

Rubashkin appeals conviction, sentence

by [Nicole Neroulis](#)

January 5, 2011

(RNS) Convicted businessman Sholom Rubashkin, former executive of the now-defunct Agriprocessors kosher meat plant, has filed an appeal in hopes of a new trial, or at least a reduced sentence.

Rubashkin, 51, was found guilty in November 2009 on 86 counts of fraud related to his management of Agriprocessors, once the nation's largest producer of kosher meat, in Postville, Iowa.

He has been ordered to pay more than \$26 million in restitution and has begun serving his 27-year sentence at a federal prison in Otisville, N.Y., where attorneys say the ultra-Orthodox Jewish businessman has access to kosher food, prayer books and ritual items, but lacks the necessary minyan -- a quorum of 10 Jewish men -- for certain prayers.

In a brief filed Monday with the U.S. Court of Appeals in St. Louis, Mo., Rubashkin's attorneys argued that their client was treated far more harshly than other white-collar criminals, and that presiding Judge Linda Reade should have recused herself due to her involvement in the planning of the May 2008 immigration raid of the Postville plant.

Rubashkin's supporters also point out he is a first-time offender with 10 children, including an autistic teenager, and deeply committed to his religious community.

"When viewed in the context of other federal sentences imposed on defendants who have committed similar offenses, it is clear that there is an enormous disparity between the sentence imposed on Sholom Rubashkin and sentences of other nonviolent white-collar offenders who did much greater harm to the public," the brief states, calling the

27-year sentence "procedurally flawed and substantively unreasonable."

The 2008 raid, the largest immigration enforcement action in U.S. history, revealed nearly 400 undocumented workers, including minors, working at the plant. But federal prosecutors opted not to pursue the labor charges after the decisive fraud conviction, citing the time and expense of conducting another trial and detaining the workers as potential witnesses.

The government's response to the appeal is due Jan. 25.