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# Florida man gets 5 years in obscene-videos case



CLAIR JOHNSON Of The Gazette Staff Dec 2, 2005

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A Florida man who admitted conspiring with a Montana man to distribute obscene videotapes around the country declared he was not guilty as a federal judge sentenced him Friday to the maximum five-year sentence.



"I am not guilty of conspiring with Tom Lambert," said Sanford Wasserman, 65, of Lauderhill, Fla. He merely provided free advice to a friend, he said.



Wasserman's co-defendant, Lambert, 65, of Lavina, pleaded guilty to a conspiracy count and was sentenced in June to 30 months in prison.



Wasserman told the judge he should not be punished for what he called the government's "reckless crusade to stop distribution of pornography."



Wasserman complained that his court-appointed attorneys were incompetent and that he pleaded guilty out of "fear and intimidation" of being sentenced to 80 years in prison if convicted at a trial.

He also sought a last-minute continuance of his sentencing so he could meet with a lawyer hired by his family.

But U.S. District Judge Richard Cebull refused to continue Wasserman's sentencing a fourth time and sentenced him to the maximum term. Cebull noted that Wasserman had committed the Montana crime while serving a two-year federal probationary sentence for a similar conviction in Texas.

Cebull earlier denied a motion by Wasserman to withdraw his guilty plea.

Wasserman pleaded guilty in March to conspiracy to distribute obscene material in interstate commerce using an express company. The judge dismissed eight other counts on Friday.

The government said Wasserman and Lambert conspired from about 1998 until 2002 to distribute obscene videotapes through a catalog business. Videotapes seized in the case depicted torture, bestiality, simulated rapes and sadistic and masochistic conduct. Titles included "Anything Goes" and "Rape and Sodomize."

In about January 2002, Lambert transferred the business, inventory and videotape-duplicating equipment to Lavina. From there, the two continued doing business as Pet Tec, which grossed about \$410,000 in 15 months, the government said.

Under the guidelines, Wasserman faced eight to 10 years in prison because of enhancements for being a leader, the sadistic and masochistic nature of some of the videotapes, and because the enterprise grossed more than \$400,000. But the guidelines became irrelevant because five years was the maximum sentence under law.

U.S. Attorney Bill Mercer sought the maximum punishment, calling Wasserman the "kingpin of the distribution business."

Obscene material, not pornography, was the issue, Mercer said. "The fact is, we've got an obligation to enforce the laws, and Congress has criminalized the distribution of material that 12 jurors would say violates community standards," he said.

Wasserman preserved in the plea agreement his right to appeal the constitutionality of the obscenity law.

Wasserman's sentencing hearing lasted almost three hours. Wasserman gave a long and angry statement; his wife and rabbi pleaded for mercy.

Rabbi Yossie Denburg called Wasserman "a friend to everyone in the community." He urged Cebull to release Wasserman "to our custody. I promise we will work him to the bone."

In response to Cebull's questions, the rabbi said he was aware of Wasserman's previous conviction but not of the subsequent activities.

"No. I would have personally whipped him," the rabbi said.

"The law is going to require me to whip him some," the judge replied.

Wasserman's wife of about two years, Jean Ellen King, said she loved her husband and that their goal is to raise each other to a higher spiritual level.

Mercer asked King whether it was true that she had been married to Wasserman's co-defendant in the Texas case.

"Unfortunately, yes," King said.

Wasserman said he accepted responsibility for all his actions while disputing many facts in the case and complaining about his attorneys.

Wasserman married, had four children and worked as an advertising executive for many years, he said. But a divorce put him in a financial bind, and his greed led to his "moral downfall," he said. He paid the penalty with his Texas conviction, he said.

Wasserman's friend, Lambert, asked him to get involved with his distribution business, but he refused, he said. Lambert pleaded for marketing help, so Wasserman wrote letters to Lambert on what he had done in the past, he said.

An earlier attorney, Wasserman said, told him a Montana jury would be composed of local cattlemen who would be so inflamed by watching the videotapes that they would convict him regardless of whether he was guilty. He also was told that Cebull, appointed by President Bush, supported the president's agenda to go after pornography.

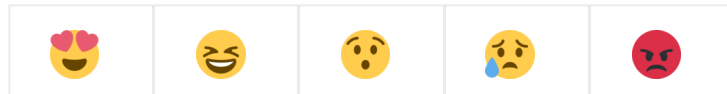
Wasserman said he pleaded guilty "because of incompetent advice my lawyers gave me," and said he had a bad relationship with his current lawyer, Sandy Selvey.

Selvey, who stood about a foot from Wasserman at the lectern, did not respond directly to Wasserman's complaints but asked the judge to impose the same sentence that Lambert received.

After listening to Wasserman, Cebull said, "It's obvious you don't accept responsibility."

Cebull said he was impressed by the rabbi's comments and added, "I don't know how a God-fearing person such as yourself can be involved in the distribution of this kind of garbage."

Cebull agreed to appoint another attorney to represent Wasserman and allowed him to voluntarily surrender to the U.S. Marshals Service when he is assigned to a prison.



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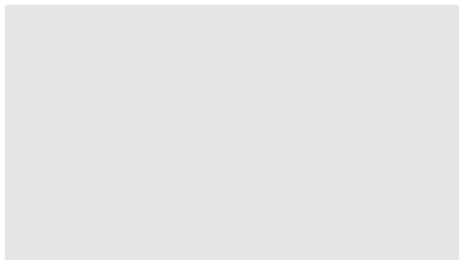
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