

To The Delegates:

At the IAJ/UIM Annual Meeting in Mexico City, the Third Study Commission will discuss the imposition of sanctions upon a criminal party.

To assist in this regard, I have composed four fictional case scenarios which will stimulate discussions of:

- 1) what sanction would be given in each country
- 2) what factors are important for the judge to consider in crafting a sanction
- 3) what factors are not important or not useful.

The scenarios are set out below in English, and the attachment contains the French version.

Third Study Commission Vice-President Dieter Freiburghaus (Switzerland) translated the English version into French. Many thanks, Dieter!

Please review the scenarios ahead of our meeting. I look forward to seeing all of you in Mexico!!!

Thanks, Merci

Senior Judge Charles R. Simpson III
President - Third Study Commission

United States District Court
Western District of Kentucky
Louisville
Kentucky
USA

1)

Scenario 1.

- 43 year old female
- Married with four children, one of whom is deaf
- Bachelor's degree in Accounting
- No mental health or substance abuse concerns
- No prior convictions
- Offense: The defendant was employed as an office manager. In this role she kept track of the business' financial records and reconciled the company credit card statements. She served in a position of trust in the company with minimal managerial oversight. For example, she had the authority to make business expenditures on the credit card and write company checks. Her fraudulent activities included: use of the company credit card for personal expenses, issuing company checks to herself and depositing those checks into her personal bank account. The total loss attributable to the defendant was \$215,265. Records from local casinos showed that she and her husband gambled and lost over \$100,000 during her employment as office manager. She admitted her involvement.

2)

Scenario 2.

- 37 year old male
- Married with one minor child
- High School diploma
- No mental health concerns
- Has a history of abusing prescription pills
- Is employed as a Truck Driver
- Prior Convictions: Receiving Stolen Property; Possession of Marijuana; Kidnapping, False Imprisonment, and Physical Injury to Spouse; Trafficking in Anabolic Steroids
- Offense: The defendant was not permitted to purchase a firearm due to having prior felony convictions. Law enforcement learned that the defendant had his spouse purchase a firearm for him from a local gun retailer. A search warrant was subsequently conducted at the defendant's home and law enforcement seized a total of ten firearms from the home. None of the firearms were capable of accepting large capacity magazines, which is a firearm that has the ability to fire many rounds without reloading. He admitted his involvement.

3)

Scenario 3.

- 46 year old male
- Never been married and has no children
- Resided with his mother
- High School Diploma
- No mental health or substance abuse concerns
- Unemployed
- One prior misdemeanor conviction for Theft
- Offense: Law enforcement identified the defendant as a person sharing child pornography on a peer-to-peer network. A search warrant was executed at his residence and agents found 157,476 pictures of child pornography and 3,546 videos of child pornography on his computer. Many of the images were sadistic and or masochistic in nature. The images included infants and prepubescent children of both genders. He admitted his involvement.

4)

Scenario 4.

- 38 year old male
- Never been married, has a five year old daughter that he rarely sees
- High School Diploma Equivalent
- Was residing by himself in an apartment
- No mental health concerns
- Has abused methamphetamine since he was 18 years old
- Prior Convictions: Possession of Forged Instrument; Theft; Possession of

Marijuana; Conspiracy to Manufacture Methamphetamine; Evading Arrest; Trafficking in Marijuana; Possession of Methamphetamine; Trafficking in Methamphetamine;

➤ Offense: The defendant was involved in a conspiracy to possess with intent to distribute methamphetamine. Law enforcement conducted surveillance of the defendant and executed a traffic stop after he was observed leaving one of the co-defendant's residences. At that time, law enforcement found approximately five ounces of methamphetamine on the defendant. During an interview, the defendant indicated he had been trafficking methamphetamine from one of the co-defendants and previously bought over a pound of methamphetamine. He admitted his involvement.