

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
POST OFFICE BOX 10245  
SAVANNAH, GEORGIA 31412

WILLIAM T. MOORE, JR.  
CHIEF JUDGE

TELEPHONE (912) 650-4173

February 4, 2009

Ms. Judith Sheon, Staff Director  
United States Sentencing Commission  
One Columbus Circle, N.E.  
Suite 2-500, South Lobby  
Washington, D.C. 20002-8002

VIA FACSIMILE

Re: Draft of written statement to the Commission

STATEMENT

I thank the Commission for extending to me an invitation to testify at this hearing marking the 25<sup>th</sup> anniversary of the passage of the Sentencing Reform Act of 1984. I appear before you as the Chief Judge of the United States District Court for the Southern District of Georgia. However, my comments today represent the collective opinions of the three active judges and three senior judges on our Court.

The Advisory Sentencing Guidelines model is working very well. The advisory nature of the guidelines provides a fair balance of both consistency and flexibility to our Court. Most defendants convicted of similar offenses and who have similar situated criminal records fall within the same advisory guideline range. This allows courts across the country to impose fair, consistent sentences. Most defendants sentenced in our district receive a sentence within the advisory guideline range, notwithstanding departures based on substantial assistance.

Some cases, however, involve circumstances concerning the offense or the defendant that the Sentencing Commission has failed to consider or adequately address. These cases, which are in the minority, allow the Court to either depart from the applicable guideline range or totally abandon the guideline system, via a variance, and impose a sentence based solely on the factors listed at 18 U.S.C. § 3553(a). Overall, it appears that the advisory nature of the guidelines, and the reliance on § 3553(a) factors, allows the courts to more fully take into account the personal characteristics and personal backgrounds of defendants in ways that cannot be taken into account strictly by an offense level or criminal history computation. When the guidelines were mandatory, it was more difficult for courts to account for these factors in their sentencing decisions.