

Erin Erlenborn



March 5, 2018

Dear Judge Chesney,

A few weeks ago, I wrote to you on behalf of my husband Jeff Wertkin. I told you about how I was shocked by husband's behavior because it was completely inconsistent with anything I have seen from Jeff in more than 11 years of marriage.

I am writing this supplemental letter on behalf of my children who are too young to write a letter on their father's behalf. I have been told that you are allowed to consider Jeff's family responsibilities when deciding his sentence. As co-parents, Jeff has long been responsible for cooking their meals, driving them to school, helping them with their letters and reading, and organizing fun outdoor activities. But his responsibilities go well beyond providing daily care for our kids. He gives them the support and encouragement they need at this critical time in their lives. Jeff is the one who can make them belly laugh and the one they go to when they are hurt or need emotional support. I see and feel my children's love and adoration for their Dad every single day. He is their everything, and I could not possibly fill his shoes should he go away. I wouldn't be doing my job as mother if I didn't give voice to how important Jeff is to the well-being of our kids.

Lately I have been spending a lot of time reading about child psychology and talking to professionals about the impact a separation will have on our kids. Children ages 4 to 6 do not yet have the tools to process their feelings, and statistics show that separation from a parent causes significant trauma for kids of this age. Studies like the "Fragile Families and Wellbeing Study" from Princeton University and the "National Survey of Children's Health" show that children with an incarcerated parent were more than three times more likely to suffer from depression or have behavioral problems, and at least twice as likely to suffer from anxiety and learning disabilities. I also read articles from a professor at UC Irvine showing that children suffer when their parents are incarcerated and arguing that our justice system should consider alternatives to the harmful effects of incarceration on children when setting prison sentences for non-violent offenders.


Jeff has always played a huge and important role in our kids' lives, and in the last year they have grown more dependent upon him as their primary caregiver. Because of this, the impact of his incarceration will be devastating. When Jeff recently went to New York for a few days, I saw that his short absence had an immediate and negative effect on the kids. It scared me. What worries me most is what is unfortunately common in circumstances like these: children this age

believe they are the cause of the parents' transgression and separation, and they exhibit bad behavior to bring on the punishment that they believe they deserve.

I wanted Jeff and his attorneys to ask for home confinement so that he could stay connected to the kids and give them the support they need. I was told that asking for home confinement would send you a signal that he doesn't recognize the seriousness of his crimes and could potentially lead to a longer separation. I am writing today to say that Jeff understands the seriousness of his crimes. I have heard him explain in excruciating detail to family and friends about the ways in which his actions have hurt the institution of the Department of Justice. And I have seen him cry about betraying his friends and former DOJ colleagues who he loved and respected.

One thing I think everyone can agree on is that Jeff is not violent and is not a danger to society. If the purpose of jail time is deterrence, then I ask you to consider an alternative. I can't believe there is anyone who has read one of the articles about Jeff's case who is not already deterred from following his tragic path. And I certainly can't believe that someone would be more or less deterred by what happens on Wednesday. Rather than separate him from society, please consider requiring him to go around the country to talk to other lawyers, law students, and government workers about his embarrassing crimes. As much as it hurts me to hear him retell his story, he is a gifted writer and communicator, and I know this kind of public speaking and advocacy will "send a strong message" and will deter far more people than whatever sentence he receives.

I ask you to take into account Jeff's family responsibilities to my children when choosing the sentence. I ask you to consider sentencing him to home confinement and years of public service so that our children don't become another statistic, so they don't become collateral damage. On behalf of my children, please do not separate him from our family.



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