August 13, 2010

John Eubanks #31776-054
P. O. Box 759 ~~31776-054~~
Minersville, PA 17954

To: Hon. William K. Sassion III
U.S. Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500, South Lobby
Washington, DC 20002-8002

RE: Correct Federal Offenders Illegal Sentences, By making new law retroactive.

Dear Mr. Sassion,

I am writing you to seek your help with a overlooked matter of national importance. As you know the Sentencing Reform Act of 1987 (Federal Guidelines), Supreme Courtlaw and research since, has ruled that the Federal Guidelines Sentencing scheme was unconstitutional.

Prior to 2000, federal offenders sentences were increased drastically based on fact not submitted to the jury or proven beyond a reasonable doubt. This practice was ruled unconstitutional (Apprendi vs New Jersey, 530 U.S. 466). In 2005, the court ruled that a mandatory sentencing guideline system violated the 6th Amendment(U.S. vs Booker). On August 3, 2010, congress reduced the disparity between crack and powder cocaine to 18 to 1. However, none of these corrections in the Federal System were made retroactive. It is cruel and arbitrary to fix these injustices for some, but not for others, especially when the laws were driven by the recognition that the Federal guidelines Sentencing scheme and crack law were wrong from the start (1987).

I am humbly and respectfully asking that you make the correction of law retroactive, so that I may have my illegal sentence corrected. In the past the U.S.S.C. has made laws affecting LSD, Marijuana, and Percocet retroactive. Each of these changes largely affected white federal offenders. It's time to correct these federal offenders sentences, who where sentenced illegally under the Federal Guidelines. I thank you in advance for your time and professional consideration.

sincerely,

John Eubanks

John Eubanks

CC:
Mr. Eric Holder/Atty Gen
Family

FROM: Mrs Lila Castillo
2604 26th Court
Dumfries
Virginia
22026

TO: Mr. Eric Holder
Attorney General
U.S. Dept. of Justice
950 Pennsylvania Ave, N.W.
Washington, D.C. 20530-0001
E-mail: AskDOJ@usdoj.gov.

TO: Office of Public Affairs
U.S. Sentencing Commission
One Columbus Circle, N.E.
Washington, D.C. 2002-8002
E-mail: webmaster@ussc.gov.

SUBJECT: It's time to take action and repeal the 100-to-1 ratio between crack and powder cocaine. Thus, apply this change retroactive.

Dear Mr. Holder/U.S. Sentencing Commision:

As a concered citizen of the United States, I urge you, the U.S. Sentencing Commission, and Congress today to repeal the 100-to-1 ratio between crack and powder cocaine, by making it 1-to-1, thus, applying this change retroactive. It is time to make this injustice right and put an end to this unfair discrimination that has been going on for 24 years. Reasearch has shown that many of the assumptions used by congress in 1986 to justify this ratio was flawed and based on misinformation.

Since, 1995, up until the present date, three Presidents (Clinton, W. Bush, and Obama), Judges, the U.S. Sentencing Commission and Congress agreed that the crack/powder ratio fosters disrespect

for and lack of confidence in the criminal justice system because it promotes unwarranted disparity based on race. Approximately 90% of defendants convicted of crack offenses in Federal Courts are minoritys. It is time to take action and repeal this 100-to-1 unjust discriminatory law.

There should not be a question applying this change to the 100-to-1 ratio retroactive. Especially, since in the past the U.S. Sentencing Commission has made law affecting LSD, Marijuana, and Percocet retroactive. Each of these changes largely affected white offenders.

It is time for the federal government to correct this injustice and save the federal taxpayers their money. For example: Federal taxpayers pay more than $23,000 a year to incarcerate a prisoner- yet only $8,554 to educate one child. The annual federal prison budget was 4.7 billion dollars in 2005. (Bureau of Prisons, 2005; National Education Association, 2005). However, in a USA Today article printed on Feb. 4, 2010, shows that the BOP's budget today is 6.8 billion dollars.

Therefore, by repealing the 100-to-1 discriminatory ratio and applying it retroactive the federal government would not only send a powerful message that in its pursuit of justice is now color-blind, but would also correct those federal offenders sentences who were sentenced under this unjust ratio. Most importantly, it would save the federal taxpayer money. it's time to make this 24 year wrong; right.

Thank you for your consideration.

Sincerely,

Mrs. Lola Castillo

[redacted]

SUBJECT: Another clipping
DATE: 1/15/2010 12:36:19 AM

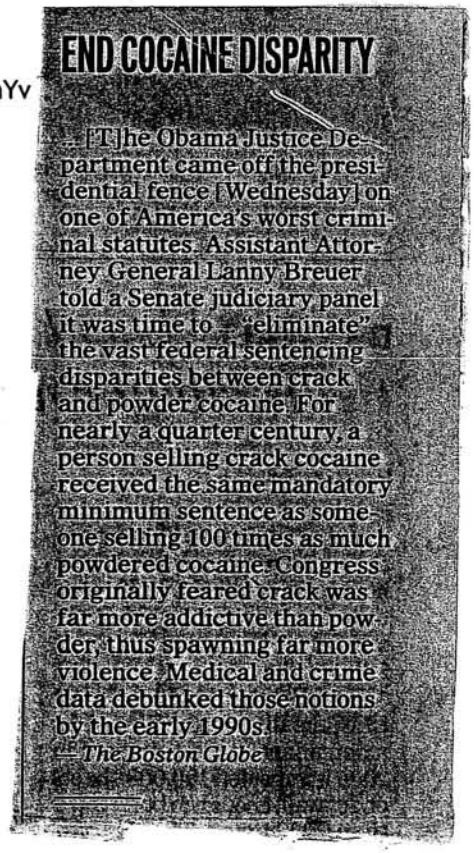
The 100-to-1 rule is enshrined in the get-tough Anti-Drug Abuse Act of 1986, which was intended to bring down drug kingpins and choke off the flow of crack. Research since has shown that many assumptions underlying the laws were flawed, such as the belief that crack is more dangerous than powder cocaine, making its users more violent. And they have had unintended consequences: putting away low-level street dealers rather than the big-time traffickers, with startling racial disparities.
(Read "Can Amphetamines Help Cure Cocaine Addiction?")

About 77,000 people have been sentenced for crack-related federal crimes since 1992, according to the U.S. Sentencing Commission, which sets federal sentencing guidelines. In 2008, over 80% of offenders sentenced that year were black and 10% were white. Among powder-cocaine offenders, over 52% were Hispanic, about 30% were black and about 16% were white. Crack-cocaine offenders receive longer sentences: 115 months on average in 2008, compared to 91 months for powder-cocaine offenders.

President Obama pledged in his campaign to abolish the disparity between penalties for powder and crack cocaine. Attorney General Holder called it "simply wrong" in a speech in Memphis last month. In April, Ricardo H. Hinojosa, the Sentencing Commission's acting chair, said there is "no justification for the current statutory penalty scheme" for cocaine, a position the commission first took in 1995. Both Democrats and Republicans in Congress now agree that crack sentencing rules need to be fixed; and this may be the year that Congress finally heeds the commission. A bill creating parity between crack and powder cleared a House subcommittee last week, and the Senate Judiciary Committee is expected to release a bipartisan parity bill after the August recess.

The issue of retroactivity, though, is anyone's guess. It would require an act of Congress to apply the crack-powder parity to mandatory minimums retroactively. The House bill is silent on that issue, and the Senate bill is expected to be as well. That would mean another fight from advocates for a retroactivity amendment. Marc Mauer, executive director of the Sentencing Project, a Washington-based reform group, asks: "If we've been doing something that's unfair for 23 years now, don't we have an obligation to address that unfairness?"

Read more: http://www.time.com/time/nation/article/0,8599,1915131,00.html#ixzz0cexpZnYv



END COCAINE DISPARITY

... [T]he Obama Justice Department came off the presidential fence [Wednesday] on one of America's worst criminal statutes. Assistant Attorney General Lanny Breuer told a Senate judiciary panel it was time to ... "eliminate" the vast federal sentencing disparities between crack and powder cocaine. For nearly a quarter century, a person selling crack cocaine received the same mandatory minimum sentence as someone selling 100 times as much powdered cocaine. Congress originally feared crack was far more addictive than powder, thus spawning far more violence. Medical and crime data debunked those notions by the early 1990s.

— *The Boston Globe*

Osiel Rodriguez #21136-018
U.S. Penitentiary - High
P.O. Box 7000
Florence, Co 81226-7000

United States Sentencing Commission
One Columbus Circle, NE, Suite 2-500, South Lobby
Washington, DC 20002-8002
Attn: Public Affairs - Priorities Comment

August 1, 2010

Re: Comment on Notice of Proposed Priorities

Dear Committee:

I realize I am an inmate commenting on the USSG, and you might reason I'm biased against their use in sentencing; but this is not the case. I believe the USSG have done a lot to ballance the "out-of-whack" sentencing system that existed before them. This letter is a brief out-line of my experience, and the effect the decision in United States v. Booker, 543 U.S. 220 (2005) would have in my life, were it applied in my case. I thank you in advance for your attention, and pray you would give a case like mine consideration before your Amendment cycle ending May 1, 2011.

I was a dumb, stupid, ungreatful 21-year old, when I had my first & last brush with the law... and in one afternoon, I lost my freedom. I went to trial and was eventually found

GUILTY OF BANK ROBBERY; CARJACKING; AND MULTIPLE FIREARMS COUNTS. AS A FIRST-TIME OFFENDER, I WAS SCORED UNDER CRIMINAL HISTORY CATAGORY "0-1", OF THE USSG. BECAUSE IT WAS A BANK ROBBERY, I STARTED OFF ON A BASE OFFENSE LEVEL OF 20... BECAUSE A CARJACKING WAS INVOLVED, I WAS ENHANCED ANOTHER 2 LEVELS; A TOTAL OF 22 ON THE USSG — 41-51 MONTHS. TO THAT, 60-MONTHS CONSECUTIVE WOULD HAVE BEEN ADDED FOR USE OF A GUN.

AT SENTENCING, THE COURT DEPARTED UPWARDS A TOTAL OF 21 MORE LEVELS; TOTALING 43-LIFE. ALTHOUGH THE BANKROBBERY AND CARJACKING WERE PROVEN AT TRIAL... THE REASONS WHICH CAUSED THE SENTENCING COURT TO DEPART UPWARDS WERE HARDLY MENTIONED DURRING THE TRIAL; MUCH LESS PROVEN TO A JURY. THE ENHANCEMENTS BECAME THE TAIL THAT WAG THE DOG OF MY SENTENCE. THE SENTENCING COURT BECAME JUDGE; JURY & EXECUTIONER IN DECIDING THAT: I OBSTRUCTED JUSTICE BY TESTIFYING ON MY OWN BEHALF (NEVER MENTIONED AT THE TRIAL); MINORS WERE USED TO COMMIT OFFENSE (NO ONES AGE WAS MENTIONED AT THE TRIAL); LEADER/ORGANIZER ROLE (NOT DISCUSSED DURING THE TRIAL); SERIOUS BODILY INJURY (NO EVIDENCE OF THIS WAS PRESENTED DURRING THE TRIAL)... ET CETERA. A TOTAL OF 21 LEVELS BOUGHT ON BY THE SENTENCING JUDGE. IT'S A WONDER WHY IT TOOK SO LONG FOR THIS PART OF THE USSG TO BE DEEMED UNCONSTITUTIONAL.

I DID NOT GET "LIFE". THE COURT SHOWED MERCY AND SENTENCED ME TO 720-MONTHS (60-YEARS). I KNOW THE SENTENCING COURT COMMITTED AN UNCONSTITUTIONAS SENTENCE IN LIGHT OF THE BOOKER RULING. AND IF BOOKER WERE APPLIED IN MY CASE, I WOULD BE IMEDIATELY RELEASED... SO YOU MIGHT WONDER WHY I'm

STILL INCARCERATED. YOU SEE, MY SENTENCING TOOK PLACE IN NOV. 1997; YEARS BEFORE THE APPRENDI, BLAKELY, BOOKER "ENLIGHTENMENT" OF THE SUPREME COURT. THIS OFFERS ME NO RELIEF ON A BLATANT UNCONSITUTIONAL SENTENCE... I'm SIMPLY FORCED TO GRIN AND BEAR IT. AS IT STANDS NOW, I WILL BE 74-YEARS OLD WHEN RELEASED IN 2049... I'VE LONG SINCE BURRIED THAT STUPID 21-YEAR OLD I USED TO BE, BUT STILL, THERE SEEMS TO BE NO HOPE. EVERY DAY I WAKE UP AND STARE AT A BUNCH OF PEOPLE WHO ARE LIVING, YET DEAD, AND ASK MYSELF IF IT'S REALLY WORTH SICKING AROUND UNTIL I'm 74 YEARS OLD.

I RESPECTFULLY ASK THAT YOU PLEASE CONSIDER MAKING THE RELIEF IN BOOKER RETROACTIVE TO PEOPLE LIKE ME. ASIDE FROM BEING A JUST/FAIR THING TO DO... I'D BE ABLE TO PULL MY OWN WEIGHT IN THIS COUNTRY. I HAVE A VERY STRONG FAMILY STRUCTURE... AND WITH THEIR HELP, I WILL NEVER PUT MYSELF IN THIS SITUATION AGAIN. I'm NOT WORTH THE 50-60 THOUSAND DOLLARS BEING SPENT ON ME EACH YEAR... THE TAX-PAYERS DON'T NEED THIS BURDEN ANY LONGER. I BEG YOU TO CONSIDER THIS IN THE INTREST OF JUSTICE. IN A PLACE THATS FILLED WITH UNGREATFUL PEOPLE WHO DISTRESPECT THEIR FREEDOM (BY CONTINUALLY GOING IN-AND-OUT OF PRISON); ALL I NEED IS ONE CHANCE. I FEEL ONLY YOU CAN GRANT THIS TO ME.

RESPECTFULLY,

P.S. IF YOU NEED ANY ADDITIONAL, MORE SPECIFIC INFORMATION ON MY CASE, FEEL FREE TO ASK.