

# **EXHIBIT 46**

# WILLIAM C. PRENTICE

February 22, 2009

*Via Email, Care of:*  
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The Honorable Andrew J. Guilford  
United States District Judge  
United States District Court  
Central District of California  
411 West Fourth Street, Room 1053  
Santa Ana, California 92701-4516

**Re:** United States v. Michael S. Carona  
Sentencing Considerations

Dear Judge Guilford:

I am not an attorney, I am not politically active, nor am I publicly prominent in any way. Also, please note that I have never met Michael Carona, and I was never active in, nor did I ever donate to, Mr. Carona during his various campaigns for Orange County Sheriff. I did vote for Sheriff Carona. As a citizen, certain aspects of this case trouble me, and since I have been fairly vocal about this, I was asked to write to you to so that my point of view – which may or may not be compelling – is taken into account in sentencing Mr. Carona.

It is my understanding that of the many counts against Mr. Carona, only one felony charge – witness tampering – resulted in a conviction, and that the guilty acts of which he was convicted took place at a single August 2007 meeting between Mr. Carona and Mr. Haidl. The federal investigation had been ongoing for several years, and Mr. Haidl, who was also under investigation, had agreed to cooperate with federal prosecutors, and was wired. The jury decided that Mr. Carona tried to persuade Mr. Haidl to lie to a grand jury investigating corruption allegations.

Witness tampering is a serious crime, and the public interest is normally served by punishing persons convicted of this crime severely. If I remember my history correctly, wasn't this made a federal offense because witnesses in cases involving organized crime – the Mafia – often had second thoughts. Was this law really passed to give prosecutors a safety net?

What worries me is that this crime was created by the investigation. I believe that aggressive and politically ambitious prosecutors are more likely to launch investigations of prominent persons because they know that if they do not succumb and plead out under the twin tortures of trial by the press and being bankrupted by their defense team, then forces unleashed by the investigation itself will usually give rise to a crime of opportunity.

You have probably heard the word "entrapment" and the phrase "5<sup>th</sup> Amendment" many times in connection with the Haidl tapes, but I am not an attorney and will not venture there. As a citizen, I am asking you to whether unfairly rewarding the prosecution by sending Michael Carona off to jail sends the right message. Is it in the public interest to reward prosecutors with the public destruction of the defendant plus a significant jail sentence, even if they cannot prove their central allegations?

## **W. C. Prentice**

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If Michael Carona goes to jail, does it not encourage politically ambitious prosecutors to target any prominent target, even if they know they cannot ultimately prove that the target committed the offenses he is accused of? Even if you believe that Michael Carona has not been punished enough to date, is it right under these circumstances to vindicate and reward the prosecution?

Is justice served when prosecutors have the authority to punish targets through the investigation itself? Is the deck stacked too much in favor of a prosecutor when he can coerce plea bargains by the threat of public humiliation and the expense of legal defense, or creating the probability that targets of investigation will panic and commit an act that is easy to prove?

If the impact on the public of Carona's performance as Sheriff is of importance in sentencing, then it may be significant to you that in most respects I thought that Sheriff Carona did an excellent job. I honestly do not believe that any material adverse impact from the central accusations against Sheriff Carona trickled down to me as a citizen. The acts that deprived me of the services of then-Sheriff Carona were those committed by the prosecutors when they diverted the Sheriff's attention away from his job, and then ultimately drove him to resign.

We now have a Sheriff that was selected by the Board of Supervisors after a process that was a sickening imitation of American Idol. She is not accountable to anyone, and she has not done a very good job in my opinion compared to Sheriff Carona. If there were an election today between Sheriff Carona and Sheriff Hutchens, I would vote for Sheriff Carona just on the basis of professional competence, and I would feel safer if he were back in office.

During the trial, the prosecution revealed much about Sheriff Carona, as a person, that was unflattering to say the least, but are we going to send him to jail for sexual indiscretions and using the N-word? If that were the standard, then former Presidents Bill Clinton and Lyndon Johnson would have done time. How many public servants could emerge unscathed after so many months under a taxpayer-financed microscope? How many average citizens could survive?

The prosecution failed, after years of effort and millions of dollars in time and resources, to prove its central case against Mr. Carona, but they destroyed him publicly in the process. If the prosecution had not orchestrated a crime, and created a criminal, through the investigation itself, then Michael Carona would have been acquitted on all counts. Enough is enough - Michael Carona should NOT go to jail.

Thank you for your time and consideration.

Sincerely,

*WCP*

William C. Prentice  
Concerned Citizen