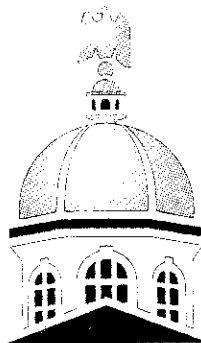


CONCORD



MONITOR

MONDAY, OCTOBER 26, 2009

concordmonitor.com

CONCORD, NEW HAMPSHIRE

PLAINFIELD

Brown supporters appeal convictions

Judge's sentencing also challenged

By **MARGOT SANGER-KATZ**
Monitor staff

Two of four men convicted of aiding Ed and Elaine Brown during their prolonged 2007 standoff in Plainfield have appealed their convictions and sentences to the First Circuit Court of Appeals.

Cirino Gonzalez of Alice, Texas, and Jason Gerhard of Brookhaven, N.Y., have both filed documents with the appeals court citing numerous issues from their trials and sentencing hearings. A third defendant, Daniel Riley of Cohoes, N.Y., also plans to appeal, his lawyer said, but

will not file a brief until December.

The fourth defendant, Robert Wolffe of Randolph, Vt., pleaded guilty and has not appealed.

The men were accused of supplying, supporting and arming Ed and Elaine Brown when the couple holed up in their castle-like Plainfield home and threatened violence if U.S. marshals tried to arrest them on bench warrants. Evidence at trial showed that the men lived with the couple, bought them supplies and indicated that they intended to protect the Browns from what they saw as an unlawful and tyrannical federal government.

See **BROWNS - A3**

BROWNS

Continued from A1

The Browns were arrested by a team of undercover U.S. marshals, and a search of their home afterward found it littered with guns, homemade bombs and other military equipment. The Browns were found guilty this summer of 11 felonies and are likely to spend the rest of their lives in prison.

Both Gonzalez and Gerhard received sentences that exceeded the recommendations of the federal sentencing guidelines, and lawyers for both men said Judge George Singal applied improper considerations when imposing such lengthy sentences.

Gerhard, who was just 22 at the time of his sentencing last year, is serving a 20-year federal prison sentence - nearly double what probation officers recommended. He was found guilty of two counts of conspiracy, possessing a weapon in connection with a crime of violence, and aiding and abetting the Browns.

During the trial, the government presented evidence that Gerhard bought numerous rifles and ammunition that were found at the Browns' home after their arrest and that he made veiled threats against deputy U.S. marshals. During his sentencing hearing, witnesses also said that Gerhard had expressed admiration for Timothy McVeigh, who orchestrated the Oklahoma City bombings in 1996.

During the sentencing hearing, Singal said Gerhard "displays an intent to continue his conduct and endanger the community."

His appeal, filed by Paul Glickman of Boston, argues that Gerhard should have received a much shorter sentence. His brief argues that certain crimes should have been considered misdemeanors, not felonies.

Glickman's appeal makes several other arguments, including:

- The two conspiracy convictions are unfair because they punished Gerhard twice for the same conduct. Glickman's brief suggests that one of the two charges should have been dismissed. If it is,

Gerhard could receive a shorter sentence, since he is serving consecutive sentences for the crimes.

- Many of the charges should be dismissed because the indictments do not fully describe the nature of the crimes of which Gerhard was accused.

Gonzalez, a former military contractor, was found guilty of fewer crimes, after the jury could not reach a verdict on certain counts. He was convicted of one count of conspiracy and one of aiding and abetting the Browns. The jury could not decide whether he should be found guilty of a weapons charge, after Gonzalez testified at trial that the three guns he brought to Plainfield were intended for his personal protection, not security.

During the standoff, Gonzalez lived with the Browns for weeks and maintained a blog informing supporters about developments in the case. At trial, prosecutors played a video of Gonzalez holding a gun and explaining how federal agents were afraid to arrest the Browns because their supporters had military training.

Because the jury did not find Gonzalez guilty of that crime, his lawyer argues that Singal should not have considered Gonzalez's weapon possession when selecting a sentence. During Gonzalez's sen-

tencing hearing, Singal cited Gonzalez's weapons as one of several reasons he imposed a stiff sentence. He also ruled that several of Gonzalez's statements in court, including a statement that the guns were not used to protect the Browns, amounted to perjury.

"The jury just didn't buy the prosecution's case that he was dangerous - that there were weapons," said Joshua Gordon of Concord, Gonzalez's appeals lawyer. "But the judge sentenced him as if they did, and it's just not right."

Gordon's brief raises several other issues, including:


- That Gonzalez - like Gerhard - received a felony sentence for what Gordon described as a misdemeanor crime.

- That the jury instructions did not properly reflect the requirements of the conspiracy law Gonzalez was accused of violating.

The brief also includes an argument that was frequently cited by the Browns and their supporters throughout the standoff. According to the brief, Gonzalez's conviction should be invalidated because the federal courthouse in Concord is not actually federal property, an argument that Gordon says would call into question all judgments originating in that court.

"If the argument holds water, it applies to all federal prosecutions," Gordon said.

School Night Special at



Patrick's

Pub & Eatery

Enjoy our

CHOICE SLOW-ROASTED PRIME RIB

for only

\$10.99

Junction of Routes 11 & 118, Gifford
Call 293-0841
 School Night Specials
 served Sunday to Thursday at 4pm