



UNITED STATES DISTRICT COURT

Robert C. Byrd United States Courthouse  
300 Virginia Street East, Room 7009  
Charleston, West Virginia 25301

JOSEPH R. GOODWIN  
Chief Judge

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September 19, 2007

The Honorable Ricardo H. Hinojosa  
Chair, United States Sentencing Commission  
One Columbus Circle, N.E.  
Suite 2-500, South Lobby  
Washington, D.C. 20002-8002

Dear Judge Hinojosa:

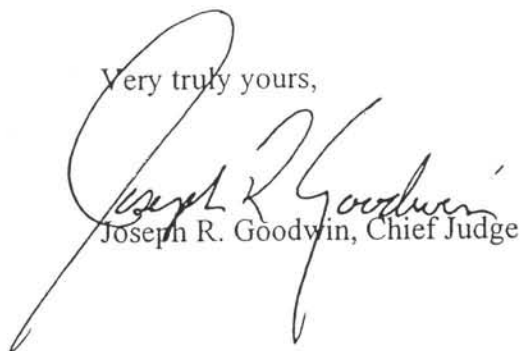
I write to you concerning the Commission's ongoing consideration of the guideline amendments to reduce the sentencing ranges for cases involving crack cocaine. I recently received a letter from a nonviolent, first-time felony offender serving a lengthy sentence for possession of crack cocaine. His letter illustrates the very real impact the Sentencing Guidelines had, and continue to have, on individual offenders. Fairness, consistency and proportionate sentencing are bedrock principles of the Sentencing Guidelines. Absent retroactive applicability, offenders will continue to serve sentences the Sentencing Commission and Congress implicitly, by amending the sentencing guidelines, regard as unjust and inconsistent with these principles. It will be difficult to expect prisoners to embrace respect for the law when the system under which their sentences were imposed fails to treat similarly situated defendants consistently.

In his letter to me, the prisoner included a recent letter from Judge Lynn Adelman to the Sentencing Commission which addresses the guideline amendments. I echo Judge Adelman's recommendations and urge the Commission to list the crack cocaine amendment as one of those retroactively applicable under § 1B1.10(c). I concur with Judge Adelman's prediction that allowing retroactive application of the crack amendment will not overwhelm the district courts with § 3582(c) motions. As Judge Adelman noted, § 3582(c) motions may be resolved without a hearing, the presence of the defendant, or additional fact-finding.

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Again, I urge the Commission to list the crack cocaine amendment as an amendment treated as retroactively applicable under § 1B1.10(c) and thank the Commission for their time and consideration as it makes this weighty decision.

Very truly yours,



Joseph R. Goodywin, Chief Judge