

MODULE 1: THE ROLE OF CHARACTER IN SENTENCING

Lesson Overview

When a federal judge imposes a sentence, they cannot just look at the crime. Under **18 U.S.C. § 3553(a)**, judges must consider a broad range of factors, including *the history and characteristics of the defendant*. That means your personal story, your character, and the evidence that others see you as a contributing, valuable person all matter.

This is where character reference letters come in. They help ensure the Court sees you as a whole human being—not only the conduct described in the case. Starting early and building an organized campaign of letters gives your judge material they are legally required to weigh.

The Law: 18 U.S.C. § 3553(a)

The law says judges must impose a sentence “sufficient, but not greater than necessary.” To do that, they must consider seven key factors:

1. Nature and circumstances of the offense, and the history and characteristics of the defendant.

Judges weigh the seriousness of the conduct *and* your life story—your background, work ethic, family role, health, service, and rehabilitation.

- ◇ Letters can help here by sharing real stories of your integrity, contributions, or transformation.
2. The need for the sentence imposed:
 - ◇ To reflect the seriousness of the offense, promote respect for the law, and provide just punishment.
 - ◇ To afford adequate deterrence.
 - ◇ To protect the public from further crimes.
 - ◇ To provide you with needed training, medical care, or correctional treatment.
 - ◇ Letters can show you are unlikely to reoffend, that you accept accountability, and that you are committed to reform.



3. The kinds of sentences available.

Judges balance prison, probation, fines, and alternatives.

- ◇ Letters can show why alternatives to incarceration may still serve justice in your case.

4. The sentencing range established by the Guidelines.

Judges must calculate your Guideline range but can go higher or lower.

- ◇ Letters can persuade a judge to vary downward by humanizing you beyond the numbers.

5. Any relevant policy statements issued by the Sentencing Commission.

6. The need to avoid unwarranted sentence disparities.

Judges seek consistency but also fairness based on your unique circumstances.

- ◇ Letters help emphasize what makes your situation distinct.

7. The need to provide restitution to any victims.

Showing responsibility and a plan for restitution can help.

- ◇ Letters can support your sincerity in making amends.

Takeaway: Judges must weigh your character—it's not optional. Your letters give them evidence they can point to when applying these factors.

Why Character References Matter

- » Judges sentence people, not just crimes.
- » References provide context for your life, showing positive traits that paperwork cannot capture.
- » Authentic voices—family, friends, mentors, coworkers—carry weight because they reveal who you are outside the courtroom.
- » Without letters, the government's story dominates, leaving the Court with little balance.



Case Example

One defendant presented over 40 letters from coworkers, neighbors, and church members, each telling a specific story: mentoring teens, helping neighbors, volunteering. The judge cited the letters during sentencing and varied downward.

Another defendant offered only two vague letters written the night before sentencing. The judge noted they were generic and imposed a guideline sentence.

Lesson: Letters won't erase wrongdoing, but they can significantly shape the outcome.

Reflection Journal Prompt

- » Which of the §3553(a) factors do you think your letters could speak to most strongly?
- » What parts of your character do you most want the judge to understand, and who could explain them best?

Worksheet: First Step in Your Campaign

Task: List 5–10 people who could write about your character. Include:

- » Name
- » Relationship
- » Which §3553(a) factor(s) their story could connect to

Example:

- » “Former boss — can describe my work ethic and honesty (Factor 1: history/characteristics).”
- » “Pastor — can explain my service in the community (Factor 2: promoting respect for law & rehabilitation).”



Key Takeaway

Your sentencing judge is required by law to weigh your *history and characteristics*. If you don't provide authentic voices to speak on your behalf, you miss a powerful chance to shape how the judge applies §3553(a). A character reference campaign is not optional—it's essential.



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