

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 2:19-cr-115
)	
v.)	(The Honorable Donetta W.
)	Ambrose)
TAL PRIHAR,)	
)	
Defendant.)	

DEFENDANT’S SENTENCING MEMORANDUM

AND NOW comes Defendant Tal Prihar, by and through his attorney Michael A. Comber, Esquire, and the law firm of Reisinger Comber & Miller, LLC, and respectfully presents this Sentencing Memorandum and attached Letters of Support for the Court’s consideration in determining an appropriate sentence.

I. Introduction

Defendant Tal Prihar is a 39-year-old husband and father to four young children living in Israel. He has been married for thirteen years, been a father for eleven, and been a constant presence in his family. He has not seen his wife or children since February of 2020. He was arrested at an airport in France, in front of them, while traveling, and has been in various jails and prisons since then.

Mr. Prihar acknowledges that his conduct led to this. This is why he voluntarily waived extradition to the U.S., promptly agreed to plead guilty, and is forfeiting an enormous sum of perceived gains. But continued confinement in the U.S. deprives Mr. Prihar and his family unnecessarily of his presence in their lives, and it is causing incalculable harm to all of them. For

these reasons and the many others in this Memorandum, we respectfully submit that a variance to a sentence of time served, or 34 months accounting for customary foreign confinement credit, would be sufficient, but not greater than necessary, to achieve the purposes of sentencing set forth in 18 U.S.C. § 3553, and we ask the Court to impose such a sentence.

II. Legal Standards

A court should impose a sentence “sufficient, but not greater than necessary, to comply with the purposes” of sentencing. 18 U.S.C. § 3553(a). In making its determination, a court considers, among other things, (1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) the need for the sentence imposed to afford adequate deterrence and protect the public; (3) the kinds of sentences available; (4) the Sentencing Guidelines; (5) pertinent policy statements by the Sentencing Commission; (6) the need to avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct; and (7) the need to provide restitution to any victims of the offense. *Id.*

The United States Sentencing Guidelines are one advisory factor in this analysis. *United States v. Booker*, 543 U.S. 220 (2005). The fundamental sentencing responsibility is to “consider all of the § 3553(a) factors to determine whether they support the sentence requested by a party.” *Gall v. United States*, 552 U.S. 38, 50 (2007). Thus, a sentencing court “may not presume that the Guidelines range is reasonable,” but “must make an individualized assessment based on the facts presented.” *Id.* at 50.

III. Argument

We believe several of the § 3553(a) factors are most pertinent for Mr. Prihar, and we address them separately below. They incorporate a motion for a variance, and together under

the full facts and circumstances, we respectfully submit that they support the requested sentence of time served.

a) Nature and Circumstances of the Offense

The nature and circumstances of the offense to which Mr. Prihar pleaded guilty are set forth in detail in the Indictment, multiple Department of Justice press releases, Wikipedia, and international news articles. Depending on the source of information, however, the characterizations of Mr. Prihar and the offending website – DeepDotWeb – vary considerably. The Department of Justice described DeepDotWeb as a “broker for illegal Darknet marketplaces,” and a “gateway to facilitate the illegal purchase of items.”¹ Wikipedia described it as “a news site dedicated to events in and surrounding the dark web featuring interviews and reviews . . . and related news,” while other websites described it as a referral service.² Similarly, the U.S. Attorney’s office characterized Mr. Prihar’s role as “extract[ing] a fee” for each link a customer followed (as if he took it by force), while PCMag described him as engaging in “affiliate marketing” (as if the website implemented a common referral fee and it was “not illegal to post a link to a black market site”).³

¹ United States Attorney’s Office for Western District of Pennsylvania, Press Release, “DeepDotWeb Administrator Pleads Guilty,” dated March 31, 2021, *available at* <https://www.justice.gov/opa/pr/deepdotweb-administrator-pleads-guilty-money-laundering-conspiracy> (last accessed January 18, 2022).

² Wikipedia, “DeepDotWeb,” *available at* <https://en.wikipedia.org/wiki/DeepDotWeb> (last accessed January 18, 2022); United States Attorney’s Office for Western District of Pennsylvania, Press Release, “Administrators of DeepDotWeb Indicted,” dated May 8, 2019, *available at* <https://www.justice.gov/usao-wdpa/pr/administrators-deepdotweb-indicted-money-laundering-conspiracy-relating-kickbacks-sales> (last accessed January 18, 2022).

³ Michael Kan, “Feds Seize DeepDotWeb For Taking Money From Black Market Sites,” PC Magazine, dated May 7, 2019, *available at* <https://www.pcmag.com/news/feds-seize-deepdotweb-for-taking-money-from-black-market-sites> (last accessed January 18, 2022).

Some of these public characterizations of DeepDotWeb and Mr. Prihar's conduct, leaning too far one way or the other, seem to lose sight of the more straightforward and accurate description that is relevant under this § 3553(a) factor. Mr. Prihar earned money from customers who followed some of the links on DeepDotWeb to other websites, and he pleaded guilty because he knew that some of the links led to darknet marketplaces where those customers could purchase illegal items. He did not operate a darknet marketplace, he did not force website visitors to click links, and he did not know which visitors linked to which marketplace or spent their money on which items. In fact, Mr. Prihar did not even set out to operate a referral website for darknet marketplaces. DeepDotWeb began as a news and information resource. It still was at the time of its seizure, and its revenue sources were not solely the referrals or "kickbacks" described by the government, but included other lawful enterprises.

Mr. Prihar does not offer this as a justification or excuse – DeepDotWeb made access easier, and there were referrals paid for those who chose that access. But it is important to Mr. Prihar, and in our view to an accurate analysis of this §3553(a) factor, that the exact nature and circumstances of DeepDotWeb and Mr. Prihar's conduct be understood instead of the many public characterizations of it. Mr. Prihar knows that he profited from the referrals, and as a result he has pleaded guilty and agreed to forfeit all of the proceeds, bank accounts, cryptocurrency, and other property.

Mr. Prihar was taken into custody on May 6, 2019, in France. He was traveling with his family home to Brazil, where they resided at the time, from a visit to Israel, where their extended families and friends lived. On a layover in Paris, Mr. Prihar was arrested, taken to a police station,

and soon placed in a Parisian jail reserved for – as best we can tell – some of the worst of international prisoners in France.

Mr. Prihar spent the next seven months or so in a foreign jail, neither understanding nor understood in terms of language or culture. He found a Jewish community to socialize with, and attempted to avoid conflict. He eventually transferred to a second French prison, with better food and facilities, and from there he was able to accomplish his extradition to the United States.

Mr. Prihar consented to extradition to face these charges and the likely prison sentence they would carry. He pleaded guilty to the first Count of the Indictment – money laundering – to resolve the case and accept responsibility for his part in DeepDotWeb. He agreed to forfeit all of the proceeds of DeepDotWeb, multiple cryptocurrency accounts, multiple bank accounts, the domain and its contents, and personal property. And he knows he may face additional (and he has already spent much) time in prison.

In total, by the time Mr. Prihar is sentenced, he will have spent approximately 33 months incarcerated in foreign countries: 17 months, 11 days in French jail, and 15 months, 9 days in U.S. pretrial detention.

b) History and Characteristics of the Defendant

Along with offense characteristics, “the history and characteristics of the defendant” is the first sentencing factor listed in 18 U.S.C. § 3553(a). Mr. Prihar’s history and characteristics arise out of his upbringing in Israel and his family, and they are unique and compelling.

Mr. Prihar was born in Nahariyya, Israel, in 1981, and was raised in Ma’alot, Israel, two cities in the north of the country kilometers from the Lebanon border. His father worked in factories, and his mother worked in the security industry.

Mr. Prihar recalls a traditional, quiet childhood near the mountains. His memory is positive and modest, characteristic of his personality. In fact, in 1982, Israel launched Operation Peace for Galilee, later known as the First Lebanon War, a security operation by Israel forces in southern Lebanon. The conflict surrounding the war touched much of northern Israel, with rockets landing in and around Ma'alot, and it resulted in civilian casualties. Mr. Prihar and his family spent some time in shelters. Perhaps Mr. Prihar doesn't recall it as a major part of his childhood because of his personality, or because the environment of conflict was part of his childhood routine.

At the age of six, Mr. Prihar moved to a nearby city of Kfar Vradim. Mr. Prihar was raised in Kfar Vradim, attended school there, and to this day his parents live there. Now they are both retired and, incredibly unfortunately, both recovering from cancer. When Mr. Prihar was young, his father worked at a factory assembling computer chip boards with soldering pens, and he would bring home pieces. Mr. Prihar was fascinated. He began developing an interest in electronics and computers, and knew from the beginning that he had an aptitude for it.

At the age of 18, Mr. Prihar entered compulsory military service, and served on the Lebanese border. He was eventually discharged for medical reasons, completed his high school diploma nearby, and then, like many young men, traveled abroad. For two years he lived and worked in England – in Manchester, Birmingham, and London – socializing in rooted Jewish communities and working odd jobs in sales, seasonal mall work, and a kosher supermarket.

When Mr. Prihar returned to Israel, he traveled to Jerusalem. For approximately a year, he lived and studied religion with other members of the Orthodox community. Although he is no longer Orthodox, a devotion to the community and the lessons it taught him stuck with him

since, as reflected in the letters from his Rabbis and family and community members. *See, e.g.,* Exhibit A (Letters from Phillippe Chelly, Shlomo Goldfarb, and Amichai Marinovsky). It was certainly deeply held when he then returned to the north of Israel, to a town called Tzfat (Safed) in the mountains above the Sea of Galilee. There, he met his wife, Mor.

Mor says that as soon as she met Mr. Prihar, she knew that he would be her husband. He was smart, generous, and they had interesting conversation. In fact, they had nothing but interesting conversations in public places for six months – they held to religious beliefs about relationships – when they decided to marry. But that allowed them to find and grow a deep intellectual and emotional bond. They are very different in some ways, she an extrovert, he an introvert, but they connected on such a level that these differences became a strength.

Much of it had to do with Mr. Prihar's nature. Mor recognized that he is a deeply “caring and loving” individual, and throughout his life it has shined in his interactions with everyone:

- “The most outstanding thing about Tal is his willingness to help others, the way he wants everyone to feel good and goes out of his way to make sure everyone has what they need.” Letter from Yafit Hazan.
- “We saw right away that Tal was a man that honors others and gives them the honor, and it is all done out of good manners and humbleness. . . . Tal always donated to the needy and anybody who asked help from Tal, he did so happily.” Letter from Lilah Hoter-Yishai.
- “Tal is a precious person; he is of great value for the community and society. Kind, devoted, who has a good and big heart. He is diligent and caring. He helps others and does good to them.” Letter from Elhonon and Esty Lerer.
- “Another thing that is very special about Tal – his sensitivity to others: he very much likes to see that the people that surround him are happy and satisfied. I remember, how he would stay at the Chabad House to clear the table at the end of the meals and how our children would love to hug him and tell him about their experiences. I remember that he was a lending air to people who had it harder in life who came to be a guest at the Chabad House.” Letter from Amichai Marinovsky.

- “My dad thinks of everyone not just himself.” Letter from oldest child.

Mr. Prihar and his wife moved to the center of Israel for several years – to Petach Tikva and then Rosh Haayin, both to the east of Tel Aviv – and Mr. Prihar worked jobs in internet marketing. Most importantly, Mr. Prihar and his wife grew their family. They had their oldest son in Tzfat, right before moving to Petach Tikva. In Petach Tikva, they had their second oldest, a daughter. In Rosh Haayin, they had their third, a daughter. Later, they moved to Brasilia, Brazil, for two years, and a fourth child, another daughter, was born.

The Prihars now have four children:



For Mr. Prihar, his family is the center of his life. Everything revolves around his wife and children. He would describe his adult life as thirteen years of marriage and family, and he has done everything possible to spend 24 hours a day in it. He has always tried to work stay-at-home jobs, so he could do the daily routine with everyone – school pick-ups and drop-offs,

extracurricular activities, spontaneous outings. Before his arrest, he viewed his family as almost completely and blessedly ordinary, spending their time in nature, traveling to the beach, shopping, watching movies, playing on their phones. But he recognizes that's not completely true – his children were able to attend some primary school in Brasilia, and learn Portuguese, and most importantly they *always* had their father around.

Mr. Prihar's wife views his role in their lives the same way. She wants the Court to know, and will tell the Court, how much she cares for him and wants him to return to their family. This is not only because of his role in their children's lives. He takes care of everyone, including her, always ensuring she has what she needs and is happy, and making certain that, despite their four children, they have time each week for just the two of them.

These are not just highlights or moments; they were the fabric of the family. Every letter about Mr. Prihar emphasizes his devotion to his family, not only in his heart, but in his actions every day:

- “Tal was and still is a very involved father he took part in every aspect of the kids life. From dressing, bathing, feeding to playing, going out on trips and helping with any issues the kids need help with. He is a very caring loving father.” Letter from Danna Calev.
- “Tal is a very devoted loving family man. Very close with his wife and kids a very loving warm family man.” Letter from Yafit Hazan.
- “Throughout the years we really noticed that he is a warm and loving family oriented person, who respects my sister, helps her in raising the children and all the housework.” Letter from Lilah Hoter-Yishai.

This is why Mr. Prihar's arrest, and now his near-three years of incarceration, have been devastating to the family. After being a constant presence, Mr. Prihar has had no presence at all. He has been in French and U.S. prisons since his arrest, and the void has been intensely felt.

At the time of Mr. Prihar's arrest, the family was living in Brasilia, and returning there from a visit to Israel. Mor was left alone with the children in Paris. She did not speak French or English, and did not know what to do. Gratefully, the news of the arrest hit Israel, and a Rabbi immediately called Mor to check on her. The Rabbi told Mor not to get on the plane to Brazil, but to come back to Israel, where Mr. Prihar's family, friends, and community – and hers too – could support her. Mor spent the next 12 days in hotels in France, assisted by the Rabbi's family, whose wife eventually flew to Paris to help Mor return to Israel with the children. When Mor and her four children finally arrived back in Israel, the friend had arranged for them to live in a small house in Kfar Vradim. They are still in Kfar Vradim today.

The community's assistance to Mr. Prihar's family during his absence has been exceptional, and in some ways reciprocates Mr. Prihar's contributions to and presence in that community before being arrested. But none of that replaces Mr. Prihar. There is no soft way to put it, but Mr. Prihar's children are suffering greatly. The oldest, 12 years old and now the only male in the family, had an extremely strong bond with his father, and since the arrest has felt an unshakeable loneliness. The second, 10 years old, outgoing and beautiful, refused to speak to anyone about her father for months after his arrest, afraid of what they might say, until an intervention with a psychologist, a teacher, and her school principal. The third, a sensitive 6-year-old who had a strong emotional connection with her father, cries often, and asks the other children at school to pray for her father to return as soon as possible. The fourth and youngest was only one year old when Mr. Prihar was arrested, but insists that she remembers and misses him (from pictures and the stories her siblings and mother tell her). When her mother goes to pray, she'll tell anyone who will listen "my mom go to pray that my dad come home!"

All of the children attend psychological therapy now. Given the size of the void created by Mr. Prihar's absence, processing it has been nearly impossible. Close observers describe it as best they can:

- “[T]heir life’s turned over. They talk to him on video calls and tell them about their day, but their hearts are shuttered. They miss his presence. . . . [H]is oldest . . . developed a very defensive sensitive look on life and finds it very difficult to find his place in class. His daughter . . . very often finds herself in a position she can’t deal with since she is so broken over what happened with her Dad. . . .” Letter from Danna Calev.
- “He is missed greatly by his wife and children, who love him so much and need him for their daily functioning. . . . Tal devoted so many hours to his family and this is lacking terribly to his wife and children who are having a hard time functioning without their loving figure.” Letter from Elhonon and Esty Lerer.
- “His absence is so big to me and especially to the children. . . . My children all go to emotional therapist for the difficulties it causes them. It hurts a lot to see that our youngest daughter who is 4.5 does not know her father and holds on to photos of them together, and to the video calls.” Letter from Mor Prihar.

On top of this, Mr. Prihar's case generated international publicity, and so his children constantly feel the anxiety of eyes on them, questions about their father, and a pressured atmosphere that they don't understand. They are behind in school; Mr. Prihar was the parent who assisted with homework and education. There are many who would treat Mr. Prihar's children as if they are their own – his friends, their religious community – but none of them are Mr. Prihar. Mr. Prihar “is an essential part of their lives and they need him home, to grow healthy and strong.” Letter from Danna Calev.

It would take some effort, but if asked, and asked again, Mr. Prihar would describe how he is also suffering greatly. He knows the role that he had in his family's life, misses his family deeply, and acutely feels the responsibility of regret of what he did to cause all of this. For the first two years of his incarceration – in France and as he was transferred to the U.S. – he had no

resources for mental health support. He constantly confronted (or more accurately did his best to avoid) anti-semitism and cultural misunderstandings in jail, where he did not speak the same languages, come from the same backgrounds, or practice the same cultural routines as the other inmates. In Butler County Prison, Mr. Prihar is the only inmate of Jewish faith. His asthma does not feel well treated, and his wife is constantly worried about his physical health.

Mr. Prihar's wife looks forward, for his health's sake, to the days when he can return to eating healthy food, wearing himself out with the children while she cooks it, and then wearing himself out again on hikes and trips with someone on his back.



She and everyone else in their community also look forward to a return soon because the oldest child, Mr. Prihar's son, turns thirteen [REDACTED]. He will have his Bar Mitzvah, and earn all the rights and obligations of a Jewish adult. He will attend synagogue, read from the Torah, and celebrate his coming of age. It is a singular milestone. He desperately wants his father to be there. So does the rest of his family and the entire community.

- “[H]is importance to the kids well being are beyond words and there need for his presence is essential to there lifes.” Letter from Danna Calev.
- “An exceptional family, united in hardship and ready to support Tal in his desire to move forward in a peaceful life. . . I really think that Tal would be much more useful to society if he is free” Letter from Phillippe Chelly.
- “I firmly believe that for the sake of the cause, for the benefit of his family and children, Tall will be able to embark on a new and beneficial path both for himself and his family by returning to them / us.” Letter from Shlomo Goldfarb.
- “Please your honor we beg you to find it in your heart to send our son home.” Letter from Micha and Dalia Prihar.
- “Please act, that Tal should come home to his children that miss him so much” Letter from Amichai Marinovsky.
- “We need him home I am asking you from the bottom of my heart to please let my husband come home as soon as possible.” Letter from Mor Prihar.

The healing and rehabilitative value of Mr. Prihar's presence would be immeasurable for everyone who knows Mr. Prihar and his family.

c) Need for the Sentence Imposed to Serve the Purposes of Sentencing

The purposes of a sentence include punishment of the criminal conduct, deterrence from additional commission of crime, protection of the public, and rehabilitation of the defendant. *See* 18 U.S.C. § 3553(a). In Mr. Prihar's case, most of these purposes have already been served by his guilty plea and acceptance of responsibility, the time he has spent in

multiple prisons in two foreign countries, and the substantial forfeitures he agreed to. These consequences have punished Mr. Prihar, they have deterred him, and they set him on a course of rehabilitation. If after this there is still additional need to serve the purposes of sentencing, it could be accomplished only by additional imprisonment, and we cannot conceive of how that would be consistent with the overall facts and circumstances.

Additional imprisonment might add to Mr. Prihar's punishment, but the addition would be far more than necessary. Mr. Prihar has already served nearly three years in prison, and his incarcerated time has worked a greater hardship than most. He was taken from his family while traveling, on a layover in Paris. He was placed in a jail full of international prisoners, tension, and violence. Now in the U.S. after extradition, he has had minimal religious support, and has not been able to see his family in person at all because of Covid and travel restrictions. From his perspective, he has spent every day of his confinement in a foreign country, forced to communicate in foreign languages, and adapting to foreign customs.

Additional imprisonment might add to general deterrence, but that addition would also be far more than necessary. Mr. Prihar's case has been in the news since his arrest, guaranteeing that more time in prison is not needed to get the word out. The Department of Justice has publicized his indictment, plea, and conduct, ensuring that by his capture, extradition, and guilty plea alone, the message of consequences is sent. On the date of the indictment, the FBI applauded "the efforts of federal and international law enforcement," which "should *send the message* that we are coming after the operators of these dangerous

websites.”⁴ On the date of Mr. Prihar’s plea, another press release announced that “today’s guilty plea *sends a message* to other cyber actors across the globe who think the dark web is a safe haven.”⁵ Acting Assistant Attorney General Nicholas L. McQuaid of the Justice Department’s Criminal Division added: “This prosecution, seizure of the broker website, and forfeiture *send a clear message* that we are not only prosecuting the administrators of Darknet marketplaces offering illegal goods and services, but we will also bring to justice those that aim to facilitate and profit from them.”⁶ In other words, the prosecution that has already taken place, including a very public arrest and guilty plea, seizure of the website, years of imprisonment, and a substantial forfeiture, has already sent a very clear message to the world about the consequences. Under the circumstances, we cannot conceive of how additional imprisonment is necessary to further send a message that has been sent, and publicly announced, repeatedly.

d) Kinds of Sentences Available and Motion for Variance

A criminal sentence can come in many forms, including incarceration, restitution, forfeitures, and fines. 18 U.S.C. § 3553(a). In Mr. Prihar’s case, his sentence has already included nearly three years of incarceration and substantial forfeitures of money, bank accounts, and personal property. No fine or other kind of sentence is necessary.

⁴ United States Attorney’s Office for Western District of Pennsylvania, Press Release, “Administrators of DeepDotWeb Indicted,” dated May 8, 2019, *available at* <https://www.justice.gov/usao-wdpa/pr/administrators-deepdotweb-indicted-money-laundering-conspiracy-relating-kickbacks-sales> (last accessed January 18, 2022).

⁵ United States Attorney’s Office for Western District of Pennsylvania, Press Release, “DeepDotWeb Administrator Pleads Guilty,” dated March 31, 2021, *available at* <https://www.justice.gov/opa/pr/deepdotweb-administrator-pleads-guilty-money-laundering-conspiracy> (last accessed January 18, 2022).

⁶ *Id.*

In fact, we respectfully move for a variance downward to time served for all of the reasons above. His generous and caring conduct toward others, his active fatherhood, and his contributions to and regard in his community, are all factors recognized as “reasons to justify [a] downward variance.” *United States v. Howe*, 543 F.3d 128, 137 (3d Cir. 2008). More to the point, in their light, Mr. Prihar’s already-served sentence of imprisonment and forfeitures has sufficiently but not more than necessary served the purposes of sentencing.

In addition, Mr. Prihar spent all of his incarcerative time in prisons foreign to him, and most of it in prisons foreign to the rest of us, warranting a further variance. Mr. Prihar’s detentions have been hardships greater than is typical. In France, he served seven months in an international jail, and nine more in a prison. He gets no credit for his sudden arrest and placement in jail being unexpected, although that magnified the hardship for him and his family, but he should receive variance consideration for just how difficult the time incarcerated was because of the type of inmates, quality of care, and language and culture barriers. Despite this, Mr. Prihar was “caring and comforting with the most needy and respectful of all. Often all these people who knew him in prison still ask me if I have any news from him.” Letter from Phillippe Chelly.

From Mr. Prihar’s perspective, his time in the U.S. has similarly come with consequences that are more burdensome than typical. This includes not only language and cultural barriers, but also the Covid pandemic. As the Court well knows by now, Covid has not just interrupted family visits – quarantines, reduced medical care access, nonexistent socialization, and other Covid mitigation measures have made confinement significantly more “laborious and difficult” than usual. *See, e.g., United States v. Walls*, 2020 WL 6390597, Case

No. 2:16-cr-00249 (W.D. Pa. Nov. 2, 2020) (discussing grant of variance in part because “harder time” counts for more, and a sentencing court must “consider the entire picture as it exists now”). Mr. Prihar even contracted Covid while at Butler County Prison, while suffering from Asthma. Altogether, these conditions warrant a variance to account for the hardship.

To reach a sentence of time served, the variance would not need to be extraordinary. One way to fairly measure it might credit two days for each day spent in foreign custody. If that is applied, Mr. Prihar’s 17 months, 11 days in French jail, would equal 34 months, 22 days. Additionally, if Mr. Prihar had served his time in a Bureau of Prisons facility, he could have received good conduct, programming, and other credits toward his time served. These benefits are available to many pretrial detainees, and if they had been available to Mr. Prihar, in addition to the “entire picture” evaluation of his time spent in France, he could fairly be considered to have already served more than 54 months in prison. The variance to reach that figure is readily justified by Mr. Prihar’s unique history and circumstances, described above. And at bottom, the sentence that is sufficient, but not greater than necessary, to serve the purposes of sentencing, is what Mr. Prihar has already served: years in prison, substantial forfeitures, and the punishments and deterrence of family separation and case publicity among everything else.

IV. Conclusion

For these reasons and the others presented in this Memorandum and at hearing, including the enclosed Letters of Support, we respectfully ask the Court to impose the requested sentence of time served.

Respectfully submitted,

Dated: January 19, 2022



Michael A. Comber, Esquire
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19/1/2022

Reut Abramson
Kfar vradim
Israel

The Honorable Donetta W. Ambrose
Senior United States District Judge
Western District of Pennsylvania
Joseph F. Weis, Jr. United States Courthouse
700 Grant Street
Pittsburgh, Pennsylvania

Your Honor:

My name is Reut and I am a social worker in Kfar vradim.

Prihar family has been under the care of our department of social services since June 23rd 2019. The family needed help after the sudden arrest of the father and their rash arrival to Israel.

The family is being helped intensively for their emotional needs, in family sessions and also in parental guidance to Mor. Mor is also being supported emotionally by our department.

The children has lots of emotional difficulties and big gaps in their learning abilities.

Their fathers absence is very difficult as he always had a very important and significant role in their lives.

Due to covid and the fact that the distance in geography is so big the family could not visit their father, a fact that made things much worse for them.

I am joining the family in wishing the father will be back home soon.

Sincerely

Reut Abramson

15/1/2022

Danna Calev
Rotem kfar vradim Israel

The Honorable Donetta W. Ambrose
Senior United States District Judge
Western District of Pennsylvania
Joseph F. Weis, Jr. United States Courthouse
700 Grant Street
Pittsburgh, Pennsylvania

Your Honor:

My name is Danna calev and I am an emotional therapist for kids. I am seeing Tal's older kids for the past 3 years. I am writing you because I feel it is vary important to show Tal's fatherly side from the kids point of view. Tal was and still is a very involved father he took part in every aspect of the kids life. From dressing, bathing ,feeding to playing ,going out on trips and helping with any issues the kids need help with. He is a very caring loving father. Ever since he got arrested their life's turned over. They talk to him on video calls and tell him about their day, but there hearts are shuttered. They miss his presence. [REDACTED] his oldest needs his father to guide him through life. He developed a very defensive sensitive look on life and finds it very difficult to find his place in class. His daughter [REDACTED] feels stressed when kids ask about her father she can't explain how a wonderful father like hers be in prison. Very often she finds her self in a position she can't deal with since she is so broken over what happened with her Dad.Tal is an essential part of there lifes and they need him home, to grow healthy and strong. Tal's family is a very close loving family and he raised wonderful loving caring kids.

As a therapist I see the close loving relationship between Tal and his wife and kids. Relationship you rarely see in families that live together. The devotion they have for each others well being. They will not miss call from him and everything they do they want to share with Tal and hear his soft kind words.

I ask you please be lenient with Tal at sentencing. his importance to the kids well being are beyond words and there need for his presence is essential to there lifes.

Thank you so very very much!
Sincerely
Danna

AUMÔNERIE ISRAËLITE DES PRISONS

DIRECTION NATIONALE

The Honorable Donetta W. Ambrose
Senior United States District Judge
Western District of Pennsylvania
Joseph F. Weis, Jr.
United States Courthouse
700 Grant Street
Pittsburgh, Pennsylvania

Paris January 13, 2022

As national prison chaplain for people of Jewish faith, for almost forty years, acting particularly in Paris and the Paris region, I was able to meet twice a week, Mr. PRIHAR Tal when he was in prison in France.

During this period Tal be appreciated by all. Management and guard of the two prisons where he was, and prisoners of all origins. He has always been caring and comforting with the most needy and respectful of all. Often all these people who knew him in prison still ask me if I have any news from him.

Much more still, Tal has been a real contributor to our missions which, even if they are related to religion, have for primary goal to allow the reintegration of people into society. His interventions during the debates that we are organizing and during which he expressed his feelings of repentance, of hope in a future of respects the laws and the rules of life in society, motivated many prisoners to think about a new model of life.

I also got to know his wife, his children, and his parents during their trips to Paris. An exceptional family, united in hardship and ready to support Tal in his desire to move forward in a peaceful life. Having discussed it with Tal several times, he does not want to anymore disappoint anyone and certainly not his family, who will be a bulwark and a motivation for him.

I really think that Tal would be much more useful to society if he is free, and I ask that you please be lenient with Tal at sentencing.

I apologize for my English and thank you for the attention you will give to this letter.

Respectfully yours.



P. CHELLY
[Redacted signature]

Consistoire Central Israélite de France
Place de Jérusalem
75017 Paris

הרב שלמה גולדפרב

כפר ורדים

By the Grace of G-d

1/17/2022

Rabbi Shlomo Goldfarb
Kfar Vradim
Israel

The Honorable Donetta W. Ambrose
Senior United States District Judge
Western District of Pennsylvania
Joseph F. Weis, Jr. United States Courthouse
700 Grant Street
Pittsburgh, Pennsylvania

Your Honor:

My name is Shlomo Goldfarb, I serve as the rabbi of the community and the Kfar Vradim synagogue in northern Israel.

I have known Tal Prihar and his parents for about 15 years.

I also knew his dear wife Mor, even before their wedding which took place over 13 years ago.

All these years we have had a friendly and respectful relationship, and have accompanied them some of the time from close and some of the time from a distance, during the birth of their four children.

When Tal was arrested, we took care to help Mor and the children in every possible way to get back to Israel and move to live next to us in Kfar Vradim.

They are literally our family.

In the last year I have visited Tal 3 times in Pennsylvania, which simply shows the attitude towards him as a family member and a beloved friend.

Despite the mistake he made, I firmly believe that for the sake of the cause, for the benefit of his family and children, Tal will be able to embark on a new and beneficial path both for himself and his family by returning to them / us.

הרב שלמה גולדפרב

כפר ורדים

Tal and his family are surrounded by a loving, supportive and embracing community.

His eldest son, who along with his sisters, expect his father to return to him, especially when he is only a few months away from his Bar Mitzvah celebration he is preparing for.

I sincerely hope that you will find compassion and understanding for his speedy return to Israel and his family.

"May the L-rd bless you from Zion and see the good of Jerusalem all the days of your life, and may your sons see your sons peace be upon Israel"

God bless you,

Shlomo Goldfarb



The stamp is circular with a pinkish background. It contains the text 'הרב שלמה גולדפרב' (Rabbi Shlomo Goldfarb) in Hebrew at the top, 'Rabbi Shlomo Goldfarb' in English below it, a central emblem featuring a rainbow and a menorah, and 'Kfar Vadim' in Hebrew at the bottom. The text 'ידים ארוכים' (Long hands) is written in a smaller font at the very bottom of the circle.

1/19/2022

Mei Hazan
Maalot, Israel

The Honorable Donetta W. Ambrose
Senior United States District Judge
Western District of Pennsylvania
Joseph F. Weis, Jr. United States Courthouse
700 Grant Street
Pittsburgh, Pennsylvania

Your Honor:

I am Meir Hazan, I know Tal Prihar from school, when we learned together in the Ort high school in Maalot. Tal and I were very close friends and because of that we spent lots of time together. I got to know Tal inside and out. Tal was always a youngster with good heart and helped anybody that needed help in learning.

Tal was very good in math and language, and he would sit and explain and repeat the information until it was understood.

He would also help the elderly and lonely, to bake, buy and fix things in their home.

Tal is a good friend in every sense of the word. A person that you know you can count on for anything. A friend with all his soul and very friendly and loved by all. He is dedicated to family and friends.

Today, as Tal is not present, my wife and I are in very good relations with Mor and the children.

We visit them often and go with the children on trips and we eat together. They come to our home for the weekend and on holidays.

We all miss Tal very much.

I ask in every language and request from your honor and you should be filled with mercy for Tan and Mor and the sweet children. It is very hard for them without their Dad, who was always home with them as a good friend. Today they are lacking love and full of anxiety.

I promise your honor, that when Tal comes home, I will be at his side, to give him support to return to a normal and healthy life path with his loving family.

Thank you in advance, honorable judge, may G-d watch over you and be at your side, always.

Meir Hazan

[REDACTED]

Maalot, Israel

18/1/2022

Yafit hazan
Maalot
Israel

The Honorable Donetta W. Ambrose
Senior United States District Judge
Western District of Pennsylvania
Joseph F. Weis, Jr. United States Courthouse
700 Grant Street
Pittsburgh, Pennsylvania

Your Honor:

My name is Yafit Hazan and I know Tal for 15 years since I married my husband Meir Hazan.

My husband and Tal were always close friends as brothers and as couples we always did things together and spend time at each others home.

We went out together and spend weekends together and it was always very pleasant.

The most outstanding thing Bouton Tal is his willingness to help others, the way he wants everyone to feel good and goes out of his way to make sure everyone has what they need.

I always felt that Tal isa very devoted loving family man. Very close with his wife and kids Avery loving warm family man. I realy wish for him to be back home where he belongs.

I am asking you your honor to please help Tal to get to his family.

Sincerely

Yafit Hazan

1/17/2022

Lilah Hoter-Yishai
Kiryat Ata
Israel

The Honorable Donetta W. Ambrose
Senior United States District Judge
Western District of Pennsylvania
Joseph F. Weis, Jr. United States Courthouse
700 Grant Street
Pittsburgh, Pennsylvania

Your Honor:

My name is Lilah, the older sister of Mor, the wife of Tal.

Firstly, I would like to thank your honor for the right that your honor has give me, in the name of the entire family, brothers and parents of Mor, to write a few words about Tal. From the first minute that Tal joined our family, my parents and the rest of the family, accepted him with love. We saw right away that Tal was a man that honors others and gives them the honor, and it is all done out of good manners and humbleness.

Throughout the years we really noticed that he is a warm and loving family oriented person, who respects my sister, helps her in raising the children and all the housework.

Every time someone in the family would come to visit, Tal would prepare tasty foods and spoil them with all his heart.

Tal always donated to the needy and anybody who asked help from Tal, he did so happily. Even when the children would have a hard time with homework, on the computer or in English, Tal always would help them and teach them new things.

We were a loving and united family, that celebrate holidays together, take trips in the nature. Since Tal is not here, our events and holidays are not the same. Our parents are always sad and we can see the pain they carry, which is also obviously express with crying. And this affects everything. The hardship of being without Tal is daily and the pain and grief is hard to express in words. To see my sister, raise our nieces and nephews without their father tears our hearts.

We know the path is still long and that there is a long recovery that Tal and his family need to go through. But we pray daily and hope for a miracle that Tal we return to us, home

to Israel, to the family. In Israel he has a supportive and loving family that will help him in every step.

We will be thankful to the judge, if she frees Tal home speedily and we should merit already at the next holiday, Passover, to celebrate together with the family.

We appreciate and thank your honor from the depth of our heart

Lilah

קס"ג

שם: ע"מק חוטר-ישי

צ"ר: קה"ת א"ת"א

אנ"ש: ישרא"ל

תאריך: 17/1/2022

לכבוד: כבוד השופטת הדכורה של ארה"ב מחוז פנסילבניה

שמי ע"מק האמר המדועה של אורי אשתו של ע"מק.

קודם כל ברצוני להודות לכבוד השופטת על הטיפול שנתנה לי.

בשם כל המשפחה: האחים והחברים של אורי לכתוב כמה דברים על ע"מק.

מהינד הכישרון ששל נכנס למשפחתי, החברים וכל המשפחה קיבלנו אהבה

באהבה. ישר האינו שכל בן אדם מצדד אנשים ונתן להם ים כבוד

ובכל מקרה ניוס וצ"ה.

במשך השנים האחרונות ע"מק שהיה אדם מלפניו עם ואהבה. למעשה

את אמוני, עזר לה הי"ש והעדים והכל מטעם הבית.

כל פעם שמשהו ממשפחה היה בסל יצאק ע"מק היה מכין דברים לעמים

ומתן מנה ה"ה.

ע"מק תרם תמיד לעצמקיים וכל אדם שקיבל עזרה ע"מק לאהב הלוואה

עם כשהי"ש המשפחה היו מתקשים בשעותי בית במחשבים אלו האנגלי

ע"מק תמיד היה עזר להם ומתן אהבה דברים חיים.

ה"נו משפחה אהבה ומלפניו, ששנים רבים היה ומתן אהבה ה"ה

מאז ששכל ע"מק איתנו, האהבים והחיים כפי ע"מק אהבו. החיים שלנו

תמיד עצומים וחיים ע"מק את הכולה שלמילה כמאן ע"מק לה משפחה עם כלם

הקני"ה ה"י ע"מק הוא יום "וא" את הצדד והוא שלנו קשה להסביר ה"מ"ים.

לכבוד את אמוני מצדע את הי"ש ע"מק וע"מק וע"מק את הכול של

האח"נים שלי שמדעים ה"י אהבה שלהם קודם את ע"מק.

איתנו יוצאים להודות ע"מק אהבה ושיש שיקים אהבה שלכל המשפחה דברים ע"מק.

אהבה איתנו ע"מק מתפללים ומקווים ע"מק ששכל יצור איתנו, האהבה, המשפחה

הישראל יש ע"מק משפחה תמונה ואהבה למענה ע"מק ה"ה ע"מק.

נודה לכבוד שמתנו את ע"מק באהבה ושיש ע"מק ה"ה ה"ה ה"ה

במה הפסח איתנו ע"מק המשפחה ה"ה.

מחייבים ומודים לכבוד מקרה ע"מק

המשפחה.

תודה: ע"מק

בס"ד. בזכות רבינו הקדוש ובזכות ר' שעייה בן ר' משה ר' שעיילה האט גזאגט אדער לייגצעך אדער בייגצעך

1/17/2022

Elhonon and Esty Lerer
Beitar Illit
Israel

The Honorable Donetta W. Ambrose
Senior United States District Judge
Western District of Pennsylvania
Joseph F. Weis, Jr. United States Courthouse
700 Grant Street
Pittsburgh, Pennsylvania

Your Honor:

We, Elhonon and Esty Lerer from Beitar Illit, Israel, ask mercy on behalf of Tal Prihar. A very dear friend and extremely family oriented. Who is in prison for almost three years in foreign countries (France, usa). He is missed greatly by his wife and children, who love him so much and need him for their daily functioning.

Tal is a wonderful husband and a father with a good heart. He is active in raising them and in their education. Tal devoted many hours to his family and this is lacking terribly to his wife and children who are having a hard time functioning without their loving figure.

Their trips and travels, birthdays, after school activities were routine for his children. And for the past three years, they need it more than ever.

Following the difficulty and trauma they went through during his arrest; they are undergoing mental health treatments every day to make life easier for them without a father.

Moore, his wife, a dear friend, also has difficulty raising the four children, since Tal was an active partner in raising the children. And everything was done by them together.

Tal is a precious person; he is of great value for the community and society. Kind, devoted, who has a good and big heart. He is diligent and caring. He helps others and does good to them.

Thank you, court.

Elhonon and Esty Lerer

1/17/2022

Amichai Marinovsky
Director of Chabad House
Kfar Vradim

The Honorable Donetta W. Ambrose
Senior United States District Judge
Western District of Pennsylvania
Joseph F. Weis, Jr. United States Courthouse
700 Grant Street
Pittsburgh, Pennsylvania

Your Honor:

I am Amichai Marinovsky, the director of the Chabad house of Kfar Vradim for over 18 years.

The Chabad House is a place that is a home for every man, woman and family. A place that helps people with their physical needs and alongside also gives spiritual services, to anybody who is interested.

Among the many people who have visited our Chabad house – was Tal Prihar.

Tal would come to eat by us at our Saturday Night and weekend meals, and he would also come learn Torah during the weekdays.

Many people pass here at our Chabad House during the year and take part of our programs that we have to offer, but I don't continue keeping a close connection with all. Tal – is one of those people, that the connection with him is very close. A true friend. He is loved so much by our family and was just like family for us.

When he married Mor, we came with all our children to their wedding and we were happy as if it was our child that got married.

Tal is a very smart man, he listens more to others, than he talks about himself. Even when you speak to him or near him about a topic that he is well versed in – he is not quick to show his proficiency. He lets other express themselves. It was therefore so pleasant to be in his presents and it was my pleasure to sit and learn with him.

Another thing that is very special about Tal – his sensitivity to others: he very much likes to see that the people that surround him are happy and satisfied. I remember, how he would

stay at the Chabad House to clear the table at the end of the meals and how our children would love to hug him and tell him about their experiences. I remember that he was a lending air to people who had it harder in life who came to be guest at the Chabad House.

Tal is a man that likes people and makes sure that they should have a good time. Even after his wedding, he would take interest of the people he knew from our Chabad House, he knew they had financial hardships and would help them as much as he can.

Now that Tal is far from him and his children, we host them at our Chabad House, his wife, Mor and their four children.

It is very hard for me to see the pain of the children, that talk about their father all the time and ask time and time in again when he will return home.

It is hard for me to think, that Tal who was so dedicated to others and was concerned that everyone should be happy, precisely his children are those who are sad.

Tal was such a loving father to my children, even before he was a father himself – he deserves to be home with his wife and children.]

Honorable judge! For all the people that Tal was a listening air and for his children, that Tal devoted himself to their happiness –

Please act, that Tal should come home to his children that miss him so much and are not able to come to terms with the fact that their dad is not with them!!

Thank You,

Amichai Marinovsky

18/1/2022

Micha and Dalia prihar
Kfar vradim
Israel

The Honorable Donetta W. Ambrose
Senior United States District Judge
Western District of Pennsylvania
Joseph F. Weis, Jr. United States Courthouse
700 Grant Street
Pittsburgh, Pennsylvania

Your Honor:

It is extremely important to us to first say that in February it will be 2 years since we saw our son in Paris. Due to covid Tal has been disconnected from his close family and we were not able to see him and really feel how he is doing.

Another important issue we want to bring to your knowledge your honor is that the health condition of my wife and me is not good and gets worse due to all these unfortunate events with Tal. We are treated in the oncology department in the hospital in Israel. Dalia Tal's mother is a cancer survivor and diabetic and I, Tal's father, have unfortunately cancer in my prostate.

We would like to tell you a little about Tal. Up to age 18 Tal was very involved in social activities in our village, he volunteered in the sport center and was the manager's right hand. Also Tal volunteered in the animal petting zoo we have here and was responsible for the animals well being cleaning feeding fixing the cages and day to day maintenance. He had a lot of friends and was very loved by everyone. His friends are in constant contact with us worrying about him.

On top of all that Tal as a very caring person "adopted" a friend who lost his parents due to cancer and took care of all his needs. Clothes electric appliances for his apartment food and so on. He also took care of an old man who had no family and who had a fatal disorder and Tal translated information about his rare condition for him. Took him to the doctor and helped him as much as he could. Unfortunately this man passed away.

We also would like you to take into consideration Tal's family, his wife and 4 kids that have suffered so much since their father suddenly disappeared from their lives. His youngest daughter does not remember a life with her father and the other 3 children are being taken care of through emotional therapy, educational therapy and the help of the social worker in the village where we live.

Tal's health is a very big issue he is severely asthmatic and his lungs function is very low. He needs an inhaler on a daily basis. The conditions he is being held in on top of covid risk are a big risk to his health and his life.

Tal has paid a very heavy price and we feel this is time to let him come home to his wife and children.

Please your honor we beg you to find it in your heart to send our son home.

Sincerely

Micha and Dalia Prihar

16/1/2022

Mor Prihar

Kfar vradim
Israel

The Honorable Donetta W. Ambrose
Senior United States District Judge
Western District of Pennsylvania
Joseph F. Weis, Jr. United States Courthouse
700 Grant Street
Pittsburgh, Pennsylvania

Your Honor:

My name is Mor and I am Tal's wife. We met 13.5 years ago in a shiduch which is a matchmaking. We were religious. We as religious people refrain from physical contact before wedding and so we spent a lot of time talking and really getting to know each other. When I first met Tal I saw a very quiet modest gentleman. Very knowledgeable and smart. I knew at our first date he will be my husband.

When we married I found how caring and loving he is always made sure I have everything I need and want. And always made sure I am happy.

After a year I gave birth to our first son, the pregnancy was very difficult and Tal did everything around the house. He did that with all our 4 children.

He was always my right hand in everything, we did everything together when I cooked he washed the dishes when I bathed the kids he dressed them up. he would make the sandwiches for school for the kids take them to school and anything we needed. He always was a very involved father.

Tal always cared and helped his friends too. always volunteered to help any one that needed help. our home was always open and full of guests.

Tal was very close to his grandma and made sure to call her regularly.

There are no words to describe my husband's good heart he is my love and I miss him a lot.

His absence is so big to me and especially to the children. And my children all go to emotional therapist for the difficulties it causes them. It hurts a lot to see that our youngest daughter who is 4.5 does not know her father and holds on to photos of them together, and to the video calls.

Please your honor spare my husband he paid a very big price for what happened in all aspects of his life physical and emotional. During these covid days his health is at big risk as he is severely asthmatic also being held in a far

country and not being able to visit him is so hard. My son's Bar Mitzva is coming up and we really need Tal to be by his side. Our Jewish holiday of Passover which is the holiday of freedom is coming up in April. This will be a wonderful thing if you could make it happen for us to celebrate it together.

We need him home and I am asking you from the bottom of heart to please let my husband come home as soon as possible.

Sincerely
Mor Prihar

██████████
Kfar vradim
Israel

The Honorable Donetta W. Ambrose
Senior United States District Judge
Western District of Pennsylvania
Joseph F. Weis, Jr. United States Courthouse
700 Grant Street
Pittsburgh, Pennsylvania

Your Honor:

My name is ██████████ and I am Tal's oldest son.

I want to see my Dad after almost 3 years I haven't seen him.

My Dad is a kind man he helps and supports me he knows how to listen and always on my side.

My Dad thinks of everyone and not just himself. Ever since he was arrested a big part of my family is missing.

I miss him a lot in every thing we do. In family meals, at temple, in doing my homework and in helping me with my friends.

I miss his jokes his hugs and our special time together.

Soon I will celebrate my Bar Mitzva and I need my Dad to be here with me.

I really want to ask you to please please please let my Dad come home.

Thank you

██████████

16/12022

██████████
Kfar vradim
ISRAEL

The Honorable Donetta W. Ambrose
Senior United States District Judge
Western District of Pennsylvania
Joseph F. Weis, Jr. United States Courthouse
700 Grant Street
Pittsburgh, Pennsylvania

Your Honor:

My name is ██████████ and I am Tal Prihar's daughter. I am 10 years old. I want to tell you about my Dad. My Dad is a real good painter he draws me the best drawings. He is very funny and always makes us laugh. We miss him a lot. Since my Dad got arrested I am very sad I miss him so much and I really want him to come back. I miss his help and how he supports me and takes us on trips and makes the best food. My dad is a good man and a good father and a good friend and we all need him at home. I am asking you to please please please help us and let him come home very fast we need him. Thank you very very much ██████████

