

USEFUL SENTENCING STATUTES

PARSIMONY

18 U.S.C. 3553(a)- Factors to be considered in imposing a sentence. *The court shall impose a sentence **sufficient but not greater than necessary** to comply with the purposes set forth in paragraph (2) of this subsection.*

APPROPRIATENESS OF IMPRISONMENT

18 U.S.C. 3582 Imposition of a sentence of imprisonment

(a) Facts to be considered in imposing a term of imprisonment. *The court, in determining whether to impose a term of imprisonment, and, if a term of imprisonment is to be imposed, in determining the length fo the term, shall consider the factors set for in section 3553(a) to the extent that they are applicable, **recognizing that imprisonment is not an appropriate means of promoting corrections and rehabilitation...***

SENTENCING INFORMATION

18 U.S.C. 3661 Use of information for sentencing

***No limitation** shall be placed on the information concerning the **background, character, and conduct** of a person convicted of an offense which a court of the United States may receive and consider for the purpose of imposing an appropriate sentence.*

See also 18 U.S.C. 3553(a)(1)

SENTENCES BELOW THE MANDATORY MINIMUM

Practice tip: A motion filed by the United States **must** make reference to both U.S.S.G. §5K1.1 and 18 U.S.C. 3553(e) before a judge is authorized to go below the mandatory minimum. See also Melendez v. U.S., 116 S.Ct. 2057 (1996).

18 U.S.C. 3553(e)- Limited authority to impose a sentence below a statutory minimum. *Upon motion of the Government, the court shall have the authority to impose a sentence below a level established by statute as a minimum sentence so as to reflect a defendant's substantial assistance in the investigation or prosecution of another person who has committed an offense.*

U.S.S.G. §5K1.1 Substantial Assistance to Authorities

SAFETY VALVE

18 U.S.C. §3553(f) Limitation on applicability of statutory minimums in certain cases. *Notwithstanding any other provision of law...the court shall impose a sentence pursuant to guidelines...without regard to any statutory minimum sentence, if the court finds at sentencing...*

U.S.S.G. §5 C1.2 Limitation on Applicability of Statutory Minimums in Certain Cases.

U.S.S.G. §2D1.1(b)(11) *If the defendant meets the criteria set out in §5C1.2(1)-(5) decrease by 2 levels.* See also Application Note 7 to U.S.S.G. §2D1.1