



Department of Justice

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McFALL SENTENCED TO SIX AND A HALF YEARS IN PRISON

*Re-Sentencing of Main Defendant in San Joaquin County Corruption Case
Ends Seven-Year Prosecution*

SACRAMENTO – United States Attorney Lawrence G. Brown announced today that MONTE D. McFALL, 63, of Lathrop, was sentenced today by United States District Judge Morrison C. England, Jr., to 78 months in prison. McFALL was convicted on March 8, 2005, of 17 felony charges including attempted extortion, honest services fraud, and obstruction of justice, following a five-week jury trial in U.S. District Court that commenced in January 2005. Following lengthy post-trial motions, McFALL appealed his convictions to the Ninth Circuit Court of Appeals. In a pair of decisions issued March 9, 2009, the Ninth Circuit affirmed McFALL's convictions on 12 counts, but reversed the convictions on five of the counts on legal grounds, and remanded the case for re-sentencing by Judge England.

This case was the product of an extensive/joint investigation by the FBI and investigators with the San Joaquin County District Attorney's Office.

Judge England sentenced McFALL today to the top of the applicable advisory federal sentencing guideline range, as recalculated by the U.S. Probation Officer following the remand from the Ninth Circuit. The prosecution and defense filed a stipulation in which they agreed that a sentence at the top of the guideline range was appropriate. McFALL also agreed to waive any further appeal in the case.

McFALL was also ordered to serve a three-year term of supervised release after his prison term, and was ordered to pay a fine of \$50,000 and a \$1,200 assessment. Parole has been abolished in the federal system, and McFALL will be required to serve at least 85% of the prison time imposed today. He has been in custody serving his sentence since being convicted in March of 2005, and under the sentence imposed today, would be required to serve at least another year in federal prison before being placed on supervised release.

According to Assistant United States Attorneys Benjamin B. Wagner and Samantha S. Spangler, who were prosecuting the case, Judge England, citing McFALL's ties to former San Joaquin County Sheriff Baxter Dunn and other influential figures, stated: "During a large part of his life in San Joaquin County, Mr. McFall did not just act above the law, he acted as if he were the law."

McFALL, in a brief statement to the Court during sentencing, said that "I assumed what I

was doing was right. I see now that it was wrong.” He also said “I accept responsibility for what I’ve been convicted of. I’ll go though life a convicted felon. My reputation is destroyed.”

In deciding to follow the parties’ recommended sentence, Judge England told McFALL: “You said three words in your allocution that I’ve never heard you say before. ‘I accept responsibility.’ That is the one thing I had not heard from Monte McFall, and that I wanted to hear.”

The case also led to the guilty pleas of former San Joaquin County Sheriff T. BAXTER DUNN, 62; former San Joaquin County Supervisor LYNN BEDFORD, 72; former Executive Director of Governor Davis’ Office of Criminal Justice Planning N. ALLEN SAWYER, 41; and BEDFORD’s former legislative assistant, J. TYLER REVES, 41; all four of whom were convicted of felonies and previously served their sentences.

U.S. Attorney Brown said: “The sentence imposed today brings to a close over seven years of litigation – a prosecution that exposed and brought down a corrupt network that reached into the highest levels of San Joaquin County. The people of San Joaquin County were well served by the men and women of this office, the FBI, and the San Joaquin County District Attorney’s office who pursued this case with such determination and professionalism throughout.”

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