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**RAVENEL COULD GET HOUSE ARREST
GUIDELINES OFFER CLUES
CO-DEFENDANT IN FEDERAL DRUG CASE IS LIKELY TO GET SIMILAR SENTENCE,
LAWYERS SPECULATE
RICK BRUNDRETT rbrundrett@thestate.com**

If convicted on a federal drug charge, former State Treasurer Thomas Ravenel could receive as little as six months' house arrest and probation, according to an analysis of federal sentencing guidelines by The State.

The most prison time that Ravenel likely would face would be about four years. The guidelines are not mandatory but are followed in about 70 percent of federal criminal cases in South Carolina.

Six months of house arrest or even four years in prison is far less than the maximum sentence of 20 years and a \$1 million fine that Ravenel could face if convicted of conspiracy to possess and distribute less than 500 grams, or about a pound, of cocaine.

It's also possible a judge could sentence Ravenel to probation only. That could happen if he pleads guilty and provides information to authorities that leads to the arrest of others and the amount of cocaine involved was less than 25 grams, or less than an ounce, say lawyers familiar with the federal system.

"If everybody plays their cards right, if everybody cooperates, and if everybody gives truthful disclosure of their drug activity, there is a way they could end up with probation," said Bill Nettles, a longtime Columbia criminal defense attorney.

Ravenel, 44, a multimillionaire developer from Charleston, is accused of possessing an unspecified amount of cocaine and giving it to others, though not selling it.

His co-defendant, Michael Levon Miller, 25, of Mount Pleasant, faces the same federal charge, though authorities said he sold an unspecified amount of cocaine to Ravenel. Miller also faces state charges of drug trafficking.

Ravenel and Miller have pleaded not guilty to the federal drug charges. Lawyers interviewed by The State last week said Ravenel's continuing treatment for an apparent drug problem and his resignation as treasurer are signals he doesn't plan to fight the charge against him.

In South Carolina last fiscal year, 97 percent of all federally indicted cases ended in guilty

pleas, records show.

Ravenel, who is free on a \$100,000 unsecured bond -- meaning he didn't have to put up any money -- was to check in at a New Mexico drug treatment center late last week, his lawyers said.

Lawyers who practice regularly in federal courts, including two former U.S. attorneys for South Carolina, said Miller could wind up with a sentence similar to Ravenel's if he is convicted -- especially if he provided information to authorities in Ravenel's case.

Former U.S. Attorney Rene Josey of Florence said it's "conceivable" Ravenel, if convicted, could get probation only.

But it's more likely that, based on the sentencing guidelines, Ravenel would receive some prison time, or probation combined with house arrest, Josey said.

Bart Daniel, of Charleston, a former U.S. attorney for South Carolina who is representing Ravenel, and Miller's federal public defender, Langdon Long, both declined to comment Friday.

First Assistant U.S. Attorney Kevin McDonald declined Friday to say whether either defendant is cooperating with authorities or to discuss other details of the case, such as the amount of drugs involved.

He also wouldn't say whether either Ravenel or Miller will face additional charges.

"We consider the investigation ongoing," McDonald said. "If it's appropriate to add charges, that is something that will be done."

Miller also faces state charges of trafficking about 14 grams of cocaine to an undercover police officer. He remains in the Charleston County jail, having failed to post a \$50,000 bond. His state public defender, Rodney Davis, said after a hearing Thursday in North Charleston that he had been informed federal authorities plan to take over the state case, though that hasn't occurred.

That might affect Miller's sentence should he plead guilty to the federal charge, according to other lawyers contacted by The State. 'PLEAD GUILTY ... GIVE

ASSISTANCE'

The federal sentencing guidelines were adopted in 1987 to eliminate disparities in sentences nationwide. In 2005, the U.S. Supreme Court said the guidelines are only advisory, though judges must have good reasons to go above or below them.

The guidelines generally are based on the type of crime and the offender's prior record. Offenders with long records who commit violent offenses face the stiffest sentences.

Other factors, including the defendant's acceptance of responsibility, degree of involvement and cooperation with authorities, are used to raise or lower sentences.

"The way you can get your sentence reduced in the federal system is to plead guilty and to give substantial assistance (to authorities)," said longtime Columbia criminal defense lawyer **Jack Swerling**.

Of 443 drug traffickers getting federal sentences last fiscal year in South Carolina, 117, or about 26 percent, received downward departure sentences based on motions made by prosecutors, court records show.

Using a point system, the U.S. Probation Office prepares a sentencing recommendation for the court. Prosecutors and defense lawyers can contest the recommendation, but the judge has the final say on whether to accept it.

In drug cases, the amount of drugs involved is key under the sentencing guidelines. Very low amounts can result in probation if the offender has no prior record; large amounts typically involve prison time.

In South Carolina last fiscal year, the average drug trafficking sentence was about 11 years, compared to seven years nationwide. Figures were not available for Ravenel's specific charge.

Columbia attorney Pete Strom, a former U.S. attorney for South Carolina, said in typical plea agreements, defendants have to submit to lie detector tests to help assure authorities they are telling the truth about the amount of drugs involved. That, in turn, makes it easier to determine sentences under the guidelines.

Chief U.S. District Judge Joe Anderson, who is presiding over Ravenel's and Miller's cases, has a reputation for fairness and staying within the guidelines, Strom said.

"Our judges stick to the guidelines," he said.

Reach Brundrett at (803) 771- 8484.

(1) by FILE PHOTOGRAPH/THE STATE - Thomas Ravenel is escorted to court in Columbia on Tuesday. He later resigned as state treasurer.

(2) - Miller

(3)

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WILL EX-S.C. TREASURER FIGHT THE CHARGES? LEGAL EXPERTS SAY HIS ACTIONS INDICATE THAT IS UNLIKELY

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Thomas Ravenel's surprise resignation Tuesday as state treasurer and his continuing treatment for an apparent drug problem are signals he won't challenge the evidence against him, say lawyers familiar with the federal system.

Both also could be strategies that would get him a lighter sentence if convicted, experts say. "It would be safe to assume his resignation is an indication he does not plan to fight these charges," said Columbia lawyer Pete Strom, a former U.S. Attorney for South Carolina who is not involved with the case.

Reading from a short, prepared statement, Ravenel resigned immediately after his first appearance in U.S. District Court in Columbia on a charge of conspiracy to possess and distribute less than 500 grams of cocaine.

"I'm deeply disappointed in myself for the circumstances surrounding my presence here today due to the personal mistakes I've made in my life," Ravenel, 44, said after the hearing. "..... I believe I must resign the position of treasurer of the state of South Carolina." Ravenel now heads to another treatment center in New Mexico. He did not express innocence or say whether he will fight the charges.

A multimillionaire developer from Charleston and son of former prominent state Sen. Arthur Ravenel, Thomas Ravenel is accused of possessing cocaine and giving it to others, though not selling it.

Exactly what the evidence is that forced Ravenel from his \$92,000-a-year public office and into an \$8,000-a-week Arizona treatment clinic remains a closely held secret. He has pleaded not guilty. FALL FROM GRACE

Ravenel's resignation continued a remarkable fall from grace for a state public official who -- only six weeks ago -- was a rumored contender for a U.S. Senate seat and had close ties to GOP presidential front-runner Rudy Giuliani.

From a rising Republican with great expectations, Ravenel has turned into another public person with a high-profile addiction, a symbol of growing troubles in the Republican Party, and the object of jokes on national television shows.

"And you call yourself a Republican. That is not capitalism, my friend. That is welfare," said The Daily Show's Jon Stewart recently about Ravenel's alleged giving away -- rather than selling -- cocaine.

Ravenel's picture also made the front page of the July 16 Wall Street Journal in a story about GOP scandals in the South.

In the legal arena, Ravenel and his two lawyers are following a perfect script to win leniency from U.S. Chief District Judge Joe Anderson if he eventually pleads guilty, said criminal defense lawyer Dick Harpootlian, a former Richland County prosecutor. "It's a textbook example," Harpootlian said Tuesday. If a defendant shows contrition and accepts responsibility, he is more likely to get less prison time or no prison at all, he said.

"Ravenel is seeking help and resigned a post that he spent a lot of time and money to win," said Harpootlian, former chairman of the state Democratic Party.

Longtime Columbia criminal defense lawyer **Jack Swerling**, who is not representing Ravenel, said his resignation and "continuing substance abuse treatment" show "he's taking responsibility for his actions and positioning himself to be in a better position with the government and court at sentencing."

FREE ON BAIL

Ravenel's charge carries a maximum penalty of 20 years in prison and a \$1 million fine, though, if convicted, he likely would face a far lighter sentence given his lack of a prior record and other factors, legal observers say.

Ravenel, who is free on bail, initially was arraigned July 6 on the charge but wasn't present then because U.S. Magistrate Joseph Mc-Crorey allowed him under court rules to attend the Sierra Tucson treatment center in Tucson, Ariz. He checked into the center three days after his June 19 indictment and was released Sunday. A not guilty plea was entered on his behalf, which remained in effect in Tuesday's hearing.

Gedney Howe of Charleston, one of Ravenel's attorneys, said afterward his client plans to leave Thursday for New Mexico. The Life Healing Center in Santa Fe, N.M., treats drug, alcohol and other addictions.

"It's just a continuation of the process of getting better," Howe said.

Ravenel's other lawyer, Bart Daniel of Charleston -- a former U.S. Attorney for South Carolina -- assured McCrorey that Ravenel would be back in Columbia for an Aug. 21 pretrial conference.

Ravenel is supposed to report to a federal probation officer today in Charleston and will be subject to random drug testing. Under other bail conditions, he can't break any federal, state or local laws, drink "excessive" amounts of alcohol or possess firearms. He also must surrender his passport, which his attorneys said he already has done.

Before Tuesday's hearing, Ravenel was photographed and fingerprinted at the U.S. Marshal's office in the Columbia federal courthouse, Deputy Marshal Tim Stec said. Ravenel also filled

out a personal history form, which included his home and work addresses, Stec said, though he declined to comment further on specifics.

Assistant U.S. Attorney William Witherspoon didn't give any new details on the case.

"I'm preparing for trial until I hear otherwise," he said after Tuesday's hearing, declining to comment whether his office is involved with any plea negotiations with Ravenel.

The U.S. Attorney's office said Tuesday it had no idea Ravenel was going to resign.

First Assistant U.S. Attorney Kevin McDonald said his office has turned over evidence to Ravenel's lawyers, though he declined comment on any specifics. He said evidence is normally made public either at a trial or at a guilty plea.

Jury selection in Ravenel's case is set for Sept. 5; Anderson will be the presiding judge
WATCHING THE CASE

Ravenel's co-defendant, Michael Levon Miller, 25, of Mount Pleasant, is accused of selling cocaine to Ravenel, federal authorities said, though the amount hasn't been specified.

Like Ravenel, Miller was granted a \$100,000 unsecured bond, meaning he could be released without paying any money. But he also is facing state cocaine trafficking charges and remains in the Charleston County Detention Center.

Miller is accused in a police affidavit of selling 14 grams of cocaine for \$450 to an informant for the State Law Enforcement Division and Charleston police on Jan. 3, 2006, at The Courtyards on Meeting, an apartment complex in Charleston that is home to many college students.

He wasn't charged, though, until June 19, 2007, when he was presented with both state and federal charges, leading some legal observers to speculate he has cooperated with authorities in their case against Ravenel.

The difference in status and access to legal and medical treatment between Ravenel and Miller, who is an unemployed African-American, has attracted widespread attention. Efforts Tuesday to contact his federal public defender were unsuccessful.

The NAACP of South Carolina is researching the case and is "cautiously optimistic" the court system will be fair to both parties, said Lonnie Randolph, state NAACP president.

"We continue to monitor this case closely, and I mean very closely," Randolph said. He added that the state's historical tilt of locking up blacks out of proportion to their share of the population make it a natural one to watch.

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REHABBING WITH THE STARS?

Thomas Ravenel plans to continue treatment at a second addiction center in the Southwest after his appearance in federal court Tuesday, his attorney said.

-- * Attorney Bart Daniel said Ravenel plans to check into the Life Healing Center in Santa Fe, N.M.

-- * On its Web site, Life Healing Center describes itself this way: "The specialization of The Life Healing Center is treatment of traumatic issues and experiences. Additionally we offer extended care for chemical dependency, eating disorders, love/sex addiction, codependency, mood disorders and relapse prevention."

-- * Ravenel spent the past month at Sierra Tucson, an Arizona treatment facility with a client list right out of Hollywood -- and Washington, D.C.

-- * Sierra Tucson also has hosted Hollywood personalities, including Whitney Houston, Rob Lowe, Julie Andrews and Michael Douglas.

-- * Sierra Tucson's Web site says the average cost for a patient ranges from \$45,180 to \$65,955. Life Healing Center did not disclose its rates.

* * *

THOMAS RAVENEL -- HIS STATEMENT

"

"I'm deeply disappointed in myself for the circumstances surrounding my presence here today due to the personal mistakes I've made in my life. ... I want to offer a heartfelt apology to the state of South Carolina. To the people of South Carolina and to my family, I am deeply sorry. ... In the best interest of our state, I believe I must resign the position of treasurer of the state of South Carolina, and I have so informed the governo. Effective as of today, I do resign."

(1) by LINDSAY SEMPLE/LSEMPLE@THESTATE.COM - Thomas Ravenel is accompanied Tuesday by his sisters, Suzie, left, and Eva.

(2) by LINDSAY SEMPLE/LSEMPLE@THESTATE.COM - Thomas Ravenel leaves the Matthew J. Perry Jr. federal courthouse Tuesday with his sisters, Suzie and Eva Ravenel, and his attorney Bart Daniel.



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RAVENEL SEEKING TREATMENT
SUSPENDED STATE TREASURER ENTERING ARIZONA CENTER KNOWN FOR
TREATMENT OF ADDICTIONS
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Suspended State Treasurer Thomas Ravenel is entering an out-of-state treatment center that specializes in addictive behavior, according to federal authorities.

The treatment center, Sierra Tucson, is in Tucson, Ariz., on a 160-acre campus. The facility treats a wide variety of addiction and behavioral disorders, according to its Web site. No one connected with the Ravenel case would say exactly what course of treatment Ravenel will undergo at Sierra Tucson, although his father, Arthur, on Monday said his son has a "drug problem."

A lawyer representing Ravenel -- indicted last week on federal cocaine conspiracy and distribution charges -- informed the U.S. Attorney's office in Columbia of Ravenel's out-of-state treatment plans, according to U.S. Attorney Reggie Lloyd.

"We are in talks with Mr. Ravenel's attorneys. They are keeping us informed," Lloyd said Tuesday. A public letter from one of Ravenel's attorneys, Bart Daniel, about Ravenel's treatment plans will be filed later this week with the U.S. District Court, Lloyd said. The letter is from Daniel to U.S. Magistrate Joseph McCrorey.

Although Ravenel, who took office in January, was indicted June 19, he is free to leave the state as long as he appears at his July 9 arraignment in federal court in Columbia.

At that time, he will be formally charged, enter a plea, and a judge may impose conditions on his travel. Also, Ravenel's lawyers -- Daniel and Gedney Howe III, both of Charleston -- will begin examining the evidence against their client.

Ravenel, 44, a multimillionaire from a high-profile Charleston political family, is not considered a flight risk, Lloyd said.

Ravenel's decision to seek treatment at a specialized center is "a good move on his part," said defense attorney Dick Harpootlian of Columbia, a former prosecutor who is not connected to the case.

If Ravenel, who has no previous drug record, is found guilty and can convince a judge he is serious about getting treatment, the judge might let him off with probation and no prison time,

Harpootlian said.

Such suspended sentences for a first offender can be routine -- depending on the facts of the case, Harpootlian said.

"There are two kinds of people involved with drugs -- sellers and users," said Harpootlian, adding judges are inclined to show leniency to first-offender users if they are serious about treating their addiction.

Ravenel is not charged with selling cocaine but is alleged to have shared it with friends, which still qualifies as distribution.

Another defense attorney with wide experience in drug cases, **Jack Swerling** of Columbia, said Ravenel's decision to seek treatment gives a possible preview as to what his legal strategy might be.

"But without more facts, we can't say what that precise strategy might be," **Swerling** said.

One key unknown fact, said **Swerling**, is exactly how much cocaine -- in terms of weight -- federal authorities will say Ravenel had.

The indictment says Ravenel conspired to possess and distribute "less than 500 grams of cocaine." Five hundred grams is 1.1 pounds. The time period alleged is from late 2005 until this month.

But, said **Swerling**, that charge can mean anything from several ounces up to a pound. The more cocaine authorities can prove Ravenel was involved with, the greater his potential sentence would be, **Swerling** said.

The charge against Ravenel carries a maximum of 20 years in prison and a \$1 million fine.

If Ravenel is guilty, other factors that might enter into whether he would get a light or suspended sentence are being a first offender and whether he tips authorities to other players in the cocaine trade, **Swerling** said.

Harpootlian said if Ravenel were to get a suspended sentence, he would be subjected to periodic drug tests and sent to federal prison if he flunked.

"You don't get two bites of the apple," Harpootlian said.

Sierra Tucson's Web site describes the facility as a "licensed, accredited psychiatric hospital that is internationally known and respected as a leader in the treatment of addictions and behavioral disorders.

"Individualized treatment plans are facilitated by professional, experienced, and caring staff, with a clinical staff-to-patient ratio of 2.5:1."

The Web site said the average age of patients is 37 and the average price of a weekly stay, more than \$8,000. The price varies depending on the type of addiction.

The cost for the first several days, while a patient is being assessed, is \$2,100 per day, according to the Web site.

State Republican Party chairman Katon Dawson said Tuesday he did not know enough about the case to say whether Ravenel, suspended from office by the governor, should resign from office. If he's acquitted or the charges are dropped, Ravenel's suspension is lifted.

"Everybody is innocent until proven guilty," Dawson said. "Certainly the charges are of a serious nature. He'll make the right decision on if and when he'll resign."

Gov. Mark Sanford was preparing budget vetoes Tuesday. His office did not return calls seeking his thoughts about whether Ravenel should resign.

Upon being convicted, or pleading guilty, Ravenel's office would automatically become vacant, according to the S.C. Attorney General's Office. The General Assembly would then elect a successor.

Neither Ravenel nor his lawyers have made any public statements about his innocence or guilt since his indictment.

Staff writer John O'Connor contributed to this report. Reach Monk at (803) 771-8344.

* * *RavenelFor past coverage of Thomas Ravenel's indictment, go to thestate.com and click on S.C. Politics.

(1) - Ravenel



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