**Task 3: Model Email**

Hi Julia,

Based on the facts currently known to us, the maximum sentence that Mr. Bradley could receive if convicted of the charges being contemplated by the U.S. Attorney’s Office is 327 months, or approximately 27 years. This assumes, as you explained in your email, that the Court would not impose consecutive sentences for each of the counts, but rather would impose a sentence within the advisory Guidelines range. The maximum fine that may be imposed is the greater of

* $5,000,000
* twice Mr. Bradley’s gross gain; or
* twice the gross loss suffered.

These calculations are based on the following analysis.

**Sentence**

The guideline applicable to defendant's offense is U.S.S.G. § 2B1.1 (November 1, 2018 edition).

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| --- | --- | --- |
| **Base Offense Level** | +7 | Because several of the charged offenses have a statutory maximum of 20 years or more, the base offense level is 7. See U.S.S.G. § 2B1.1(a) (1). |
| **Enhancement** | +22 | Because the offenses involved a loss amount of more than $25,000,000, the base offense level is increased by 22 levels. See § 2B1.1(b)(1)(L). |
| **Enhancement** | +4 | Because the offenses involved five or more victims (but less than 25), the base offense level is increased by an additional 4 levels. See §2B1.1(b)(2)(B) |
| **Enhancement** | +4 | Because the offenses involved a violation of securities law and, at the time of the offense, the defendant was (i) an officer or a director of a publicly traded company; (ii) a registered broker or dealer, or a person associated with a broker or dealer; or (iii) an investment adviser, or a person associated with an investment adviser, the base offense level is increased by an additional 4 levels. See §2B1.1(b)(19)(A). |
| **Enhancement** | +2 | Because the defendant was an organizer, leader, manager or supervisor in criminal activity that involved less than 5 participants, the base offense level is increased by an additional 2 levels. See §3B1.1(c) |
| **Acceptance** | 0 | Assuming Mr. Bradley does not clearly demonstrate acceptance of responsibility, he would not be entitled to the 2 point reduction under §3E1.1. |
| **Total** | 39 |  |
| **Criminal History Category** | Cat. I |  |
| **Advisory Guidelines Range: 262-327 months** | | |

**Fine**

After determining the defendant’s ability to pay, the Court must impose a fine pursuant to U.S.S.G. § 5E1.2. Under the Guidelines, the applicable fine range for offense level 39 (Category I) is $50,000 - $500,000. However, because one or more of the charged offenses authorize maximum fines greater than $500,000, the Court may impose a fine up to the maximum authorized by the statute. See U.S.S.G. § 5E1.2(c)(4). In this case, the maximum fine authorized under the statute is the greater of $5 million, twice the gross gain to Mr. Bradley, or twice the gross loss suffered.

Please let me know if you have any questions about any of the above.

Thanks,

[Student name]