

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

Dear Commissioners:

I am writing to ask you to make the new crack cocaine guideline retroactive. As you know, the penalties imposed on crack offenders over the past twenty-four years were extremely harsh and disproportionate to the penalties for other drug offenses, especially offenses involving powder cocaine. Last year, the Commission played a leading role in convincing Congress to pass the Fair Sentencing Act, legislation that reduced the disparity between crack and powder cocaine. Now that the sentencing guidelines have also been reduced, the Commission should apply that reduction to people who are sentenced and are imprisoned under the old guideline. It would be fundamentally unfair to ignore those whose unjust sentences gave rise to the passage of the Fair Sentencing Act and the guideline amendment that followed it.

The Commission should apply retroactivity as it has with past guidelines, in a straightforward way, without any additional restrictions. The Commission made changes to the LSD guideline retroactive in 1993 without any further conditions. Two years later, it made a reduction to the marijuana guideline retroactive without limitation. In 2007, the Commission lowered crack cocaine sentences somewhat and approved retroactivity. At that time it responded to concerns voiced by the Bush Justice Department and other law enforcement groups by implementing new rules to protect public safety. They instructed judges to examine the prisoner's conduct, including while in prison, to assess the impact of early release on community security. This additional safeguard helps insure that no dangerous offender would be released early. Any additional restrictions on who could be eligible for retroactivity would only perpetuate the sense of unfairness surrounding crack sentences and undo the good will your work fostered.

I strongly urge the Commission to apply its recent crack guideline amendments retroactively and to reject any new restrictions that would limit its reach. Judges have sufficient information and tools to insure that only those who should benefit from the reduction will actually receive it.

Thank you very much for insuring that justice is served.

Sincerely,



Dixson Antoine



May 12, 2011

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

RE: Public Affairs - Retroactivity Public Comment

Dear Commission:

On April 28, the Commission submitted to the Congress amendments to the sentencing guidelines and Official commentary, which become effective on November 1, 2011. The undersigned comments are aimed at Amendment 2, pertaining to drug offenses.

I agree that Amendment 2, should be included in subsection (c) of §1B1.10, in its entirety. First of all, the proposed change to the Drug Quantity Table in §2D1.1 for offenses involving crack cocaine will be based on the Fair Sentencing Act of 2010, and as such it would be totally unfair, to the persons serving huge terms of imprisonment under the crack law, not to give them the benefit of the 2010 Act. After all, the Act would not be fair if it is not made retroactive to apply to the persons who were sentenced to the unfair 100-to-1 ratio. Also, the retroactive application of the crack Amendment would mitigate the obvious sentencing disparity produce by applying the Act prospectively.

I also feel that parts A, B, and C, of Amendment 2 should be given retroactive effect, from the stand point that many non-violent drug offenders have lost for ever their opportunity to bring valid sentencing claims due to the limiting effect of the AEDPA. Applying Amendment 2 retroactively would benefit those inmate that were minor participants in the drug conspiracies, but were sentence to drug amounts they had nothing to do with because of the state of the law at the time they committed their offenses.

The Application of Amendment 2 completely retroactively, would be cost effective, to the extent that it lower the cost the Department of Justice spends in keeping less culpable nonviolent drug offenders in prison, due to the sentence reduction effect of Amendment 2.

Respectfully submitted,



May 10, 2011

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

RE: PUBLIC AFFAIRS-RETROACTIVITY PUBLIC COMMENT

Dear Sir/Madam,

The current proposal to amend the drug guidelines is an answer to the prayers of many thousands of "first time, non-violent drug offenders," sentenced to multiple decades in federal prison. This Commission is acutely aware of the vast array of circumstances which resulted in the plight of these many unfortunate persons. Common among them all is the theme that they had very little knowledge of or involvement in the substantive offense for which they are imprisoned, yet they received the harshest penalty. There is something fundamentally unfair about the person who is least culpable being penalized the most. After so many years of hearing these recurring claims, the Commission should embrace this opportunity to address this egregious flaw in the federal criminal justice system.

The heartbreaking stories of this subset of persons languishing in federal prisons all across the United States are routinely profiled in the media. They range from an unwitting dupe in a vast drug-trafficking enterprise to the hapless drug-addict who sought to satisfy his drug addiction, to a single mother who sought to please a significant other, to someone out of work who sought to earn a few

dollars, or to any number of other scenarios. In essence, all may have been tempted into performing some seemingly innocuous act which suddenly transformed them into a co-conspirator in a federal drug crime. Many years later, having exhausted all of their legal avenues, they remain in prison with no hope for relief.

The vast majority of these people have been model inmates. They have tried to educate and improve themselves. They have no history of violence either before or during their incarceration. Having spent most of their productive years in prison, they seek only a second chance at life. Now older than the average inmate, they are the least likely to recidivate and their healthcare costs are an ever-increasing burden on the American taxpayer. Additionally, almost half of them are foreign nationals who will be deported to their home countries upon release. Among these are many who were apprehended in international waters who were then brought to the United States and subjected to U.S. jurisdiction. These persons constitute the ideal candidates for which this Commission should consider a reduced sentence.

On behalf of myself and the many thousands of other "first-time, non-violent, drug offenders," I respectfully submit that the United States Sentencing Commission should include Amendment 2 Part B as an amendment that may be applied retroactively to previously sentenced defendants.

Respectfully submitted,

Nail Alaudaya

[REDACTED]

United States Sentencing Commission
Attn. Public Affairs
One Columbus Circle, N.E.
Suite 2-500
Washington, DC 20002

Re: Comments on possible retroactivity of new crack and drug guidelines

To the Sentencing Commission:

I am writing in regards to the above-mentioned caption. The first thing that should be noted is that the Fair Sentencing Act, passed by Congress in 2010 and which brought the crack ratio down from 100:1 to 18:1, is a stipulation within itself. This new law that was created to be fair and just subsequently constructed impassible stumbling blocks from the day that this policy was executed. Pursuant to the new 18:1 policy, a substantial amount of individuals were deemed ineligible where relief was practically warranted. Under prospective amendments, for the Sentencing Commission to disfranchise retroactivity to another class of people only increases the perpetual underutilization and misappropriation of the policy's fundamental design, intent, and effect.

In the employment of principles fixed on blind, equal, and true justice under the Constitution, the Sentencing Commission is persuaded to choose Option 1, including Part A as an amendment that may be applied retroactively, and excluding Part B. As a requisite condition of this amendment, retroactivity would be extended equally and without limitation.

Additionally, the Sentencing Commission should not exclude any category of defendant. Provisions of the Sentencing Commission essentially broadens the court's constitutional authority to judicial factfinding by a preponderance of the evidence against a defendant. For example, a majority of crack cocaine defendants involved in an aggregative capacity are merely street level dealers. As a typical practice, these low-level dealers, often having less than a ninth

grade education, are charged with being in possession of virtually crumbs or crack that, when compounded, carries a cumulative weight of approximately 50 grams, or in excess of 1.5 kilograms, in order to meet a specific statutory threshold. "Career offenders" would usually receive a state sentence. But penalties and punishment are much more severe in the Federal system. When the Federal government chooses to indict the same low-level dealer, even where prior convictions may have resulted in a suspended sentence, probation, or time-served, the Federal court has the discretion to render up to life imprisonment.

The Sentencing Commission and Congress acknowledge that crack cocaine statutes are racially biased and resulted in selective prosecution. These findings alone warrant retroactivity to all affected defendants. It is through these types of amendments that we can begin establishing a renewed sense of relief and belief in our federal justice system, restoring integrity, fairness, and equality to all and not simply the fortunate few. "...for an unjust law is no law at all." (St. Augustine).

Thank you for your time and attention to this matter.

Regards,

Benton Walker

To: United States Sentencing Commission
One Columbus Circle, N.E. Suite-2500
Washington D.C. 20002-8002

Attention: The Honorable Patti Saris
Chairperson

Dear Mrs. Patti Saris,

On January 11, 2011, The United States Sentencing Commission issued proposals to amend the Federal Sentencing Guidelines following the passage of the Fair Sentencing Act of 2010 and asked for public comment. The Commission has asked the public to comment on a number of possible changes including:

1. Whether to make permanent the temporary guideline amendments based on the Fair Sentencing Act of 2010? Yes, the temporary guideline amendments based on the Fair Sentencing Act of 2010 should be made permanent!
2. Whether the changes made by the Fair Sentencing Act of 2010 should be made retroactive so that it applies to those who are serving crack cocaine sentences under the old guidelines and if so, whether both the lower crack cocaine sentences and additional changes (including the enhancements to the extent doing so would not increase the original sentence) should be made retroactive? Yes, the changes made by the Fair Sentencing Act of 2010 should be made retroactive so that it applies to those who are serving crack cocaine sentences under the old guidelines and the lower crack cocaine sentences should be retroactive; (Similarly when Congress acknowledged that crack cocaine penalties were flawed they rightly corrected them by going forward and now must provide relief to those already in prison serving stiff sentences for crack cocaine violations. It is only right that the Sentencing Commission and Congress show those who are already incarcerated the same compassion, fairness and justice that the new law provides to those entering the prison system). And no, any enhancements to the extent by doing so would increase the original sentence or prevent any

individual serving a crack cocaine sentence from receiving the benefit of a reduction based on the Fair Sentencing Act of 2010 should not be made retroactive.

3. Whether the Commission should provide additional guidance on how to apply retroactivity, such limiting it to certain cocaine defendants (for example, those sentenced prior to the advent of the advisory guidelines or prior to the opinion in *Kimbrough v. United States*, which endorsed judicial discretion in crack cocaine sentencing)? Yes, the Commission should provide additional guidance on how to apply retroactivity by removing limitations on certain crack cocaine defendants and judicial discretion in crack cocaine sentences, (including 851 enhancements and career offenders because the bill changes the sentencing ranges, i.e., mandatory minimums and maximums for crack cocaine offenses).
4. Whether all drug guidelines should be adjusted downward two levels or just those for crack cocaine? Yes, all drug guidelines should be adjusted downward by two levels and not just those for crack cocaine! Thank you for you time in this matter, have a nice day.

Respectfully and Sincerely Submitted,



Josephine Taylor

May 15, 2011

United States Sentencing Commission

Washington, DC 20002-8002
Attention: Public Affairs

retroactive

VIA US MAIL

Dear Honorable Saris and Public Affairs Department:

This letter is in response to a request for comment on whether the sentencing amendments which were promulgated pursuant to the *Fair Sentencing Act* should be retroactive. I would like to comment on this issue so that you can take it into consideration when you make a decision.

I believe the amendments related to the drug quantity table should be retroactive and that they should apply to every defendant that was sentenced before the new law took effect. The prior laws were harsh and unjust to every defendant in every criminal history category. The *Fair Sentencing Act* was passed to help fix an injustice in the system. In order to correct this injustice, the amendments should apply to those people who were most affected by the old law – those who were actually sentenced under the old law.

Crack cocaine and powder cocaine are chemically the same. They have always been the same. It's time that we acknowledge that people have been harmed by the prior misconception that crack cocaine was inherently more dangerous than powder cocaine. The only way to mitigate this harm is to make the new crack guidelines retroactive.

The difference between the new amendments and the amendments which were in place prior to the enactment of *The Fair Sentencing Act* is a big one. Taking into consideration that

defendants would still have to serve the mandatory minimum sentence that existed at the time they were sentenced, research posted on your own web-site indicates that on average, defendants could receive a 25% decrease in their sentences. This could make a substantial difference in the sentences (and lives) of defendants who committed their offenses before the new law took effect.

In 2007, District Courts identified potential defendants who were eligible for sentence reductions pursuant to the 2007 crack cocaine amendments. Many of the people who would be eligible for a sentence reduction now were eligible in 2007. Therefore, the process is already in place and most of the defendants have already been identified. The study which is posted on your web-site makes it clear that the District Courts have continued to identify individuals who would be eligible. Therefore, this process would run fairly smoothly.

Thank you for the opportunity to voice my opinion.

Sincerely,

A handwritten signature in cursive script that reads "Josephine Taylor". The signature is written in black ink and is positioned below the word "Sincerely,".

To:
Honorable Patti Saris, Chair
U. S. Sentencing Commission

Your Honor, Judge Saris,

Please take this opportunity to make the recent crack amendment retroactive. In all fairness, it must be retroactive.

Forcing prisoners to serve a sentence that Congress, the President, and the Commission have recognized as unsound cannot be a logical answer. It makes no sense at all to maintain those sentences imposed under the old guidelines, which have been rejected for good reason.

There should be no limit on a judge's consideration, since the judge is under no obligation to grant such a motion in any case. The initial guideline range is always the starting point, even when a sentence is outside that range, and the judge should have the option for resentencing all prisoners sentenced for crack offenses.

Please do the right thing. Respectfully,

A handwritten signature in black ink, appearing to read "Mr. J. Russell Fulbright". The signature is written in a cursive, flowing style with a large, prominent "F" and "B".

FROM: Ferguson, Marie

SUBJECT: We are about to start our new letter writing campaign, here is an important Sample letter and there are more to come, as well

DATE: 4/10/2011 9:04:33 AM

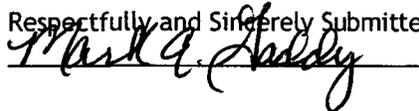
United States Sentencing Commission
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E. Suite 2500
Washington, D.C.

RE: Retroactivity of Senate Bill 1789, The Fair Sentencing Act of 2010 Statutes.

Dear Honorable Saris,

I would like to thank you for allowing the public to send in their comments in regards to the retroactivity of Senate Bill 1789, The Fair Sentencing Act of 2010. It is understood that Congress has provided the Sentencing Commission the authority to make this bill retroactive and by doing so the Commission has the authority to make the statutes of the bill itself retroactive due to the Substantial Law change of the bill. By not making the statutes retroactive is still an unjust cause for those who have been Careered, Armed Careered, received an 851 enhancement and has a Mandatory Minimum or Maximum sentenced that can not receive relief if the Commission would just amend the guidelines itself. We are pretty sure that Congress intent was to change the law for the purpose to give relief to make a wrong into a right that has been going on for over two decades and the only way to do this is to make the statute of the bill retroactive. There is no other way to grant relief if this is not done. Honorable Saris, the decision lies in your hand that Congress has invested upon you and your staff to make what is right in voting in favor of the Senate Bill 1789 statues for the retroactivity of the bill itself and grant relief which is deemed proper and appropriate by the United States Sentencing Commission for the inmates who are already sentenced under the old law that has been unconstitutional for over two decades. Thank you for your time, have a nice day and may GOD bless you and the entire Commission.

Respectfully and Sincerely Submitted,


Mark A. Gaddy

To : United States Sentencing Commission
One Columbus Circle N.E., Suite 2-500
Washington, D.C. 20002
Attn. Public Affairs

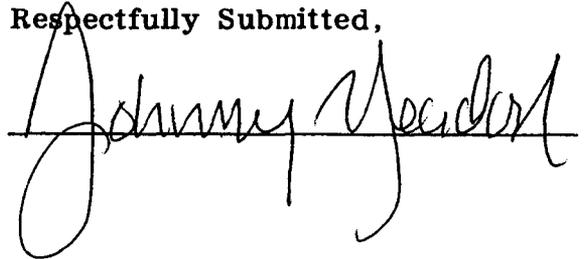
From: Concerned Citizens

POSSIBLE RETROACTIVITY OF PERMANENT AMENDMENT

Yes, the Commission should apply the crack guideline retroactive. Congress enacted the FSA, because it found that the 100 to 1 ratio was unfair, unjust and unwarranted. And it will be sad to know that the people who was harmed by the draconian ratio would not benefit. This will not only be the right thing to do, but also the moral thing to do.

Closing: I would like to thank the Commission for the continuing courageous work it does in modifying the guidelines. And knowing that the Commission will make the right decision in making the amendment retroactive.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Johnny Yeard", written over a horizontal line.

United States Sentencing Commission
One Columbus Circle, NE, Suite 2-500
Washington, D.C. 20002-8002

May 8, 2011

Att: Chairperson and Commissioners

Dear U.S. Sentencing Commission:

I write to urge all of you to take two steps to make federal drug sentencing more just. First vote yes to make the crack cocaine guidelines retroactive. Second, lower all drug guidelines by two levels.

Congress passed the Fair Sentencing Act of 2010 to reduce harsh sentences for crack cocaine, sentences that were condemned as unfair, excessive, and a key contributor to racial disparity in federal sentencing. In accord, the Commission has adjusted the guidelines and should now make the new crack guidelines retroactive. Thousands of men and women prisoners sentenced under the old crack guidelines remain in prison today, serving non-parolable sentencing that most agree are unjustifiably long. To continue to force these people to serve sentences that the U.S. Congress, the Commission itself, members of our communities, and even the U.S. President have spoken out against, is simply wrong.

Making the new guidelines retroactive would help to right a wrong and restore faith in our criminal justice system. This isn't about being soft or tough on the crime of illegal drug sales or possession. This is about fairness in the weight of punishments.

In general, federal drug sentences are too long and come at too high a cost to families, communities, and taxpayers. From recent history "The Crack 2pt reduction of 2007" it is easily determined that making these changes retroactive would not cause a floodgate of criminals back into society as some may wish others to think. By the Commission's own account, you all know the facts of this statement. And lastly, the guidance of policy statements should allow for and endorse judicial discretion in applying the crack cocaine guidelines modification.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Jabara Robroy". The signature is written in a cursive, flowing style.

FROM: Virtualsect, Lulabee
[REDACTED]

SUBJECT: Sample letter for you and your family and friends to send to sentence commission

DATE: 5/2/2011 9:18:06 AM

To: The Honorable Judge Patti Saris
Chair
United States Sentencing Commission
One Columbus Circle, NE, Suite 2-500
Washington, D.C. 20002-8002

March _____, 2011

RE: TO SEE THAT ALL OFFENDERS GET A REDUCTION THROUGH CRACK PENALTY AND ENHANCMENT PROVISION CHANGE. UPON MAKING 18:1 RETROACTIVE.

Dear Judge Saris,

It is my understanding that the U.S. Sentencing Commission on April 6, 2011, issued proposals to amend the Federal Sentencing Guidelines and has asked for public comment on those proposals by June 1st 2011. The commission has also published "issues for comment" which are more general questions about specific guidelines and how they might be amended.

While I support the statutory law that created the Fair Sentencing Act of 2010 (FSA), it is entitled an act "[to] Restore fairness to federal cocaine sentencing."

In the FSA Section 8 gives the commission emergency authority and instructs it to promulgate all necessary guideline amendments and policy statements within ninety days of enactment, i.e. by November 1st, 2010.

To the contrary, in this statute expressly granted the commission emergency guideline amendment authority so that the commission could adopt guideline amendments effective almost immediately in addition, Congress expressly directed the commission to adopt guideline amendments "as seen as practicable, and in any event not later than ninety days," i.e., by November 1, 2010. What amendments? To be sure, the new enhancement provision, but also any change in the new crack penalty provisions. Where would the latter changes come from? The new statutory minimum provisions.

Due to the fact that a 100:1 ratio has been changed to an 18:1 ratio, the crack penalties and enhancement policies must mirror the new statutory change. Upon the commission making the 18:1 ratio retroactive, it would all the felons convicted of a crack cocaine penalty and enhancement provisions a change of range within that specific provision penalty.

By Britney B. Patrick would like to see as directed by Congress, the Sentence Commission apply this to all applicable offenders.

Thank you for considering my comments as you decide how to amend the sentencing guidelines in crack penalties and enhancement provision changes.

Sincerely

Nellie Martin

Hon. Patti B. Saris, Chairperson
United States Sentencing Commission
One Columbus Cir. Suite 2-500
Washington, DC 20002-8002
Attention: Public Affairs

RE: Comment for June 1, 2011 hearing: Whether Amendments pursuant to Fair Sentencing Act should be retroactive

VIA US MAIL

Dear Honorable Saris and Public Affairs Department:

On June 1, 2011, there is a hearing concerning whether the sentencing amendments which were promulgated pursuant to the *Fair Sentencing Act* should be retroactive. I would like to comment on this issue so that you can take it into consideration when you make a decision.

I believe the amendments related to the drug quantity table should be retroactive and that they should apply to every defendant that was sentenced before the new law took effect. The prior laws were harsh and unjust to every defendant in every criminal history category. The Fair Sentencing Act was passed to help fix an injustice in the system. In order to correct this injustice, the amendments should apply to those people who were most affected by the old law – those who were actually sentenced under the old law.

Crack cocaine and powder cocaine are chemically the same. They have always been the same. It's time that we acknowledge that people have been harmed by the prior misconception that crack cocaine was inherently more dangerous than powder cocaine. The only way to mitigate this harm is to make the new crack guidelines retroactive.

Thank you for the opportunity to voice my opinion.

Sincerely,



United States Sentencing Commission
One Columbus Circle, N.E. Suite 2-500
Washington, DC 2002-8002
Attn: Public Affairs

RE: Request to make changes made by the Fair Sentencing Act of 2010 retroactive, and to amend the Drug Quantity Table to reflect Option Level 24

Dear Honorable Commissioners:

I am asking the USSC to help promote fairness in our judicial system by making the permanent cocaine base sentencing guidelines promulgated by the Fair Sentencing Act of 2010 retroactive. I am in full support of a system that is fair for everyone. By applying the new guidelines retroactively, many unjustly sentenced crack cocaine offenders will have the opportunity to receive the same sentences Congress feels is appropriate for such offenders, and the same sentences currently being imposed.

In addition, I am asking that the Commission adopt Option Level 24 as the starting point for the new permanent amendment(s). Otherwise, the new guidelines would not reflect the 18-1 ratio dictated by Congress in the FSA.

I also support a 2-level downward departure currently being considered for all drug trafficking cases. Finally, I support an amendment allowing judges to use their discretion in fashioning a sentence below the otherwise applicable guideline range when they feel the new sentence is still unwarranted.

Thank you for your hard work and dedication towards establishing fairness in our judicial system. I trust the Honorable Commission will consider my concerns and continue to strive to correct the unwarranted and draconian sentences still being imposed.

Sincerely,

Mr. Dermaine L. Johnson



KAY A. DICKINSON

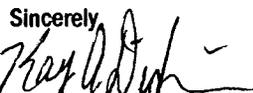


May 3, 2011

**United States Sentencing Commission
One Columbus Circle, NE
Suite 2-500
South Lobby
Washington, D.C.
20002-8002**

To whom it may concern:

This letter is to urge you to make the recent crack law retroactive. By making it retroactive it would allow many currently incarcerated people to get out of prison and reclaim their lives. By letting them out of prison it would decrease the prison population which in return would save the government and tax payers money. I have looked at all the information that you have posted about the benefits of making the crack law retroactive and I agree that it is the thing to do. I have also looked into information pertaining to supreme court rulings about powder cocaine versus crack cocaine and I think that the sentences for crack cocaine are a little extreme. My boyfriend is currently incarcerated in a federal prison in North Carolina and has been there for almost 11 years for 28 grams of crack cocaine and possession of a firearm. We are considering getting married while he is still incarcerated but if this law goes retroactive we will be able to have the wedding I have always dreamed of outside of prison walls and enjoy a real honeymoon! So in conclusion I am urging you to make this crack law retroactive so that many people can benefit from it!

Sincerely

Kay A. Dickinson

May 15, 2011
Sunday
2:30 p.m.

RE: Retroactivity of 18 to 1 Amendment!

To Whom It May Concern,

I'm serving a 30 year sentence for a crack cocaine conspiracy that was reduced from a life sentence by the previous 706 Amendment. I'm asking that now also that it be taken under consideration to make the Newly Proposed 18 to 1 Amendment retroactive so that prisoners such as myself who has served over 20 years already may receive the chance to return to society and families as better and improved people. It didn't take the draconian sentences we received to make us see we were wrong by what we did during the time of the "War" on drugs. I'm sure that thousands and thousands of other prisoners feel as I do. Please Commission give thought to all the suffering and losses we've endured these almost 2½ decades we've been paying our debts to society. What we (especially me) seek is equal justice, compassion, common sense and second chances such as the 18 to 1 amendment. Equal justice made Retroactive. Thanking you very kindly in advance for your consideration.

Sincerely yours,
William Daniel Nelson

Demetrius Martin [REDACTED]
[REDACTED]
[REDACTED]

United States Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500, South Lobby
Washington, D.C. 2002-8002

Dear Commissioners,

My name is Demetrius Martin, and I'm in concern of your help to bring retroactivity for those sentenced prior to the new crack guidelines. I was sentenced about 13 months before the new guideline was made final, which makes a difference of years extra that I'll spend in prison away from my family had I been sentenced afterwards. The Bill had already been introduced, but simply hadn't passed by the time of my sentencing. All other changes to guidelines including LSD, Marijuana, and other crack laws were previously made retroactive. So I urge the Commission in all fairness, to help make the new guideline retroactive as well. Thank you.

Rhiannon-Nadine C. Hinnant
[REDACTED]

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

May 13, 2011

Re: Making the New Crack/Cocaine Guideline Retroactive

Dear Commissioners:

I am humbly writing you on behalf of my fiancé, James [REDACTED]. He is my best friend, and great father, and a person who deserves the benefit of making this guideline retroactive. James was incarcerated back in 2001 after being considered a part of a crack/cocaine conspiracy. However, I would like to give you a little background on how he and many others are sentenced. Several people were caught selling drugs. They were offered plea bargains to give the government information. They decided that he would be the fall guy. In turn, they received reduced sentences and the amounts of drugs that they were charged with were given to James. The government did not question the facts in the matter because they gave James the offer to then implicate someone else. When he declined, they sentenced him based on all of their charges.

He has been incarcerated since 2001 and will be released in October of 2013. Since he went in we have changed from VCRs to Blue-Rays, from walkmans to I-Pods, and from pagers to smart phones. As so many other things have changed in 10 years, so has he. Therefore, I am pleading for his life and you have it in your hands. In ten years, he has earned his GED and multiple HVAC Certifications. He has seen his children go from just entering school to reaching their junior year in high school without his presence.

Please make the new crack cocaine guideline retroactive.

It would be fundamentally unfair to ignore those whose unjust sentences gave rise to passage of the Fair Sentencing Act and the guideline amendment that followed.

The Commission should apply retroactivity as it has with past guidelines without additional restrictions.

The Commission made changes to the LSD guideline retroactive in 1993 without conditions. Two years later, it made a reduction to the marijuana guideline retroactive without limitation. In 2007, the Commission lowered crack cocaine sentences somewhat and approved retroactivity. At that time it responded to concerns voiced by the Bush

Justice Department and law enforcement groups by implementing new rules to protect public safety. They instructed judges to examine the prisoner's conduct, including while in prison, to assess the impact of early release on community security. This additional safeguard helps ensure that no dangerous offenders will be released early. Any additional restrictions on who could be eligible for retroactivity would only perpetuate the sense of unfairness surrounding crack sentences and undo the good will your work fostered.

I strongly urge the Commission to apply its recent crack guideline amendments retroactively and to reject any new restrictions that will limit its reach. Judges have sufficient information and tools to ensure that only those who should benefit from the reduction will receive it.

Thank you very much for insuring that justice is served.

Sincerely,

A handwritten signature in black ink, reading "Rhiannon-Nadine C. Hinnant". The signature is written in a cursive style with a large initial "R".

Rhiannon-Nadine C. Hinnant