



# **Interactive Seminar Overview**

**San Antonio, TX**

**May 30, 2018**



# Presented By: Office of Education and Sentencing Practice



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# Getting to Know You!



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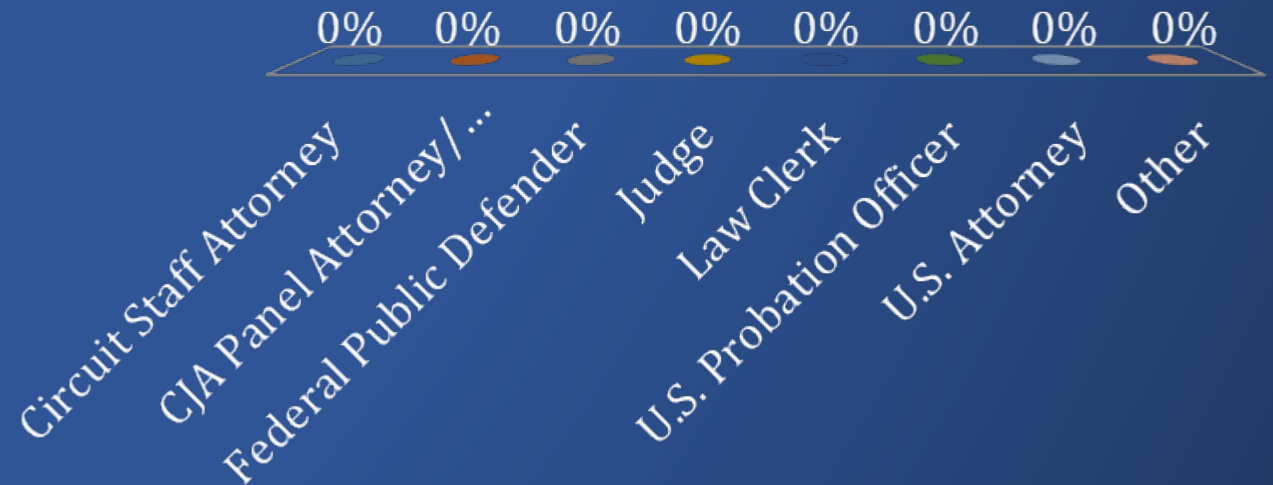
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# Who's in the audience?

- A. Circuit Staff Attorney
- B. CJA Panel Attorney/  
Private Defense Attorney
- C. Federal Public Defender
- D. Judge
- E. Law Clerk
- F. U.S. Probation Officer
- G. U.S. Attorney
- H. Other



# Years of experience with federal sentencing?

- A. Less than 2 years
- B. 2 to 5 years
- C. 5 to 10 years
- D. More than 10 years





# Commission Resources



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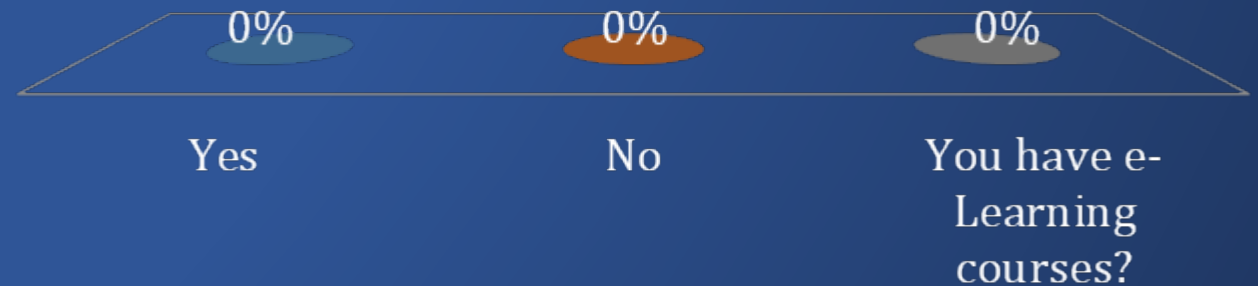
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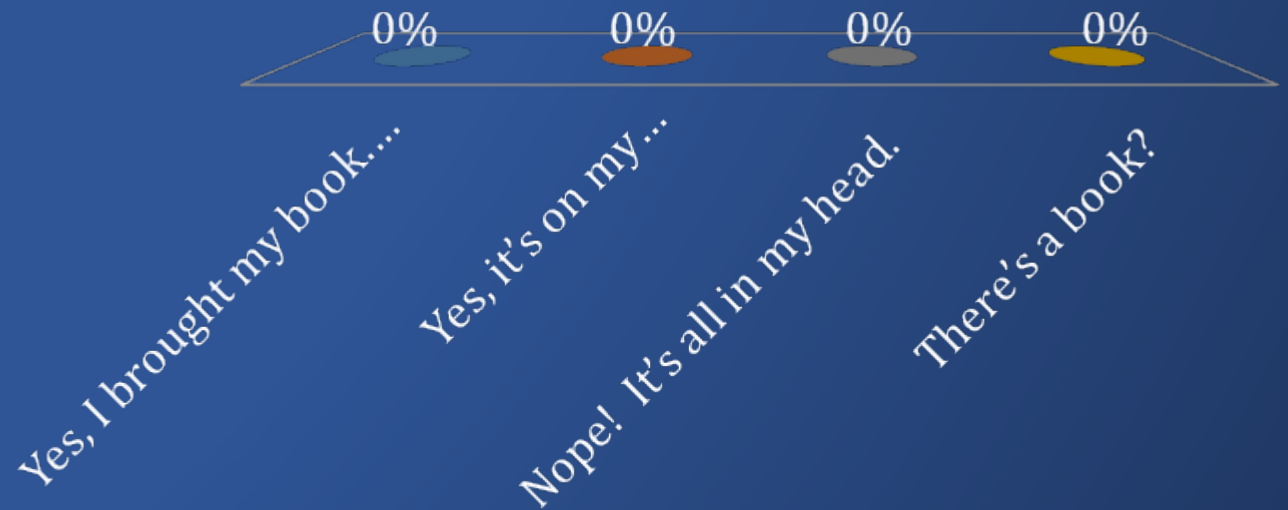
# Ever taken an e-Learning Course on the ussc.gov webpage?

- A. Yes
- B. No
- C. You have e-Learning courses?



# Who followed directions and brought their *Guidelines Manual*?

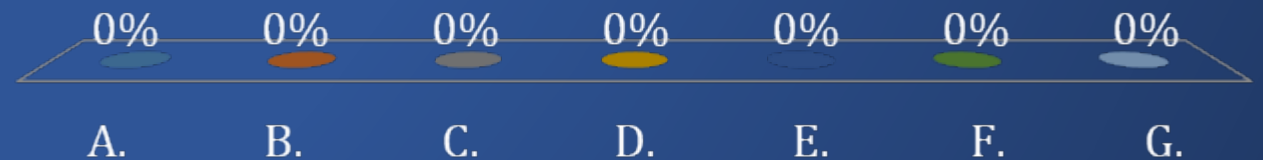
- A. Yes, I brought my book.  
I'm old school.
- B. Yes, it's on my iPad/phone/laptop.  
Technology rules!
- C. Nope! It's all in my head.
- D. There's a book?





# Who has called the Commission's HelpLine?

- A. Me! Weekly basis.
- B. Me! Monthly basis.
- C. Me! Several times.
- D. Me! Once or twice.
- E. Not me!
- F. I can't remember.
- G. What's the HelpLine?





# Selecting the Right Session for You!



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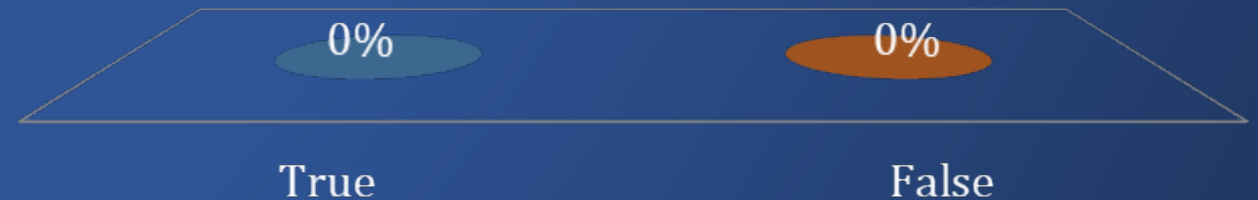


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# Drug offenses **ALWAYS** group with gun offenses.

A. True

✓ B. False

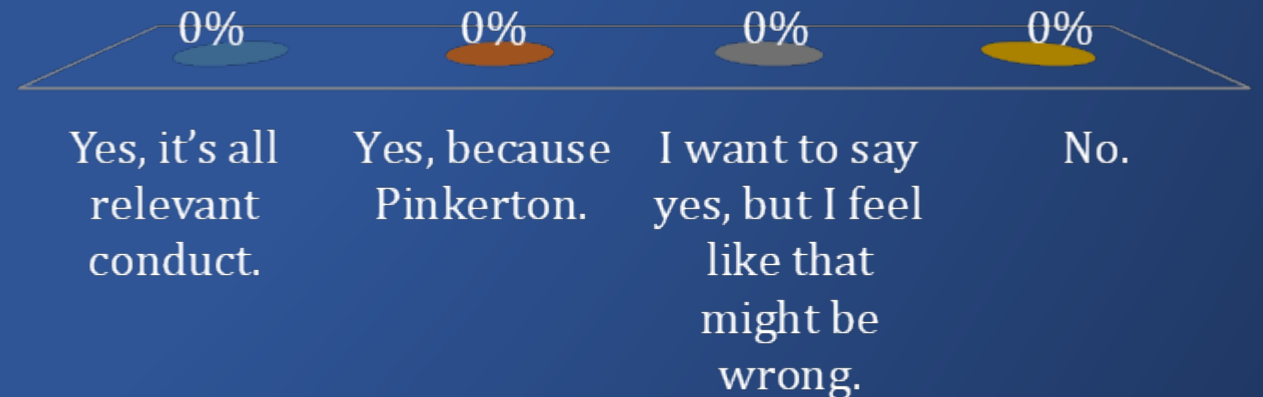


A husband and wife and two of their friends pleaded to conspiracy to commit bank fraud. They all came into the scheme at different times, but since they all knew about everything going on in the conspiracy...



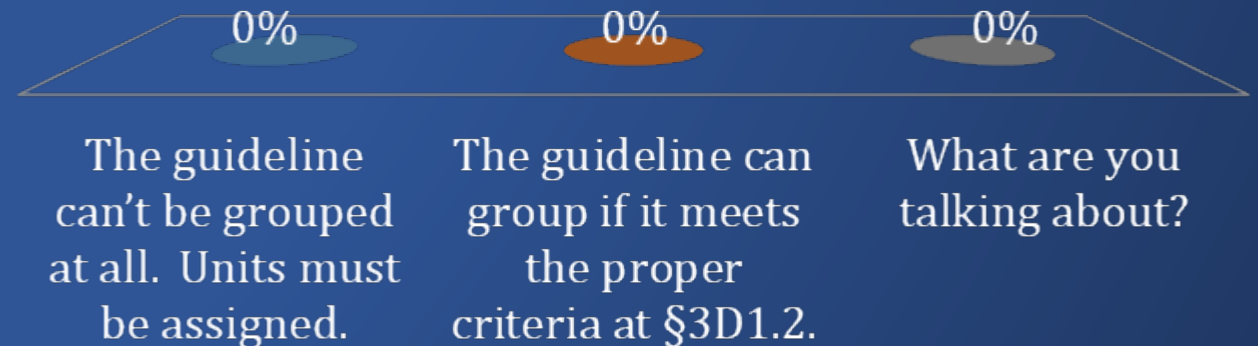
# They all get the same loss and restitution calculations, right?

- A. Yes, it's all relevant conduct.
- B. Yes, because Pinkerton.
- C. I want to say yes, but I feel like that might be wrong.
- ✓ D. No.



# A guideline is listed as “excluded” from grouping under rule (d) at §3D1.2. What does this mean?

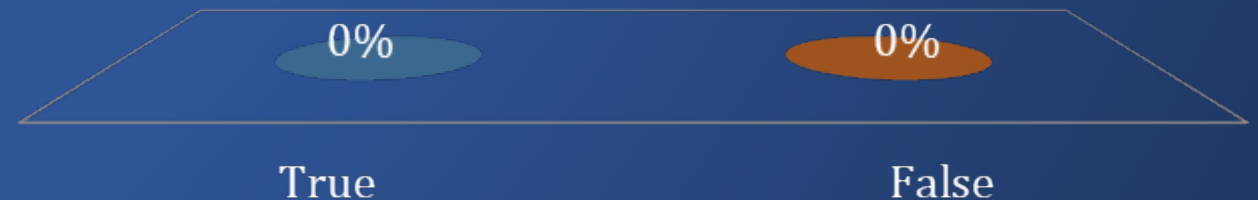
- A. The guideline can't be grouped at all. Units must be assigned.
- ✓ B. The guideline can group if it meets the proper criteria at §3D1.2.
- C. What are you talking about?



**A drug courier transporting a large quantity of drugs CANNOT receive a decrease for minor or minimal role at §3B1.2.**

A. True

✓ B. False



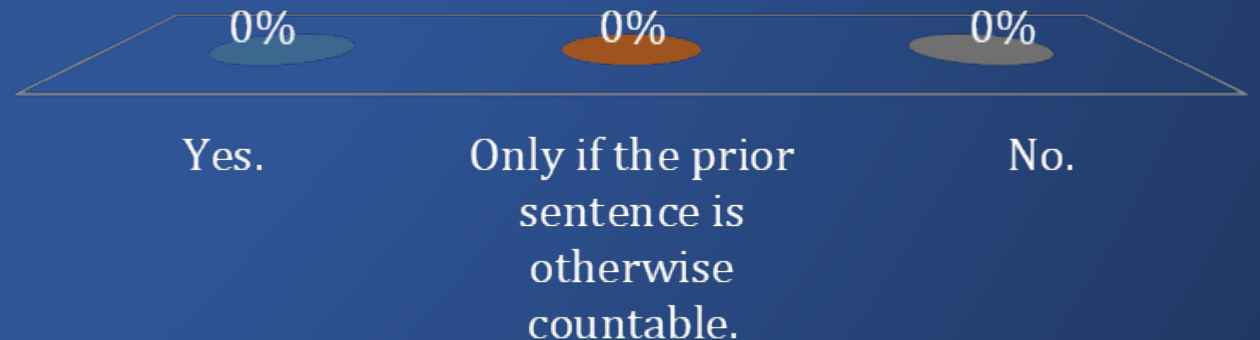
A defendant commits the instant offense while a probation violation warrant is outstanding. Is the defendant under a criminal justice sentence ...





# Will the defendant receive 2 criminal history points for “status” at §4A1.1(d)?

- A. Yes.
- ✓ B. Only if the prior sentence is otherwise countable.
- C. No.



The defendant is convicted of production of child pornography. In 2005, the defendant was convicted of sexual assault of an adult.

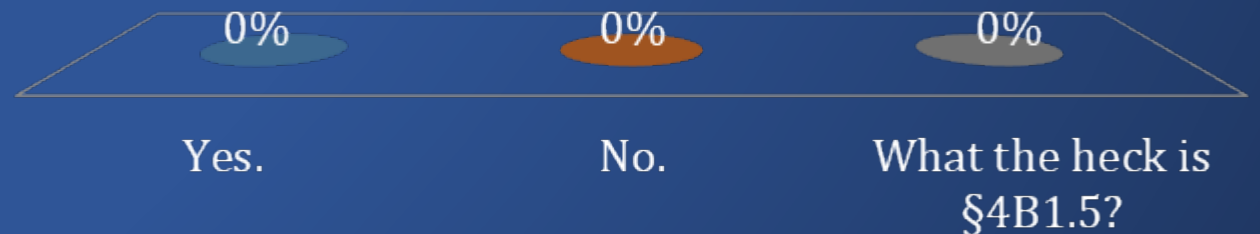


# Is the sexual assault a prior sex offense under §4B1.5?

A. Yes.

✓ B. No.

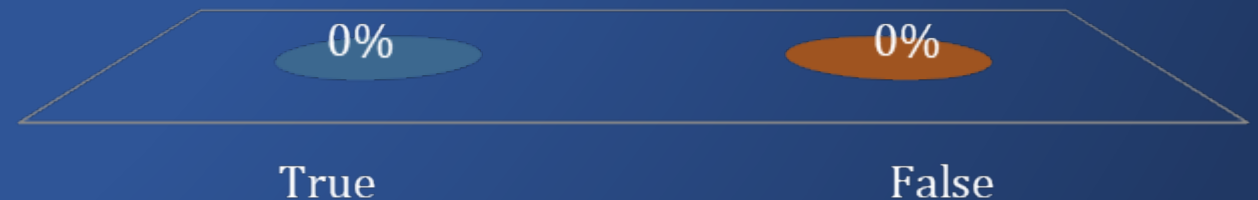
C. What the heck is §4B1.5?



“Overt acts” in a RICO conspiracy are the same as “predicate acts” in a RICO conspiracy.

A. True

✓ B. False

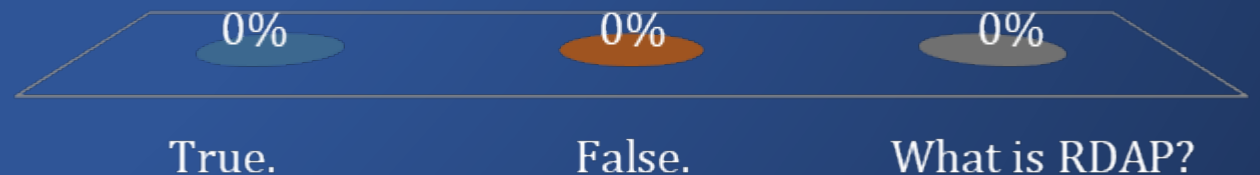


**To be eligible to participate in RDAP, all the offender needs is a judicial recommendation to participate.**

A. True.

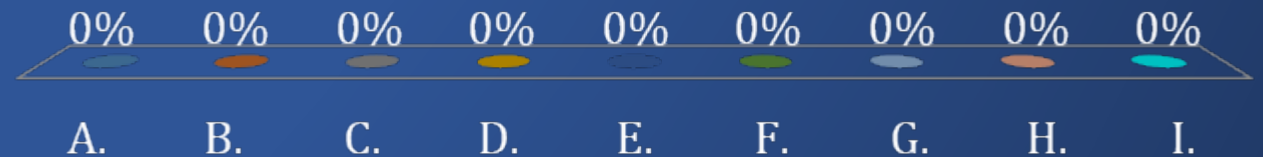
✓ B. False.

C. What is RDAP?



# Which play a role in inmate classification?

- A. Severity of current offense
- B. Defendant's age/education
- C. Months until release
- D. Criminal, violence, and escape histories
- E. Judicial recommendation
- F. Pre-commitment status
- G. Detainers/pending charges
- H. None of the above
- ✓ I. All of the above



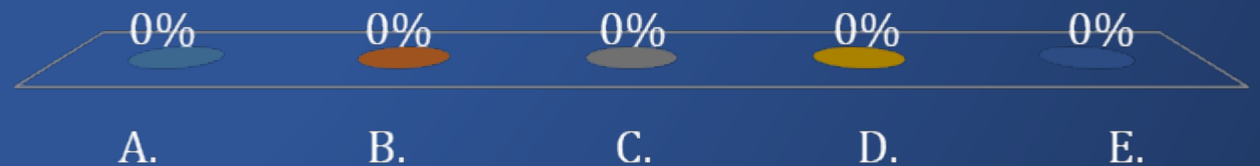
# Which issue was argued before the Supreme Court this term?

- A. Crime of violence
- B. Restitution
- C. Use of acquitted conduct at sentencing
- D. Polygraph as a condition of supervised release
- E. Tom Brady and “Deflategate”
- ✓ F. Both A and B



# What is Bitcoin?

- A. It's like PayPal right?
- B. Nothing more than a cool fad for millennials.
- C. Internet checking.
- D. Shiny gold colored coins.
- ✓ E. None of the above.



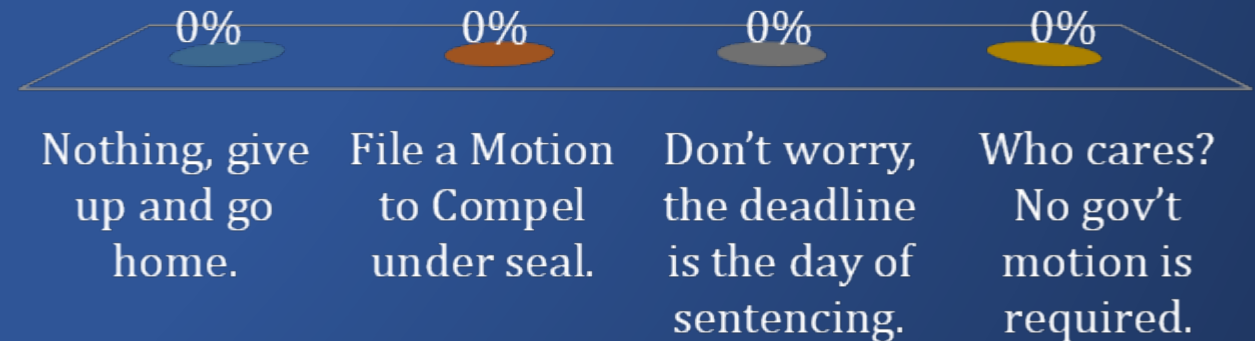


I have a drug trafficking case where I feel like safety valve should apply, but the government won't file the motion saying he cooperated ...



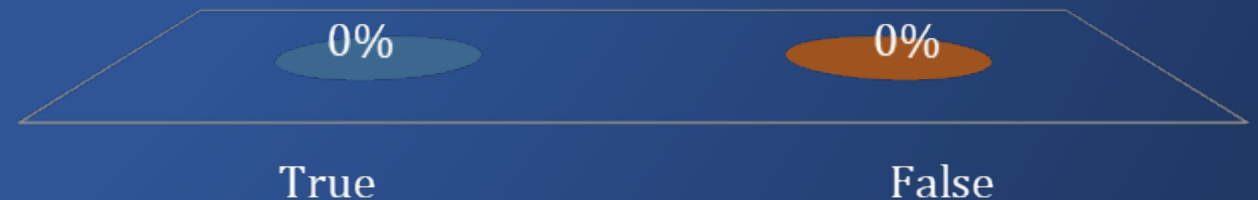
# What can I do to get the government to file the motion?

- A. Nothing, give up and go home.
- B. File a Motion to Compel under seal.
- C. Don't worry, the deadline is the day of sentencing.
- D. Who cares? No gov't motion is required.



# A good presentence investigation requires a group effort.

- ✓ A. True
- B. False

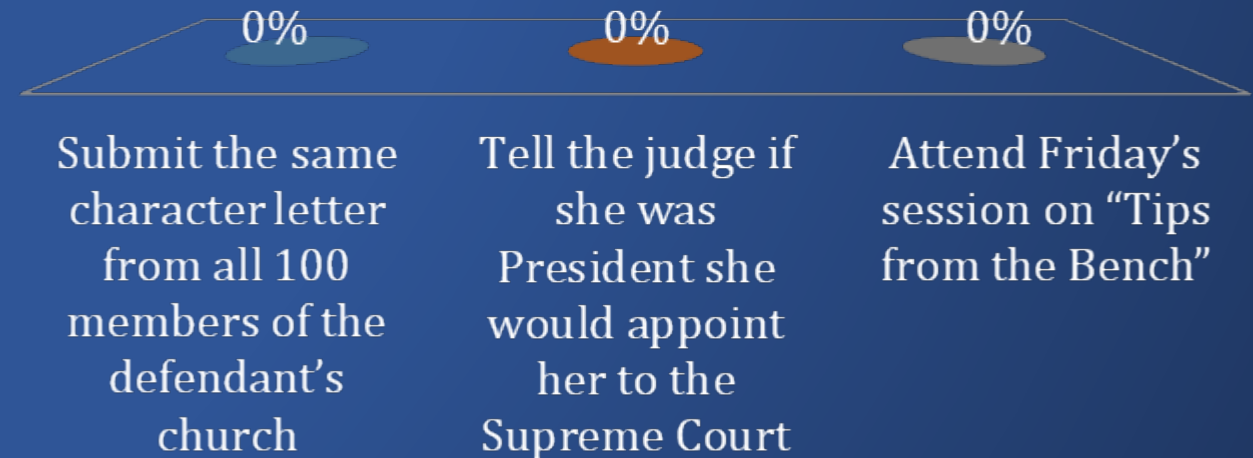


A defense attorney wants the court to sentence below the guideline range for her client.



# What is the best approach to convince the judge to grant her request?

- A. Submit the same character letter from all 100 members of the defendant's church
- B. Tell the judge if she was President she would appoint her to the Supreme Court
- C. Attend Friday's session on "Tips from the Bench"



# Thank You!



## Enjoy the Seminar!



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