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Lawyer, Facing 30 Years, Gets 28 Months, to Dismay of U.S.

By JULIA PRESTON

Correction Appended

Lynne F. Stewart, the radical defense lawyer, was sentenced yesterday to two years and four months in prison on charges that she smuggled messages from an imprisoned terrorist client to his violent followers in Egypt.

The sentence, handed down by Judge John G. Koeltl in Federal District Court in Manhattan, was significantly lower than the 30 years sought by prosecutors. He cited the service Ms. Stewart, who is 67, had provided in her three-decade career as a government-appointed lawyer for unsavory criminals and penniless outcasts.

The judge allowed her to remain free on bail while a higher court hears her appeal, saying there was a possibility that her conviction might be overturned.

The sentence was an unexpected setback for the Justice Department in a case the Bush administration has frequently highlighted to show the effectiveness of its tough policy on terror prosecutions. Former Attorney General John Ashcroft devoted a chapter to it in his recent memoir. Defense lawyers and other supporters of Ms. Stewart had warned that a severe sentence would have a chilling effect, dissuading others from representing clients accused of terrorism.

In a brief statement to the judge before the sentence, Ms. Stewart, shaking and barely suppressing tears, refrained from political comment or discussion of her case, but noted that she would never be permitted to practice law again.

“The end of my career is truly like a sword in my side,” she said. “I don’t want to be in prison,” she pleaded. “Permit me to live in the world and live out my life, productively, lovingly, righteously.”

Ms. Stewart’s lawyers, citing her recent bout of breast cancer, had asked the judge not to give her any prison time.

But Judge Koeltl said there had been “an irreducible core of extraordinarily severe criminal conduct” in her actions on behalf of the client, Sheik Omar Abdel Rahman, a blind fundamentalist Islamic cleric who is serving a life sentence for plotting to bomb New York City landmarks. Ms. Stewart was convicted on Feb. 10, 2005, of conspiring to provide material aid to terrorism by smuggling the sheik’s messages encouraging violence by his militant followers in Egypt.

While agreeing that Ms. Stewart had flouted the law and deceived the government by breaking prison rules

to publicize the sheik's messages, Judge Koeltl broadly rejected the prosecutors' portrayal of her as a serial liar and terrorist conspirator who would be a danger to society if she remained free.

Instead, he focused on her past service as a lawyer. "She has represented the poor, the disadvantaged and the unpopular," Judge Koeltl said, adding that Ms. Stewart had demonstrated "enormous skill and dedication" in her legal work and earned little money from it.

"It is no exaggeration to say that Ms. Stewart performed a public service not only to her clients but to the nation," Judge Koeltl told a crowded but hushed courtroom.

The judge acknowledged that Ms. Stewart's crimes were "serious, involved dishonesty and breach of trust," and led to "potentially lethal consequences." But he appears to have been impressed by about 1,100 letters of support she received from law professors, former prosecutors, retired judges and former clients. Among the clients was Matias Reyes, a federal inmate who told how she helped him confess that he was the true attacker in the infamous Central Park jogger case, after others had been wrongfully convicted.

The judge pointed out that Ms. Stewart would lose her license to practice law as a result of her conviction and sentence, which he said was a form of punishment, and that she is barred from having any contact with Mr. Abdel Rahman. He said the chance that her crimes would recur was "nil," and noted there had been no evidence that anyone was harmed as a result of her actions.

He also mentioned that there was a "statistically significant" chance that Ms. Stewart's breast cancer would recur.

As the judge read the sentence, Ms. Stewart's face brightened with a grin of surprised relief. She flashed a quick clenched fist of victory to her relatives in the gallery.

Judge Koeltl imposed a relatively tough sentence on one of Ms. Stewart's co-defendants, though it also fell short of what the government had sought. A former Staten Island postal worker, Ahmed Abdel Sattar, 46, was sentenced to 24 years in prison for negotiating by telephone with a follower of the sheik's who was an associate of Osama bin Laden's to try to bring an end to a cease-fire by Mr. Abdel Rahman's group in Egypt. Mr. Sattar also wrote and released a statement he called a fatwa, or religious edict, calling for the killing of Jews. Prosecutors had asked for a life sentence.

The third co-defendant, Mohamed Yousry, 51, Ms. Stewart's Arabic translator in her discussions with the sheik, was sentenced to one year and eight months in prison.

Judge Koeltl said that Mr. Yousry was "the necessary link" in a conspiracy with Ms. Stewart to smuggle prohibited letters into prison for the sheik and convey his replies to his followers. Prosecutors wanted Mr. Yousry to serve 20 years in prison.

Michael J. Garcia, the United States attorney in Manhattan, attended the sentencing yesterday. He and his prosecutors left the courtroom without comment. "The government is disappointed in the sentences imposed today," Mr. Garcia said in a statement later. "We will be exploring our appellate options."

One of his assistants, Andrew Dember, had said before the sentencing that Ms. Stewart knew that she was

smuggling terrorist messages. “She stepped over the line from being a lawyer to being a clear-cut criminal,” he said, who had “endangered the lives of innocents.”

Mr. Dember dismissed the notion that Ms. Stewart’s sentence could have a chilling effect, saying that none of her actions “had anything to do with legitimate lawyering or legal representation of her client.”

One of Ms. Stewart’s lawyers, Joshua L. Dratel, said the judge did not need to impose a severe sentence because “the message has been sent loud and clear” that Ms. Stewart committed serious mistakes and lapses of judgment in representing the sheik, as she acknowledged in recent weeks.

When Ms. Stewart emerged from the courthouse, a few blocks from the World Trade Center site in Lower Manhattan, she was greeted with bouquets of roses from a crowd of elated, cheering supporters who had waited outside for hours after being blocked by federal marshals from attending the proceedings.

“This is a great victory against an overreaching government,” Ms. Stewart said, returning to her familiar feisty rhetoric, as she was embraced by her husband, Ralph Poynter, and three of her grandchildren. “I hope the government realizes their error, because I am back out,” she said. “And I am staying out until after an appeal that I hope will vindicate me, that I hope will make me back into the lawyer that I was.”

Ms. Stewart said she was grateful to the judge for giving her “time off for good behavior.” She had been ready to go straight to jail when she came to court, she said, carrying a pair of sweat pants in a plastic bag. She said if she eventually has to serve the 28-month sentence, “I could do it standing on my head.”

Matthew Sweeney contributed reporting.

Correction: Oct. 20, 2006

Because of an editing error, a front-page article on Tuesday about the sentencing of Lynne F. Stewart, the radical defense lawyer, for aiding terrorism misstated the number of her grandchildren. She has 14, not 3. (After the sentencing, three grandchildren appeared with her outside the courthouse.)

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