

## Reitz, Nate (MSGC)

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**From:** Paul Ford [REDACTED]  
**Sent:** Thursday, December 29, 2016 1:47 PM  
**To:** Reitz, Nate (MSGC)  
**Cc:** Christopher Dietzen; Schellhas, Heidi; Angela Champagne-From; Valerie Estrada; Lennon, Carrie; Middlebrook, Cathryn; Peter Orput; Roy, Tom (DOC); Vang, Yamy (CI-StPaul); Wernick, Mark; Early, James; Matte, Miki (DOC); #MSGC All Staff  
**Subject:** Re: MSGC Meeting Reminder Supplement - Dec 30 - Note Room & Meeting Time

Commission Members,

I contacted Robert Small regarding his testimony at the public hearing and the example he provided of an actual homicide where the driver could have gotten less time than the person who planned the homicide and the shooter. I think it is important to have real world examples regarding the decisions we make, which Judge Small has outlined to me below.

Paul Ford

In the Motel shooting case there were three Defendants: Defendant 1-alleged mastermind, Defendant 2-alleged shooter, and Defendant 3-alleged Driver and each was charged with a number of offenses including 1st Degree Premeditated Murder. The point I was trying to make is, under the proposal, that if each of the three Defendants went to trial and each was convicted of 1st Degree Premeditated Murder, The Mastermind would be eligible to get a shorter durational sentence than both the shooter and the Driver; and the Shooter would be eligible to get a shorter durational sentence than the driver.

**Defendant 1 (ALLEGED Mastermind of the shootings)**

(In fact - Found Guilty Aid and Abet 2nd Degree Intentional murder and Aid and Abet 2nd Degree Murder while committing a felony and awaiting sentencing)

**Criminal History:**

62 CR 13 9488 5th Degree Possession (felony)  
62 CR 08 2273 5th Degree Possession (Felony)

**Defendant 2 (Shooter)**

(In fact cooperated and testified against Defendant 1-ALLEGED mastermind- Pleaded Guilty two counts of Aid and Abet 2nd Degree Intentional murder and awaiting sentencing)

**Criminal History:**

62 K8 02 004172 5th Degree Possession (felony)

**Defendant 3 (Driver)**

(In fact cooperated and testified against Defendant 1-ALLEGED mastermind - Pleaded Guilty two counts of Aid and Abet 2nd Degree Unintentional murder and awaiting sentencing)

**Criminal History:**

No drug convictions

The point I was trying to make is that, under the proposal, if each of the three Defendants went to trial and each was convicted of 1st Degree Premeditated Murder, The Mastermind would be eligible to get a shorter durational sentence than both the shooter and the Driver; and the Shooter would be eligible to get a shorter durational sentence than the driver; and the driver would get the longest sentence of the three. Because Defendant 1, the Mastermind, would be eligible to have his criminal history score change from an additional 1 point (1/2 point for each of the 5th degree possession cases) to 1 unit (4 Units equal 1 point and no more than one point can be given for prior gross misdemeanors); and Defendant 2, the Shooter, would be eligible to have his criminal history score change from an additional 1/2 point (for the 5th degree possession case) to 1 unit; and Defendant 3, the Driver, would not be eligible for any reduction in his criminal history score because he does not have any prior drug convictions.

The one point reduction for the mastermind and shooter (because 1/2 points are rounded down) would equate to a 20 month shorter sentence whereas the driver would have no such reduction.