes an original (and very heavy) African slave leg cuff.)

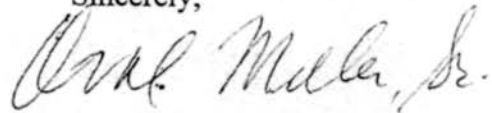
We found Frank's sincerity compelling and he became a board member at our earliest opportunity. Some time after his acceptance, we found ourselves in need of a transport car for our clients. Frank, on his own, found a "one owner" 1972 Cadillac

limousine and, working on it at night in his garage, totally rehabbed it. He surprised us with the gift of a virtually "new" and clever transport car to alleviate our need of the time.

Frank has continued to provide us advice and has been our "spokesperson" within the courts system and the legal community. He has also, through his own experiences, helped us become more aware of our common goals within the entire St. Louis community and has helped our program reach out to all similarly situated dependants within our community irrespective of color. We feel that we have impacted upon Frank the way he has impacted on us.

We know that Frank is in trouble and that he will be punished both as a federal defendant and as an attorney. We ask that you not incarcerate him but direct that he perform community service at our facility here at the old historical Jefferson Bank in St. Louis. Incarceration now would provide nothing to help our community when, with Frank's unique talent and abilities, he can help us try to achieve our common goals in a daily and intense basis. We, quite "frankly", are a non-profit agency and not highly endowed and need special people like Frank to continue to help us in our quest. In exchange, we will provide any monitoring or other confirmatory information you might desire to satisfy any ordered commitment to us. We also guarantee that you would be performing a great and gracious public service to us and the whole St. Louis community by giving us the service of such a skilled and experienced man pro bono.

Sincerely,



cc: U.S.P.O. Linda Fletcher  
750 Missouri  
East St. Louis, IL 62201

August 10, 2007

Honorable William D. Stiehl  
U.S. District Court  
750 Missouri  
East St. Louis, IL 62201

Re: U.S. v. Frank R. Fabbri III

Your Honor,

I am a retired St. Louis City police officer, having retired after 30+ years. I was assigned to the Circuit Attorney's office in the City. It was during that assignment that I became acquainted with Frank "Tony" Fabbri. He was a public defender at that time. Initially, I viewed Tony as an arrogant lawyer and, quite honestly, a royal pain. However, as time passed we eventually developed a mutual professional relationship that evolved into a friendship.

Although I disagreed with Tony more times than I agreed, I recognized that ultimately Tony was truly committed to his clientele, regardless of their guilt or innocence. I respected and admired him for such an attitude.

Tony, unfortunately, stands before your Honor for sentencing on August 27, 2007. I would only hope that the Court would exercise discretion in the favor of probation as a result of a naïve mistake by Tony or an innocent error of judgment.

Respectively submitted,

*Ralph Michael*