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#### **Fourth Circuit Court of Appeals**

(Note: You may access the court's opinion by clicking on the case name)

#### **Defendant's Sentence of 960 Months' Imprisonment for Convictions of Child Pornography Involving Videotaping Sexual Interactions With Children and Posting Them on Internet Did Not Violate Eighth Amendment's Cruel and Unusual Punishment Bar**

[United States v. Dowell](#), \_\_\_ F.3d \_\_\_, 2014 WL 5861520 (4th Cir. Nov. 13, 2014). The defendant was convicted of twelve counts of production of child pornography and one count of transportation of child pornography. The defendant recorded several videos of himself engaging in escalating sexual contact with a three-year-old girl and displaying the genitals of a five-year-old girl, both of whom lived in the same residence of the defendant. The videos were stored on the defendant's personal computer and posted on the Internet. The defendant was sentenced to imprisonment of 960 months, which in light of his age was tantamount to a life sentence (lasting until he is 127 years old). The defendant raised an as-applied challenge under the Eighth Amendment's cruel and unusual punishment bar on the ground that the length of his sentence was disproportionate given all the circumstances in his case. The court held, relying on what it described as a nearly identical Eighth Amendment challenge in *United States v. Cobler*, 748 F.3d 570 (4th Cir. 2014), that the defendant's sentence did not violate the Eighth Amendment. The mere fact that the defendant's abusive acts did not inflict immediate physical injury did not render his sentence disproportionate.