

CONCLUSION

Through his plea of guilty, Murray Huberfeld accepted responsibility for his actions in this matter. But through his actions outside of the courtroom, he has gone much further. Mr. Huberfeld has spoken with friends and family about his remorse and regret for violating the law and has sought to serve as an example to deter others from following a similar path. These actions are relevant and important to the sentencing calculus in this case because they demonstrate both specific and general deterrence.

Having admitted committing a criminal offense, Murray Huberfeld is a changed man.

Many of his friends and acquaintances have observed this. They write that the “spring in his step has gone” and that he “stands with a bowed head over what he brought about.” (Ex. F, p. 101, Letter of Moshe Wagh.) An old friend writes that he has “been through the crucible of public humiliation” and is “truly humbled.” (Ex. E, p. 17, Letter of Michael Lebor.) A rabbi who had counseled him writes that he is “totally humiliated” from what he has done. (Ex. G, p. 29, Letter of Rabbi Zevi Trenk.) The rabbi notes that this is felt acutely because Murray believes he has brought “our faith into disrepute” and has “poured out his heart during prayers, beseeching G-d for forgiveness.” (Id.) But perhaps most importantly, Mr. Huberfeld has taken specific action to repair the damage he caused.

In his letter to the Court, Mr. Huberfeld accepts full responsibility for his wrongdoing. (Ex. A, Letter of Murray Huberfeld.) He continues to work hard to make amends. (Id.) He does so spiritually through self-reflection and prayer; in the community through service and by holding himself out as an example and warning to others; and practically, through his voluntary payment and commitment to restore \$7 million to COBA’s pension fund.

Mr. Huberfeld writes that the Rabbis with whom he has been working have repeatedly challenged him to explain what he was thinking when he committed the offense in this case. (Id.) “It has taken me some time to answer them, to come to terms with my wrongdoing because the truth is, I never anticipated or intended anyone to be harmed. That is not an excuse or an answer. What I thought would happen does not in any way excuse my conduct.” (Id.) Mr. Huberfeld understands that his actions had consequences, and he is sincerely remorseful:

I am deeply sorry for my misdeed and the consequences to all that are affected. I own that and it is a bitter pill to swallow. I maybe understand now why my parents were never bitter, after all they endured. They did nothing wrong at all, nothing to deserve their suffering. As for me, I am the one who caused my suffering. My actions or lack thereof hurt my parents, my wife and my five precious children, myself and, ultimately, my investors and others who lost money.

Since these events, I have been speaking to groups of people about my crime and its consequences. I provide a cautionary tale. These meetings, and there have been many, are painful. I have brought my children and my sons-in law to my talks. I try to communicate Dina D’malchusa Dina (a commandment that literally translates as “the law of the land is the law”), and if what I said is helpful and if I am able to prevent someone from crossing the line as I did, then I have

accomplished something.

(Id.)

Solomon Mayer, a longtime friend, attended one of Mr. Huberfeld's speeches in Borough Park, which was attended by hundreds of people. (Ex. F, pp. 66-69, Letter of Solomon Mayer.) Mr. Huberfeld admitted his wrongdoing and spoke openly about his failures. (Id.) Ashamed and humiliated, he directly appealed to his audience: "Please don't take this country and its freedoms for granted. As Jews, for so many hundreds of years we were shunted from country to country and we did not have the freedom to practice our own religion like we do here in the USA. All should resolve to be law abiding citizens and to give back as much as we can." (Id.)

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Mr. Huberfeld has used this negative event to teach his children "to learn from his transgression and that they must think through every decision they make in life." (Ex. B, pp. 14-17, Letter of Laura Huberfeld.) He has put himself out in his community as an example and warning for others and has brought his children along with him when he speaks to groups about his crime. (Id.) Laura Huberfeld writes that she is "proud of Murray for his decision to take

responsibility for his wrongdoing and for turning his remorse into positive action.” (Id.) His eldest son, Avi, recognizes that it was not easy for his father to give these speeches in front of him. “This helped me see him taking responsibility for his actions and how sorry he is. I recognized how difficult it is to admit guilt, especially in public, but he did.” (Ex. B, p. 19, Letter of Alexander Huberfeld.)

Murray’s son-in-law writes: “He has taught us about Dina D’Malkhusa Dina: the law of the land is the land” and has spoken of his acceptance of responsibility for his actions. (Ex. B, p. 45, Letter of Daniel Jacobs.) “He has acknowledged this to each of us. He tells us clearly that this is not a choice, but rather a commandment.” (Id.)

Murray’s father-in-law, Walter Berkowitz, writes of attending Murray’s trial one day without telling Murray he was coming. (Ex. B, pp. 12-13, Letter of Walter Berkowitz.) “When the trial was adjourned everyone filed out and crowded around the elevator banks. Murray and I came face to face. He immediately burst into tears and expressed his remorse. He then started to wail. I hugged him tightly and felt his body convulsing. I literally felt his pain.” (Id.) Dr.

Berkowitz writes: “I cannot weigh the implications of Murray’s actions. But I am convinced of his remorse, humiliation and suffering.” (Id.)