



News

David S. Weinstein: Reversal of Prosecutors' Sentencing Recommendation in Roger Stone Case "Raises Both Eyebrows"

February 12, 2020

Hinshaw attorney David S. Weinstein, a former federal prosecutor, appeared in and was quoted by several news media outlets regarding the controversy over the reversal of the sentencing recommendation made by prosecutors in the criminal case against political operative Roger Stone.

The prosecutors had originally recommended a seven to nine year prison sentence. Several hours after a tweet by President Donald Trump had [criticized this recommendation](#) as a "horrible and very unfair situation" the Department of Justice filed a reversal of the original sentencing recommendation, arguing Stone—a longtime ally of the President—deserved to be sentenced to "far less" time in prison. Following the reversal, all four prosecutors withdrew from the case.

MSNBC: Roger Stone prosecutors quit case as DOJ cuts Trump ally's recommended prison sentence

Weinstein said the timing of the reversal "raises both eyebrows." He pondered on the reasons for the reversal, saying that "circumstantially ... [it] looks like [the president's tweet is] what's driving this."

CBS4 Miami, 7pm newscast on February 11, 2020

Weinstein said such a reversal of a sentencing recommendation was "not normal at all," adding that the revised sentencing recommendation filed by the DOJ was written "more along the lines of what I would write as a defense attorney." He argued that such an overriding of federal prosecutorial discretion—apparently due to political pressure—was "very bad precedent" and an indication that constitutional checks and balances are not working.

CBS4 Miami, 11pm newscast on February 11, 2020

Asked for his reaction to news that all four prosecutors in the case had withdrawn, Weinstein said they likely viewed the reversal "as their independent judgement being taken away from them, and as a result they don't want anything to do with it." He said he respected them for that decision.

PM Tampa Bay with Ryan Gorman, 970 WFLA, February 12, 2020

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Weinstein also talked to Ryan Gorman of the PM Tampa Bay radio show. He noted that a formal revocation of a sentencing recommendation is "extremely unusual," and added that in the 11 plus years he had served in the U.S. Attorneys' office he never saw anything like it. [Listen to "Roger Stone Case Sentencing Issue Leads to DOJ Resignations" on Spreaker.](#)