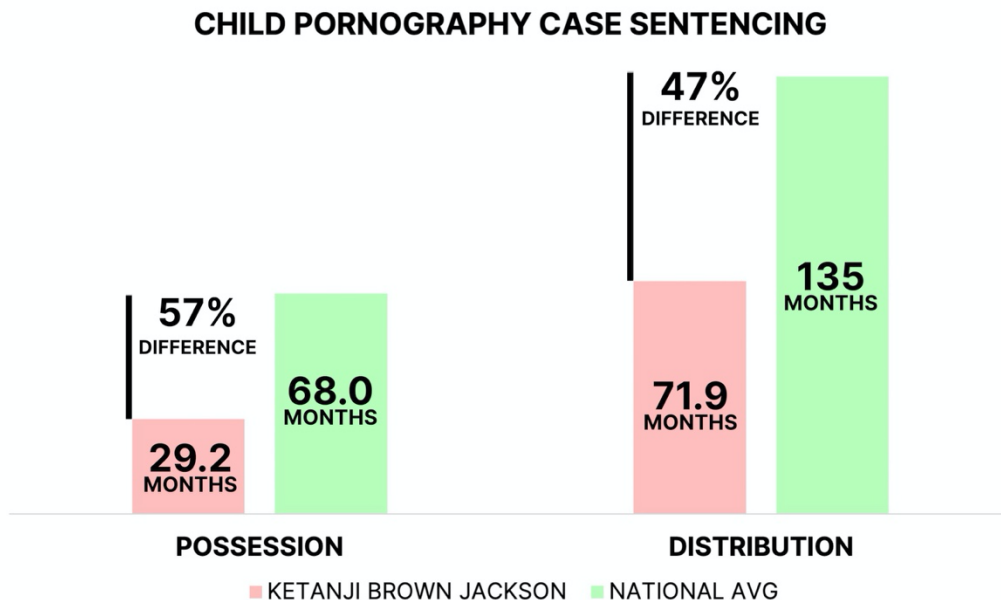


JUDGE JACKSON’S DISTURBING RECORD SHOWS SHE HANDS DOWN SENTENCES WELL BELOW THE NATIONAL AVERAGE

Judge Jackson’s sentences have been dramatically lower than comparable averages for both child pornography cases, specifically, and all criminal cases, in general.¹

Judge Jackson’s Record on Possession and Distribution of Child Pornography Cases



SENTENCE IMPOSED FOR POSSESSION OF CHILD PORNOGRAPHY

- National Average: 68.0 months² Jackson Average: 29.3 months³
- Difference: Jackson imposed sentences 57% less than national average.

SENTENCE IMPOSED FOR DISTRIBUTION OF CHILD PORNOGRAPHY

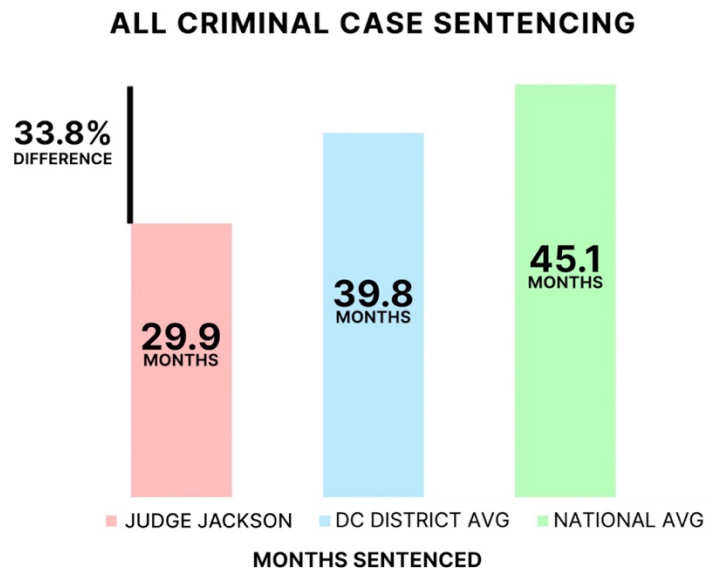
- National Average: 135.0 months Jackson Average: 71.9 months
- Difference: Jackson imposed sentences 47% less than national average.

¹ Sentencing data analyzed and compiled by the Office of Senator Ted Cruz.

² National sentencing data from Federal Sentencing of Child Pornography, Non-Production Offenses, United States Sentencing Commission (June 2021) reflecting 2019 data, https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2021/20210629_Non-Production-CP.pdf

³ This average is derived from Judge Jackson’s child pornography cases: *United States v. Hawkins*, *United States v. Cane*, *United States v. Chazin*, *United States v. Stewart*, *United States v. Cooper*, *United States v. Sears*, *United States v. Downs*, *United States v. Hess*, *United States v. Nickerson*, *United States v. Buttry*, and *United States v. Hillie* (child pornography counts only). This metric excludes four non-child pornography sex offender cases, although her sentencing is generally lower than recommendations for that category as well.

Judge Jackson's Record in All Criminal Cases (2015-2019)



SENTENCE IMPOSED AT U.S. DISTRICT COURT FOR DIST. OF COLUMBIA

- District Average: 39.8 months Jackson Average: 29.9 months
- Difference: Jackson imposed sentences 24.9% less than D.C. Dist. average.

SENTENCE IMPOSED BY ALL U.S. DISTRICT COURTS (NATIONAL AVERAGE)

- National Average: 45.1 months Jackson Average: 29.9 months
- Difference: Jackson imposed sentence 33.8% less than national average.

In addition to the above data, Judge Jackson's statements at sentencing speak for themselves. The following cases illustrate Judge Jackson's significantly lenient approach to sentencing child pornographers and her personal policy disagreement with federal sentencing policy.

United States v. Cane (2019): In *Cane*, the defendant amassed a collection of over 6,500 files depicting school-age children, including elementary school children who were engaged in sexual conduct and sadomasochistic acts such as with adult men and foreign objects. Judge Jackson failed to apply sentencing enhancements to address the significant number of files at issue and she did not apply the enhancement for sadistic or masochistic content, as recommended by the probation office. Judge Jackson "modified the facts" against probation's recommendation, ordering thousands of files excluded from consideration at sentencing. She ultimately handed down the lowest allowable sentence: 60 months (the mandatory minimum).⁴

⁴ Notably, the White House omitted this case as part of their disclosure to the Senate Judiciary Committee.

Key Quote from Judge Jackson in this case: “[You’re] obviously aware of my policy disagreement. I just think it’s **very, very hard to deal with number of images as a significant aggravator...**”

United States v. Hawkins (2013): In *Hawkins*, the 18-year-old defendant downloaded child pornography depicting prepubescent boys, ages 8 to 12, engaging in sexual acts with other children and adults. Defendant uploaded 37 such images to a file-sharing service. Law enforcement ultimately discovered 17 videos and 16 images saved on the defendant’s computer. Judge Jackson’s sentence of 3 months was significantly lower than every other recommendation (18 months from probation, 24 months from the prosecutor, and 97 to 121 from the Sentencing Guidelines). After serving his short sentence, defendant reoffended and violated the terms of supervised release in 2019. Judge Jackson placed him in a halfway house for six months.⁵

Key Quotes from Judge Jackson in this case:

- “***I feel so sorry*** for [your family] and ***for you*** and for the anguish that this has caused all of you.”
- “This seems to be a situation in which you were fascinated by sexual images involving what were ***essentially your peers.***”
- “I do think that the guideline factors are in many ways outdated and no longer adequately distinguish more serious child pornography offenders from less serious child pornography offenders. For example, the Guidelines focus primarily on the number of images and the use of a computer, ***which are hardly aggravating factors today.***”
- “***I don’t feel that it is appropriate, necessarily, to increase the penalty on the basis of your use of a computer or the number of images*** or prepubescent victims as the Guidelines require because these circumstances exist in many cases, if not most, and don’t signal an especially heinous or egregious child pornography offense.”
- “This seems to be a situation in which you were fascinated by sexual images involving what were ***essentially your peers.***”
- “[S]ex offenders are truly shunned in our society, but I have no control over those collateral consequences.”

United States v. Cooper (2019): In *Cooper*, the defendant pled guilty to distribution of child pornography. He had posted graphic depictions of prepubescent male children to his blog, and saved over 600 additional videos and images on his personal devices. The videos

⁵ This case was featured prominently at Judge Jackson’s hearings, demonstrating her leniency to consumers of child pornography.

and images depicted sadomasochism, including sexually explicit images depicting bondage of young children, usually male, ranging in age from prepubescent to teenaged. Videos depicted prepubescent children engaging in sexual acts with each other and with adults. Because the prosecutor knew that Judge Jackson held fundamental policy disagreements with some of the aggravating Guidelines factors, the prosecutor noted he had intentionally not argued for some enhancements that would have resulted in a higher Guideline range. Judge Jackson noted during sentencing that in similar cases nationwide, judges issued average sentencings ranging from 84 to 92 months. Judge Jackson ultimately gave the lowest sentence she could give under law: 60 months (the mandatory minimum).

Key Quotes from Judge Jackson in this case:

- “First, let me talk a little bit about my considerations, as a general matter . . . I have ***long considered it appropriate to make some adjustments*** to the calculation as it relates to child pornography cases.”
- “I’ve stated in similar cases, and I’ll say here again, that ***the guideline factors are in many ways outdated*** and, in general, they no longer adequately distinguish between more serious and less serious child pornography distribution offenses.”
- “I have decided to apply my ***general policy disagreement*** with respect to those two enhancements, at least that is the computers and the number of images.”
- “I’m really reluctant to get into the nature of the porn.”

Key Quote from Federal Prosecutor in this case: “I understand from my experience before Your Honor, Your Honor’s objection—***policy objections to the . . . sentencing guidelines.***”

CONCLUSION

Judge Ketanji Brown Jackson has a record of handing down dramatically lower sentences in criminal cases, but especially lower sentences in cases involving child pornography.

- In ***every single child pornography case*** that she heard; Judge Jackson sentenced the ***defendant below the sentencing guidelines.***
- Similarly, ***in every single child pornography case,*** Judge Jackson sentenced the defendant at or ***below the recommendation from the prosecutor.***
- In ***all but one*** child pornography case, Judge Jackson sentenced the defendant below or at the ***probation office’s*** recommendation.

Resulting in sentences in child pornography cases **47% less than the national average.**