

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

UNITED STATES OF AMERICA,)
)
)
v.)
)
)
CORY HOWERTON FLEMING,)
)
Defendant.)
_____)

Cr. No. 9:23-00394-RMG

**DEFENDANT CORY HOWERTON FLEMING’S SUPPLEMENTAL
SENTENCING MEMORANDUM AND MOTION FOR DOWNWARD
VARIANCE FROM THE SENTENCING GUIDELINES**

As a supplement to the Defendant’s previously filed Sentencing Memorandum, the Defendant respectfully submits the attached additional character letters which have been received since the last filing. **See Exhibit A – Character Letters.**

Respectfully Submitted,

S/Deborah B. Barbier
Deborah B. Barbier (#6639)
Deborah B. Barbier, LLC
1811 Pickens Street
Columbia, SC 29201
(803) 445-1032
dbb@deborahbarbier.com

Columbia, SC
August 13, 2023

9 August 2023




To the Honorable Judge:

My name is Suezanne Foot, Agent in Charge of South Carolina Department of Probation, Parole, and Pardon Services. I have had the privilege of knowing and working with Cory Fleming over the period of thirty years. During this time that I have known Cory, we have worked together through the court system and have shared many cases together.

For the past three decades, I have gained an impactful insight to Cory's character and the wonderful human being he is. In all honesty, I would give my life for this man, and I trust him wholeheartedly. His character, work ethic and behavior over the course of our personal and professional relationship has been above reproach, and his dedication to serving the community and his clients has been inspiring to witness. As you can personally attest to, your Honor, being a practicing attorney is challenging and requires the utmost personal focus and sacrifice on behalf of the clients with which you represent, and the justice system you serve under. Cory's positive attitude, wealth of experience, and good heartedness are evident in his time serving as an attorney, and he has always been an example of leadership and mentorship to me, personally and professionally.

I gracefully ask the court to practice compassion and mercy in relation to Mr. Fleming's situation and take this letter into account, and my personal statement regarding his character, as you make your decision.

I am more than happy to answer any further questions relating to this matter. And have no doubt whatsoever, of Mr. Fleming's devotion to being a good person, attorney, and citizen of this great country. I can be contacted at 



Yours sincerely,

Suezanne C. Foot
Suezanne Foot



08/07/2023

The Honorable Richard Gergel
U.S. District Judge
P.O Box 835
Charleston S.C. 29402

Subject: Character Reference for Cory Fleming

Dear Judge Gergel,

I hope this letter finds you well. I am writing to provide a character reference for my brother-in-law, Cory Fleming, who is currently before your court. My name is Edmund Major, and I have had the privilege of knowing Cory for many years as a family member and close friend.

Cory Fleming is a remarkable individual who has consistently demonstrated his commitment to his family, community, and personal growth. Cory is married to my sister, Eve Fleming, and they are parents to two wonderful children, Jack and Quinn. Jack is a rising junior at Wofford College, and Quinn is a recent Wofford graduate with honors. Cory's dedication to his role as a father and husband is unparalleled; he consistently goes above and beyond to support and nurture his family.

In fact, Cory and Eve's parenting skills are so commendable that my wife and I have made provisions in the event of an unforeseen accident, entrusting Cory and Eve with the responsibility of raising our own daughter, Birdie, who is currently four years old. This decision is a testament to the deep trust and respect we hold for Cory's integrity and capabilities as a loving and responsible guardian.

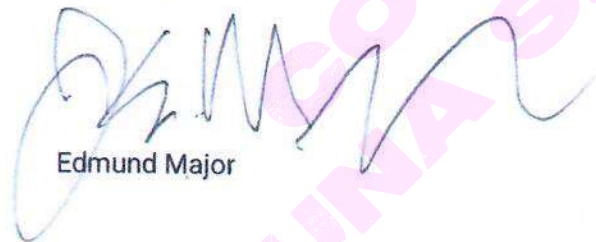
Cory's involvement in his community is also noteworthy. He has been an active volunteer with Habitat for Humanity, donating his time and skills to help provide safe and affordable housing for those in need. Additionally, Cory's pursuit of a contracting license through his educational endeavors underscores his determination to improve himself both personally and professionally. He believes in continuous learning and using his knowledge to contribute positively to society.

Having witnessed Cory's character and actions firsthand, I have no doubt that he is a person of high moral fiber and unwavering commitment to doing what is right. His actions consistently reflect his values of honesty, hard work, and compassion.

I humbly request that you consider Cory's character and his contributions to his family and community when making your decision. Cory is not only a devoted family man but also a responsible and compassionate member of society who is actively working to better himself and the lives of those around him.

Thank you for your time and consideration. If you require any further information or if there is an opportunity for me to speak on Cory's behalf, please do not hesitate to contact me.

Sincerely,



Edmund Major



August 7, 2023

The Honorable Richard Gergel
U.S. District Judge
PO Box 835
Charleston, South Carolina 29402

Subject: Character Letter for Cory Fleming

Dear Judge Gergel,

I am writing to express my strong support for my brother-in-law, Cory Fleming. My name is Sarah Major. I am writing this letter to offer my perspective on the remarkable individual that Cory is and to provide insights into his exceptional qualities as a devoted husband, father, community member, volunteer, and friend.

First and foremost, Cory has shown unwavering commitment and love for his family. As a father, he has displayed extraordinary dedication to his children, Quinn and Jack Fleming. Quinn recently achieved Summa Cum Laude honors upon graduating from Wofford University, which is a testament to Cory's nurturing and supportive parenting. Jack, his younger son, is a rising Junior at Wofford, further reflecting Cory's guidance and influence. Cory's role as a husband to his wife, Eve Fleming, has been equally impressive. Their strong and loving partnership is evident to all who know them, and their relationship has been a source of inspiration to me.

My husband and I faced the critical decision of designating guardianship for our child, Birdie who is now 4 years old, and we selected Cory and Eve as the individuals we trust wholeheartedly. Their exemplary parenting and unwavering dedication to their own children provided us with the utmost confidence in their ability to care for and guide our child should the need ever arise. This decision was made with the utmost consideration and reflects the profound respect and trust we have for Cory's character and values.

I have always been particularly struck by Cory and Eve's generosity and open-heartedness, one of the many reasons we decided on them as guardians. One example that exemplifies this is their hosting of a foreign exchange student from Italy for over a year in their home and welcoming her into their family. By providing a nurturing and supportive environment, Cory and Eve left a positive impact on this young woman's life. They are like that with everyone they meet and are truly wonderful people!

Additionally, Cory's involvement in community service underscores his commitment to making a positive impact. Since 2021, after being unable to practice law, he has dedicated his time and efforts to Habitat for Humanity, an organization that exemplifies his selflessness and desire to

better the lives of others. His contributions to the YMCA Board further showcase his dedication to community development and well-being. Cory's active role as a supporter of the YMCA demonstrates his sincere belief in fostering strong, healthy, and thriving communities.

One of the most telling aspects of Cory's character is his love for his community in Beaufort. He possesses a deep sense of connection and responsibility for the well-being of those around him. His willingness to engage in meaningful volunteer work and his constant support for local initiatives illustrate his genuine care for the people and places that define the community.

In conclusion, I wholeheartedly vouch for Cory Fleming's integrity, compassion, and dedication to family. I am privileged to know him and to have witnessed firsthand the positive impact he has on the lives of those around him. I kindly request that you take my testimony into account when considering Cory's character and contributions.

Thank you for your time and consideration.

Sincerely,



Sarah B. Major

COURTESY OF
LUNA SHARK MEDIA

August 11, 2023

The Honorable Richard Gergel
U.S. District Judge
P.O. Box 835
Charleston, SC 29402

Dear Judge Gergel,

Cory Fleming is my husband.

I have told Cory, and have repeated to others, that I will not define him by his worst moments. I can dislike and disapprove of some things he's done, but I can still respect him for everything else. And there are so many good things.

As described in other letters you've received, Cory has been involved in many activities in the community; however, his personal, non-public acts of kindness are what truly show his heart and character, although few people besides the recipients ever know about them.

When Cory and I were first married 25 years ago, he moved into my small cottage with its small yard. For about a year, my yard had been maintained by a man named Harold, a former client whom I had represented on a minor offense. Harold knocked on my door one day looking for work; he was as surprised to see me answer the door as I was to see him on the other side of it. Often homeless, Harold was cognitively challenged, and as a result, had great difficulty holding down jobs because he couldn't follow directions that involved more than a single, simple task. However, he could do basic yard work, and began coming to my house on weekends to mow my tiny lawn with my manual lawnmower and perform other yard-related jobs. When I married Cory, Harold was very concerned that Cory would usurp his role as caretaker of my yard, and it would have been easy for Cory to do so, as he himself loves yard work and didn't need any assistance. But instead, Cory began working *with* Harold. This required much patience, as Harold required attention, direction and re-direction to perform many tasks – for instance, if he was collecting sticks and debris, and stopped to talk, he would forget why he was holding a stick and just toss it back over his shoulder. But for many years, even when we moved to a new home, Cory and Harold worked together in our yard, with Cory guiding him, until Harold was no longer able to do so. During those years, Cory also helped Harold pro bono with municipal court matters and communicated with Harold's family members to try to find a place for him to stay.

As a young lawyer in private practice, Cory represented a mother with young children and little income who mentioned she was worried about providing the upcoming Thanksgiving dinner for her family. Shortly thereafter, Cory went to the grocery store, purchased a turkey, the trimmings, and various side dishes, and brought it all to his client's home in time for the holiday. Besides Cory and his client, I believe I'm the only person who ever knew about that.

When Cory and I got married, we kept his house as a rental house, which Cory managed. For several years, until just a couple of years ago, he rented the home to a single mother with two children and who

was employed by Department of Social Services. Throughout the years that they lived in that house, Cory never once raised the rent, because he knew what a hardship that would be for the family.

A childhood friend of Cory's mother has frequently voiced to me her gratitude to Cory for helping her through an extremely difficult time when her adult son was in legal trouble. Cory would take the time in court to sit with his mom's friend during roll calls, although he did not represent her son. And when she called him late one night, distraught, he talked with her at length, reassuring her until she felt calm. The friend tells me how grateful she is for that kindness every time I see her.

One year several mothers attended a white elephant Christmas party in our neighborhood and received tickets for parking on the side of the grass median. They were all given the same court date in Municipal Court. Cory had cases there that day, and when he walked in, he saw those women waiting very anxiously for their names to be called. Cory represented them all that day for free, telling their story on the record to the judge, who dismissed all charges. Those women adore Cory and to this day talk about how much they appreciate what he did for them.

Through the years many of Cory's clients have randomly approached me to tell me how much Cory helped them, often cutting his fee or not charging them at all. It was not unusual for a parent, usually a friend or acquaintance, to ask Cory to meet with and counsel a child who was starting to slip into some trouble; he always did so, and never charged a fee. He has helped a friend, a single mother of three, with a plumbing crisis on Christmas morning. He is individually baseball-coaching the young son of some close friends, simply for the joy of it. He helped an old friend refinish part of his house this year, because that's what friends like Cory do.

Cory's devotion to our two children, ages 22 and 20, has been unwavering since they were born. He has always had a very strong relationship with both, and that has continued throughout this very difficult time. We both spent most of our time with our children as they were growing up. Cory was not the father spending weekends on the golf course; he was the dad who would take our children and their friends tubing in the river or going on a family bike ride downtown for lunch or ice cream. He and our son together built dozens of Lego projects, including the large and very complex Star Wars Death Star. He put our baby daughter in the jog stroller as soon as the pediatrician okayed it, and ran with her all over town. Then, when she was older and began running on her own, they ran together – and still do. When they were younger, Cory would take both children to the store at Christmas to select toys to give to Toys for Tots. Our children are both excellent critical thinkers, largely due to dinner-time discussions that Cory facilitated. He has always encouraged both children to pursue their own interests and participate in the activities they enjoyed, rather than promoting specific activities to them; he is not a parent who lives vicariously through his children, but rather he loves and appreciates them for their own unique selves. And he has been present for every single sports event, theatre production, and school activity in which they participated.

Our door has always been open to our children's friends, and Cory and I both have loved that they feel welcome and comfortable in our home. Many of their friends have become what I call our "bonus children." Much of that is due to Cory. He listens without judging, he has conversations rather than talking at them, and he can offer advice without lecturing. He is also a great cook and loves nothing more than cooking a meal for these kids. When our daughter was a high school junior, she went to Germany on a youth exchange program, and we hosted a student from Italy. Our Italian exchange daughter stayed with us for the first five months of her exchange, and we were thrilled when she

returned the next year to live with us and graduate from high school. We remain very close with her, and she will always be a part of our family; in fact, last month we were exceptionally fortunate to have her visit us for three weeks. As our children and their friends have become older, we have found, to our great delight, that some of their friends will drop by the house just to see us, even when our children are not home, and many keep in touch with us either by text or social media.

Although I am very disappointed in Cory's actions and judgment that caused us to be here, I greatly respect how he has conducted himself since then. Through his guilty plea, he has taken responsibility for his actions, and he disgorged his fees within six weeks of learning that the Satterfield's did not receive their settlement. He has taken steps to build a new career in construction, taking classes at the Technical College of the Lowcountry and volunteering weekly for Habitat for Humanity, which he loves both for its purpose and the work it provides. He also assumed and finished the renovations of our rental house, as we could no longer afford the builders who were working on it, and worked on projects at his mother's home and a friend's house. Cory has never once addressed or made comments to the media, despite the constant and widespread attention to this case.

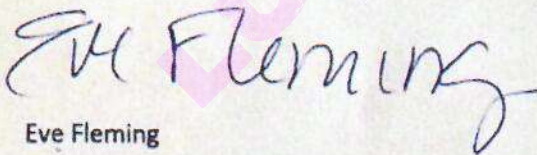
To say the last two years have been difficult for our family is a vast understatement; nightmare would be a more accurate description. Not only has Cory lost his livelihood and will never again practice the law that he loved, but he is facing prison time in both federal and state courts. Our family is financially devastated, and I am now, at 60 years old, our primary provider. The incredibly widespread, constant media coverage has been both embarrassing and stressful.

But one thing I've learned through this is that there are silver linings even in the darkest of times. One of our silver linings is the love and support we've received from our friends, family, and people in our community. Others, for Cory, have been Habitat and the fellowship at his weekly Bible study. For me, I think, is that this experience, while horrible, has given Cory a depth and humility that comes only through profound endurance.

A quote from my favorite television show, Ted Lasso, has seemed especially pertinent to me this year: "I hope that either all of us or none of us are judged by the actions of our weakest moments, but rather by the strength we show when and if we're ever given a second chance."

I ask that you please extend mercy and grace to my husband, Your Honor.

Thank you,

A handwritten signature in black ink that reads "Eve Fleming". The signature is written in a cursive, flowing style.

Eve Fleming

LAW OFFICE OF SCOTT W. LEE, PA



August 9, 2023

Honorable Richard M. Gergel
United States District Court Judge
P.O. Box 835
Charleston, SC 29402

Re: Cory H. Fleming
August 15, 2023 Sentencing

Dear Judge Gergel:

I am writing this letter in support of Cory H. Fleming with regard to his upcoming sentencing hearing before you. Cory has been a friend and colleague of mine for over twenty years in Beaufort. I am aware that many people have sent letters to you extolling his character, grace and generosity, and I echo those sentiments. What I would like to offer for your consideration is what has continuously gone through my head ever since this matter started.

In nearly thirty years of practicing law, I have had the opportunity to work with, alongside and against hundreds of lawyers. In my opinion, there are unfortunately not enough lawyers who are great at what they do, and love being a lawyer. Too often, we see lawyers who exhibit neither, or only one of these qualities. Without exception, in all of my experiences with Cory, he exhibited both. He would consistently shed blood, sweat and tears for his clients, and was a fair yet ferocious trial lawyer. I have seen him take on unpopular causes, difficult clients and *pro bono* cases- all of whom would get his best efforts. I am absolutely certain that Cory truly regrets the impact this has had not only on his clients, his family, and his friends, but on his beloved profession as well.

It is undeniable that over the past two plus years, public perception of our profession has taken a serious turn for the worse, both statewide and locally, and even internationally. This case, and surrounding events, I believe have presented the legal profession with perhaps its biggest challenge in a very long time. It undoubtedly is going to take a concerted effort by the members of the Bar, but it can and will be done, one client/case at a time. And the charge will be led by lawyers who exhibit the same qualities Cory exemplified with his zealous representation and love of his profession.

I am fully aware of the myriad of considerations that must be balanced in fashioning an appropriate sentence, and am hopeful that this letter will be helpful to your difficult decision.

Very truly yours,

A handwritten signature in black ink that reads "Scott W. Lee".
Scott W. Lee

The Honorable Richard Gergen
U.S. District Judge
Post Office Box 835
Charleston, SC 29402
August 8, 2023

Dear Judge Gergen:

I have known Cory Fleming for more than 20 years. When the Fleming's moved next door that many years ago, I got to know Cory and it has been my pleasure spending time with him and his family.

Cory is a person that I know I can count on at any time. I have asked him to help me many times with projects and he has always stepped up. He is a very good husband and father to his two children, Quinn and Jack. My grand daughter, Anna, is Quinn's best friend and Cory has shown great generosity and very good guidance to the children who are now grown. He has included Anna on a family cruise and many other trips over the years. I have never questioned Cory's leadership and parenting abilities and feel that he has had a positive influence over Anna and my family.

I would like to ask the Court for leniency for Cory Fleming. I feel that Cory is a good person, friend, father and husband.

Sincerely,

Barbara Farrior

COURTESY
LUNA SHARK MEDIA

Re: Letter for Cory Fleming

Amy Horn [REDACTED]

Fri 8/11/2023 8:25 PM

To:Deborah Barbier <dbb@deborahbarbier.com>

To the Honorable Richard Gergel,

I first want to say thank you for taking the time to read this. I have known Cory Flemming for over 13 years. During those years I have been a teacher to his child, Jack, as well as the Director of the school that Jack attended. Eve Fleming, Cory's wife, and I, with the help of a dedicated committee, helped develop and open a charter school in Beaufort. Because of the intense time and energy, it takes to do this, I had the opportunity to get to know Cory as a human, a husband, and a father. During this time, I witnessed his dedication to his family and also the community. He was helpful in giving his time and energy to the school and supporting his wife in helping to open the school.

Although I have no details of what has occurred in Cory's professional life, I can only ask that the court give him mercy in the process. I am hopeful that he will be able to continue to be the father and husband that he always has been.

With gratitude,
Amy Horn.

**COURTESY OF
LUNA SHARK MEDIA**