No. _____

IN THE
Supreme Court of the United States

JACK BENSON FLANDERS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

APPENDIX TO THE PETITION FOR WRIT OF CERTIORARI

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UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4120

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JACK BENSON FLANDERS,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Joseph Dawson, III, District Judge. (4:22-cr-00217-JD-1)

Submitted: June 23, 2026 Decided: August 4, 2026

Before HEYTENS and BERNER, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Jeremy A. Thompson, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Columbia, South Carolina, for Appellant. Lawrence J. Cameron, Acting United States Attorney, Amy E. Ray, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

A jury convicted Jack Benson Flanders of engaging in illicit sexual conduct with a minor while living in a foreign country, in violation of 18 U.S.C. § 2423(c), (e). The district court sentenced Flanders to 198 months' imprisonment, a downward variance from the 210- to 262-month term calculated by the court, followed by five years' supervised release. On appeal, Flanders argues that the Government violated his right to a fair trial by encouraging the jury during closing argument to "do the right thing" by finding Flanders guilty. Flanders also challenges the district court's calculation of his Sentencing Guidelines range because the court did not provide sufficient explanation when overruling his objection to the application of an enhancement for unduly influencing a minor to engage in prohibited sexual conduct, pursuant to U.S. Sentencing Guidelines Manual § 2G1.3(b)(2)(B) (2021). In the alternative, Flanders contends that the court impermissibly relied on the commentary to USSG § 2G1.3 in applying the enhancement. We affirm.

Because Flanders did not object to the Government's closing argument at trial, we review this claim for plain error. *United States v. Watkins*, 111 F.4th 300, 311 (4th Cir. 2024). To satisfy that standard, Flanders must show: "(1) an error; (2) that is clear or obvious under the law at the time of review; (3) that seriously affects [his] substantial rights; and (4) that seriously affects the fairness, integrity, or public reputation of judicial proceedings." *Id.*

A prosecutor's comments during closing argument violate a criminal defendant's due process rights "only if they so infected the trial with unfairness as to make the resulting

verdict a denial of due process." *United States v. Runyon*, 707 F.3d 475, 510 (4th Cir. 2013) (citation modified).

Accordingly, the defendant must show: "(1) that the government's remarks were in fact improper and (2) that the remarks prejudicially affected the defendant's substantial rights so as to deprive the defendant of a fair [trial]." *Id.* at 510–11 (internal quotation marks omitted). In determining whether the second prong is met, we consider:

> (1) the degree to which the prosecutor's remarks have a tendency to mislead the jury and to prejudice the accused; (2) whether the remarks were isolated or extensive; (3) absent the remarks, the strength of competent proof introduced to establish the guilt of the accused; and (4) whether the comments were deliberately placed before the jury to divert attention to extraneous matters.

Id. at 511. "Also relevant to the second inquiry is the issuance of curative instructions from the court." *Runyon*, 707 F.3d at 511 (internal quotation marks omitted).

The Government's statement was improper. *See Runyon*, 707 F.3d at 514–15. It was nevertheless confined to a single, brief statement at the end of a lengthy summary of the evidence that was unlikely to mislead or distract the jury. The Government's evidence at trial included the extensive and detailed testimony of the victim, as well as testimony from other witnesses that corroborated and supported the victim's testimony. Additionally, while the district court did not address the specific comment Flanders challenges, it did instruct the jury not to consider attorneys' statements, including those in closing argument, as evidence. We therefore conclude that the Government's call for the jury to "do the right thing" did not violate Flanders's due process rights, and the district court did not plainly err by failing to take corrective action.

With respect to Flanders's second argument, a Guidelines error is harmless—and, thus, does not warrant reversal—if "(1) the district court would have reached the same result even if it had decided the Guidelines issue the other way, and (2) the sentence would be reasonable even if the Guidelines issue had been decided in the defendant's favor." *United States v. Mills*, 917 F.3d 324, 330 (4th Cir. 2019) (citation modified). Here, the district court explicitly stated that it would have imposed the same sentence as an alternative variant sentence in light of the 18 U.S.C. § 3553(a) factors and when considering the totality of the circumstances in Flanders's case. Because the "court made it abundantly clear that it would have imposed the same sentence . . . regardless of the advice of the Guidelines," *United States v. Gomez-Jimenez*, 750 F.3d 370, 382 (4th Cir. 2014), we conclude that the first prong of the assumed error harmlessness inquiry is satisfied.

Turning to the second prong, we consider whether the sentence is substantively reasonable, taking into account the Guidelines range that would have applied absent the assumed error. *Mills*, 917 F.3d at 331. To be substantively reasonable, a sentence must be "sufficient, but not greater than necessary," to satisfy the goals of sentencing. 18 U.S.C. § 3553(a).

Flanders's 198-month downward variant sentence is within the Guidelines range that would have applied had his Guidelines objection been sustained. As the district court explained, the sentence was warranted in light of the seriousness of Flanders's offense, which involved illicit sexual conduct with a minor over whom Flanders exercised undue influence. The court also acknowledged the mitigating factors of Flanders's military

service and his lack of criminal history. Based on these factors, we conclude that the sentence is substantively reasonable and, consequently, that the purported miscalculation of Flanders's Guidelines range is harmless.

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

FILED: August 4, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4120
(4:22-cr-00217-JD-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JACK BENSON FLANDERS

Defendant - Appellant

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

FILED: August 4, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4120, US v. Jack Flanders
4:22-cr-00217-JD-1

NOTICE OF JUDGMENT

Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

PETITION FOR WRIT OF CERTIORARI: The time to file a petition for writ of certiorari runs from the date of entry of the judgment sought to be reviewed, and not from the date of issuance of the mandate. If a petition for rehearing is timely filed in the court of appeals, the time to file the petition for writ of certiorari for all parties runs from the date of the denial of the petition for rehearing or, if the petition for rehearing is granted, the subsequent entry of judgment. See Rule 13 of the Rules of the Supreme Court of the United States; www.supremecourt.gov.

VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED COUNSEL: Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's website, www.ca4.uscourts.gov, or from the clerk's office.

BILL OF COSTS: A party to whom costs are allowable, who desires taxation of costs, shall file a Bill of Costs within 14 calendar days of entry of judgment. (FRAP 39, Loc. R. 39(b)).

PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC: A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 3900 words if prepared by computer and may not exceed 15 pages if handwritten or prepared on a typewriter. Copies are not required unless requested by the court. (FRAP 40, Loc. R. 40(c)).

MANDATE: In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).

UNITED STATES DISTRICT COURT

District of South Carolina

UNITED STATES OF AMERICA
v.
Jack Benson Flanders

JUDGMENT IN A CRIMINAL CASE

Case Number: 4:22-cr-00217-JD-1

USM Number: 34074-171
AFPD **Edmund Gregorie Monroe Neyle**
AFPD Michael Meetze
Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty

☐ pleaded nolo contendere to count(s) which was accepted by the court.

☒ was found guilty on count(s) One (1) of the indictment on July 26, 2023 after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18:2423 (c) & 2423 (e)	See Indictment	3/15/2022	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)

☐ Count(s) ☐ is ☐ are dismissed on the motion of the United States.

☒ Forfeiture provision is hereby dismissed on motion of the United States Attorney.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

February 21, 2024
Date of Imposition of Judgment

s/ Joseph Dawson III
Signature of Judge

Hon. Joseph Dawson, III, United States District Judge
Name and Title of Judge

February 22 , 2024
Date

DEFENDANT &
CASE NUMBER: 4:22-cr-00217-JD-1, **Jack Benson Flanders**

IMPRISONMENT

Having calculated and considered the advisory sentencing guidelines and having also considered the relevant statutory sentencing factors contained in 18 U.S.C. § 3553(a), it is the judgment of the Court that the defendant, **Jack Benson Flanders**, is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of 198 months.

.

☒ The court makes the following recommendations to the Bureau of Prisons: It is recommended that the defendant serve his sentence at FCI Jesup, Georgia.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ , with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT &
CASE NUMBER: 4:22-cr-00217-JD, **Jack Benson Flanders**

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of Five (5) years.

While on supervised release, the defendant shall comply with the mandatory conditions of supervision outlined in 18 U.S.C. § 3583(d) and USSG § 5D1.3(a) and the standard (discretionary) conditions outlined in USSG 5D1.3(c) as noted in presentence report.

Standard conditions of supervision 1 through 9 and 13 serve the statutory sentencing purposes of public protection and rehabilitation pursuant to 18 U.S.C. § 3553(a)(2)(C) and (D). Standard conditions of supervision 10 and 12 serve the statutory sentencing purpose of public protection pursuant to 18 U.S.C. § 3553(a)(2)(C). Standard condition of supervision 11 ensures that the defendant does not engage in activities that ay potentially conflict with the other conditions of supervision and that may pose risks to the defendant's probation officer. The defendant shall also comply with the following special conditions for the reasons set forth in the presentence report which has previously been adopted by the Court as the finding of facts for the purposes of sentencing:

1. You must satisfactorily participate in and successfully complete a psycho-sexual evaluation by a qualified mental health professional experienced in managing and evaluating sex offenders as approved by the U.S. Probation Officer. You must satisfactorily participate in and successfully complete any recommended treatment and/or treatment program and must abide by all rules, requirements, and conditions of any such treatment and/or treatment program. You must contribute to the costs of any treatment and/or treatment program, in an amount determined reasonable by the U.S. Probation Office's Sliding Scale for Services, and must cooperate in securing any applicable third-party payment.

2. You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as described by the U. S. Probation Officer, the Bureau of Prisons, or any state sex offender registration agency in which the defendant resides, works, is a student, or was convicted of a qualifying offense.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
   - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. (check if applicable)
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☒ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT &
CASE NUMBER: 4:22-cr-00217-JD-1, **Jack Benson Flanders**

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines, based on your criminal record, personal history or characteristics, that you pose a risk to another person (including an organization), the probation officer, with the prior approval of the Court, may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____ Date _____

DEFENDANT &
CASE NUMBER: 4:22-cr-00217-JD-1, Jack Benson Flanders

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$ 100.00	$	$	$	$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss***	Restitution Ordered	Priority or Percentage

TOTALS $ _____ $ _____

☐ Restitution amount ordered pursuant to plea agreement
$ _____

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for ☐ fine ☐ restitution.

☐ the interest requirement for ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT &
CASE NUMBER: 4:22-cr-00217-JD-1, **Jack Benson Flanders**

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A ☒ Lump sum payment of $ 100.00 special assessment due immediately.

☐ not later than _____, or
☐ in accordance with ☐ C ☐ D, ☐ E, or ☐ F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal _____ *(e.g., weekly, monthly, quarterly)* installments of $ _____ over a period of _____ *(e.g., months or years)*, to commence _____ *(e.g., 30 or 60 days)* after the date of this judgment; or

D ☐ Payment in equal _____ *(e.g., weekly, monthly, quarterly)* installments of $ _____ over a period of _____ *(e.g., months or years)*, to commence _____ *(e.g., 30 or 60 days)* after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within _____ *(e.g., 30 or 60 days)* after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number Defendant and Co-Defendant Names *(including defendant number)*	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:
As directed in the Preliminary Order of Forfeiture, filed _____ and the said order is incorporated herein as part of this judgment.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

should take this case as, and we are talking about a rebellious teenager to the extreme. That is what this is.

Jack Flanders is an innocent man, and these witnesses have no choice but to show up here today and continue to say what they said to these agents because they're in too deep. It what's been said that you can't put toothpaste back into the tube, but you can put toothpaste back in the tube.

And the way you can do that is you can find Jack Flanders not guilty because the Government has failed to met their burden of proof, which is beyond a reasonable doubt. It's not just a reasonable doubt, it's beyond a reasonable doubt. They have not met the burden, and I ask you to find Jack Flanders not guilty. Thank you.

THE COURT: Mr. De La Rosa.

MR. DE LA ROSA: Thank you, Your Honor. I'll be brief.

Ladies and gentlemen of the jury, I think the defense counsel brought up the right points. Why would these people lie? "Oh, they are in too deep." Daisy Franks was in England. She has absolutely no reason to come here. She wasn't forced to come here; she came voluntarily. If she was in too deep, if she didn't want to be a part of it, she could have stayed in England.

Samantha Poore, she lives in Tennessee, hasn't

talked to her for years. Once again, why would she lie? They're talking about, well, these are all friends of hers. Jay Denning, hasn't seen her in years, why did he lie? And he's saying, "Oh, well, these are all friends. That's why they came here. They wanted to help."

Once again -- and I stated it before -- they heard about something horrible; so of course they wanted to help. When they heard about it, they were kids. Do you think that one of those people maybe wishes they would have said something years ago? I mean, it's very likely that's why they're here. This is something they remember. This is something that affected them. That's why, not because they used to be friends with Fallon five years ago.

They're not -- they have basically nothing to do with this. They're just coming here and telling you what they were told. And why were they the ones told by Fallon what happened? Because they're her friends. This is not something you just go blurting around to anyone; this is something that's very difficult to tell people about. So, of course, you tell your friends. And I'm not going to say former friends. These are friends of the past.

So, you know, that Fallon is engaged in the most evil, most cunning, most manipulative scheme in the world, you know, that she as a child planned this out for a year in advance, that's one option. The second option is he abused

her. Now, that's a much more simple option. This man abused her for years and years.

And they want to complain about Dr. Cooper and all the stuff she talked about. Why didn't they just ask her about that? She is one of the world-leading experts in child abuse. And if they want to say, "Well, isn't all this, like, innocent?" they just needed to ask her, and she could have given them probably a pretty good explanation.

I don't remember them asking that. You use your recollection. Maybe they did, I do not remember that, but why did they not ask that? Probably because she was going to have a pretty good answer for why that's not actually the case.

Now, once again, defense counsel says this is way bigger than a party. Obviously, this is way bigger than a party. This is about this man abusing her for years. This is not about a party. The party may be the final straw where she had to move out. The party is what they knew about; so when this came out they were going to latch on to this as being the reason why she was going to make all this up because they didn't have all the facts at the time. And you don't have to take my word about what they say caused all of this issue. They told you.

You know, you heard them say, "Yes, I did tell the CPS worker, and I did mention to the CPS worker we had been

having problems for a couple months." You know, that goes back to, what, December, maybe November? Once again, these statements were in September, October with Samantha Poore and a year before with Jay Denning.

And then you can listen to his own words, you know, the defendant stated: "Oh, I really wish I had another chance to kind of explain what was really going on to the CPS worker." Yet almost a year later, HSI agent Aaron Chapman comes and asks him again "What is this about?" And what does he say? You can listen to the audio. He actually said, "This all started January 28th." That's the date of the party. Once again, they didn't know all the facts at the time. They didn't know that Fallon already disclosed this to people.

Her entire world, they say, was coming to an end, that that's why she did this. Well, her entire world basically did come to an end. She lost her family. She went to live with Aunt Casey briefly, but after she left Aunt Casey's she talks about her being basically homeless for a little while. She lost her entire world. Her brother, who used to be her best friend, she no longer talks to him. She did lose her entire world because she had the courage to tell people what this man did to her.

The defense is right. Her entire world did end, and now five, almost six years later, she's still telling

y'all what happened. And once again, is this a really long-term evil plot where she has some evil -- you know, super evil genius plan, or is the simple answer that he sexually abused her true? There's no reason for all these people to be continually persisting with these stories years and years later.

I want to just end with this, ladies and gentlemen. Sometimes grandparents have to take care of grandchildren. When they do that, that is commendable. I think we wish more grandparents would be able to do something like that. But when you're entrusted with a child, you don't get to sexually abuse them, and that's what they want to tell you. This man took in this child; so what's the big deal? It's a big deal, ladies and gentlemen. This man abused Fallon Flanders for years. Do the right thing. Find him guilty. Thank you.

THE COURT: All right. Members of the jury, we're going to take a ten-minute break. When we come back, I will give you some instructions; so do not begin your deliberations until I have done that. Let's take ten minutes, and then we will be back, and then I will give you some instructions. Thank you.

(Jury exits the courtroom at 4:13 PM.)

THE COURT: All right. We'll be on a break.

(Recess, from 4:13 PM to 4:24 PM.)

However, the Court notes that you, Mr. Flanders, have no criminal history and I also note your military service which warrants a variance. Therefore, the sentence reflects your history and characteristics, but it accounts for the seriousness of the crime and will promote respect for the law and therefore, it is sufficient but not greater than necessary to comply with the purposes of sentencing.

I believe I have calculated the advisory guideline range properly and correctly addressed the points raised by the parties. If, however, it is determined that I have not, I will state for the record that I have imposed -- I would have imposed the same sentence as an alternate variant sentence in light of all of the 18 U.S.C. Section 3553(a) factors and in light of the totality of the circumstances present in this case.

Does the government or defense have any objections to the form of sentence imposed?

MR. DE LA ROSA: None from the government, Your Honor.

MR. MEETZE: No, Your Honor.

THE COURT: All right. Mr. Flanders, you have 14 days to appeal the sentence the Court has imposed today. If you cannot afford counsel for an appeal, the Court will appoint one for you.