

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

HEATHER L. MACK

No. 17 CR 518

Honorable Matthew F. Kennelly

GOVERNMENT'S SENTENCING MEMORANDUM

The UNITED STATES OF AMERICA, by and through the undersigned attorneys, respectfully submits this position paper as to sentencing factors, and asks the Court to sentence defendant Heather Mack to a below-guideline sentence of 336 months of imprisonment, followed by 5 years of supervised release. The government further requests that the court impose a fine of \$250,000 and enter an order of restitution in the amount of \$262,708. The government's recommended sentence, which is substantially similar to the recommendation of Probation, is warranted and sufficient, but not greater than necessary to serve a just and appropriate punishment for Mack's heinous crime.

I. PROCEDURAL BACKGROUND¹

On or about July 26, 2017, a grand jury sitting in the Northern District of Illinois returned an indictment charging defendant Heather L. Mack ("Mack") with

¹ The Plea Agreement contains a detailed factual basis, incorporated by reference here. Additionally, the Government has provided the Court, Probation, and defense counsel with a thorough summary of the facts in its Government's Version of the Offense ("GVO").

conspiracy to commit murder, in violation of Title 18, United States Code, Section 956(a)(1) and (2)(A) (Count One); conspiracy to commit foreign murder of United States national, in violation of Title 18, United States Code, Section 1117 (Count Two); and obstruction of justice, in violation of Title 18, United States Code, Section 1512(c)(1) and (2) (Count Three). *See* Dkt. 1.

The basis for the indictment concerned the murder of the defendant's mother, Sheila Von Wiese on August 12, 2014, at the St. Regis Hotel and Resort in Bali, Indonesia. The defendant and her co-conspirator, Tommy Schaefer, were arrested in Indonesia the day after the murder on August 13, 2014, at a nearby hotel. In 2015, Mack was convicted in Indonesia for "Deliberately Aiding in the Commission of Premeditated Murder" and sentenced to ten years' imprisonment. PSR, para. 137, p. 39. In October 2021, after serving seven years in prison, Indonesian officials reduced Mack's sentence under applicable law. The defendant was deported from Indonesia and returned to the United States on or about November 3, 2021. *Id.* para. 109, p. 30. She was arrested on the sealed indictment upon arrival at O'Hare international airport.

On June 16, 2023, the defendant entered into a plea agreement pursuant to Rule 11(c)(1)(A) and 11(c)(1)(C). The defendant pled guilty to Count Two of the indictment charging the defendant with Conspiracy to Commit Foreign Murder of United States National, in violation of Title 18, United States Code, Section 1117. The terms of the plea agreement set a maximum term of imprisonment of no more than 28 years (336 months). Other counts in the indictment would be dismissed. The

Court held a change of plea hearing but deferred acceptance of the plea to the sentencing hearing.

II. STATUTORY MAXIMUM PENALTIES

The statutory maximum penalty for Count Two (18 U.S.C. § 1117) is life imprisonment. The maximum statutory fine is \$250,000 pursuant to 18 U.S.C. § 3571(b) and the statutory maximum term of supervised release is five years pursuant to 18 U.S.C. § 3583(b)(1).

III. THE PROPERLY CALCULATED GUIDELINES RANGE

The district court must properly calculate the Guidelines range, treat the Guidelines as advisory, consider the Section 3553(a) factors, and adequately explain the chosen sentence, including an explanation for any variance from the Guidelines range. *Gall v. United States*, 522 U.S. 38, 46 (2007). In this case, the parties and Probation agree that the final guidelines calculation results in an offense level 43 and a criminal history category of one, which results in an anticipated advisory sentencing guidelines range of life imprisonment.

According to the plea agreement, the base offense level for a violation of 18 U.S.C. § 1117 is 43 pursuant to § 2A1.5(c)(1) and § 2A1.1(a). According to § 2A1.5(c)(1), “if the offense resulted in the death of a victim, apply § 2A1.1.” The offense did result in the death of a victim, and the base offense level under § 2A1.1 is also 43.

As explained below, the government agrees with the PSR that the offense level is increased by 2 levels pursuant to § 3B1.1 because the defendant is an organizer,

though this enhancement was not included in the calculations in the plea agreement. As explained below, the government agrees with the PSR that the offense level is increased an additional 2 levels pursuant to § 3C1.1 because the defendant willfully obstructed the administration of justice and the government disagrees with the PSR on the application of acceptance of responsibility pursuant to § 3E1.1.

Based on the government's calculation, the total offense level is increased by 2 points for obstruction and 2 points as an organizer for a total of 47 points. However, as noted by the PSR, pursuant to Chapter 5, Part A (comment n.2), in "an offense level of more than 43 is to be treated as an offense level of 43."

The government agrees with the Presentence Report that because the offense of conviction in this case is a Class A Felony pursuant to 18 U.S.C. § 3559, the recommended term of supervised release is at least two years, but not more than five years. *See* U.S.S.G., § 5D1.2(a)(1). The government also agrees with Probation's recommendation that 5 years of supervised release is appropriate in this case. The government further agrees with the presentence report that pursuant to USSG §5E1.2(c)(3) and (h)(1), the fine range for this offense is \$25,000 to \$250,000.

A. Two Point Adjustment for Leadership Role is Appropriate

The PSR appropriately applies a two-point adjustment pursuant to U.S.S.G. § 3B1.1 for the defendant's role as a leader or organizer.

Pursuant § 3B1.1(c) of the Guidelines, "[i]f the defendant was an organizer, leader, manager, or supervisor in any criminal activity ... increase by 2 levels." *See United States v. Hussein*, 664 F.3d 155, 163 (7th Cir. 2011)("[A] leader or organizer

under § 3B1.1 need control only one participant”); *United States v. Anderson*, 580 F.3d 639, 649 (7th Cir. 2009) (“To qualify for an enhancement under section 3B1.1, a defendant ‘must have been the organizer [or] leader ... of one or more other participants’ in the charged criminal activity.”)

The PSR correctly identifies Mack as the organizer of the conspiracy. PSR, para. 31, p. 10. Mack was the driving force of the conspiracy which resulted in the murder of her mother. First, murdering Von Wiese was Mack’s idea, and something she explored as early as February 2014. PSR, para 10, p. 5. Mack then solicited co-defendant Schaefer’s assistance. In February 2014, Schaefer confided in a mutual friend using Facebook Messenger that Mack wanted to kill her mother. Specifically, Schaefer confided to his associate that Mack offered Schaefer \$50,000 to find someone to murder her mother. Mack similarly approached Schaefer’s cousin, Robert Bibbs, asking him the same. *See United States v. Bibbs*, 15-cr-00578, Plea Agreement, dkt. 77, p. 3.

Second, Mack controlled the money and details of Schaefer’s travel to Indonesia, an essential part of the scheme. Without the money and Shaefer’s travel to Bali, the object of the conspiracy (the murder of Von Wiese) could not be achieved. In other words, Mack exercised ultimate operational control over the conspiracy. Importantly, Mack also organized and led how the funds would be used to further the scheme. For example, after Mack and Schaefer agreed to murder Von Wiese, there was no way for Schaefer to travel to Bali unless Mack secured the money for Schaefer’s travel. Mack used her personal email address and Von Wiese’s credit card

to book airfare for Schaefer from Chicago O'Hare to Bali at a cost of \$12,209.59. GVO, Ex. 38. Mack also booked Schaefer's room at the St. Regis hotel. GVO, Ex. 39. St. Regis hotel records show that Mack booked room 616 for a single night, August 11, 2014, and charged it to her mother's credit card account. *Id.*

Third, Mack provided instructions to Schaefer and controlled the timing of events. As noted above, it was Mack's decision about when Schaefer arrived and how he traveled to Bali. She also provided instructions to Schaefer concerning his activities in the conspiracy. For example, after Mack booked Schaefer's hotel room, she provided careful instructions to Schaefer about what to do when he arrived in Indonesia: "Its (sic) very important that you text me when you can ill answer if im (sic) anywhere near wifi ... [a]nd ill meet you in the lobby ... [] say youre (sic) coming to see your friend heather at the st regis when the guy picks you up ... [w]e gotta talk in person"² GVO, Ex. 35.

Mack also controlled when Schaefer would enter the room and murder Von Wiese. For example, at approximately 4:52 a.m., a few hours before the murder, Mack and Schaefer texted back and forth about when to murder Von Wiese. Schaefer noted that he is "... ready for sure." Mack responded, "sounds good but ill (sic) let you know for sure." GVO, Ex. 34.

These facts establish that Mack lead and organized the conspiracy. The object of the conspiracy was her idea: she is the person that selected the victim (her own

² Quotations are included in this filing as drafted and were not corrected for spelling or grammatical errors.

mother), controlled the timing and money, and provided essential instructions during the conspiracy. As a result, the PSR correctly applied a two-point adjustment pursuant § 3B1.1(c).

B. Two Point Adjustment for Acceptance of Responsibility is Inapplicable

The defendant has not accepted responsibility pursuant to U.S.S.G. §3E1.1(a) to merit a two-point adjustment. The defendant's obstruction of justice negates the two-level reduction for acceptance of responsibility.

In the Seventh Circuit, “[a] defendant whose sentence was properly enhanced for obstruction of justice is presumed not to have accepted responsibility.” *United States v. Davis*, 442 F.3d 1003, 1009 (7th Cir. 2006), *citing United States v. Partee*, 301 F.3d 576, 580-81 (7th Cir. 2002). The Seventh Circuit has clarified that “[i]t is only under *exceptional circumstances* that a defendant who has received a sentence enhancement for obstruction of justice will be given a downward adjustment for acceptance responsibility.” *Davis*, 442 F.3d at 1009-10 (emphasis added). The defendant's agreement to plead guilty is not sufficient. *United States v. Travis*, 294 F.3d 837, 840 (7th Cir. 2002) (“simply sparing the government the expense of a trial does not automatically entitle a defendant to the [acceptance of responsibility] adjustment.”)

In *Davis*, the Seventh Circuit upheld the trial court's decision to deny the defendant a two-point adjustment for acceptance of responsibility after a guilty plea. *Davis* had obstructed justice when, knowing she was being investigated for tax fraud, made false statements to IRS agents that two deceased men were responsible for the

fraud. *Davis*, 442 F.3d at 1009. The Seventh Circuit was not persuaded that the defendant had accepted responsibility by the fact that the defendant pled guilty and showed remorse. In upholding the trial court's decision, the Seventh Circuit explained that "[the defendant] did express her contrition, but only after pleading guilty to the crime." *Id.*, at 1010. The Seventh Circuit noted that, "[the defendant] ha[d] not presented any evidence that she negated the effect of her obstruction or otherwise facilitated the progress of the investigation, and her guilty plea, without more, will not carry the day for her." *Id.*

Probation's recommendation to apply the Acceptance of Responsibility adjustment is based on two factors: that that the defendant's obstructive behavior occurred years ago, in 2014, and the defendant pleaded guilty. PSR, para. 35, p. 10. However, this is not the type of extraordinary circumstance contemplated by the Seventh Circuit. The defendant's obstruction was egregious and intended to thwart any investigation into the defendant's brazen murder of her mother; in these circumstances, she should not receive an acceptance of responsibility adjustment merely because of the passage of time caused by her incarceration in Indonesia.

Further, the defendant's obstructive behavior has continued. Specifically, the defendant provided the probation officer with misleading information during her presentence investigation interview. According to the Presentence Report, the defendant advised probation that she received \$20,000 from the settlement of a lawsuit against Von Wiese's trust. PSR, para. 114, p. 30. However, the PSR accurately noted that the automated Cook County records revealed that the

defendant received \$150,000 as part of the lawsuit, a figure also corroborated by open-source news reporting. *Id.* See also, <https://www.nbcchicago.com/news/local/judge-approves-release-of-150000-from-trust-fund-to-pay-for-murder-suspects-defense/1976657/>.

Additionally, although the PSR ultimately favored providing the defendant with the 2-point adjustment for acceptance of responsibility, the Sentencing Recommendation also stated the officer “has concerns regarding whether the defendant has genuinely accepted responsibility for her conduct, apart from the guidelines definition.” Probation’s Sentencing Recommendation, p. 4. The Sentencing Recommendation also recognized that Mack “proceeded to blame her mother for virtually everything that has gone wrong in her life.” *Id.*, p. 5.

Additionally, the Plea Agreement notes that the adjustment for acceptance of responsibility applies only “if the Court determines at the time of sentencing that the defendant clearly demonstrated ... acceptance ..., including by furnishing ... the Probation Office with all requested financial information.....” Dkt. 108, p. 9. As noted by the PSR, the defendant was provided with the financial investigation forms, but never returned them. PSR, para. 54, p. 16. The Defendant’s Sentencing Memorandum notes that the defendant “made all efforts to return” the forms (Dkt. 117, p. 2), but provides no further explanation for why Probation has not received the forms.

Given the defendant’s well-documented efforts to obstruct justice in this case (among other things, wiping clean the crime scene, concealing her mother’s body in a

suitcase, false statements to law enforcement, and false explanations about the murder described further below), Probation's lingering doubts about her acceptance of responsibility, and the defendant's misleading statement to the probation officer about proceeds from the trust, the defendant cannot and has not demonstrated that exceptional circumstances warrant an adjustment for acceptance of responsibility.

IV. A SENTENCE OF 336 MONTHS OF IMPRISONMENT IS APPROPRIATE UNDER SECTION 3553(a)

The facts of this case, together with the factors set forth in 18 U.S.C. § 3553(a), warrant a sentence of 336 months imprisonment, the maximum permitted under the terms of the plea agreement, and as recommended by Probation.

The murder of Von Wiese at the hands of the defendant and Schaefer was vicious. The evidence indicates Von Wiese struggled to stay alive, meaning that in the last moments of her life she realized that her daughter, and only child, was responsible for her death. Von Wiese had been worried that Mack would one day kill her, and it is hard to fathom the physical and emotional pain Von Wiese endured in the final moments of her life.

The murder was the culmination of years long physical, emotional, and financial abuse and manipulation of Von Wiese by the defendant. Mack subjected Von Wiese to a living nightmare. Von Wiese loved the defendant, her only child. As a mother, she endured the abuse while holding out hope that one day things with Mack would improve. Instead, Mack doubled down on the abuse, until finally murdering her mother.

A. The Nature of the Offense

The circumstances surrounding the murder are terrifying and brutal. Mack planned to murder her mother for at least six months before finally murdering her in Bali. Mack was determined to murder her mother. Mack had solicited Schaefer as early as February 2014 to help her kill her mother. GVO, Ex. 28. At the time, she offered Tommy Schaefer \$50,000 for help in finding someone to kill Von Wiese. *Id.* As noted in the Plea Agreement, eventually the defendant and her boyfriend, Schaefer, decided to murder Von Wiese in Bali. Dkt. 108, p. 2. Mack and Schaefer were extremely calculating about the murder and expected to receive the proceeds of Von Wiese's estate upon her death. In one example included in the Plea Agreement, Schaefer noted that he "can't wait to be rich ... seriously can't wait. I'm so geeked. I'm like thinking of lavish lifestyles" *Id.* at 4.

After Schaefer arrived in Bali, Mack and Schaefer exchanged several text messages discussing when and how to murder Von Wiese. Schaefer texted Mack, "cant we sfcate her together ... put your hand over her moutg" and "let me just creep up and wack her ... once I do it she was drunk and slipped and fell." *Id.* at 5. Mack responded, "okay [] just knock her out." *Id.* After similar text messages were exchanged, Schaefer entered the hotel room, where Mack was present, and beat Von Wiese to death. *Id.* at 6. An autopsy concluded the cause of death was from the blunt force of blows, which caused fractures to Von Wiese's nasal bone and jawbone and obstructed her airway. *Id.*

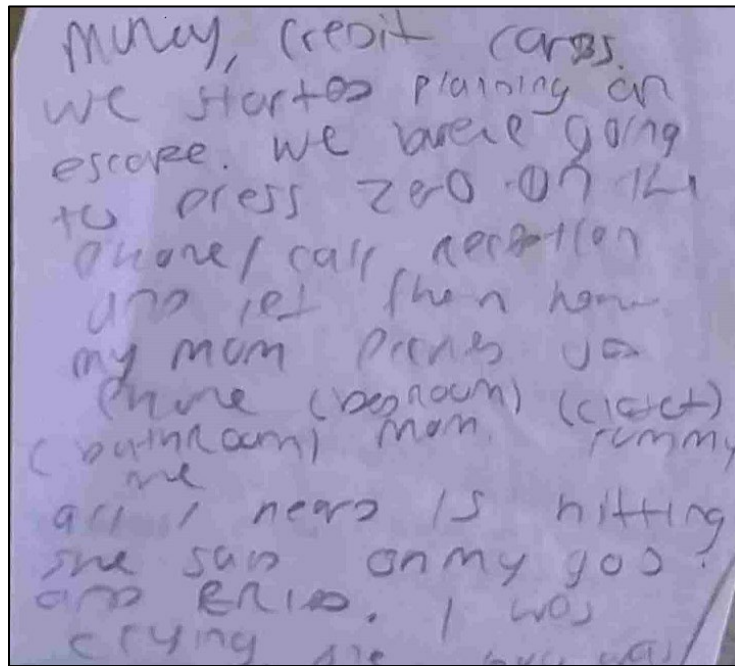
After the murder, Mack and Schaefer attempted to conceal evidence of their crime. They cleaned up the crime scene and stuffed Von Wiese's body into a suitcase. *Id.* Mack and Schaefer loaded the suitcase containing the body inside of a taxi and attempted to flee the hotel. The taxi driver became suspicious and refused to leave with them and the suitcase. *Id.*; GVO, Ex. 48. The taxi driver was so suspicious that he used his cell phone to record the incident. GVO, Ex. 48. When it became evident that they could not leave by taxi, Mack and Schaefer fled the hotel on foot. Dkt. 108, p. 7. As they left, Mack was recorded on the taxi driver's phone angrily, and falsely, telling the hotel staff that she was "going to call [her] mother." *Id.* at 6.



*Left - Mack at the rear of the taxi with the suitcase, wrapped in sheets
Right - partially opened suitcases containing Von Wiese's body*

Later that day, Mack and Schaefer checked into another hotel in Bali, near the airport. *Id.* at 7. While there, Mack further obstructed the investigation into her crime by creating a false narrative to explain the murder. Mack called the doorman at her building in Chicago and a family friend and falsely claimed that she and Von

Wiese had been kidnapped. *Id.* For example, she falsely told the doorman that “an armed gang [] broke into the hotel and into their room [].” GVO, Ex. 60. She further alleged that the armed gang “somehow captured [her] mother and took all [the] valuables” *Id.* Inside the hotel room where Mack and Schaefer were arrested, the police discovered a handwritten note that contained details of the false kidnapping story – apparently Mack’s notes or script for herself to keep the false story straight. GVO, Ex. 59. In it, Mack noted, “we started to plan an escape.” *Id.* She also wrote, “all I heard is hitting she [referring to Von Wiese] said ‘oh my god’ and cried. *Id.* I was crying.” *Id.* This, of course, was an elaborate, calculated lie to conceal Mack’s horrific conduct.



(Handwritten Note Found in Hotel Room Where Defendant Was Arrested)

Mack’s false statements about the crime continued after her arrest by Indonesian officials. In videotaped interviews with the Indonesian police, Mack made

numerous false statements and at times laughed and joked with Indonesian officers and staff. GVO Ex. 62. Among Mack's false statements to Indonesian police were (1) that masked intruders were responsible for the murder (GVO, Ex. 62a); (2) that Von Wiese purchased Schaefer's airline tickets to make Mack happy because Mack was sad in Bali without Schaefer (GVO, Ex. 63a); (3) that Von Wiese was angry with the hotel staff for ignoring her instructions to let her know when Schaefer arrived (*Id.*); (4) that Mack asked Schaefer to ring the hotel room doorbell when he arrived at the room (*Id.*); (5) that Schaefer came to the hotel room because Mack was not responding to text messages and to speak to and "calm" down Von Wiese (*Id.*; GVO Ex. 64a); and (6) after recanting the masked intruder story, Mack falsely claimed that that Schaefer killed Von Wiese after Von Wiese lunged at him (GVO Ex. 64a). In reality, Von Wiese was brutally beaten after being taken by surprise as she lay in her hotel bed. Dkt. 108, p. 6; GVO Ex. 50; Ex. 54. The fact that Mack was the person responsible for planning and carrying out the murder of her own mother, and her lack of remorse, including her extensive efforts to conceal her crime, is terrifying and indicate that Mack is still capable of committing the most heinous acts when she feels it is to her benefit.

The cruel, and inhumane nature of the crime and the calculated efforts to conceal her involvement indicate that Mack is devoid of empathy and remorse, and support the government's recommended sentence.

B. The History and Characteristics of the Defendant

Defendant's criminal history score of one seriously underrepresents the years of physical and financial abuse against her mother which largely did not result in arrests or charges. Further, defendant has had multiple disciplinary issues at the MCC, contrary to defendant's claim that she is a model prisoner who should receive a lesser sentence for her good behavior.

1. Mack Physically, Emotionally, and Financially Abused Von Wiese for Years Before Murdering Her

One of Mack's first contacts with law enforcement was in April 2008 when Mack was 12 years old. GVO Ex. 1. Von Wiese called the Oak Park police after Mack locked Von Wiese in her bedroom and threatened to kill herself by overdosing on pills. *Id.* In January 2010, when Mack was 14 years old, she began to physically lash out against Von Wiese. *Id.* During one incident, Von Wiese and Mack argued over household chores. *Id.* Mack escalated the situation by physically assaulting her mother resulting in police intervention. *Id.* The police report notes that Mack's therapist recommended that Mack be hospitalized due to Mack's history of violence. *Id.*

Police reports also include approximately two dozen calls to the police, mostly between 2010 and 2013 for various incidents, such as physical assaults by Mack against her mother, which ranged from hitting, slapping, biting, and shoving. *Id.*; PSR paras 43, 50-52. The police reports also detail theft and missing child reports that show that Mack was an uncontrollable and violent adolescent who skipped

school, refused help, and lashed out at her mother. *Id.* Below are some of the frightening and violent incidents endured by the victim.

On February 16, 2011, when Mack was 15 years old, Von Wiese reported to police that, in January 2011, Mack shoved Von Wiese to the ground so hard that Von Wiese broke her arm and needed a cast. GVO Ex. 6.



(Photo of Von Wiese With Cast for Broken Arm Caused By Defendant)

On February 17, 2011, Von Wiese reported to police that she and Mack got into an argument earlier that day about Mack doing household chores. *Id.* Mack went around the house breaking plates and picture frames and knocking over furniture. *Id.* Mack violently shoved Von Wiese – who was still in an arm cast from the January 2011 attack – with two hands, causing Von Wiese to fall to the ground. *Id.* Mack disconnected the home telephone handset to try to prevent Von Wiese from calling the police. *Id.* Mack was later arrested, but Von Wiese did not want to press charges against her daughter or for her daughter to be detained. *Id.*

On October 27, 2011, Mack bit Von Wiese on the arm, causing a large bruise, because Von Wiese took her cell phone in an attempt to discipline Mack. *Id.* Von Wiese also reported that Mack slapped and kicked her. *Id.* After being advised of her *Miranda* rights, Mack admitted that Von Wiese was telling the truth. GVO Ex. 2. Mack plead guilty to biting her mother and was placed on a period of juvenile court-supervision. GVO Ex. 3; PSR para. 43.



(Photos of Bite Marks on Von Wiese's Arm Caused by Defendant)

On or about January 8, 2013, when Mack was 17 years old, Von Wiese reported to Oak Park police that, on various occasions since October 2012, Mack physically attacked her, including punching and striking her. GVO Ex. 1. This included an incident on November 13, 2012, during which, as Mack later admitted to police, Mack slapped Von Wiese across the face. *Id.* The violence became so frequent that Von Wiese expressed to the police that she was “afraid that [Heather] is going to kill” her. PSR para. 51. The police contacted Mack’s juvenile probation officer who also conveyed concern about Von Wiese’ safety. Mack’s Probation Officer told the police

that Mack was “completely out of control” and that she was “afraid that Heather may kill her mother.” *Id.*

Not every violent incident resulted in police intervention. Von Wiese’s emails to friends also reveal Mack’s abuse. For example, on June 16, 2014, when Mack was 18 years old, and less than two months before the murder, Von Wiese emailed a friend:

“Heather just ran out of my apartment, shoving me to the floor at the elevator. I discovered when I returned into my room that both my portable home phone and my cell phone were gone. I had the doorman call both numbers and waited in the apartment -- no ring tone for either line. She stole both of my phones when she fled. She was like a psycho when she left - her eyes were scary and she had a smirk on her face that would stop a ghost in his tracks... It so frightens me to see her in this type of state -- yet, I am very concerned about having no phone line at this late hour...if something were to happen, I have no means of help....”

GVO Ex. 8. The next day, Mack stole Von Wiese’ car and disappeared for several days before returning the car. GVO Ex. 22. Von Wiese emailed Mack stating, “you steal both of my phones ... I cannot endure your lies and more lies to cover up for the prior lies. You really do scare me, Heather. I am so very frightened.” GVO Ex. 23.

The police reports reflect Mack’s persistent violence against Von Wiese. Nevertheless, Von Wiese would refuse to press charges or have Mack arrested. *See* PSR, para. 46, p. 14.

Mack also began to steal from her mother at a young age. In November 2010, when Mack was 15 years old, the police arrived at the family home after a thousand dollars in cash went missing. GVO Ex. 1. During the investigation, Mack denied

stealing the cash, but admitted to the police that she secretly stole her mother's credit card and made unauthorized purchases at a clothing retailer. *Id.* In the years that followed, Mack's financial abuse of Von Wiese became endemic, resulting in thousands of dollars of unauthorized purchases and causing Von Wiese to dedicate countless hours of work to undo the financial damage. GVO, Exs. 7, 10-19.

To make things easier, Mack stored Von Wiese's credit card information in her cellular telephone for easy access to account numbers. GVO Ex. 20, 21. Mack repeatedly used Von Wiese's credit cards to make thousands of dollars of fraudulent purchases. The fraudulent purchases for July and August 2014 alone total nearly \$20,000. GVO Exs. 13, 14. Mack also bought expensive items for Schaefer using her mother's money and provided Von Wiese's credit card number to Schaefer for Schaefer's personal use. On or about June 29, 2014, Von Wiese's credit card was used to purchase a \$1,380.19 MacBook computer from Apple. GVO Ex. 12. On July 5, 2014, Von Wiese's credit card was used to purchase two iPhones for \$1,379.13. GVO Ex 11. The items were shipped to Schaefer. *Id.*

Mack's Facebook messages reveal how she helped Schaefer conceal the fraudulent use of the credit card. On May 27, 2014, Schaefer sent a message to Mack asking, "What is your address every time I order food they ask for the billing address []." GVO Ex. 9. A short while later Mack responded with the address where she and Von Wiese lived. *Id.* Moments later, Mack asked, "... what are you doing?" *Id.* Schaefer responded, "I'm ordering a sweater! Hehe. I need your moms full name and zip code though!" *Id.* When Mack did not respond quickly enough, Schaefer again

messed, “[a]nd I need your moms like full name and ur zip codeee.” *Id.* Mack responded, “Sheila von Wiese 60610.” *Id.* Mack followed up and advised, “[y]ou should ship it to jakes.” *Id.* At that point, Schaefer responded, “Ok I will so it’s like not trackable ha.” *Id.* Mack said, “atta boy,” encouraging the concealment of the fraud. *Id.*

The fraudulent purchases and abuse became more brazen as the Bali trip and Von Wiese’s murder neared, culminating in Mack’s and Schaefer’s arrest at a hotel in Chicago less than two weeks before Mack and Von Wiese traveled to Bali. Mack used Von Wiese’s credit cards for thousands of dollars in hotel room reservations and room service for her and Schaefer at multiple Chicago hotels in July 2014. GVO, Ex. 17. In addition to the charges for the hotel stays, Mack also charged \$743.11 for room service and other hotel charges to her mother’s credit card, on a single day (July 23, 2014). GVO, Ex. 18. Mack’s desire for unrestricted use of her mother’s assets was ultimately a primary motive for the murder.

2. Mack’s Disciplinary Issues While at the MCC

According to the PSR, since her November 2021 arrest on the current charges, Mack has been cited at the MCC for six disciplinary incidents. PSR, para. 7. The defendant has averaged one disciplinary incident every 4 months of her detention at the MCC. This includes citations for phone abuse, disruptive conduct, possession of drugs and alcohol, mail abuse and for tampering with a urinalysis test. *Id.*

The defendant’s frequent disciplinary issues at the MCC illustrate that she is not amenable to rules and order. In the broader sense, the infractions undercut the

defendant's argument that her heinous criminal behavior was due to her young age. Even now, as the defendant awaits sentencing for murdering her mother and at a time when the stakes for her future cannot be higher, she lacks the discipline or willingness to follow the rules of the MCC, even going so far as to tamper with a urinalysis test. Contrary to her sentencing position memorandum, defendant has not demonstrated good behavior at the MCC and her multiple disciplinary issues do not support defendant's proposed, and woefully inadequate, sentence.

C. The Defendant's Mitigation is Already Factored into the Government's Recommended Sentence

The government's recommended below-guideline sentence accounts for defendant's mitigating factors, particularly her young age at the time of the offense and time spent detained in Indonesia. Notably government's recommended sentence of 28 years in BOP custody, even when taken in combination with the defendant's 7 years' imprisonment in Indonesia resulting in a total of 35 years' of imprisonment, is well below the guidelines sentence of life in prison given defendant's young age. Conversely, defendant's recommendation of 8 years in BOP custody is wholly insufficient in light of the nature of the offense, the defendant's underrepresented criminal history, and the need for just punishment, adequate deterrence, and to promote respect for the rule of law.

1. The Defendant Was Not Neglected or Abused Justifying a Sentence Below 336 Months

In an attempt to mitigate the offence and seek a reduced sentence, Mack has reported that she was "neglected and abused" by her mother. PSR, para. 60, p. 18;

Dkt. 117, p. 5. She also alleges that she was the victim of domestic violence perpetrated by Schafer. Dkt. 117, p. 7. Neither Von Wiese nor Schaefer are available to rebut these allegations. However, the objective evidence either contradicts the defendant's self-serving claims or otherwise shows that defendant is exaggerating the claims to try and bolster her mitigation claims. However, even assuming the veracity of these claims, the government's recommended sentence, which is already below the guidelines, takes into account this alleged mitigation. Under the circumstances, 336 months is the appropriate sentence.

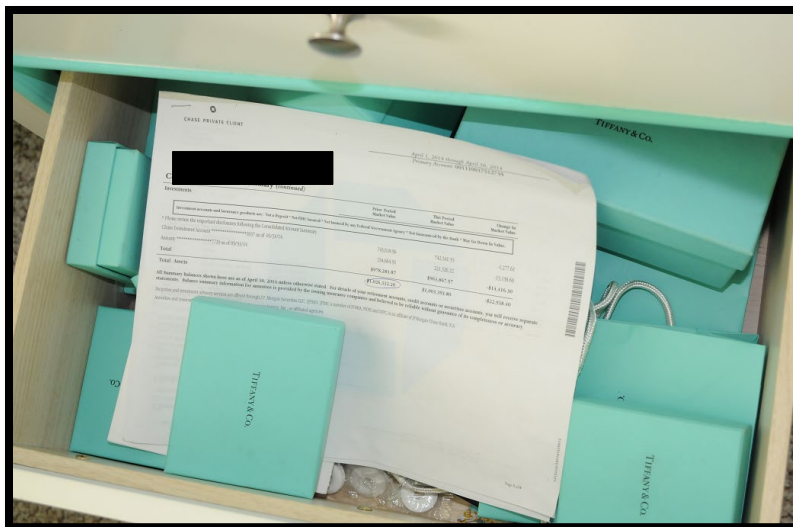
Mack makes a variety of claims concerning the relationship with her mother. She alleges that Von Wiese was "sometimes physically violent towards" her (*Id.*, p. 6); that her mother was frequently intoxicated and that her mother "lashed out" when the defendant "hid" the alcohol and car keys to "prevent her from driving drunk." *Id.*, p. 5-6); and that her mother would "frequently denigrate [the defendant] for looking more like her father, a black man." *Id.*, p. 6. Mack also alleges that she suffered from incontinence as a child that her mother believed resulted from a medical condition that required surgery. *Id.*, pp. 6-7. The defendant claims that law enforcement would intervene, and typically acknowledge and accept Von Wiese's narrative. *Id.*, p. 6. She even reported to Probation that her mother said that she (Von Wiese) she had something to do with the death of her father. PSR, at para. 62, p. 18.

Apart from Mack's own statements, there is little evidence to support these allegations. The government is not suggesting that the defendant and her mother shared a positive relationship. However, given Mack's countless false and misleading

statements, any and all claims made by Mack should be carefully scrutinized. The objective evidence is that despite enduring years of abuse, Von Wiese loved her daughter and did everything she could to provide the best for her. Far from neglect or abuse, Mack was a child who was provided for financially and given many opportunities.

According to information in the PSR, the defendant “went on ‘amazing’ and ‘luxurious’ vacations” and was “spoiled” by Von Wiese. PSR, para. 74, 75, p. 23. The Sentencing Recommendation by the Department of Probation also noted that Mack was “provided with everything she needed and wanted materially, she seemingly used her mother’s cash, checks, and credit cards as if they were her own personal automatic teller machine (ATM), and even granted her friends and boyfriends access to the benefits of her mother’s funds, including Defendant Schaefer.” Sentencing Recommendation, p. 5.

It is also worth noting that a search warrant executed at Mack’s residence after Von Wiese was murdered, revealed that inside of Mack’s desk drawer she kept a copy of Von Wiese’s bank account information that showed a balance of over one million dollars. GVO Ex. 76. A closer look at the desk drawer also revealed six Tiffany & Co. boxes. *Id.* This is hardly the desk drawer of a neglected or financially deprived young adult.



(Photo of Mack's desk drawer showing bank account and Tiffany and Co. boxes)

Apart from the defendant's own self-serving statements, there is no evidence that Von Wiese held racial animus toward the defendant or others. The objective evidence is that Von Wiese fell in love with and married her husband, a black man, and they had the defendant as their only child. PSR, para. 62. When her husband had health problems, the undisputed evidence is that Von Wiese did not abandon her husband, who required the use of a wheelchair. Dkt. 117, p. 4. Instead, Von Wiese became his caretaker, an emotionally and physically challenging role. PSR para. 59.

The evidence also demonstrates that Von Wiese loved her daughter and provided her with everything she needed and wanted, even after Mack's repeated violent attacks. For example, even after the defendant's outrageous conduct related to her July 23, 2014 arrest for charging thousands of dollars at Chicago area hotels using her mother's stolen credit card, Von Wiese purchased Mack a new cellular telephone. GVO, Ex. 19. In a July 30, 2014, email to a friend, Von Wiese noted, "Heather played me again for the new iPhone []. More lies and more dangerous

behavior. I discovered that she is pregnant once again. So very sad.... she told Tommy that she played me 'like a pro' to get her new iPhone and that I am so 'stupid'.... Just terrible. I discovered that the two iPhone that were stolen on my Chase card were given to Tommy, the homeless boyfriend. I fear once again for what will happened.... A 'good day' turned in my face -- once again.”³

Far from racial animus toward her daughter, this email and the background with Mack's arrest only the week before demonstrate that there was nothing that Von Wiese would not do for her daughter, even after falling repeatedly victim to Mack's physical and financial abuse. Sadly, Mack used the same cellular telephone purchased by Von Wiese to communicate with Schaefer and provide him with the instructions about when to murder Von Wiese in the hotel room.

The defendant also attempts to minimize the severity of her frequent violent attacks she perpetrated against her mother, as described above. She claims that Von Wiese lashed out after Mack hid the alcohol and keys. Dkt. 117, p. 6. Mack complains that the police would typically accept Von Wiese's narrative. *Id.* This is an effort to falsely portray Mack as the caring child. However, the objective evidence does not support the defendant's unsubstantiated claims. The court is in possession of dozens of police reports (about 166 pages) spanning seven years of police responding to the family home. GVO Ex. 1. None of the reports corroborate the defendant's claims. It

³ Email provided to defense counsel in discovery in November 2021, as Bates No. Media 34.

is simply not credible, that the police would repeatedly ignore statements by defendant.

All of the above casts a serious doubt on the veracity of the defendant's claims regarding her mother. The undisputed facts are that, despite Mack's frequent cruelty and abuse, Von Wiese still took Mack on the fateful trip to Bali to get her away from the issues at home. Mack, an 18-year-old with no money of her own and after repeated acts of violence and theft against her mother, traveled on a first-class ticket to Bali and stayed at luxury resorts. Mack's claims of neglect and abuse are not credible.



(Mack And Von Wiese Flying First Class To Bali On August 2, 2014)

The defendant's sentencing memorandum also alleges that Mack suffered "abuse and violence during her relationship with Mr. Schaefer." Dkt. 117, p. 7. However, the defendant offers no specifics. The objective facts cast doubt on the defendant's claims.

For example, the Court is in possession of 545 pages of text messages between Mack and Schaefer. GVO Ex 33. One thing that can be said is that, like most young people, they were prolific text messengers. They texted about everything. In addition to texting about the details of the murder itself, the topics covered in the messages include details about arguments and disagreement they had, their future goals in life, frank discussions about prior relationships, and intimate details of their own relationship. However, none of these messages reveal or imply any sort of physical abuse or domestic violence. Instead, the frank messages from Schaefer appear to bolster Mack's confidence and express his adoration for her. The opposite of what she is saying now.

Second, while the defendant was incarcerated in Bali, she exchanged several text messages with a friend back in the United States. In those messages she described Schaefer as "perfect" and texted her friend that "tommy is the first I ever truly let in 100 percent." GVO Ex. 79. She also said, "he truly makes me feel like I can be anything I want now." *Id.* Mack also texted, "I want to marry him, he's perfect for me." *Id.* Again, the objective evidence casts serious doubts about the veracity of the defendant's claims.

2. The Court Should Not Reduce the Defendant's Sentence Based on Conditions of Incarceration and the Government's Sentencing Recommendation Already Accounts for Mack's Time Served in Bali

Contrary to the defendant's claims, the conditions of the defendant's incarceration in Indonesia do not merit a sentence below 336 months, a sentence that is already below guidelines. The defendant claims that during her incarceration in

Bali, she lacked basic plumbing, suffered from crowded conditions, was expected to cover her head like other Muslim female inmates, and that the facility was infested with vermin. Dkt. 117. Even assuming the veracity of these claims, the sentence of 336 months, which is already below the guidelines is a just punishment in this case. Nonetheless, the objective evidence casts doubt on the defendant's claims about the conditions of her incarceration in Indonesia.

In a media interview in May 2019, Mack said of her Indonesian prison, "this is probably the best prison in the world." GVO Ex. 77. Mack explained that "I was pregnant when I got here and they let [Mack's daughter] stay with me until she was two. I would not be the kind of mother I am today and [Mack's daughter] would not be such a happy child if it weren't for the Indonesians. They have taught me so much about patience and nurturing and how to be a good mother." *Id.* Mack further noted that, "one night [Mack's daughter] got sick and I had three people helping me: a doctor taking care of [Mack's daughter], a nurse showing me how to hold her and another lady making me a cup of tea." *Id.* She also noted that, "over there [in the U.S.] it's like 'prisoner 1161.' Here [in Indonesia] they call you by your name. There's really no punishment here, it's just about rehabilitation. Yes, I'm locked up but I'm happy. My life is better now than it ever was before. I'm far happier than I was living with my mother in Chicago." *Id.*

Mack even had access to a cellular telephone in prison. She used that phone to take videos of herself and communicate with associates in the United States. In January 2016, Mack exchanged private WhatsApp messages with an associate in the

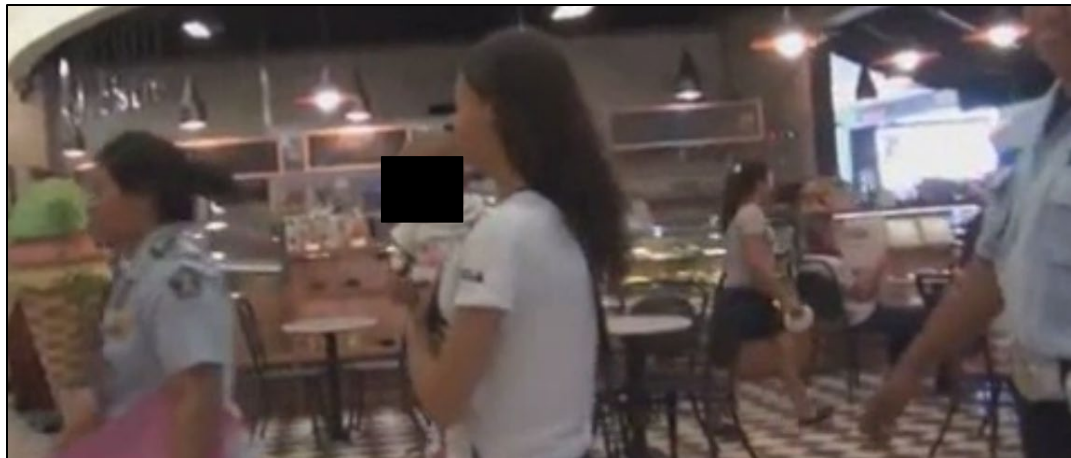
U.S. GVO Ex. 79. Mack explained that Schaefer bought a cell phone from a guard using Mack's money and gave it to Mack. Mack wrote that, "yeah were (sic) treated really well cause everyone here knows what happened. They just want us to go home. . . I'm just with Tommy [Schaefer] all day and he plays basketball and tennis and soccer." *Id.* She went on to suggest that she was having sexual relations with Schaefer in prison and that "jail is the place to be." *Id.*

Mack was also featured in various videos taken by her or media outlets that show aspects of her incarceration, that contradict her current claims:

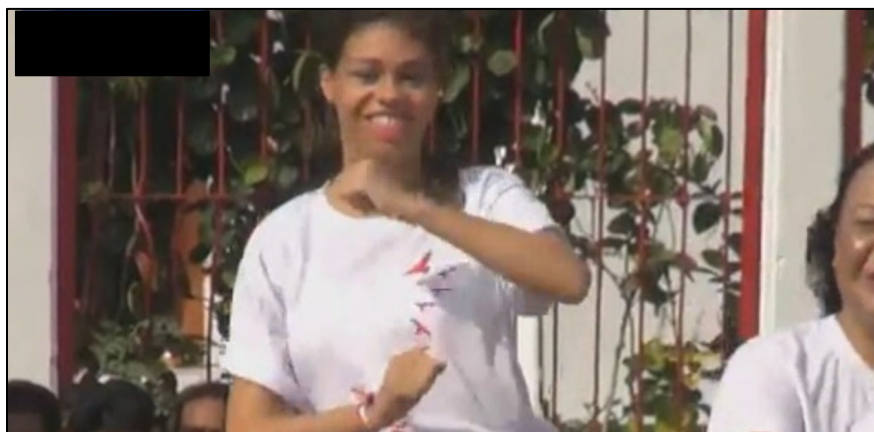
- In an undated video taken by a news organization, Mack is seen with her infant daughter outside of the prison. The video shows Mack dressed in clean civilian clothing getting into a civilian car with her child and escorted by police (see below). In the video she makes derogatory comments toward the FBI and appears relaxed, healthy, clean, and carrying a baby bag filled with what appears to be supplies for her child. GVO, Ex. 80.



- Another undated video taken by a news organization reflects a similar scene. Mack, as seen below, accompanies her child to a doctor's appointment outside of the prison. Mack is wearing clean civilian clothing and she appears to be in good health and spirits. GVO, Ex. 81.



- Another video by a news organization shows Mack participating in a dance routine with other female inmates as part of Indonesia’s Independence Day celebration. As seen in the image below, Mack is healthy, wearing clean civilian clothes, smiling and joking with the other participants. GVO, Ex. 82.



- A video by a news organization appears to take place shortly after the dance routine discussed above. In this video, it shows Mack laughing and joking while discussing her child and possible prison sentence. GVO, Ex. 83.
- An undated video by a news organization includes short clips of Mack using her cellular telephone to take a video of herself smoking (as seen below). In the video Mack tells the camera, “we’re camping!” in apparent reference to food being prepared on an outdoor patio and exclaims, “I wanna go to the beach today ... let’s go the beach!” GVO, Ex. 84.



- A news article also indicates Mack, while incarcerated, was partying, drinking alcohol, and doing drugs. The article includes several social photographs, as depicted below, showing Mack in social situations, such as huddled with friends, wearing makeup, and smoking a cigarette. Mack herself admitted to using drugs and alcohol in prison in Indonesia. PSR, para. 98-99; GVO, Ex. 85. (More recently, as described above, the defendant was cited by the MCC for violating rules related to drugs and alcohol.)



- Another video, that Mack took of herself while incarcerated, shows her lying on a bed as she jokes with others in the room. As seen in the image below, Mack is smiling and laughing throughout the 24 second video. GVO, Ex. 86.



These images directly contradict her current claims.

Additionally, as the PSR noted, in 2016, during a meeting at the prison between the FBI and the warden, the defendant and Schaefer barged into the meeting and yelled at the warden. PSR, para. 44, p. 14. Astonishingly, the defendant does not dispute that she barged into the meeting, only that she “never yelled at the warden.” Dkt. 117, pp. 1-2. Barging into the warden’s office and interrupting the warden’s meeting with the FBI, while unescorted and unannounced, is not normal inmate behavior. It is indicative that the defendant had limited restrictions on her movements and conduct, and likely used her status as a celebrity and the thousands of dollars from the Trust to gain influence inside the prison.

The defendant attempts to explain all of this by claiming that she was pressured by the warden to “represent the facility in a positive light.” Dkt. 117, p. 24. However, this explanation makes no sense because as noted above, in private WhatsApp messages she expressed similar positive sentiments about facility.

Additionally, the videos and photographs by the government speak for themselves. The videos and photos corroborate the statements she made to the press and to her friend and contradict the defendant’s current self-serving claims. The

videos and photographs show the defendant dressed and behaving as if she was a nightclub, not a prison. Based on the totality of the circumstances, the Court should not reduce the sentence under 336 months because of the conditions of incarceration in Indonesia.

3. Defendant Does Not Have Extraordinary Family Circumstances

The defendant has not demonstrated extraordinary family circumstances to warrant a sentence below 336 months. However, even assuming those circumstances existed, 336 months is an appropriate sentence. “The Sentencing Guidelines advise that a defendant’s family ties and responsibilities are not ordinarily relevant in deciding whether to depart from the guideline range.” *United States v. Reed*, 859 F.3d 468, 473 (7th Cir. 2017); see U.S.S.G. § 5H1.6. As noted in *Reed*, “[e]very sentencing judge knows that a prison sentence will impose hardships on an offender’s family.” Only “truly extraordinary family circumstances can provide a legitimate basis for a lighter or below-guideline sentence....” *Id.* As conceded by the defendant, “[t]he rationale for a ‘downward departure’ based upon family circumstances ‘is not that family circumstances decrease [a defendant’s] culpability, but that we are reluctant to wreak extraordinary destruction on dependents who *rely solely* on the defendant for their upbringing.” Dkt. 117, p. 28, citing *United States v. Johnson*, 964 F.2d 124, 129 (2nd Cir. 1992) (emphasis added). The extraordinary circumstances usually involve the financial support of children and other family members with disabilities that rely almost exclusively on the defendant for care and support. That is not the case here.

Although the circumstances are heartbreaking, the circumstances are not extraordinary. The defendant has not resided with her daughter since the child was two years old, nor is the defendant financially supporting her. PSR, para. 67. In other words, the child does not rely on the defendant for her upbringing. Also, under the circumstances, the child was born while the defendant was incarcerated and has not resided with the defendant since 2017, when the child was two years old. *Id.* In fact, the child has never resided with the defendant outside of prison.

As noted by the Sentencing Recommendation, the victim's niece (the defendant's maternal cousin) was "awarded guardianship of [the child] and appears to be doing her best to provide a more stable life [], including providing her with counseling and support, regular medical care, and socialization with other children. Sentencing Recommendation, p. 3. The current custodian noted that before taking custody, the child had several rotten teeth and lacked several vaccinations. PSR, para. 70, p. 21. In this case, imposing a sentence of 336 months will not "wreak extraordinary destruction" on the family unit because the defendant is not and has not been responsible for the upbringing of her child. *Johnson*, 964 F.2d at 129.

4. The Defendant is More Culpable than Bibbs

The defendant argues that to avoid a sentencing disparity with Bibbs, the Court should adopt the defendant's sentencing recommendation. However, Bibbs and Mack do not share the same culpability, something that the government recognized at Bibbs' sentencing and accounted for in its sentencing recommendation for Bibbs.

For instance, the defendant's sentencing memorandum notes that Bibbs' sentencing guidelines were 210 to 262 months, but he only received 109 months (9 years). Dkt. 117, p. 12. However, despite the extensive detail provided by the defendant, a critical detail is missing. The defendant failed to note that Judge Pallmeyer's sentence of 9 years was consistent with the government's recommendation of 9 to 11 years. GVO, Ex. 75. The government's recommendation in the Bibbs case, like in this case, was below the sentencing guidelines to account for his level of culpability.

To allege that Mack and Bibbs are closely aligned for purposes of sentencing is a misreading of the evidence and factual record. Bibbs discussed the murder with Mack and provided advice to Schaefer about how to murder Von Wiese. However, Bibbs did not orchestrate the murder or execute the plan. It was Mack, not Bibbs, who plotted the murder in the first place; enticed Schaefer with millions of dollars to murder Von Wiese; secretly booked Schaefer's \$12,000 plane ticket with the victim's credit card; secretly booked his hotel room; secretly texted Schaefer updates as she waited for Von Wiese to fall asleep; slowly and quietly opened the hotel room door to allow Schaefer to quietly enter and kill Von Wiese; covered Von Wiese's mouth during the murder; and stuffed Von Wiese's body into a suitcase and placed it in the back of taxi. It was defendant, not Bibbs, who took all these steps after inflicting years of physical, emotional and financial abuse against Von Wiese.

5. The Government's Sentencing Recommendation Adequately Accounts for the Defendant's Age at the Time of the Murder

The Government's sentencing recommendation of 336 months is below guidelines and accounts for the fact that the defendant was 18 years of age when she conspired to murder her mother. Using the statutory factors, a term of 336 months is a reasonable and just sentence that already accounts for the defendant's age.

The defendant argues that the defendant's age is a mitigating factor. The government agrees, the question is to what extent does the defendant's age support a sentence below 336 months, a sentence that is already below the guideline's recommendation of life.

In broad strokes, this case involved a particularly heinous murder that was planned and executed by the defendant over an extended period of time. The murder itself was committed against the backdrop of years of documented physical, financial, and emotional abuse of the victim by the defendant. The facts also include the defendant's lies and coverups after the murder, including the depraved act of stuffing her mother's body into a suitcase. The government agrees that the defendant should not get life in prison, however, the sentence must reflect the seriousness of the offense and afford adequate deterrence to criminal conduct. The government and the Department of Probation's independent assessment recommend a term of 336 months' imprisonment.

Moreover, a closer evaluation of the cases cited by the defendant's sentencing memorandum actually supports the government's position. For example, the defendant's sentencing memorandum relies heavily on *United States v. Ramsay*, 538

F.Supp.3d 407 (S.D.N.Y. 2021). Dkt. 117, p. 13 (“Ramsay ... provides an excellent summary and state of law.”) Ramsay concerned a 17-year-old who shot at a rival gang member and accidentally killed two bystanders, after being ordered to do so by gang superiors. He was sentenced in 1998 to life in prison. In 2021, pursuant to the First Step Act, 18 U.S.C. § 3582(c)(1)(A)(i), a District Judge in the Southern District of New York reduced the sentence to 360 months. The Court evaluated many factors, and did not rely only on the defendant’s age. The sentence in *Ramsay*, taking account of the individual factors of that case, is also within the same general range of the government’s recommended sentence in this case.

The defendant also cites to *United States v. Golding*, 05-cr-538, 2022 WL 2985014 at *3 (S.D.N.Y. July 27, 2022), another case brought pursuant to the First Step Act. In this case, the defendant was working for Shawn Peterkin, who ran a drug operation in the Bronx. According to the facts of the case, Peterkin and his family were assaulted by a rival drug dealer. In 2005, Peterkin, the defendant and others saw the rival drug dealer and gave chase, eventually shooting and killing the rival. In 2008, the defendant was sentenced to “thirty-five years in prison.” *Golding v. United States*, No. 05CR538-JSR, 2014 WL 2959296, at *3 (S.D.N.Y. July 2, 2014), report and recommendation adopted, No. 05-CR-538 JSR, 2014 WL 4977481 (S.D.N.Y. Sept. 29, 2014). Again, the court did not rely only on the defendant’s age, rather citing the defendant’s prison rehabilitation and other factors, the District Judge reduced the sentence from 420 months to 378 months’ imprisonment. Again, this sentence is consistent with the government’s recommended sentence in this case.

The defendant also discusses *United States v. Rosario*, No. 99-CR-533, 2018 WL 3785095, at *1-2 (E.D.N.Y., Aug. 9, 2018). Rosario, who was 17 at the time of the offense, was one of four defendants convicted for a robbery gone bad that resulted in the deaths of 4 persons at a bodega in New York City. However, this case also offers little support for the defendant. The District Judge reduced the sentence to 28 years. In reducing the sentence, the Court considered a myriad of factors, not just age. Indeed, the Court did a deep dive into the specific facts of the case. The Court noted that crime “was planned” by others; “Rosario’s role in this crime was supposed to have been limited—he was told to hide in the basement of the bodega until after closing time, subdue anyone who remained, and let the other robbers in;” after being discovered hidden, Rosario left the store instead of getting his gun, but was ordered to return by his much older confederates; and that Rosario had “agreed to participate in an armed robbery, not to shoot anyone.” *Id.*, at 2, 7.

All of the cases cited by the defendant use age as one factor of many in the sentencing process. Each case is evaluated based on the facts and the history and characteristics of the defendant. A common theme in these cases is that the defendants were working with other older confederates. They were not the masterminds of the offense. Also, in some of the cases cited in the defendant’s sentencing memorandum, the prisoners grew up in impoverished neighborhoods plagued by crime and in broken homes, much different than the defendant. In all these cases, the defendants received sentence reductions resulting in sentences significantly higher than Mack’s proposed sentence here.

Here, Mack was not influenced by older confederates seeking street justice or a quick buck at a convenience store. To quote Schaefer, Mack was the “mastermind” of the operation that planned the premeditated murder of her own mother. GVO Ex. 34. The government’s recommendation, and that of the Department of Probation, already account for the defendant’s age and other potential mitigating criteria in recommending a sentence of 336 months.

V. A Fine of \$250,000 is Appropriate

The Court should impose a fine of \$250,000, the maximum permitted by law for the offense at conviction. Pursuant to Section 5E1.2(a), “[t]he court shall impose a fine in all cases, except where the defendant establishes that [s]he is unable to pay and is not likely to become able to pay any fine.” Pursuant to U.S.S.G. § 5E1.2.(c)(3), the recommended fine is a minimum of \$25,000 and a maximum of \$250,000. The government’s recommendation is appropriate because (1) it is within the sentencing guidelines recommendation; (2) is appropriate given the nature of the offense; and (3) accounts for the defendant future ability to pay. Based on the high-profile nature of this case, along with the sordid details surrounding the murder, it likely that the defendant will make significant profits from the sale of her story.

For the last nine years, the media has closely followed the details of Mack’s cases in both Indonesia and before this Court. According to the PSR, the defendant’s “unofficial godmother,” Diana Ellis, is co-producing a docuseries of Mack’s “life and crime.” PSR, para. 72, p. 22. Ellis reported that the docuseries about Mack’s story “is expected to earn a significant amount of money...” and that “she intends to set a

portion of the profits aside for Defendant Mack to reenter society ‘comfortably.’ *Id.* at para. 77, p. 24. Ellis did not share the details of the exact financial arrangement between Mack and Ellis.

Apart of the money that Ellis promised to set aside for Mack, the government is aware of an August 2021 contract between Mack and Ellis and a media company regarding, the “development and production of a documentary-style television program, movie, and/or web-series based on the life stories, experiences, and association with the deceased Sheila Von Wiese Mack, Heather Mack (the ‘Bali Suitcase Story’ or the ‘Project’).” The government obtained only the first page of this contract from a party to a custody case related to Mack’s child, and provided this page to Probation and defense counsel. (Attached as Exhibit 1.) The remaining pages including the details of the financial agreement is unknown. However, the existence of the contract corroborates the information Ellis provided to Probation concerning the docuseries and the profits that Mack is expected to receive. The money Mack is to receive, of course, is the direct result of Mack’s conspiracy to murder her mother.

The existence of this contract may explain why the defendant failed to complete the financial investigation forms provided by the Probation Department. *See PSR*, para 54, p. 16 (“The forms were discussed during the interview and Defendant Mack was provided with instructions on how to return the forms. To date, the forms have not been received.”). The existence of this contract and the arrangement with Ellis means that Mack will sadly continue to financially benefit from her mother. This time, however, the profit will not be stealing credit cards, but will be the direct result

of the brutal murder of her mother. Thus, the defendant will have the future ability to pay a fine.

The Court is permitted to take into account the money the defendant is expected to earn as a result of media deals for the purpose of calculating a fine and, as described further below, restitution. The Court may fashion a fine based on the defendant's potential for future earnings. *United States v. Isienyi*, 207 F.3d 390, 393-94 (7th Cir. 2000) (upholding the imposition of a fine based on potential for future earnings over the course of defendant's prison term and, if necessary, during his period of supervised release). In the context of an order for restitution, the Seventh Circuit has held that future assets acquired through potential media deals is an appropriate consideration. In *United States v. Fountain*, the defendants appealed to the Seventh Circuit an order for restitution on the basis that the defendants were indigent. 768 F.2d 790, 802 (7th Cir. 1985). In upholding a District Court's restitution award the Seventh Circuit held that it was appropriate for the District Judge to consider the possibility that the defendants "might have a story to sell to a publisher" Taking a sensible and common-sense approach, the Seventh Circuit commented that "[t]his is a proper ground for ordering restitution beyond the defendants' present or foreseeable ability to pay. The prospect that these multiple murderers might someday be cashing royalty checks for the stories of their crimes while their victims remain uncompensated for the losses that the murderers inflicted is an insult to the victims and an affront to the society's moral beliefs." *Id.* at 802-03 (7th Cir.).

Given the circumstances of this case, it is appropriate and just to impose the maximum fine. Anything short, may lead to the unjust result of Mack profiting from her crime, which sadly was one of Mack's primary motives for the murder of her mother.

VI. Restitution in the Amount of \$ 262,708 is Appropriate

Restitution in this case is discretionary under 18 U.S.C. § 3663. The government respectfully requests that the Court order Mack to pay restitution in the amount of \$262,708 to Von Weise's estate (The Shelia Von Wiese Trust), the sole beneficiary of whom is defendant's minor child.

Pursuant to 18 U.S.C. § 3663, the Court has authority to order restitution. Title 18 U.S.C. § 3663 states that the court may order "that the defendant make restitution to any victim of such offense, or if the victim is deceased, to the victim's estate" for any convictions under Title 18. *See* 18 U.S.C. § 3663. The Court is to consider "the amount of the loss" to the victim caused by the offense and the "financial resources," including the needs and earning ability of the defendant and her dependents. *Id.* In addition, as noted above, the Court may take into account future media deals in deciding whether to order restitution. *Fountain*, 768 F.2d at 802.

The Mandatory Victim Restitution Act (MVRA) under 18 U.S.C. § 3663A is not triggered because the defendant's count of conviction does not fall within one of the categories outlined in Section 3663A(c). The defendant pleaded guilty to one count of conspiracy to commit murder, which is not a crime of violence under 18 U.S.C. §16, that would qualify for the MVRA under §3663A(c)(1). Dkt. 108 at 2. Title 18, U.S.C.

§ 16 shares the same definition as 18 U.S.C. § 924(c) and requires that the use, attempted use, or threatened use of physical force is an element of the offense, or that “by its nature” the felony involves a “substantial risk that physical force” would occur while committing the felony. “Conspiracy is an inchoate offense, the essence of which is an agreement to commit an unlawful act.” *Iannelli v. United States*, 420 U.S. 770, 777 (1975). Inchoate offenses do not specifically require the use, attempted use, or threatened use of force, and thus do not satisfy the statutory requirement. However, as discussed above, the court has the discretion to order restitution and it should exercise that discretion here.

According to the government’s expert, had she not been murdered in 2014 at the age of 62 years and 2 months, Von Wiese, a white woman of average health, would have lived another 23.9 years and died at the age of 86. (Attached as Exhibit 2.) Von Wiese received \$916 per month in social security benefits. (Attached as Exhibit 3.) Using this figure alone, and not including cost of living increases over the period of her expected life, Von Wiese would have earned \$262,780 in social security income.

As noted above, Mack’s income potential is quite high. The story of her crime is world famous, and she has likely already entered into a media contract that is expected to earn Mack a significant amount of money. The money generated as a result of this heinous crime should go to the victim’s estate rather than the defendant.

VII. Supervised Release

The government concurs with Probation's recommendation that a supervised release term of 5 years – the maximum available – should be imposed, given the violent nature of defendant's offense and in light of defendant's lengthy and continuous criminal history beginning from a young age and continuing through more recent disciplinary issues at the MCC.

Conclusion

Based on the foregoing, the Government's recommended sentence of 336 months of imprisonment, followed by 5 years of supervised release, a fine of \$250,000 and enter an order of restitution in the amount of \$262,708 is warranted and sufficient, but not greater than necessary to achieve goals of sentencing.

Additionally, the government's recommended sentence of 336 months, which is below the guidelines, already takes into account the mitigating factors proposed by the defendant. Even if the guidelines did not recommend life imprisonment, the facts of this case warrant a sentence of 336 months. First, the premediated nature of the conspiracy, Mack's months long effort to find someone to kill her mother, the numerous opportunities to turn back from the criminal scheme, the vulnerable nature of an older adult victim, the violent surprise attack on Von Wiese as she was asleep, the depraved act of stuffing her mother's body into the suitcase, the numerous false statements to cover up the scheme, the lack of remorse, and other facts warrant 336 months' imprisonment. Additionally, the defendant inflicted years of physical, emotional, and financial abuse on her mother and in the process committed numerous

criminal offenses that went unpunished. These additional criminal offenses included numerous domestic assaults, countless incidents of credit card fraud, and thefts. All of these actions targeted Von Wiese.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Ann Marie E. Ursini, an attorney, certify that I served a copy of the foregoing Government's Sentencing Memorandum by filing the same using the CM/ECF System, and that a copy will be provided to all parties of record designated to receive notice.

Respectfully submitted,

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ELLIS/MACK P&L MEDIA AGREEMENT

August 17, 2021

This agreement is entered into by Diana Ellis and Heather Mack collectively ("Ellis/Mack") and P&L Media LLC ("P&L") with respect to the development and production of a documentary-style television program, movie and/or web-series based on life stories, experiences and association with the deceased Sheila von Weise Mack, Heather Mack and Heather's friend Tommy Schaefer (the "Bali Suitcase Story" or the "Project").

For valuable consideration of all the rights, licenses, privileges and property herein conveyed, the receipt of which is hereby acknowledged by the undersigned parties, the parties hereby agree as follows:

1. Ellis/Mack have personal knowledge, information and recollections related to the Project and own the rights to all information including videos, interviews, letters and pictures regarding the Bali Suitcase Story ("Project Information"). Ellis/Mack hereby grant and convey to P&L the rights to such Project Information for use in the creation, development, production, advertising and distribution of the Project.
2. Ellis/Mack agree they will both not appear on any television shows or give any media interviews pertaining to the Bali Suitcase Story and/or the life story of Heather Mack without the prior written consent of P&L Media.
3. Ellis/Mack agree that P&L Media, LLC shall have the exclusive right to pitch/shop the Project to Networks, film and television producers and financiers and digital media for a period of one year from the date of the signing of this agreement and by mutual agreement negotiate any and all deals relating to the project subject to the terms of this agreement. In the event that Ellis and P&L Media accept a firm written commitment from any third party buyer or licensee for the development or production of the project then the terms of this Agreement shall apply.
4. Ellis/Mack agree that in the event of a disposition of the project to a third-party buyer (i.e. a Network, television or film studio, or financier) P&L shall be attached as the production company.
5. P & L will have the sole and exclusive right to secure copyright registration of such productions, and any other versions or adaptations of the Project, and any soundtracks or recordings in connection with the Project.



Chobanian and Avedisian
School of Medicine



Thomas Perls MD, MPH, FACP
Robert Dawson Evans Distinguished Professor
Department of Medicine & Geriatrics Section
Director, New England Centenarian Study

November 12, 2023

Scott D. Heffron
Assistant United States Attorney
219 S. Dearborn St., Suite 500
Chicago, Illinois 60604
312-886-4190

Re: Sheila Ann Von Weise

Dear Asst US Attorney Heffron,

Thank you very much for requesting my assistance in this case. I understand that you would like my estimated life expectancy determination for Ms. Von Weise had she not been murdered in 2014 at the age of 62 years and 2 months.

My Qualifications: I am a Distinguished Professor of Medicine and Geriatrics at Boston University School of Medicine and its teaching hospital, Boston Medical Center. I earned my medical degree in 1986 at the University of Rochester School of Medicine and completed a 3-year Internal Medicine Residency at Harbor-UCLA Medical Center in Torrance, California in 1989. I was Board Certified in Internal Medicine, passing the Internal Medicine Board examination in 1990. I was then a Registrar (Fellow) in Geriatrics at the Mount Royal Hospital in Melbourne Australia for 6 months and then a Geriatrics Clinical and Research Fellow for 3 years at Harvard Medical School. I passed the Geriatrics Board examination in 1994 and passed the exam ten years later in 2004 and again in 2014. Since 2002, I have been a Senior Attending Physician on the hospital's inpatient Geriatrics Service and I teach and supervise Geriatrics Fellows, Medical Residents and medical students while they are on the Service. I also have attending privileges at three Boston area nursing homes. In recognition of my clinical, teaching and research activities in the medical specialty of internal medicine and Geriatrics, I am a Fellow of the American College of Physicians, the American Geriatrics Society and the Gerontological Society of America. I am licensed to practice Medicine in the state of Massachusetts.

Additionally, I completed an Agency for Health Care Quality Assurance Fellowship at Brown University. I obtained my Masters in Public Health (MPH) in 1993 with a concentration in Quantitative Statistical Methods at the Harvard School of Public Health. I am on the Editorial Board of the Journal of the American Geriatrics Society. I peer-review approximately 10 scientific manuscripts a year for a broad array of scientific journals. I also recently finished a 3-year membership on a grants review committee for the National Institute of Aging at the National Institutes of Health. I am a member of the Society of Actuaries Research Institute's Mortality Expert Panel. Additionally, I have been, for the past 25 years a National Institutes of Health-funded Principal Investigator

in the study of Longevity and Healthy Aging. In 1995, I founded the New England Centenarian Study and since then I have directed this study which is the largest study of centenarians (people over the age of 100 years old) in the world. I have authored or co-authored over 190 peer-reviewed articles and chapters on the subject and am regarded as one of the world's experts on the subject of successful aging and centenarians particularly in the areas of demography and medical and genetic determinants of exceptional longevity.

A number of articles I have written, including those published in Scientific American, the Proceedings of the National Academy of Sciences, the Lancet, the Journal of the American Geriatrics Society and the Journal of Gerontology directly address life expectancy of men and women. I am also the developer of the livingto100.com life expectancy calculator, which is an educational tool that many high school and college students use, among others, for coursework in health education. Please note that this is an education tool to help people understand the impact of their health-related behaviors upon their life expectancy. I did not use this tool in any way to estimate life expectancy in this case.

Estimation of life expectancy in a case such as this requires an understanding of the interpretation of life tables and medical expertise in accounting for health-related behaviors, syndromes and medical illnesses associated that impact life expectancy. Because of my experience as a Geriatrician and Internist, my research in life expectancy and determinants of life span, my knowledge of the literature and tools used in life expectancy estimation, and my experience in providing life expectancy estimates for legal cases, I am well qualified to provide life expectancy estimates for legal proceedings.

Cited Literature

- Arias E, Heron M, Xu JQ. United States life tables, 2014. National vital statistics reports; vol 66 no 4. Hyattsville, MD: National Center for Health Statistics. 2017.

Materials Reviewed

- Indonesian Autopsy report
- USA dept of Defense Medical Examiner Report

Sheila Ann Von Weise, DOB 6/10/1952 and DOD 8/12/2014. Age at death: 62 years, 2 months

Indonesian Autopsy report: Body received for autopsy 8/12/2014. Weight 64.5 kg 170 cm (calculated BMI 22.3 kg/cm²). On autopsy, other than evidence of head trauma and evidence of asphyxiation, there's no mention of any pathology that would lead to any years of life lost due to disease processes.

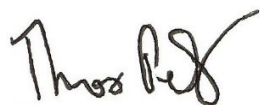
US Autopsy: Wee-developed, well nourished. 68 inches, 162 pounds. BMI 24.6. Notes cardiomegaly and 25% stenosis left main coronary artery, degenerative joint disease at

both hips, and surgical hardware distal right femur. Again, like the Indonesian autopsy, manner of death was homicide and there are no disease processes noted that would lead to years of life lost in a life expectancy estimation.

According to the National Center for Health Statistics 2014 Life Table, a 62 yo white female on average has a **life expectancy of 23.9 years and therefore Ms. Von Weise would have been expected to live to age 86 years.**

I provide my professional opinion within a reasonable degree of medical certainty. I also reserve the opportunity to amend my opinion in the event I receive more information that would warrant doing so.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Thomas Perls". The signature is stylized with a large, sweeping initial "T" and a long, horizontal stroke extending to the right.

Thomas Perls MD

CV: Thomas Perls, M.D., M.P.H.

Curriculum Vitae
Thomas T. Perls MD, MPH
9/2022

ACADEMIC TRAINING:

1982 B.A. Pitzer College of the Claremont Colleges, Claremont, CA, Biology
1986 M.D. The University of Rochester School of Medicine, Rochester, NY
1993 M.P.H. Harvard School of Public Health, Boston, MA (Quantitative Methods)

POSTDOCTORAL TRAINING:

1986-1989 Intern & Resident, Internal Medicine, Harbor UCLA Medical Center, Torrance, CA
1990 Fellow, Geriatric Medicine, National Research Institute of Gerontology and Geriatric Medicine, Parkville, Victoria, Australia
1990-1993 Fellow, Geriatric Medicine, Harvard Medical School, Division on Aging, Boston, MA
1991 Fellow, Clinical Effectiveness Program, Harvard University School of Public Health, Boston, MA
1992-1993 Postdoctoral Fellow, Agency for Health Care Policy and Research, Center for Gerontology and Health Care Research, Brown University, Providence, RI

ACADEMIC APPOINTMENTS:

1993-1998 Instructor in Medicine, Harvard Medical School
1999-2002 Assistant Professor of Medicine, Harvard Medical School
2002-2012 Associate Professor of Medicine, Boston University School of Medicine
2012- Professor of Medicine, Boston University School of Medicine (appointments in Geriatrics and General Medical Sciences)

HOSPITAL & NURSING HOME APPOINTMENTS:

1994-1995 Attending Physician, New England Deaconess Hospital, Boston, MA
1994-2002 Physician, Sherrill House, Boston, MA
1995-2002 Attending Physician, Beth Israel Hospital (now named Beth Israel Deaconess Medical Center), Boston, MA
2002- Attending Physician in Geriatrics, Boston Medical Center, Boston, MA
2017-2020 Physician, St. Mary's Hospital, Lewiston, Maine
2017-2020 Physician, St. Mary's d'Youville Pavilion, Lewiston, Maine
2017-2020 Physician, Maristill Nursing & Rehabilitation Center, Waltham, MA
2017-2020 Physician, St. Joseph's Manor Health Care, Brockton, MA
2017-2020 Physician, John Scott House Nursing & Rehabilitation, Quincy, MA
2020- Physician, Sherrill House, Boston, MA
2020- Physician, Bostonian Nursing Home, Boston, MA
2020- Physician, Marian Manor Nursing Home, Boston, MA

HONORS:

1982 Sigma Xi
1982 The National Council on Aging Geriatrics Fellowship
1988 "Employee of the Month", Harbor-UCLA Medical Center, CA
1989 Solomon Award for Clinical Research, University of California, Los Angeles, California
1989 Participant, Summer Institute, sponsored by the National Institute on Aging, Airlie House, Virginia
1992, 1994 Research Award, Third and Fourth International Conferences on Alzheimer's Disease

CV: Thomas Perls, M.D., M.P.H.

- and Related Disorders
- 1992 Trainee Award, American Federation Clinical Research
- 1994 Issue Expert, White House Conference on Aging, Washington, DC
- 1999 Richard Kalish Award for *Living to 100*, Gerontological Society of America
- 1999 Medical Issue Expert for President Clinton’s Report on the Future of Medicine
- 2000 Clinical Investigator Award, Beth Israel Deaconess Medical Center-wide competition (1 award provided)
- 2001 USA Today’s Person to Watch in 2001 for the field of Medical Research
- 2001 Kit Clark Award, Massachusetts Meals on Wheels Association
- 2002 Medical Chair, 2002 Memory Walk for the Alzheimer’s Association’s Massachusetts Chapter
- 2003 MetLife Foundation Mind Alert Award, American Society on Aging
- 2005 Delegate, White House Conference on Aging, Washington, DC (December, 2005)
- 2006 Fifth Annual Denham Harmon Lectureship in Biomedical Gerontology
- 2009 Annual Malford Thewlis Lecture in Gerontology and Geriatrics, Rhode Island Geriatric Education Center University of Rhode Island
- 2013 Ewald W. Busse Research Award in Gerontological Biomedical Research (awarded at the World Congress of the International Association of Geriatrics and Gerontology, Seoul, S. Korea.
- 2016 International Visiting Professor, Australian and New Zealand Society for Geriatric Medicine (ANZSGM), June, 2016
- 2016 2016 Joseph T. Freeman Award, Gerontological Society of America (lectureship in Geriatrics at the 2017 GSA-IAGG Conference, San Francisco)
- 2018 2018 Corcoran Lecture, University of Indiana School of Medicine
- 2021 Robert Dawson Evans Distinguished Professor of Medicine, Boston University School of Medicine
- 2022 Inaugural Lecture, Boston University School of Medicine Center on Aging and Skin, October 6, 2022
- 2023 Tulane Center for Aging Distinguished Lecture in Aging John W. Deming Department of Medicine Grand Rounds. January 17-20, 2023

LICENSES AND CERTIFICATION:

- 1986-1989 California Medical License
- 1989- DEA license
- 1989 American Board of Internal Medicine
- 1990- Massachusetts Medical License #72280
- 1994, 2004, 2014 Added Qualifications in Geriatrics
- 2016-2022 Maine Medical License #MD21265
- 2021- Florida Medical Doctor Expert Witness Certificate #8774

DEPARTMENTAL AND UNIVERSITY COMMITTEES:

- 1995- 1999 Member, Clinical Trials Unit Operations Committee, Beth Israel Hospital
- 1999- 2001 Director, Geriatrics Theme Curriculum Development, Harvard Medical School
- 2002- Member, Boston University Alzheimer’s Disease Center Executive Committee
- 2007- 2009 Member, Department of Medicine Research Committee, Boston University School of Medicine
- 2007- 2009 Member, Patient Oriented Research Committee, Boston University School of Medicine

CV: Thomas Perls, M.D., M.P.H.

- 2009-2019 Member, Institutional Review Board, Boston University Medical Campus
- 2012- Member, Advisory Committee for Investigators' Conflict of Interest, Boston University Medical Campus
- 2012-2013 Member, Endocrinology and Metabolism Chief Search Committee
- 2014- Member, Boston University Medical Campus Department of Medicine Research Committee
- 2015-2018 Member, Committee on Appeals, Boston University School of Medicine
- 2017- Member, Faculty Council & University Council, Boston University School of Medicine
- 2018-2019 Member, BUMC Ethics Committee and Ethics Consult Service
- 2018-2022 Member, Student Promotions Committee, Boston University School of Medicine
- 2019-2021 Member, Faculty Promotions Committee, Boston University School of Medicine
- 2019- Member, Faculty Appeals Committee, Boston University School of Medicine
- 2020- Member, Committee on Faculty Affairs, Boston University School of Medicine

TEACHING EXPERIENCE AND RESPONSIBILITIES:

- 1992- 1995 Co-Director, Introduction to Clinical Medicine for Second Year Harvard Medical Students
- 1995- 1997 Faculty tutor, Human Systems, Harvard Medical School
- 1995- 1997 Head Tutor, Cardiovascular/Pulmonary/Hematology Pathophysiology, William Bosworth Castle Society, Harvard Medical School
- 2000- 2002 Faculty Tutor, patient-doctor II course, Harvard Medical School
- 2002- Regular lectures to medical students, house staff and fellows on Geriatrics Medicine Service
- 2003-2015 Faculty tutor, second year clinical medicine, Boston University School of Medicine
- 2015-2019 Academy Tutor, 1st-4th year medical students, Boston University School of Medicine

MAJOR ADMINISTRATIVE RESPONSIBILITIES:

- 2001-2002 Acting Chief, Geriatrics Section, Department of Medicine, Beth Israel Deaconess Medical Center, Boston, MA

OTHER PROFESSIONAL ACTIVITIES:

NON-ACADEMIC EMPLOYMENT:

- 2014-2020 Independent Medical Examinations for Massachusetts Committee for Public Counsel Services
- 2017-2019 TripleCare physician (telemedicine-based practice for after-hours and weekend care of skilled nursing facility residents) <http://triple.care/physicians>

PROFESSIONAL SOCIETIES: MEMBERSHIPS, OFFICES, AND COMMITTEE ASSIGNMENTS

- 1990-1997 Member, American College of Physicians
- 1997- Fellow, American College of Physicians
- 1991- Member, Gerontological Society of America
- 1991- Member, Massachusetts Medical Society
- 1991- Member, American Geriatrics Society
- 1992-1995 Member, American Public Health Association
Chair (1993-1995), Membership Committee, Gerontology Section
- 1992-2000 Member, Society of General Internal Medicine
- 1993-2000 Member, American Society on Aging
- 1999-2002 Member, Geriatrics Medicine Education Committee Member, Association

CV: Thomas Perls, M.D., M.P.H.

- Gerontology Higher Education
- 2011-2013 Executive Committee, Lead of recruitment and enrollment, Archon Genomics X Prize
- 2013- Member, New England Institutional Review Board
- 2013- Geriatrics Committee Member, Massachusetts Medical Society
- 2013-2015 Delegate, Charles River Delegation, Massachusetts Medical Society
- 2017- Member, Ethics Committee, American Geriatrics Society
- 2017- Fellow, Gerontological Society of America
- 2017- Fellow, American Geriatrics Society
- 2017- Question Writer, Geriatrics Review Syllabus, American Geriatrics Society
- 2017- Association of University Professors of Medicine, Alliance for Academic Internal Medicine (AAUP/AAIM)
- 2020 Mentor, Interstellar Initiative Workshop, Japan Agency for Medical Research and Development and the New York Academy of Sciences
- 2022- Member, Society of Actuaries Research Institute's Mortality Expert Panel
- 2023- Member, Research Committee, American Geriatrics Society

EDITORIAL BOARDS:

- 2005-2012 Healthy Aging
- 2006- Journal of the American Geriatrics Society
- 2007-2020 Journal of Gerontology, Medical Sciences
- 2011- Associate Editor, Frontiers, Genetics of Aging
- 2018-2019 Associate Editor for Special Issue, Healthy Aging and Longevity, Journals of Gerontology, Biological and Medical Sciences

MAJOR COMMITTEE ASSIGNMENTS:

Federal Government

- 1995 Committee Member, National Institute on Aging Centenarian Cell and DNA Bank Advisory Board
- 2000 Member, National Institute on Aging Advisory Panel on Exceptional Longevity
See: <http://www.nia.nih.gov/research/meetings/apelreport.pdf>
- 2001 Member, NIA Panel on the Characterization of Participants in Studies of Exceptional Survival in Humans. See: <http://www.nia.nih.gov/research/meetings/espreport.htm>
- 2011 NIA Workshop on Biospecimen Repositories
- 2015-2019 Member, Federal Advisory Board, National Advisory Committee on Racial, Ethnic and Other Populations, U.S. Census Bureau

Private/Foundation

- 1996 Advisory Board Member (“Costs in the Last Year of Life”), The Alliance for Aging Research, Washington, DC
- 2001 Workshop member. Birren JE, Butler RN, Cotman CW et al. Achieving and maintaining cognitive vitality with aging. Institute for the Study of Aging and the International Longevity Center, New York, 2001.
- 2002 Workshop member. Butler RN, Sprott RL, Austad SN, Barzilai N, Braun A, Helfand S, Larsen P, McCormick AM, Miller RA, Perls T, Shuldiner A, Warner HR. Longevity genes: From primitive organisms to humans. International Longevity Center, New York, 2002.

Study Sections

CV: Thomas Perls, M.D., M.P.H.

State

2008 Grant reviewer. Oklahoma Department of Agriculture. Grant concerning nutritional determinants of longevity.

Federal

2010 Reviewer, Special Emphasis Panel for the National Institute on Aging. RFA-AG-11-004, Regional and International Differences in Health and Longevity at Older Ages
 2015-2016 Ad Hoc Member, Behavior and Social Science of Aging (NIA-S) Review Committee, National Institute on Aging
 2016-2020 Member, Behavior and Social Science of Aging (NIA-S) Review Committee, National Institute on Aging
 2017 Ad Hoc Reviewer, Biology of Aging (NIA-B) Review Committee, National Institute on Aging (May 30, 31, 2017)
 2023 Reviewer, ZAG1 ZIJ-9 (M1) Policy and AD and ADRD Healthcare Disparities: Access, Utilization, and Quality 03/16/2023 - 03/17/2023

International Government

2016 Canadian Institutes of Health Research
 2017 Irish Research Council
 2019 Swiss National Science Foundation

Foundations

2002-2006 Medical Student Grants, American Federation Aging Research
 2011-12, 2014 AXA
 2016 Retirement Research Foundation
 2019 Velux Stiftung Foundation
 2022 National Academy of Medicine

Scientific Advisory Board

2022 Scientific Advisory Board member, Delirium Program Project (P01AG031720) and SAGES Study (Successful AGing after Elective Surgery).

CURRENT RESEARCH SUPPORT

2018-2023 National Institute on Aging. Title: A Consortium to Study the Genetics of Longevity U19AG023122 (PIs: Steve Cummings and Nik Schork). Subcontract: Centenarian Project (PIs: Thomas Perls and Paola Sebastiani)
 2019-2024 National Institute on Aging. Title: Protein signatures of APOE2 and cognitive Aging R01-AG061844 (PI Paola Sebastiani). Subcontract (Perls T)
 2019-2024 National Institute on Aging, Multiple PI: Michael Province, Thomas Perls, Anne Newman, Kaare Christensen, Stephanie Consentino Title: The Long Life Family Study, U19-AG063893
 2019-2024 National Institute on Aging, Contact PI: Thomas Perls. Title: Identifying protective omics profiles in centenarians and translating these into preventive and therapeutic strategies (aka Integrative Longevity Omics Study, UH2AG064704
 2021-2026 National Institute on Aging, Contact PI, Thomas Perls. Title: Resilience and Resistance to Alzheimer’s Disease in Centenarians and Offspring (RADCO) U19AG073172

Past Support:

CV: Thomas Perls, M.D., M.P.H.

- 1994 Investigator Award, Deaconess Hospital Department of Medicine
- 1995-1998 Grant Award, AARP-Andrus Foundation.
- 1995-1998 Physician's Scientist Award (K12), National Institute on Aging, AG-00294
- 1996 Geriatric Research Training Center Pilot Project Grant, Harvard Division on Aging
- 1997 Neuroscience and Education Foundation Grant
- 1997-2000 Alzheimer's Association grant: The New England Centenarian Study
- 1998 R0-3 Pilot Study Grant, National Institute on Aging: Centenarian Sibling Pair Study
- 1998-2001 Paul Beeson Faculty Scholar in Aging Research Award, American Federation of Aging Research and The Alliance for Aging Research.
- 1999-2001 Nathan Shock Excellence in Biology of Aging Center Fellow
- 1999-2000 Contract, Scudder-Kemper Investments: Financial and Health Related behaviors of centenarians and other generations.
- 1999-2001 R-21, National Institute on Aging: Centenarian Studies Network, 1R21AG16916
- 1999-2001 Contract PI, Genome Center, Whitehead Institute
- 1999-2001 Grant, Institute for the Study of Aging: Genetic correlates of successful cognitive aging
- 2000-2001 Retirement Research Foundation: Genetic correlates of successful cognitive aging.
- 2000-2003 R0-1, National Institute on Aging: Genetic markers of longevity in children of centenarians and controls. 1R01-AG18721
- 2001-2003 The T.L.L. Temple Foundation Discovery Award for Alzheimer's Disease Research.
- 2001-2002 Ellison Medical Foundation Senior Scholar Award
- 2004-2010 U01-AG-023755, National Institute on Aging, PI: Thomas Perls, Exceptional Survival and Longevity in New England.
- 2006-2011 K-24, AG025727 National Institution on Aging, PI: Thomas Perls, [Characterizing Human Exceptional Longevity](#)
- 2010-2012 Glenn Medical Research Foundation Grant
- 2012-2013 Swiss Re – Demographic study of heritability patterns of longevity
- 2012-2014 Archon Genomics X-Prize –centenarian recruitment
- 2011-2016 Consortium to study genetics of longevity. U19 AG-023122, NIA (subcontract, Steve Cummings PI)
- 2014-2016 William Wood Foundation. Semi-super and supercentenarian study participant recruitment
- 2010-2019 U01-AG-023755, National Institute on Aging, PI: Thomas Perls, Title: Boston Study Center of the Long Life Family (Boston Study Site of this multi-center study)
- 2017-2019 R21-AG-056630 National Institute on Aging. PI: Paola Sebastiani, Title: ApoE alleles and extreme human longevity.
- 2017-2018 Novartis Contract. Multiple PIs: Thomas Perls and Paola Sebastiani. Title: Biomarkers associated with exceptional longevity.
- 2016-2022 William Wood Foundation. Continued centenarian participant recruitment and studies in cancer, eye disorders and qualitative research of centenarians as living historical treasures.

Invited Lectures and Presentations (Since 2008)

2008

1. Keynote, Vista Hill Foundation, February, 2008
2. Centenarian Families Panel. Tom Perls and Dellara Terry. Life Cycle Science Adult Workshops. Boston Museum of Science, March, 2008
3. Banbury Center Symposium on Longevity, Celebrating James Watson's 80th Birthday, Cold Spring Harbor Laboratory, NY. April, 2008

CV: Thomas Perls, M.D., M.P.H.

4. Atlanta Georgia Centenarian meeting. Presentation. August, 2008.
5. Keynote. Navigating the Road to 100. Ottawa Regional Geriatric Program of Eastern Ontario, Annual Meeting. October 1, 2008
6. Montreal Supercentenarian Meeting, presentation. Sponsored by the Max Planck Institute of Demography. September 25-27, 2008
7. Harvard School of Public Health, Department of Statistics sponsored lecture. Anabolic Steroids and Growth Hormone, a Public Health Risk. October 8, 2008.
8. Presentation, Longevity Consortium, Semi-Annual Meeting, Washington DC, November 7, 2008.
9. Conference on Growth Hormone. Presentation. Sponsored by UCLA CME office and Major League Baseball. November 10, 2008.
10. Keynote, Governor's Conference on Aging, Chicago, IL. December 11, 2008.

2009

1. Annual Malford Thewlis Lecture in Gerontology and Geriatrics. What can centenarians teach us? The Rhode Island Geriatric Education Center (RIGEC) at the University of Rhode Island. Kingston, RI, April, 2009.
2. Claude Pepper Center Conference, Genetics Exceptional Longevity, Boston University Medical Campus, October, 2009
3. Epidemiology of Aging Interest Group. Genetic Signatures of Exceptional Longevity. Gerontological Society of America, Atlanta, GA. November, 2009
4. Nathan Shock Conference on Longevity, University Texas, San Antonio, Bandera, TX, November, 2009
5. Longevity Conference, Buck Institute, Novato, CA, December, 2009

2010

1. Genetic Signatures of Exceptional Longevity. Medical Genomics Conference, Scripps Institute, La Jolla, CA, March 2010
2. [Gerontology Institute Distinguished Speaker](#), Gerontology, Institute, Ithaca College, March, 2011
3. Invited Speaker, Genetics of Exceptional Longevity, GEHA, European Union, Bologna Italy. April 7, 2010
4. Invited Speaker, Genetics of Longevity, Longevity Consortium National Meeting, May 27, 2010
5. Genetics of Exceptional Longevity, KaGood Conference on Aging, Mayo Clinic, Minnesota. June, 2010
Keynote. Genetics of Exceptional Longevity. Conference: Healthy longevity and quality of life
6. Invited Panel Member, Philips Center for Health and Well-being Healthcare Think Tank, September 4, 2010. Boston.

2011

1. Lecture, Society of Actuaries. Increasing genetic contribution to exceptional longevity with increasing age. January 5, 2011, Orlando, FL.
2. Invited Speaker, Genetics of Exceptional Longevity, Journées Internationales de Biologie – JIB, 8-9-10 Nov. 2011 - CNIT Paris La Defense – France
3. Invited Speaker, Centenarian Project, Massachusetts General Hospital, Geriatrics Core Conference, May 10, 2011
4. Invited Speaker, Genetics Series, Harvard Medical School. May 26, 2011.
5. Keynote Speaker, Genetics of Exceptional Longevity, American Aging Association, Raleigh, NC June, 2011
6. Speaker, [Promoting Health in Aging](#), The Royal Society of Medicine and The New York Academy of Medicine, NYC, NY September 26, 2011.
7. Invited Lecture, Living to 100: Genetic and Environmental Determinants of Exceptional Longevity, Harvard School of Medicine CME, Psychiatry and Aging, Cambridge MA. November 7, 2011.

CV: Thomas Perls, M.D., M.P.H.

8. Update on Centenarian research and Introduction to the Long Life Family Study, Longevity Consortium National Meeting, Buck Institute , Novato, CA December 9, 2011

2012

1. Invited Speaker, ACMG Annual Clinical Genetics Meeting, March 27-31, 2012 in Charlotte, NC.
2. Invited Speaker, 2nd International Conference on the Genetics of Aging & Longevity, April 22 – 25 of 2012, Moscow, Russia.
3. Keynote Speaker, XVIII Brazilian Congress of Geriatrics and Gerontology, May, 2012
4. Opening keynote speaker for the 41st Annual Meeting of the Canadian Association on Gerontology, Vancouver Oct 18-20, 2012.
5. Medical Grand Rounds, Exeter Hospital, Exeter, New Hampshire. October, 2012.

2013

1. Keynote. Art and Aging Conference: The age of Empowerment. Grand Valley State University. Grand Rapids, MI. February 8, 2013.
2. Keynote. American Society on Aging Mind Alert lecture. Chicago, IL. March, 2013.
3. Centenarians, Harvard Medical School, April 2013
4. Keynotes. Living to 100. University Village and Morningside Village, Thousand Oaks and Farmington CA, May, 2013
5. The Future of Exceptional Longevity, Geriatrics Summer Institute, Boston University School of Medicine, May, 2013
6. Award recipient lecture, Busse Medical Science Research Award in Gerontology, International Association of Geriatrics and Gerontology, Seoul, S. Korea, June, 2013

2014

1. Heritability estimates for exceptional longevity. Living to 100 conference, Society of Actuaries, Orlando, FL, January 9, 2014.
2. Keynote, On Lok Senior Services, San Francisco, CA September 15, 2014

2015

1. TedX-Uni. New England University, Biddlepool, Maine. April 4, 2015
2. Geriatrics Medical Students Summer Institute, The New England Centenarian Study, May 2015
3. The road to 100! Keynote, Road Scholars, Boston, MA October 11, 2015
3. How to live to 100 and would you want too? Skidmore College, Sarasota Springs, New York, October 19, 2015
4. New England Wealth Advisors, Learning about healthy aging from Centenarians, November, 2015

2016

1. French Hospital Research Delegation, Centenarians and Healthy Aging, Boston Medical Center, February, 2016
2. Geriatrics Section Research Day, New England Centenarian and Long Life Family Studies, March 2016
3. MIT Alumni Association, Healthy Aging, March, 2016
4. Harvard Medical School CME Program, Lifestyle Medicine, May 5, 2016
5. Australian New Zealand Geriatrics and Gerontology Association Visiting Professorship, multiple lectures, Cairns, Adelaide and Melbourne. June, 2016.
6. Department of Medicine Goldie Raymer Geriatrics Grand Rounds. *The Longevity Marathon – Lessons in Living to 100*, Jewish General Hospital, Montreal Canada, November 1, 2016.

CV: Thomas Perls, M.D., M.P.H.

7. Department of Epidemiology, Yale University, The Nature vs Nurture of Exceptional Longevity. New Haven CT. December 6, 2016.

8. CPCS Mental Health Litigation Division, Commonwealth of Massachusetts. End of Life Health Decisions. December 16, 2016.

2017

1. University of Texas Health Sciences Center, San Antonio. Barshop Seminar Series. The Nature and Nurture of Longevity. February 15, 2017.

2. Keynote Address, Del Rosario University, Longevity Conference, Bogota, Columbia, March 28, 2017.

Nature and nurture of exceptional longevity, Science of Successful Aging Summit, University of Wisconsin, Madison.

3. Survival Determinants of Living to 100, 105 and 110+ years, Institutional Longevity Markets Association, May, 2017

4. Alzheimer's Disease therapeutics and Nature versus Nurture of Exceptional Longevity (2 lectures), National Hospital of Geriatrics and Gerontology, San Jose Costa Rica.

5. A Primer in Genetics with Centenarians in Mind. International Centenarian Consortium. University of California Santa Cruz, July 20, 2017.

6. Freeman Award Lecture, International Association Gerontology and Geriatrics, San Francisco, CA, July 25, 2017.

7. Sterling Drug Distinguished Lecture, Department of Pharmacology and Experimental Therapeutics, Boston University School of Medicine, September 6, 2017.

8. Society of Actuaries Key Note: Determinants of extreme longevity, October 16, 2017

9. Lecture, Living to 100, Algonquin Club, Boston, MA. October 19, 2017

2018

1. Bridgewell Senior Care, Lecture on health and aging and extreme longevity. Dedham, MA, April, 2018.

2. Keynote lecture, Living to 100, for Ridgewood NJ Community Aging Program as well as lecture for Ridgewood High School's Medical Scholars' Program. May, 2018.

2021

1. Community talk, Living to 100, Billerica Library, July 20, 2021

2. Philosophical Society lecture, New York City, November 12, 2021

2022

1. What is Trending in Exceptional Longevity Studies? Tune in... Tufts School of Medicine Healthy Aging at Tufts Priority Research Cluster Healthy Aging Webinar Series. March 25, 2022

2. Race and Ethnicity Differences in Survival to 100+ years. Geriatrics Section, BU Chobanian and Avedisian School of Medicine. June 15, 2022

3. Centenarians. Every turn we come to there's something new. Inaugural Aging Research Symposium. Center for Aging Research and Skin Health. BU Chobanian and Avedisian School of Medicine. October 6, 2022

4. National Academy of Medicine Webinar: Middle to Old Age. How Nutrition and Health Change Over a Person's Life Course, November 16, 2022.

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- www.bumc.bu.edu/centenarian
- www.longevityomics.org
- www.livingto100.com

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- Retainer to initiate work: \$3000 (6 hours work)
- Review of medical records and other materials related to case along with all research in support of the retaining party will be billed at \$500 per hour
- Trial preparation (email, video conferencing, telephone will be billed at \$500 per hour)
- Local depositions are \$900 per hour when local (for travel, see below)
- Local trial testimony is \$900 per hour with a four hour minimum.
- All in-person work when requiring travel, including expert consultation, testimony and deposition will be billed at \$9,000 per day regardless of actual hours. Please note that because of time commitment made in these cases, any cancellation of services less than 72 hours from time of travel will result in a charge of one day's services (\$9,000)
- Travel time in support of the above in-person work shall be \$550 per national travel-day, \$1000 per international travel-day. All reasonable (average) hotel, coach travel and meals costs will be reimbursed

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Social Security Administration
Retirement, Survivors and Disability Insurance
Important Information

SOCIAL SECURITY
605 W WASHINGTON BLVD
CHICAGO, IL 60661-2118
Date: December 05, 2023
BNC#: -
jos

DEPARTMENT OF JUSTICE
219 S DEARBORN
FIFTH FLOOR
CHICAGO IL 60604

Dear DEPARTMENT OF JUSTICE

Sheila A Mack was receiving \$916.00 per month in benefits from the Social Security Administration at the time of her death, August 12, 2014.

She was receiving these benefits as a surviving spouse from the Social Security record of her husband, James A. Mack.

Social Security Administration

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