Date:

To: United States Sentencing Commission
One Columbus Circle, NE.
Suite 2-500, South Lobby
Washington, DC 20002-8002

Attention: Michael Courlander, Public Affairs Officer

Subject: FedCURE Public Comment of 07 September 2008. Priority for Amendment Cycle Ending 01 May 09

Dear Honorable Ricardo H. Hinojosa, Chairman:

I am writing you to strongly urge the Commission to adopt the public comment of FedCURE, submitted to the Commission on 07 September 2008, to amend the sentencing guidelines and to recommend the amendments to Congress. To wit:

I. Insertion in the Guidelines under Part B of Chapter 1 General Application Principles a new subsection denoted as 1B1.14 called Reduction in the Term of Imprisonment as a Result of Motion of the Chairman of the U. S. Parole Commission (Policy Statement), which would state:

> Upon Motion of the Chairman of the U. S. Parole Commission, the Commission may reduce a term of imprisonment (and may impose a term of supervised release with or without conditions that do not exceed the unserved portion of the original term of imprisonment) and set a release date for those inmates with sentences of more than seven (7) years if, after considering the factors set forth in 18 U.S.C. § 3553(a) (1), to the extent that they are applicable, the Commission determines that--
>
> (1) the defendant meets a Commission guideline range for the sentenced offense,
> (2) the defendant is not a danger to the safety of any other person or to the community, and
> (3) the reduction is consistent with this policy statement.

II. Insertion in the Guidelines under Part B of Chapter 1 General Application Principles a new subsection denoted as 1B1.15 called Reduction in the Term of Imprisonment as a Result of Motion of the Director of the Bureau of Prisons (Policy Statement), which would state:

> Upon Motion of the Director of the Bureau of Prisons, the Bureau of Prisons may reduce a term of imprisonment by awarding institutional good time to those inmates who demonstrate good behavior and/or superior programming achievement during their term of imprisonment as follows:
>
> Computation generally -
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> A. Each prisoner convicted of an offense against the United States and confined in a penal or correctional institution for a definite term other than for life, whose record of conduct shows that s/he has faithfully observed all the rules and has not been subjected to punishment, shall be entitled to a deduction from the term of his sentence beginning with the day on which the sentence commences to run, as follows:
>
> Five days for each month, if the sentence is not less than six months and not more than one year.
>
> Six days for each month, if the sentence is more than one year and less than three years.

Seven days for each month, if the sentence is not less than three years and less than five years.

Eight days for each month, if the sentence is not less than five years and less than ten years.

Ten days for each month, if the sentence is ten years or more.

When two or more consecutive sentences are to be served, the aggregate of the several sentences shall be the basis upon which the deduction shall be computed.

B. (1) A prisoner may, in the discretion of the Director of the Bureau of Prisons, be allowed a deduction from his sentence of not to exceed three days for each month of any year or any part thereof, where the prisoner is employed at a job.

(2) In the discretion of the Director of the Bureau of Prisons such allowance may also be made to a prisoner performing exceptionally meritorious service or performing duties of outstanding importance in connection with institutional operations.

(3) A prisoner may, in the discretion of the Director of the Bureau of Prisons, be allowed a deduction from his sentence of up to three additional days for each month or part thereof for superior program achievement. Superior program achievement includes, but is not limited to, satisfactory progress toward degrees from accredited educational institutions or completion certificates from vocational technical or rehabilitative programs and teaching such courses of study.

All current and future sentences shall be recalculated by the Director of the Bureau of Prisons based upon the criteria set forth in Section II (A) and Section II (B)(1)(2) and (3) notwithstanding any other statute to the contrary.

Except as hereinafter provided a prisoner shall be released at the expiration of his term of sentence less the time deducted for good conduct. A certificate of such deduction shall be entered on the commitment by the warden or keeper. If such release date falls upon a Saturday, a Sunday, or on a Monday which is a legal holiday at the place of confinement, the prisoner may be released at the discretion of the warden or keeper on the preceding Friday. If such release date falls on a holiday, which falls other than on Saturday, Sunday, or Monday, the prisoner may be released at the discretion of the warden or keeper on the day preceding the holiday.

I fully support FedCURE's public comment for all of the reasons enumerated therein.
See: http://www.fedcure.org/information/FedCURE-USSC-PriorityAmendmentCycleEnding-01May2009-f.pdf

Respectfully Yours,

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e-mail:

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