

# CASE SUMMARY SHEET

Client: \_\_\_\_\_  
 Charges: \_\_\_\_\_  
 Mag # \_\_\_\_\_ Dist. # \_\_\_\_\_  
 Mag Judge \_\_\_\_\_ Dist. Judge \_\_\_\_\_  
 #: \_\_\_\_\_ Loc. \_\_\_\_\_ ( )

Ausa: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Ausa: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Co-Couns/MW atty: \_\_\_\_\_  
 Phone: \_\_\_\_\_

**Misc:**  
 Date of Arrest: \_\_\_\_\_  
 Amt/Type of Drug: \_\_\_\_\_  
 # of deports: \_\_\_\_\_ Bond/Det: \_\_\_\_\_

**Possibilities:**  
 GP with PA \_\_\_\_\_  
 GP w/o PA \_\_\_\_\_  
 If with at Trial \_\_\_\_\_  
 If Loss at Trial \_\_\_\_\_

**Mitigating Info:**

| Info Needed: | Due:  | Rec'd/Scanned |
|--------------|-------|---------------|
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**Court**

Date: - - @ For: Judge: Time: \_\_\_\_\_  
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**Client Visits**

Date: - - @ For: Time: \_\_\_\_\_  
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Issues to Check: \_\_\_\_\_  
 \_\_\_\_\_  
 Other Possible Consequences: \_\_\_\_\_  
 Defenses at Issue: \_\_\_\_\_  
 Other cases: \_\_\_\_\_  
 Misc: \_\_\_\_\_  
 \_\_\_\_\_

| To Do:                         | Comments/Notes: |
|--------------------------------|-----------------|
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**Contacts:** \_\_\_\_\_  
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**Phone /Email:** \_\_\_\_\_  
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**Sentencing:**  
 Mo's Custody: \_\_\_\_\_ Yrs SR: \_\_\_\_\_  
 Fine: \_\_\_\_\_ PA: \_\_\_\_\_  
 Other Requests: \_\_\_\_\_  
 Counselling: \_\_\_\_\_  
 500 Hr Rdap: \_\_\_\_\_ Loc Req: \_\_\_\_\_  
 Other Conds: \_\_\_\_\_



### Crim. History

| Date | Offense                           | Sentence               | Pts | Agg Prior?          | J&C |
|------|-----------------------------------|------------------------|-----|---------------------|-----|
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|      | <b>Alleged Deportation Dates:</b> | <b>On Prob.Parole?</b> |     |                     |     |
|      |                                   | <b>Within 2 years?</b> |     |                     |     |
|      |                                   | <b>Total CH Points</b> |     | <b>CH Category:</b> |     |

### Documents

| Documents                | Rec'd | RWC | Scanned |
|--------------------------|-------|-----|---------|
| Complaint/Mag. Info      |       |     |         |
| Bond Docs/Det. Order     |       |     |         |
| Client Info Release Form |       |     |         |
| Warrant of Deport (imm)  |       |     |         |
| Order of Deport (imm)    |       |     |         |
| Govt. Offer Docs         |       |     |         |
| Discovery                |       |     |         |
| Discovery                |       |     |         |
| Information              |       |     |         |
| Waiver of Indictment     |       |     |         |
| Plea Agreement/Addend.   |       |     |         |
| Motions                  |       |     |         |
| DEA-7 (drugs)            |       |     |         |
| PSR                      |       |     |         |
| DD Req.                  |       |     |         |
| SM/SSC                   |       |     |         |
| Judgment                 |       |     |         |
| OSC/Rec. Docs (OSC)      |       |     |         |
| Other:                   |       |     |         |
| Other:                   |       |     |         |
| Other:                   |       |     |         |
| Other:                   |       |     |         |
| Other:                   |       |     |         |

### Notes:

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**Client:**

Booking #: \_\_\_\_\_ Loc. \_\_\_\_\_ Case Type: \_\_\_\_\_  
 Citizenship: \_\_\_\_\_ Legal Docs? \_\_\_\_\_  
 DOB: \_\_\_\_\_ POB: \_\_\_\_\_ Language: \_\_\_\_\_  
 Parents Citizenship: \_\_\_\_\_  
 GP Citizenship: \_\_\_\_\_

**Family**

| Relationship | Name | Age | Location | Employment | Other Issues |
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**Employment**

**Education**

| Date(s) | Employer | Job | Location | Pay/Income | Reason Left |
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| School | Location |
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**Drug/Alc. Issues**

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**Medical Issues**

**Other Mitigating Issues**

| Issue | Docs |
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Explanation of Offense/Other Comments: \_\_\_\_\_  
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**§2L1.1. Smuggling, Transporting, or Harboring an Unlawful Alien**

(a) Base Offense Level:

- (1) 25, if the defendant was convicted under 8 U.S.C. § 1327 of a violation involving an alien who was inadmissible under 8 U.S.C. § 1182(a)(3);
- (2) 23, if the defendant was convicted under 8 U.S.C. § 1327 of a violation involving an alien who previously was deported after a conviction for an aggravated felony; or
- (3) 12, otherwise.

(b) Specific Offense Characteristics

- (1) If (A) the offense was committed other than for profit, or the offense involved the smuggling, transporting, or harboring only of the defendant's spouse or child (or both the defendant's spouse and child), and (B) the base offense level is determined under subsection (a)(3), decrease by 3 levels.
- (2) If the offense involved the smuggling, transporting, or harboring of six or more unlawful aliens, increase as follows:

Number of Unlawful Aliens Smuggled, Transported, or Harbored    Increase in Level

- (A) 6-24    add 3
- (B) 25-99    add 6
- (C) 100 or more    add 9.

- (3) If the defendant committed any part of the instant offense after sustaining (A) a conviction for a felony immigration and naturalization offense, increase by 2 levels; or (B) two (or more) convictions for felony immigration and naturalization offenses, each such conviction arising out of a separate prosecution, increase by 4 levels.
- (4) If the offense involved the smuggling, transporting, or harboring of a minor who was unaccompanied by the minor's parent, adult relative, or legal guardian, increase by 4 levels.
- (5) (Apply the Greatest):
  - (A) If a firearm was discharged, increase by 6 levels, but if the resulting offense level is less than level 22, increase to level 22.
  - (B) If a dangerous weapon (including a firearm) was brandished or otherwise used, increase by 4 levels, but if the resulting offense level is less than level 20, increase to level 20.
  - (C) If a dangerous weapon (including a firearm) was possessed, increase by 2 levels, but if the resulting offense level is less than level 18, increase to level 18.
- (6) If the offense involved intentionally or recklessly creating a substantial risk of death or serious bodily injury to another person, increase by 2 levels, but if the resulting offense level is less than level 18, increase to level 18.
- (7) If any person died or sustained bodily injury, increase the offense level according to the seriousness of the injury:

|     | <u>Death or Degree of Injury</u>            | <u>Increase in Level</u> |
|-----|---|--------------------------|
| (A) | Bodily Injury                               | add 2 levels             |
| (B) | Serious Bodily Injury                       | add 4 levels             |
| (C) | Permanent or Life-Threatening Bodily Injury | add 6 levels             |
| (D) | Death                                       | add 10 levels.           |

(8) (Apply the greater):

(A) If an alien was involuntarily detained through coercion or threat, or in connection with a demand for payment, (i) after the alien was smuggled into the United States; or (ii) while the alien was transported or harbored in the United States, increase by 2 levels. If the resulting offense level is less than level 18, increase to level 18.

(B) If (i) the defendant was convicted of alien harboring, (ii) the alien harboring was for the purpose of prostitution, and (iii) the defendant receives an adjustment under §3B1.1 (Aggravating Role), increase by 2 levels, but if the alien engaging in the prostitution had not attained the age of 18 years, increase by 6 levels.

(9) If the defendant was convicted under 8 U.S.C. § 1324(a)(4), increase by 2 levels.

(c) Cross Reference

(1) If death resulted, apply the appropriate homicide guideline from Chapter Two, Part A, Subpart 1, if the resulting offense level is greater than that determined under this guideline.

#### Commentary

Statutory Provisions: 8 U.S.C. §§ 1324(a), 1327.  
For additional statutory provision(s), see Appendix A (Statutory Index).

#### Application Notes:

1. Definitions.—For purposes of this guideline:

"The offense was committed other than for profit" means that there was no payment or expectation of payment for the smuggling, transporting, or harboring of any of the unlawful aliens.

"Number of unlawful aliens smuggled, transported, or harbored" does not include the defendant.

"Aggravated felony" has the meaning given that term in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. § 1101(a)(43)), without regard to the date of conviction for the aggravated felony.

"Child" has the meaning set forth in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. § 1101(b)(1)).

"Spouse" has the meaning set forth in 101(a)(35) of the Immigration and Nationality Act (8 U.S.C. § 1101(a)(35)).

"Immigration and naturalization offense" means any offense covered by Chapter Two, Part L.

"Minor" means an individual who had not attained the age of 18 years.

"Parent" means (A) a natural mother or father; (B) a stepmother or stepfather; or (C) an adoptive mother or father.

"Bodily injury," "serious bodily injury," and "permanent or life-threatening bodily injury" have the meaning given those terms in the Commentary to §1B1.1 (Application Instructions).

2. Prior Convictions Under Subsection (b)(3).—Prior felony conviction(s) resulting in an adjustment under subsection (b)(3) are also counted for purposes of determining criminal history points pursuant to Chapter Four, Part A (Criminal History).

3. Application of Subsection (b)(6).—Reckless conduct to which the adjustment from subsection (b)(6) applies includes a wide variety of conduct (e.g., transporting persons in the trunk or engine compartment of a motor vehicle; carrying substantially more passengers than the rated capacity of a motor vehicle or vessel; harboring persons in a crowded, dangerous, or inhumane condition; or guiding persons through, or abandoning persons in, a dangerous or remote geographic area without adequate food, water, clothing, or protection from the elements). If subsection (b)(6) applies solely on the basis of conduct related to fleeing from a law enforcement officer, do not apply an adjustment from §3C1.2 (Reckless Endangerment During Flight). Additionally, do not apply the adjustment in subsection (b)(6) if the only reckless conduct that created a substantial risk of death or serious bodily injury is conduct for which the defendant received

an enhancement under subsection (b)(5).

4. Application of Subsection (b)(7) to Conduct Constituting Criminal Sexual Abuse.—Consistent with Application Note 1(L) of §1B1.1 (Application Instructions), "serious bodily injury" is deemed to have occurred if the offense involved conduct constituting criminal sexual abuse under 18 U.S.C. § 2241 or § 2242 or any similar offense under state law.

5. Inapplicability of §3A1.3.—If an enhancement under subsection (b)(8)(A) applies, do not apply §3A1.3 (Restraint of Victim).

6. Interaction with §3B1.1.—For the purposes of §3B1.1 (Aggravating Role), the aliens smuggled, transported, or harbored are not considered participants unless they actively assisted in the smuggling, transporting, or harboring of others. In large scale smuggling, transporting, or harboring cases, an additional adjustment from §3B1.1 typically will apply.

7. Upward Departure Provisions.—An upward departure may be warranted in any of the following cases:

(A) The defendant smuggled, transported, or harbored an alien knowing that the alien intended to enter the United States to engage in subversive activity, drug trafficking, or other serious criminal behavior.

(B) The defendant smuggled, transported, or harbored an alien the defendant knew was inadmissible for reasons of security and related grounds, as set forth under 8 U.S.C. § 1182(a)(3).

(C) The offense involved substantially more than 100 aliens.

Background: This section includes the most serious immigration offenses covered under the Immigration Reform and Control Act of 1986.

Historical Note: Effective November 1, 1987. Amended effective January 15, 1988 (see Appendix C, amendments 35, 36, and 37); November 1, 1989 (see Appendix C, amendment 192); November 1, 1990 (see Appendix C, amendment 335); November 1, 1991 (see Appendix C, amendment 375); November 1, 1992 (see Appendix C, amendment 450); May 1, 1997 (see Appendix C, amendment 543); November 1, 1997 (see Appendix C, amendment 561);

November 1, 2006 (see Appendix C, amendments 686 and 692); November 1, 2007 (see Appendix C, amendment 702); November 1, 2009 (see Appendix C, amendment 730); November 1, 2014 (see Appendix C, amendment 785); November 1, 2016 (amendment 802).