

**FEDERAL PUBLIC DEFENDER**

**WESTERN DISTRICT OF PENNSYLVANIA**

1111 RENAISSANCE CENTRE

1001 STATE STREET

ERIE, PENNSYLVANIA 16501

PHONE: 814/455-8089

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**LISA B. FREELAND**  
*Federal Public Defender*

**THOMAS W. PATTON**  
*Assistant Federal  
Public Defender*

December 15, 2006

Honorable Sean J. McLaughlin  
United States District Judge  
United States Courthouse  
17 South Park Row  
Erie, PA 16501

RE: USA v. Scott R. McCausland  
Criminal No. 06-40 Erie

Dear Judge McLaughlin:

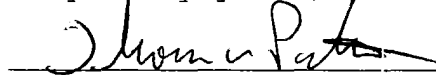
Enclosed please find another letter written on behalf of Mr. McCausland, as well as a letter written by Mr. McCausland himself.

It would be appreciated if you give consideration to these letters, and the information provided within them, in reaching a determination regarding Mr. McCausland.

It would be further appreciated if the letters would be made part of the permanent record in the above-captioned matter.

Thank you for your time, your attention and your consideration.

Very truly yours,



Thomas W. Patton  
Assistant Federal Public Defender

TWP/emd

Enclosures

cc: Christian A. Trabold, AUSA  
Stephen A. Lowers, USPO  
Scott McCausland

Scott McCausland  
4134 Hoyt St  
Erie, PA 16510  
PH: (814)-602-9471

US District Judge Sean J. McLaughlin:

Throughout the time that my 'situation' has been going on, I have had a lot of time to take everything in. From what I did, to whom I did with, all the way down to who I affected. It didn't take me long to come up with a long list of people that I harmed during the year or so I was involved with EliteTorrents. From the directors, to the producers, and trickling down to even the people who design the sets and costumes. I also thought about how I would feel, on a personal level, if someone were to take something that I made, and distribute it freely, without my knowledge. It is unfortunate that it takes serious litigation for a man to see his shortcomings. I knew it was wrong when I started, I watched DVDs with the FBI Warning splashed on the screen for 2 minutes at the beginning of the movie. I saw the press releases about the other individuals who got caught downloading/uploading. But I still proceeded anyways. There are no excuses to be made, no reasons to justify my actions, I did it, and I am willing to face the consequences. I hate to say that I was consumed by greed during all of this, but I was. The thought of being able to acquire the things I wanted, FREE OF CHARGE, was exhilarating and captivating. And it never dawned on me the impact and consequences that this could have.

Your Honor, I have long stopped downloading/uploading. I feel embarrassed to say that it took the FBI and ICE, executing a search warrant on my house, to make me stop. But after seeing the seriousness of what I did, and the impact that it has on not only the directly affected, but my family as well, there is no doubt in my mind that I will make sure this never happens again.

There are so many people who deserve apologies throughout this case. And I am afraid that apologies just don't cut it at this point. I know that when deciding my sentence you will be just and fair, and I await your ruling.

Sincerely,

  
Scott McCausland

Pam (Dreischal) Westbrook  
N1634 Pleasant Road  
Ft. Atkinson, WI 53538  
PH: (920) 568-0998 = Land (814) 838-9352 = Cell

With Regard to Scott McCausland, 4134 Hoyt Street, Erie, PA 16410

To Who It May Concern:

You will be sentencing Scott McCausland for a crime he has admitted to. He has accepted his responsibility and has done very little to defend himself, other than seek the required legal advice, to my knowledge. He comes from a Christian family and believes that the legal system will be fair.

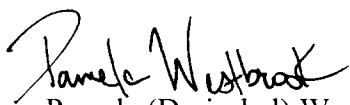
I am older and have come to know that our legal system is perhaps one of the best in the world but it is not always fair. In light of our current societal morays he himself is a victim in seeing what society has allowed. Absolutely this does not negate Scott's choices. Yet, his family and we his friends have seen the price he has paid to date. Scott has learned from this and still has the ability to rise above it and continue to become the asset to society that he was put on this earth to be.

Our concern is that his punishment should fit his crime. Please take into consideration the punishment that Scott has already received. Yes, he made a mistake and he has and will continue to pay for this "criminal" act for the rest of his life. What he has gone through already is far more punishment than many other "criminals" who have committed similar crimes. Scott will live a restricted life and will be branded a criminal.

I offer no excuses for Scott's actions. He was in violation of using the computer inappropriately. He used his expertise to do wrong. He was naïve and may not have known how serious his actions were when he was indulging in the activity, but he certainly knows and understands now. I know Scott. I know his family and have known them for years. They are wonderful caring Christians and strong contributing citizens to our society and the Erie area. I plead mercy on the courts to do the right thing. Please do not put Scott in a criminal environment where he will cease to develop and grow into the man he is meant to be; give him the opportunity to continue to right his wrong and to be a positive force in our world, like his family. Allow him channel his knowledge and life to continue to do good for others, his family, and himself. Please.

If I can offer any further insight or do anything to help Scott and his family, please call on me.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Pamela Westbrook', is written in dark ink.

Pamala (Dreischal) Westbrook

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**LISA B. FREELAND**  
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**THOMAS W. PATTON**  
*Assistant Federal  
Public Defender*

December 11, 2006

Honorable Sean J. McLaughlin  
United States District Judge  
United States Courthouse  
17 South Park Row  
Erie, PA 16501

RE: USA v. Scott R. McCausland  
Criminal No. 06-40 Erie

Dear Judge McLaughlin:

Enclosed please find six letters written on behalf of Mr. McCausland, who is scheduled for sentencing before you on December 19, 2006 at 10:00 a.m.

It would be appreciated if you give consideration to these letters, and the information provided within them, in reaching a determination regarding Mr. McCausland.

It would be further appreciated if the letters would be made part of the permanent record in the above-captioned matter.

Thank you for your time, your attention and your consideration.

Very truly yours,



Thomas W. Patton

Assistant Federal Public Defender

TWP/emd

Enclosures

cc: Christian A. Trabold, AUSA  
Stephen A. Lowers, USPO  
Scott McCausland

U.S. District Judge Sean J. McLaughlin

You're Honor,

I am writing this letter to you as the father of Scott McCausland. You only know the Scott that pleaded guilty to two felony counts in your court room on 9/12/06. You only know the Scott that you read about from charges filed against him and the evidence presented to you by the FBI and briefs from his lawyer. As Scott's father I would like to tell you a little more about Scott. He is a very intelligent but somewhat naive young man, as we all were many years ago. He is a very loving and caring son to both his mother and me; he is a caring loving father to his four year old stepdaughter. The only real father she knows and loves. He is well loved by his family members and friends, always willing to lend a hand when someone needs help with anything. He doesn't drink or smoke and except for an occasional traffic ticket he has never been in trouble of any kind. He works at a home for mentally challenged adults where he is much loved by them for his gentle care and patience; he often brings them home for a swim in the pool during the summer months. He is working hard to put himself through college, paying most of the tuition himself. Other than his friends and family Scott has two passions in his life, the first is martial arts where he has studied since he was fifteen years old; earning a black belt. He spent many years in his youth teaching both young children and adult's karate. His second passion and the one that has gotten him into the trouble he is now in are computers. Scott has always had an aptitude for computers and computer related technology. He has for many years repaired computers and corrected problems for all his family and friends including myself many times. He was always willing and happy to do this free of charge. I don't know how or why Scott got involved in the elite torrent group, but I do know that he did not do this for monetary gain. All you have to do is look at his bank account and see that he does not have any money. His intent was not to damage or defraud the motion picture and music industries. He was not trying to harm George Lucas or any other individual. Scott is a very intelligent young man that allowed himself to get caught up in something that turned out to be a lot bigger than he realized. I believe he became enamored with the fact that he was able to download this material. Scott did break the law and does deserve to be punished for his crimes. Please consider the fact that his life has already been put on hold for almost two years. He will have two felony convictions hanging over his head for the rest of his life. They will impair his future employment prospects and also cause his current employer to terminate his services as he will not be able to work for them as a convicted felon. This situation has and will continue to have a drastic effect on the entire family because Scott is not a habitual offender, but simply a young man who made a series of bad choices. This whole situation has caused me to change my way of thinking on copyright infringement. I really did not see any harm in it at first as long as you were not selling the material for a profit. Now I realize how costly this is to the music, software, and motion picture industries. As Scott's father I feel as if I am partially to blame for this. I believe I failed in my duties and responsibilities as a father. I should have done a better job of teaching him right from wrong. I should have been a better example, a better role model. I would gladly trade places with him if I could. I implore you, I plead with you, and I beg you to take all these things into consideration while deciding Scott's punishment. I ask for leniency. I do not believe that sending Scott to a federal prison will do anything but ruin his life. As Scott's father I ask you to consider restitution, house arrest, community service, or any other form of punishment that will allow Scott to pay his debt to society without ruining his life. Thank you for taking the time to read this letter.

Sincerely

*Russell L McCausland*

Russell L McCausland

December 3, 2006

Honorable Judge Sean J. McLaughlin;

I am writing you concerning my nephew Scott McCausland who will be appearing before you for sentencing. Though I am confident that your ruling will be just and fair according to the facts & the law, I ask you to consider the whole person and plead for leniency.

I am not asking that he go free of any penalty as Scott did violate the law and must pay the consequences of his actions. Please consider the following. Scott is not a habitual law breaker and though he has areas that need working on, he is generally a good kid and I am proud to call him my nephew. He did not do what he did for profit though it probably caused the movie makers a loss of some revenue to which they had every right. As I look at his future it seems that he could possibly lose more revenue from his limitations on employment, than the movie makers did, due to the fact that he is a convicted felon. Not only did he lose his present job, but he would not even be able to get a job as a custodian at a school because an Act 34 clearance is required. Scott is at a crossroad in his life where it is possible that too lengthy a separation from society may make it more difficult for him to reintegrate himself back into society as a constructive citizen.

In summary, I believe that Scott was a young man who made some foolish choices, was overcome with self importance and was carried away by an immature ego. I do believe that he has & will learn a hard lesson here and will move forward to become a mature and constructive member of society if given a chance.

Thank you for your consideration.  
Dennis G. Cass

*Dennis G. Cass*

U.S. District Judge Sean J. McLaughlin

Dear Judge McLaughlin,

I've written and rewritten this letter several times wondering what to say. I'm just a country girl I don't have any fancy words to say. All I can let you know is how much I love my son. I wasn't able to conceive when my husband first married and wanted children. I prayed for a baby and the Lord blessed me with twins. As a mother I can be tough and firm. I've expected more from my boys because they were a gift to me. I've been disappointed a few times as most mothers are but Scott is a great young man. He wouldn't hurt anyone, even if he thought he did it, bothered him. He's given his love and care to a beautiful girl Jen and their daughter Kailyn. He also teaches karate to children, he has a good heart. He is very close to his twin brother Shaun and they love each others children. I love my son very much, he is my heart. Have mercy on him. He has done a wrong thing but please don't send him to prison. I realize Scott deserves to be punished for his crime.

I work at a mental health homeless shelter, I see both young and old who have been sentenced to prison for dumb and terrible things that they have done. Some have become very bitter. How it changed them. My heart is sick and aches daily, the last 19 months have been awful for the whole family. We are a decent God fearing family. Scott made a terrible mistake but except for this he has never been in any kind of trouble. Thank you for listening.

Sincerely

A handwritten signature in black ink that reads "Gayle M. McCausland". The signature is written in a cursive, flowing style with a large initial "G" and a long, sweeping underline.

Gayle M McCausland

U.S. District Judge Sean J. McLaughlin

Your Honor,

My name is Shaun and I am the twin brother of Scott McCausland. We have a lot in common and yet we are very different in many ways. He is into Tae Kwon Do, and computers, and I am into working and having a good time. But the one thing that we have in common is we are both good people at heart. Everyone goes through a period in their lives where they do something that is wrong or not appropriate. I've have had my share of mistakes, mostly of my own doing. I was given a few breaks and show some leniency, which in-turn made me a stronger person and a better man. Scott should be shown no different. You are the professional and the final say, but consider who you would be punishing if Scott was taken out of our lives.

I have an eight month old son, who absolutely adores his "Uncle Scott." Scott is a great father to his 4 year old daughter. She is the absolute highlight of his life, and that is what makes Scott who he is. Scott is helpful and kind, if any of his friends (including myself) ever needed anything, he would do it. Computer problems, he would fix it, for no charge, just out of the kindness of his heart. For me it's a little different, he will watch my son whenever I have to work overtime, or even just to spend time with him. Scott is the kind of brother that no matter what happen he will always be there, no matter what.

If there were more people in this world with the heart, mind and soul that makes up Scott, the world would be a fantastic place. I just ask for you to take into consideration all that you have heard and read about Scott and base your decision off of that.

Thank You for the opportunity to have my voice heard.

  
Shaun M McCausland Sr.



December 5, 2006

U.S. District Judge Sean J. McLaughlin

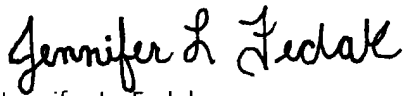
Your Honor,

My name is Jennifer Fedak. I have been Scott's girlfriend for 4 years. We have a 4 year old daughter, Kailyn, who is everything to him. Since I've known Scott he's been involved in karate (Tae Kwon Do, Brazilian Jiu Jitsu), computers, and working towards finishing college. Scott enjoys spending time with friends and family whether it's watching Pittsburgh Steeler games, playing basketball/football, playing a game of chess or just sitting around conversing. Scott is a very intelligent, opinionated person and will always try to get his viewpoint across. The best qualities I see in Scott are great personality, doesn't drink or smoke, and willing to lend a helping hand (ex: computer problems, caring for Kailyn, and babysitting his nephew). Also his enthusiasm with working with mentally challenged individuals.

As we all know Scott has taken recognition of his actions. Due to the charges that Scott encountered he has lost his job, causing a damper with our finances. Besides a few traffic violations, Scott has not been in any major trouble. This whole situation has caused sleepless nights for Scott wondering what his future will hold. There were many mornings where I woke up hoping this would all be a dream. At this point we just hope our prayers will be answered. I am not only worried what is going to happen to Scott, but also how Kailyn will be if she can't see her dad for awhile. Kailyn loves him very much. I just can't wait for this all to be behind us and we can move on with our lives. And what Scott wants the most is to be able to finish college.

Thanks for taking the time to read this letter.

Concerned Girlfriend

  
Jennifer L. Fedak

10/18/06

To Atty. Timothy Patton,

My name is Amy Cass. I am writing this letter as a concerned friend of Scott McLawslands.

I am married to Scott's cousin, Don Cass. I've known him since he was eight years old. We, Scott + I, attended the same small church which made it easy to get to know Scott + grow close to him. He was in my Sunday School class + also attended the church youth group as he grew into a teenager. I could always count on Scott to add to the class discussions. Whatever he had to say was usually relevant + insightful as it pertained to the topic of the day.

I know Scott as a very intelligent and loving person. During Scott's teen years he became rebellious, his mom, Gayle, asked me if I would mentor him. This brought our relationship closer and it let me see who Scott really was + what he was thinking. As we talked about girls, school, parents... etc. I was always impressed with his view point.

Even though he felt like the world was against him he ~~to~~ thought out the different problems. His reasoning was not always legitimate, ~~to~~ at least took the time to think it through. Just like all teens, Scott knowingly did the wrong thing and accepted the consequences. I know he is disappointed and upset with his actions even though he has put up a good front.

I have seen Scott become a caring, responsible adult. He is helping his girlfriend raise their daughter Kaylin. He has really done a good job filling a fathers shoes and it's evident in Kaylin's personality. He has a lot of joy and pride with her, Kaylin's mom + I suspect they will marry one day.

Thank you for taking time to read this letter. I hope it has helped describe Scott's outgoing personality and character.

Sincerely,

Amy L. Cass