

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
vs.) Case No.: 19-CR-00367
)
JOHN RALLO,)
)
 Defendant.)

**DEFENDANT’S OBJECTIONS
TO THE PRESENTENCE INVESTIGATION REPORT**

COMES NOW Defendant, John Rallo, by and through counsel, and files the following objections to the presentence investigation report (“PSR”), following his attempts to administrative resolve his objections, which were ultimately unsuccessful:

Paragraph 68: Defendant objects to the Government’s ranking of culpability reproduced in Paragraph 68, and in particular its ranking of Defendant above co-Defendant William Miller. As the Government’s Omnibus Sentencing Memorandum and Response to Defendant’s Sentencing Memorandum noted, Defendant Miller acted as County Executive Stenger’s “right-hand man” in his extensive pay to play scheme, and did so as a licensed attorney, former Administrative Law Judge, and a salaried government employee. Doc. 26, at 1-2. None of those considerations are present with respect to Defendant Rallo, and he objects that his culpability should be ranked lower than that of Defendant Miller.

Paragraph 91: Defendant objects to Paragraph 91’s classification of proceedings involving the Missouri Commission on Securities. First, that matter was a civil matter that cannot properly be classified as “Other Criminal Conduct.” That civil proceeding resulted in a default

finding after Defendant consulted with counsel about the costs and benefits of contesting that proceeding and was advised that, due to the pendency of this criminal action, it was prudent not to present a defense or to participate into discovery, despite Defendant's position that he was not liable for the conduct alleged. Defendant objects that the circumstances addressed in Paragraph 91 cannot properly or logically be considered as "other criminal conduct" for purposes of sentencing.

Dated: September 23, 2019

Respectfully Submitted,

ROGERS SEVASTIANOS & BANTE, LLP

By:

/s/ John P. Rogers

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CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2019, the foregoing was electronically filed with the Clerk of the Court to Mr. Hal Goldsmith, assistant United States attorney.