



U. S. Department of Justice
Criminal Division
Office of International Affairs

United States Embassy – Rome, Italy

BY FAX AND BY E-MAIL

Re: SCHUCHTER, Kaethe (aka Moreau, Kathe)
DOB: 6/28/1966 in Laufenberg, Germany

I write to provide additional information regarding the sentencing system in United States federal courts, in connection with the United States' request for the extradition of Kaethe Schuchter, alias Kaethe Moreau.

Although Schuchter has been charged with multiple criminal counts, a United States judge would have discretion to order that prison sentences imposed on each count of conviction should run concurrently or consecutively. This authority is provided by **Section 3584 of Title 18 of the United States Code**, which provides that, unless a judge or a statute requires otherwise, "[m]ultiple terms of imprisonment imposed at the same time run concurrently . . ." In Schuchter's case, none of the statutes which she is charged with violating require the imposition of consecutive sentences. Accordingly, if Schuchter were convicted of multiple counts, **United States law would require that the sentences on each count run concurrently absent a court order to the contrary.**

Federal law gives a United States judge broad discretion to select a sentence within the range of punishment set by the statute of conviction, and to determine whether to run sentences on separate counts concurrently. In making that decision, the judge would be required to select a sentence "sufficient, but not greater than necessary," to achieve a number of purposes outlined in Section 3553(a) of Title 18 of the United States Code. Among other things, the judge would be required to consider "the nature and circumstances of the offense and the history and characteristics of the defendant." § 3553(a)(1). The judge would also need to consider the need for the sentence "to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense," "to afford adequate deterrence to criminal conduct," "to protect the public from further crimes of the defendant," and "to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner." § 3553(a)(2).

The court would also be obliged to consider "the kinds of sentences available," § 3553(a)(3), the "need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct," § 3553(a)(6), and "the need to provide restitution to any victims of the offense," § 3553(a)(7).

Moreover, the judge would be obliged to consider the recommended sentencing range reflected in non-binding sentencing guidelines, which are promulgated by the United States Sentencing Commission, an expert body located within the Judicial Branch of the United States Government. **According to Section 5G1.2 of those Guidelines, sentences on multiple counts shall all run concurrently,** if the sentence imposed on the count carrying the highest statutory maximum punishment is adequate to achieve the total punishment.

To illustrate how the system works in practice, one of Schuchter's co-defendants, Mona Kim, was convicted after trial of seven separate counts involving the same overarching scheme. The court sentenced her to a total of 80 months in prison, with the sentences on all counts running concurrently. The sentence on certain counts was only 60 months, because they had a statutory maximum of five years. The sentence on other counts was 80 months, because the statutory maximum was higher. But because all the sentences ran concurrently, she faced a total of 80 months in prison. This is only an example, of course, of a sentence imposed on a different defendant. There is no way of saying at this point whether Schuchter would be convicted after trial, or of what counts, much less what sentence a judge might eventually impose on her. But that case demonstrates how judges in the United States are required to impose distinct sentences on each count of conviction, and that those sentences may run concurrently.