

# FEDERAL SENTENCING LAW AND POLICY

**JURI 4581 | Spring 2025 Mini Course**  
**Hon. Stephen A. Higginson**  
**Professor John Meixner | [john.meixner@uga.edu](mailto:john.meixner@uga.edu)**  
**5:00 PM – 6:50 PM | Room D**

## COURSE DESCRIPTION AND OBJECTIVES

This one-week course will examine various aspects of the sentencing process, with an emphasis on the federal system. We will cover a variety of topics, including an overview of the Federal Sentencing Guidelines, how the federal system contrasts with non-guideline sentencing systems, the legal and societal objectives underlying the imposition of sentences, and the factors deemed relevant to sentencing decisions. We will also discuss various aspects of sentencing from the perspectives of the key players involved: the prosecution, defense, the court, and victims. Last we will cover the forms of punishment that comprise sentencing; the role of mandatory minimums; and sentencing policy reform.

At the end of this class, you should (1) have a working understanding of the basic structure of the Federal Sentencing Guidelines and the federal sentencing system; (2) be able to apply the framework of the Guidelines to basic fact patterns; and (3) understand the competing policy concerns, biases, and practical pressures that drive sentencing policy.

## COURSE MATERIALS

There is no casebook for this class. Our readings will come from a variety of sources: some will be traditional cases like you are familiar with from your other courses, but we will also read portions of the U.S. Sentencing Guidelines, amendments to the Guidelines, academic articles, and various sentencing statutes. All of the readings will be provided via eLC.

## CONTACT INFORMATION AND OFFICE HOURS

There will be no formal office hours for the course, but you can reach Professor Meixner via the email addresses listed above, and Judge Higginson will be available to meet during the week of the course. We will also generally linger after class, and if you have a short question, you can ask right then. If you'd like to set up a longer meeting with Professor Meixner, you can do so using the calendar [here](#).

### **ATTENDANCE**

Attendance is mandatory, and critical to your learning. Our time together is very brief, so missing even a single class session will significantly limit how much you'll get out of this class. If you have a conflict for any of our sessions, contact Professor Meixner in advance, as soon as is practicable.

### **CLASS WEBPAGE**

We will use [our course's eLearning Commons \(eLC\) page](#) to communicate information about upcoming classes, as well as distribute course materials. We will also generally post PowerPoint slides from each day's class to the eLC page later that afternoon. Please make sure you check the page regularly, and check your eLC notifications to ensure that you are receiving updates for the course.

### **GRADING & FINAL EXAM**

There will not be a final exam and this course will be graded on a pass/fail basis. Students will be asked to write a 5-page reflection paper on the related topic of their choosing, with broad discretion to choose from a particular reading and/or a topic discussed in class.

### **GENERATIVE AI POLICY**

Developing skills in using generative AI is an important part of being an effective modern lawyer. To that end, you may use generative AI software such as ChatGPT to help you study in this class, review cases, develop your outlines, or otherwise learn the material. However, you should note that the material generated by generative AI may be inaccurate, incomplete, or otherwise problematic. You should presume that facts it gives you are incorrect until you verify them independently. Beware that overly relying on AI may also stifle your own independent thinking and creativity.

While using AI as a study tool is permissible in this class, you may not submit any work generated by an AI program as your own. Your writing submission must be your own written product, and should not contain *any* words generated by AI.

### **LAW SCHOOL HONOR CODE AND UGA'S ACADEMIC HONESTY POLICY**

All work done in this course is subject to the [University of Georgia Law School Honor Code and Plagiarism Policy](#), and the University of Georgia Academic Honesty Policy, and the University of Georgia Non-Discrimination and Anti-Harassment Policy.

## **MENTAL HEALTH AND WELLNESS RESOURCES**

**It is totally normal to seek out and use mental health services and related resources.** If you or someone you know needs assistance, you are encouraged to contact [Chantelle Tickles](#), the law school Director of Student Affairs. You may also contact Student Care and Outreach in the Division of Student Affairs at 706-542-7774 or visit <https://sco.uga.edu>. They will help you navigate any difficult circumstances you may be facing by connecting you with the appropriate resources or services.

The law school has [a web page highlighting numerous health and wellness resources](#), including several resources specific to law students or the legal profession. UGA also has several resources for a student seeking mental health services. If you need help managing stress, anxiety, relationships, etc., please visit [BeWellUGA](#) for a list of free workshops, classes, mentoring, and health coaching led by licensed clinicians and health educators in the University Health Center. Additional resources can be accessed through the UGA App.

## **ADA ACCOMMODATIONS**

Students requiring accommodations under the Americans with Disabilities Act should contact [Chantelle Tickles](#), the Law School Director of Student Affairs, who will ensure that the request is properly documented and that I receive instructions about your accommodation consistent with University policy.

*Note: The course syllabus is a general plan for the course; deviations announced to the class by the instructor may be necessary*

**SCHEDULE**

	Date	Topic	Readings (all available on eLC or linked here)
1	2/9 3–5 PM	Introduction: sentencing theory, history, and importance	<ol style="list-style-type: none"> <li>1. <i>Federal Sentencing, The Basics</i>, pages 1–16 (stop at “Apprendi and its progeny”)</li> <li>2. Timothy J. Corrigan, <i>Who Appointed Me God?</i></li> <li>3. Complete all six sentencing scenarios <a href="#">here</a> (they take about 10 minutes each).</li> </ol>
2	2/10 5–6:50 PM	Federal Sentencing Guideline basics: offense level & criminal history; guideline calculations	<ol style="list-style-type: none"> <li>1. <i>Federal Sentencing, The Basics</i>, pages 16–32 (start at “Apprendi and its progeny”).</li> <li>2. Complete the basic criminal history eCourse <a href="#">here</a>.</li> <li>3. U.S. Sentencing Guidelines Manual § 1B1.1–2 (skip the commentary).</li> <li>4. Skim the two case studies on eLC; we will be working with them in class.</li> <li>5. Skim <a href="#">Federal Rule of Criminal Procedure 32</a>.</li> </ol>
3	2/11 5–6:50 PM	Federal history: key cases; constitutional limits; role of discretion & historical tensions	<ol style="list-style-type: none"> <li>1. <a href="#">18 U.S.C. § 3553(a)</a>.</li> <li>2. Hon. Marvin E. Frankel, <i>Lawlessness in Sentencing</i>, pages 4–11 (stop at the paragraph ending in “more helpful.”)</li> <li>3. <i>Apprendi v. New Jersey</i> (read highlighted portions on 468–92; 498–99; 555–64)</li> <li>4. <i>United States v. Booker</i> (read highlighted portions on 226–35, 243–46, 252–57)</li> <li>5. SCOTUS Squibs on <i>Rita v. United States</i>, <i>Kimbrough v. United States</i>, &amp; <i>Gall v. United States</i>.</li> <li>6. John Meixner, <i>Modern Sentencing Mitigation</i>, pages 1397–1401</li> </ol>
4	2/12 5–6:50 PM	Major sentencing policy decisions: mandatory minimums, role of criminal history, judge vs. jury sentencing, emerging issues	<ol style="list-style-type: none"> <li>1. U.S. Sentencing Commission, <i>Simplification Paper: Criminal History</i>, pages 216–20 (stop at “State Systems”)</li> <li>2. Christopher Lewis, <i>The Paradox of Criminal History</i>, read Introduction and Part II, skim Parts I and III if interested</li> <li>3. Arkansas Code §§ <a href="#">16-97-101</a>, <a href="#">16-97-103</a>.</li> <li>4. U.S. Code, 18 U.S.C. §§ <a href="#">924(c)(1)(A)</a>, <a href="#">924(e)</a>, 21 U.S.C. § <a href="#">841(a)</a>, <a href="#">(b)(1)(B)</a></li> <li>5. U.S. Sentencing Commission, <i>Mandatory Minimum Penalties in the Federal Criminal Justice System</i></li> <li>6. Danielle Kehl, Priscilla Guo, and Samuel Kessler, <i>Algorithms in the Criminal Justice System: Assessing the Use of Risk Assessments in Sentencing</i>, Parts I &amp; III, skim Part IV.B</li> </ol>
5	2/13 5–6:50 PM	Current topics in sentencing & role of the defense (guest speaker Matt Dodge, ND GA Federal Defender)	<ol style="list-style-type: none"> <li>1. Nora Demleiter et al., <i>Uncharged Conduct</i> (begin at “Which Crime?”)</li> <li>2. 2024 USSG acquitted conduct amendment</li> <li>3. <a href="#">18 U.S.C. § 3582(c)(1)</a></li> <li>4. 2023 USSC compassionate release amendment, pages 1–2, text of amendment starting at page 8</li> <li>5. <a href="#">News story on Oklahoma resentencing provision</a></li> </ol>
D1	7–8 PM		Dinner with half of the class (normal classroom)
6	2/14 5–6:50 PM	Current topics in sentencing & role of the prosecution (guest speaker Hank Moon, EDMI AUSA)	<ol style="list-style-type: none"> <li>1. U.S. Sentencing Guidelines Manual § 3E1.1 (skip the commentary).</li> <li>2. U.S. Sentencing Guidelines Manual § 5K1.1 (skip the commentary).</li> <li>3. Albert Alschuler, <i>Be Careful What You Wish For</i></li> </ol>
D2	7–8 PM		Dinner with half of the class (normal classroom)