

QUESTIONS PRESENTED

Mr. Lawrence Lynde pled guilty in this case to the offenses of Receipt and Distribution of Visual Depictions of Minors Engaged in Sexually Explicit Conduct and Possession of Child Pornography in the United States District Court for the Northern District of Ohio. At a sentencing hearing for Mr. Lynde, the District Court heard testimony regarding his offensive conduct in possessing child pornography. The District Court also heard extensive testimony regarding his prior lack of criminal conduct, the financial and personal strain that his absence would place on his family particularly in light of his gainful employment and the health issues of his wife, the Court heard the remorse that Mr. Lynde had for his offensive conduct and it heard about his lifelong history of good citizenship other than the instant offense.

After hearing this as well as the legal arguments related to his sentencing, the District Court sentenced Mr. Lynde to a term of Ninety-Seven months. Mr. Lynde deems this to be an excessive sentence in light of the evidence presented at sentencing and he deems it to have been improperly calculated based on the United States Sentencing Guidelines in light of all the commentary contained in the Sentencing Commission's comments related to his conduct.

- I. DID THE DISTRICT COURT ERR WHEN IT FOUND ENHANCEMENT FACTORS LISTED IN U.S.S.G. §2G2.2(b)(2), (b)(4), AND (b)(7)(D) APPROPRIATE IN MR. LYNDE'S CASE?
- II. DID THE DISTRICT COURT ERRED BY SENTENCING MR. LYNDE EXCESSIVELY IN LIGHT OF THE STATUTORY CONSIDERATIONS IN 18 U.S.C. §3553(a)?

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