

Carl Marlinga defended a man who was sentenced to 30 years in federal prison for producing and distributing pornographic images of a three year old girl, including a video of her engaging in a sex act.

BACKUP:

Carl Marlinga was a criminal defense attorney for Thomas William Wooten, a man who was sentenced to 30 years in federal prison for producing and distributing on the internet pornographic images of a three-year-old girl, including a video of her engaging in a sexual act with Wooten:

- On December 13, 2011, Carl Marlinga was added as an attorney for Thomas William Wooten in the case “United States of America v. Thomas William Wooten.” (PACER Case Locator, U.S. District Court, Eastern District of Michigan, “United States of America v. Wooten,” Case no. 11-mj-30578, [Stipulation and Order](#), Filed: 12/13/11)

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff, CR. NO. 11-30578
v.
THOMAS WILLIAM WOOTEN,
Defendant. JUDGE: UNASSIGNED

STIPULATION FOR SUBSTITUTION OF ATTORNEYS

IT IS HEREBY STIPULATED and agreed, by and between the parties hereto, that
CARL J. MARLINGA, shall be substituted in the place of DAVID C. THOLEN, as attorney
for Defendant THOMAS WOOTEN, in the above entitled matter.

/s/ David C. Tholen w/consent
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/s/ Carl J. Marlinga
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/s/ Thomas Wooten w/consent
Defendant

Dated: December 12, 2011

(PACER Case Locator, U.S. District Court, Eastern District of Michigan, “United States of America v. Wooten,” Case no. 11-mj-30578, [Stipulation and Order](#), Filed: 12/13/11)

- In December 2012, Thomas William Wooten was found guilty by a federal jury of producing and distributing child pornography. “A 33-year-old Macomb Township man was sentenced today to 30 years in federal prison followed by fifteen years of supervised release after having been found guilty by a federal jury in December, 2012 of producing and distributing child pornography, U.S. Attorney Barbara L. McQuade announced today... Thomas William Wooten was sentenced before U.S. District Judge Marianne O. Battani in Detroit.” (U.S. Department of Justice, “Macomb Township Man Sentenced Today For Manufacturing And Distributing Child Pornography,” [Press Release](#), 4/10/13)
- According to the U.S. Department of Justice, evidence at the trial showed that Wooten “produced and distributed on the internet pornographic images of a three-year-old girl, including a video of her engaging in a sexual act with Wooten.” “Thomas William Wooten was sentenced before U.S. District Judge Marianne O. Battani in Detroit. The

evidence at trial showed that Wooten produced and distributed on the internet pornographic images of a three-year-old girl, including a video of her engaging in a sexual act with Wooten. Wooten also downloaded and collected hundreds of child pornographic images and videos, some of which he obtained by trading the images he created.” (U.S. Department of Justice, “Macomb Township Man Sentenced Today For Manufacturing And Distributing Child Pornography,” [Press Release](#), 4/10/13)

- **Wooten also downloaded and collected hundreds of child pornographic images and videos, some of which he obtained by trading the images he created.** “Wooten also downloaded and collected hundreds of child pornographic images and videos, some of which he obtained by trading the images he created. ‘Regrettably, the internet provides child predators with a ready market for child pornography, but it also helps us to rescue children who are being sexually abused,’ McQuade said. FBI Special Agent in Charge Foley stated, ‘These despicable crimes victimize and exploit innocent children. The FBI is committed to the arrest and prosecution of criminals who engage in such deplorable, heinous behavior.’” (U.S. Department of Justice, “Macomb Township Man Sentenced Today For Manufacturing And Distributing Child Pornography,” [Press Release](#), 4/10/13)
- **Thomas William Wooten was sentenced to 30 years in federal prison followed by fifteen years of supervised release.** “A 33-year-old Macomb Township man was sentenced today to 30 years in federal prison followed by fifteen years of supervised release after having been found guilty by a federal jury in December, 2012 of producing and distributing child pornography, U.S. Attorney Barbara L. McQuade announced today.” (U.S. Department of Justice, “Macomb Township Man Sentenced Today For Manufacturing And Distributing Child Pornography,” [Press Release](#), 4/10/13)

After Carl Marlinga resigned as Macomb County Prosecutor, he became a criminal defense attorney and his firm advertised its ability to “handle” charges such as sex crimes. The firm’s practice areas included charges such as statutory rape, child sex abuse, child pornography, and online solicitation of a minor for sex:

- **After leaving office as Macomb County Prosecutor, Carl Marlinga became a criminal defense attorney at the Marlinga Law Group.** “The Macomb County criminal trial lawyers at Marlinga Law Group provide resourceful and experienced representation on a wide range of serious state and federal charges. Michigan criminal defense attorney Carl Marlinga served as the elected prosecuting attorney in Macomb County from 1984 to 2004. His experience with the investigation and prosecution of serious crimes can represent a significant advantage for anyone facing serious criminal charges. Since returning to private practice two years ago, he has achieved some remarkable results for criminal defense clients at trial, at sentencing, and on appeal.” (Marlinga Law Group, “Practice Areas,” [Website](#), Archived: 4/4/08)

Editor’s Note: Carl Marlinga [resigned](#) from his role as Macomb County prosecutor after facing federal corruption charges in connection to his failed 2002 congressional campaign.

- **The Marlinga Law Group website advertised that it could handle clients who were charged with various sex crimes, “including criminal sexual conduct in any degree, statutory rape, child sexual abuse, child pornography, or online solicitation of a minor for sex.”** “Here is an overview of the charges we can handle on your behalf... Sex crimes, including criminal sexual conduct in any degree, statutory rape, child sexual abuse, child

pornography, or online solicitation of a minor for sex” (Marlinga Law Group, “Practice Areas,” [Website](#), Archived: 4/4/08)

- **The Marlinga Law Group website advertised that it could handle clients who were charged with various internet sex crimes, “including criminal sexual conduct in any degree, statutory rape, child sexual abuse, child pornography, or online solicitation of a minor for sex.”** “Here is an overview of the charges we can handle on your behalf... Internet Sex Crimes, including allegations of possession of child pornography, online solicitation of a minor, and obscenity charges” (Marlinga Law Group, “Practice Areas,” [Website](#), Archived: 4/4/08)
- **Marlinga’s law firm website touted that the firm’s experience “with the investigation and defense of serious sex offenses” could represent a “significant advantage” for an individual accused of criminal sexual conduct “in any degree under Michigan law.”** “If you have been accused of criminal sexual conduct in any degree under Michigan law, contact the experienced Macomb County criminal defense attorneys at Marlinga Law Group in Clinton Township. Our experience with the investigation and defense of serious sex offenses can represent a significant advantage for you in the pretrial stages of the case, at trial before a jury, or even in the sentencing phase of the case. When your entire career and reputation are on the line, and you need to be exonerated, contact the criminal defense attorneys at Marlinga Law Group. Our approach to criminal sexual conduct cases is similar to that of our other criminal defense services - we rely on early investigation, engagement with the prosecution, pretrial motions, and the development of forensic testimony through experts to make sure that every aspect of your defense is fully developed and presented at the time and in the form it will register its maximum impact.” (Marlinga Law Group, “Sex Crimes Defense,” [Website](#), Archived: 12/22/10)

In child sexual abuse cases, part of the Marlinga Law Group’s strategy was to show that “authorities lead and manipulate the children to make incriminating statements that might reflect little other than the child’s willingness to please an important adult:

- **In cases of child sexual abuse or criminal sexual conduct with a minor, the Marlinga Law Group explained that oftentimes, “authorities lead and manipulate the children to make incriminating statements that might reflect little other than the child’s willingness to please an important adult.”** “In cases involving accusations of child sexual abuse or criminal sexual conduct with a minor, our expert investigation might focus upon the interview between the alleged victim and a social worker or other investigator. In many cases, the authorities lead and manipulate the children to make incriminating statements that might reflect little other than the child’s willingness to please an important adult. With the assistance of child psychologists and behavioral experts, we show how this process can distort the entire investigation.” (Marlinga Law Group, “Sex Crimes Defense,” [Website](#), Archived: 4/4/08)

Marlinga’s law firm touted that their “hard work in the sentencing phase” had resulted in a “sharp downward departure” in jail time for their client in a child sexual abuse or criminal sexual conduct with a minor case:

- **In the “child sexual abuse or criminal sexual conduct with a minor” section of Marlinga’s law firm’s website, the firm advertised that their “hard work in the**

sentencing phase” had resulted in a much shorter sentence, with the client receiving a sentence of one year instead of a minimum of seven years. “In cases involving accusations of child sexual abuse or criminal sexual conduct with a minor, our expert investigation might focus upon the interview between the alleged victim and a social worker or other investigator. In many cases, the authorities lead and manipulate the children to make incriminating statements that might reflect little other than the child's willingness to please an important adult. With the assistance of child psychologists and behavioral experts, we show how this process can distort the entire investigation. Any responsible criminal trial lawyer prepares his client for the possibility of a conviction at trial, and so do we. In the event of an adverse ruling at trial, we intervene actively with the presentence investigation to make sure that all mitigating circumstances in your favor are presented and considered before the sentence is handed down. In one recent case, our hard work in the sentencing phase resulted in a sharp downward departure from the guidelines minimum of seven years to a sentence of only one year, to run concurrently with a sentence our client was already serving on a previous offense.” (Marlinga Law Group, “Sex Crimes Defense,” [Website](#), Archived: 12/22/10)

Carl Marlinga’s law firm represented clients charged with internet sex crimes such as child pornography and advertised that their attorneys work to “reduce uneasiness or negative impressions” of such charges:

- **The Marlinga Law Group defended people facing internet sex crimes charges, including child pornography.** “The prosecution of internet sex crimes has increased in recent years due to a proliferation in child pornography and chat rooms where the online solicitation of minors occurs. At Marlinga Law Group, PLLC link to Firm Overview page, our criminal defense lawyers work with investigators, computer professionals, and other forensic experts in defending those facing internet sex crimes charges. In many cases, people in legal adult websites may follow links or receive pop-ups with illegal content on the other end. In other cases, file sharing results in the downloading of illegal material that is deceptively titled to encourage computer users to purchase the material. In cases involving online solicitation, what is said and the manner in which it is intended will impact the case against you. In each instance, we carefully consider the facts involved in order to craft a defense intended to either reduce or dismiss the charges and sentence against you. Our Michigan criminal defense attorneys represent clients charged with the following kinds of internet sex crimes: Child pornography... Online solicitation of a minor...” (Marlinga Law Group, “Michigan Internet Sex Crimes Attorneys,” [Website](#), Archived: 4/4/08)
- **Marlinga’s law firm advertised that its attorneys work to “reduce uneasiness or negative impressions” of charges of internet sex crimes.** “Building Your Case: Presenting Your Side of the Story... How the jury views a defendant is important, certainly when sentencing is involved. In order to reduce uneasiness or negative impressions of the charges involved, our attorneys hire psychologists and other experts familiar with sexual addictions and the reasons why otherwise upstanding community members may find themselves viewing pornography. We also take care in presenting all the facts pertinent to our client's case: is there a history of sex abuse in your family? Divorce? Drug use? Use of psycho-tropic prescription drugs?” (Marlinga Law Group, “Michigan Internet Sex Crimes Attorneys,” [Website](#), Archived: 4/4/08)