

EX POST FACTO

- USSG §1B1.11 –

“If the Court determines that the Guidelines Manual in effect on the date the defendant is sentenced would violate the ex post facto clause of the United States Constitution, the Court shall use the Guideline Manual in effect on the date the offense of conviction was committed.”

- The last date of the offense is controlling (the date defendant is discovered by immigration authorities)
- Current guideline structure came into effect November 1, 2016