

Class 12: Sentencing

Administrative

- Next Time: 298-316 What is a Search?
- Upcoming Classes
 - Addendum to Syllabus handed out today and on class website
 - Mon, 10/12: 316-23; 335-41; Pages from Kerr, Fourth Amendment Seizures of Computer Data (website)
 - Wed, 10/14: NO CLASS
 - Mon, 10/19: 323-35; Supplement 13-24
 - Wed, 10/21: Will change, but not available just yet.
 - Subsequent: Back to regular schedule (I hope)
- Upcoming Events
 - 10/12: After our class, broadband video at cablelabs 📺
 - Fred Von Lohmann speaking at Law School on Tuesday, 10/13 🗣️
 - 10/20-21: US Sentencing Commission holding regional hearing in Denver.

Last Time

Traveler Cases / Entrapment

- Mann Act
 - 18 usc 2422(b) 📄
 - Page 695
 - 262-62, Note 4: North Dakota/Minnesota case
- Entrapment
 - Poehlman
 - Facts
 - Pretty sad
 - D, divorced, met "Sharon" on "alternative lifestyles" discussion groups. cross-dresser
foot fetish
 - Answered ad for mother of three who understood family's "unique needs."
 - Long series of back-and-forth email messages 5.5 months
 - Started with nothing having to do with sex with kids at all His first three responses (two in CB in full) focus almost solely on her.
 - After her explicit hints, he finally starts to get picture and engage. "I do like to watch, though. I hope you don't think I'm too weird."
 - Flies from CA to FL to meet Sharon. Arrested.

Class 12: Sentencing

Last Time

Traveler Cases / Entrapment

Entrapment

Poehlman

Procedure

Held

Reasoning

Arrested/charged/convicted/served sentence in state system

One year

Two years later, again arrested and charged in federal system.

Jury convicted

121 months sentence

Sentencing

Arguments for sentencing the same crime _____ strictly when computers are involved

More strictly

Less strictly

Background 🗂️

Sentencing Guidelines

Basic Steps

1. Which Guideline?
2. Base Offense Level
3. Specific Offense Characteristics
4. Upward or Downward adjustments
5. Criminal history category
6. Look up range from table
7. Downward departure

Restrictions on Internet and Computer Use +