

September 28, 2010

To whom it may concern:

I'am writing as a concerned ... citizen in support of this written public comment: with regards to the proposed emergency Amendment pending before this Commission" in anticipation of a vote by November 1, 2010, and (further) urge you to apply this Amendment (S.1789) "retroactively" to those individual's already confined.

Sincerely,

Handwritten signature of Ashley Rose in cursive script.

October 4, 2010

United States Sentencing Commission  
One Columbus Circle, NE, Suite 2-500 South Lobby  
Washington DC 20002-8002  
Attention: Public Affairs – *Proposed Emergency Amendment, Level 24 Option*

To Whom It May Concern:

In light of the passing of *Fair Sentencing Act of 2010*, I Portia Hubbard is asking the United States Sentencing Commission to please amend the sentencing guidelines to reflect the new 18 to 1 crack-powder cocaine ratio and also include a retroactive clause in this amendment.

Twenty four years has passed since the law mandating greatly different sentences for crack and powder cocaine offenses took effect. We now have over twenty years of data to analyze whether the extreme penalties of crack offenses has been effective in the eradication of crack in our neighborhoods.

Looking at the current drug arrests involving crack in the United States, the crack trade still thrives in our cities. The law has not had effective results from these severe prison sentences. But the law has had unintentional consequences that are very disturbing. The disparity in sentences between crack and powder cocaine has locked up many, many young men, mainly African American men much longer than those who sell similar amounts of other comparable drugs.

The Anti-Drug Abuse Act of 1986 singled out crack cocaine for significantly harsher penalties than powder cocaine. Abundant research reveals that crack cocaine is not more dangerous than powder cocaine.

Harsh penalties have fallen on low-level crack offenders, many with no previous felony criminal history. These penalties are for more severe than the wholesale drug suppliers who provided the drugs. People convicted of crack cocaine offenses receive prison sentences greater than international powder cocaine traffickers.

Due to these laws and guidelines being in place, it has drained law enforcement resources. It costs over forty thousand dollars a year to care for an inmate. Despite the substantial cost to tax payers and society, federal resources has been diverted from stopping drug kingpins to chasing after low-level offenders. These small dealers are quickly replaced with other young people.

In 2007 the Sentencing Commission submitted to Congress amendments to the federal sentencing guidelines that lowered the sentencing ranges for crack offenses. The new guidelines were retroactive and over 15,000 crack cocaine offenders received a reduction in their sentence, with no adverse effects on public safety.

The 2007 amendment did reduce numerous sentences but it was not enough. Those who were convicted of more than 4.5 kilograms of crack cocaine were not eligible for the reduction. This clause excluded thousands of people, including my son in law Charles Hubbard.

Mr. Hubbard is currently serving a life sentence at FCC Coleman Medium. He was sentenced in 1993 at twenty years of age for one count of conspiracy to distribute crack cocaine and had nineteen kilograms assigned to him, also he was a first time felon. Mr. Hubbard has been incarcerated since 1992, with no infractions in the past sixteen years or more.

No crime should go unpunished. But looking at the crimes committed today, a life sentence is a harsh punishment for a non violent offense of a young first time offender. We have to make room for those who are not only committing drug offenses but violent crimes also on a recurrent basis. Many jails are holding more inmates than they can deal with safely and effectively, creating environment of danger for the staff and the inmates as well.

People sentenced within the past five to seven years have not received the harsh sentences given to those in the late 1980's – early 1990's. Those who received lengthy sentences without infractions while incarcerated deserve a second chance. Their clean record while in prison proves rehabilitation has been accomplished.

I urge you to please amend the sentencing guideline to the 18:1 crack cocaine ratio and make it retroactive by choosing *level 24 option*. Our country needs a more rational approach to sentencing people for non violent crimes.

Sincerely,



Portia Robinson

From: Orelia Orrelien

Date: Sept 27<sup>th</sup>, 2010

To: United States Sentencing Commission  
One Columbus Circle, N.E. Suite 2-500  
Washington, D. C. 20002-8002 Attention: Public Affairs

In Re: Comments on proposed Sentencing Amendments for the Fair Sentencing Act of 2010 S. 1789.

Dear Sentencing Commission:

I strongly suggest that concerning the changes to statutory terms of imprisonment for crack cocaine drug quantity table that "Level 24 option" be implemented. Surely, the base offense levels for crack cocaine need to continue to be set so that the statutory minimum penalties correspond to base offense levels 24 and 30, using the new drug quantities established by the Act. (Bill S. 1789). Moreover, it is legally sound for the Sentencing Commission to follow the very same principles that were established in 2007 that set the base offense levels in line with the corresponding statutory minimums. To not implement level 24 option would be taking steps backwards just as well as preventing a defendant from being able to receive a statutory minimum sentence base on the corresponding base offense level.

In short, it is only fair that the Sentencing Commission enact "Level 24 option". Especially knowing the long standing history that the Sentencing Commission started in 1995 in trying to correct the disparity between powder cocaine and crack cocaine to a 1-to-1 ratio.

Next, the enhancements and adjustments have a list of questions 1 through 11. The below answers follow the same order of the questions (under subtitle "issues for comment").

1. The commission should provide a single level of enhancement for any conduct covered by the violence enhancement.
2. The enhancements for weapon possession in subsection (b) and violence in subsection (b)(2) should not be applied cumulatively.
3. The term "violence" should be defined for purposes of the new violence should be similar to 18 U.S.C. ~ 924 (e) requirements, but limited to "explicit violence" (not potential) in which a defendant was indicted or charged and found guilty (beyond a reasonable doubt) of specific and direct acts or conduct of violence. This definition should trump any other provisions in the sentencing guidelines that has a lesser requirement that define violence.

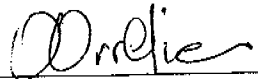
4. The new bribery enhancement should be compatible with other provisions and not applied cumulatively.
5. Maintaining an establishment for the manufacture or distribution of a controlled substance, as described in 21 U.S.C. ~ 856 should not be applied more broadly. This new enhancement should be compatible with ~2D1.8 and the base offense level should remain 26.
6. All the directives of subsections (b)(14) and (15) of ~ 2D1.1 should be implemented in chapter three by establishing new chapter guidelines.
7. The characteristic in 2D1.1(b) 14 should not be assigned different level all should have a 2 level adjustment, nor should there be any cumulative effect or upward departure if more than one factor is present.
8. The new specific offense characteristic in 2D1.1(b)(14) should be compatible and should not be applied cumulatively.
9. The proposed new specific offense characteristic in ~2D1.1 (b)(14) and the proposed characteristics for bribery and maintenance of a drug establishment should be compatible with each provision and never be allowed to apply cumulatively.
10. Whatever the new specific offense characteristics do not apply to then those specific offense should not be disturbed. In every question concerning whether the proposed new specific offense characteristic be applied cumulatively the answer is "no" because if applied cumulatively it can amount to double counting identical offense characteristic.

As to all the answers that suggest compatible for the new enhancements, that is the only one is chosen to be use to enhance a defendant. Moreover, the least amount of points (i.e. 2) should be attributed to any enhancements and adjustments since that very conduct was considered when establishing all base offense levels.

11. The other changes that the commission should make is to apply the changes to statutory terms of imprisonment for crack cocaine retroactive to allow the defendant who remain sentenced under and unjust ratio of 100-to-1 to receive some relief under the new proposed drug table, "level 24 option".

Thank you for addressing this letter.

Respectfully submitted,

  
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**Blog Talk Radio: Mommieactivist and Sons**

**Posted September 26, 2010**

**The Fair Sentencing Act of 2010 Proposed Amendment and Issue**

**Website for radio show hosted by Karen Garrison and Lawrence Garrison**

Dear Members of the U.S. Sentencing Commission:

This letter is being forwarded after the passing of S.1789 Fair Sentencing Act of 2010, and President Obama signing it effectively into law on August 3, 2010. As this is a momentous step in gaining fairness and equity in sentencing, there are lingering questions and concerns as to the effect of such a remedial amendment to the 21 U.S.C. 841 Drug statute.

The most frequently asked questions amongst federal inmates and their families are: "whether the Sentencing Commission can make the amendment to the Guideline Retroactive?" and "Whether the Sentencing Commission can make their amendment to the Guidelines retroactive by way of their emergency authority?" As a layman, I can only assume. However I refuse to do as much. As the implementation of justice, fairness, and equality is at stake.

Confidently I am asking this Commission to utilize the emergency authority delegated to it by Congress to make its amendments to the Guidelines retroactive. As you all are well aware, 80% of all Crack offenders are African American. It would be a "miscarriage of justice" in the least to do other than correct the discriminatory effects of a 100:1 Crack/Powder Cocaine Disparity. In the past this Commission has issued amendments for guidelines concerning Oxycotin, marijuana, and LSD with little or no resistance. These amendments were applied in an orderly fashion with immediate benefit for incarcerated defendants.

This is why I thought it to be imperative that a letter be forwarded to the august commission, and hopefully encourage you to grant relief to the body of federal Non-violent Crack Cocaine offenders. A delay in the allowance of relief would not only be unfair, but unconscionable. As the majority of us incarcerated can bare witness to the harsh reality of lacking medical attention, open discrimination, overcapacity, violence, and the farce attempt of true rehabilitation.

It is with the utmost humility that I appeal to you on behalf of those incarcerated, with sentences that were the result of former Racially Discriminatory 100:1 Crack/Powder Cocaine ratio, to make four changes retroactive and thwart the existence of injustice, inequality, and bias in our criminal justice system.

Respectfully Submitted,

The Fair Sentencing Act of 2010 Proposed Amendment and Issues Campaign

Letter sign on end this week. All letters should be submitted to the USSC BY October 8, 2010

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

S.1789  
POL 24  
9-26-10  
RETRO  
CRACK

Subject: Public Comment for S.1789's Proposed Amendment(s).

Dear Honorable William K. Sessions III,

I am writing in regards to the meeting held on September 1<sup>st</sup> for the proposed amendment that reflects the sentencing reduction S.1789 provides. I am requesting the USSC to promulgate any necessary changes to the Drug Quantity Table in Sec 2D1.1 which will result in the greatest sentence reduction possible. Such as establishing the (Under Level 24 Option) for base offense levels and quantities. ✓

I am also requesting for these guideline changes to be retroactively. *my Husband* I have a loved one currently serving a harsh penalty under the 100:1 disparity. And for years I've been advocating for drug sentencing reform with hopes of one day seeing him and others finally treated fairly. Retroactivity is the much needed gesture to make S.1789 a true "Fair Sentence Act". \*

I've been following the USSC's stance on this issue for some time now. And I am very grateful for your concerns, and your service to We The People. May God Bless.

Sincerely,

*Darci Yaniel-moss*

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

Dear Members of the U.S. Sentencing Commission:

This letter is being forwarded after the passing of S.1789 Fair Sentencing Act of 2010, and President Obama signing it effectively into law on August 3, 2010. As this is a momentous step in gaining fairness and equity in sentencing, there are lingering questions and concerns as to the effect of such a remedial amendment to the 21 U.S.C. 841 Drug statute.

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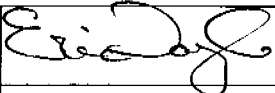

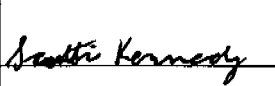
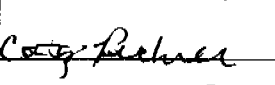

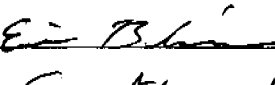

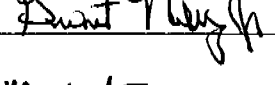
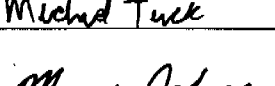
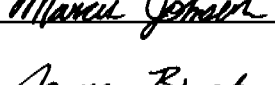
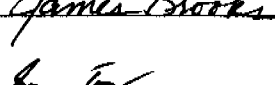
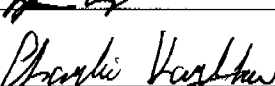
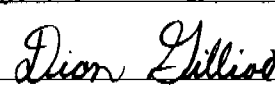


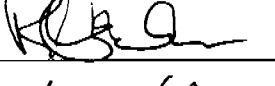


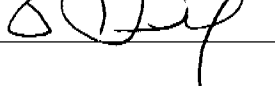

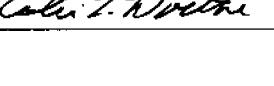

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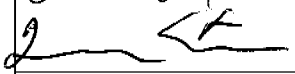
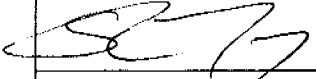

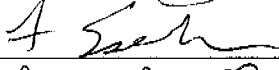


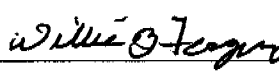
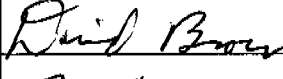
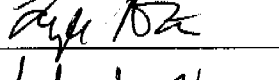
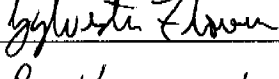
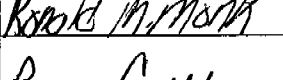
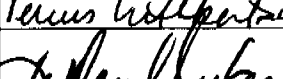

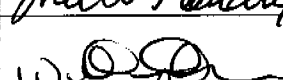
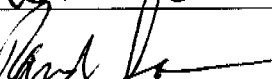
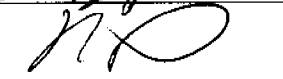
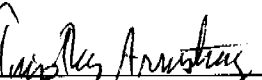


It is with the utmost humility that I appeal to you on behalf of those incarcerated, with sentences that were the result of former Racially Discriminatory 100:1 Crack/Powder Cocaine ratio, to make our changes retroactive and thwart the existence of injustice, inequality, and bias in our criminal justice system.



Respectfully Submitted,

Print Name		
Delunnie Martin	Delunnie Martin	P.O. Box 4000 Manchester, Ky 40962 - 4000
Fajana Downs	Fajana Downs	P.O. Box 4000 Manchester Ky 40962-4000
Charles T. Faulks	Charles T. Faulks	P.O. Box 4000 Manchester, Ky 40962 - 4000
Caddius L. House	Caddius L. House	P.O. Box 4000 Manchester, Ky. 40962-4000
Jesper Thomas	Jesper Thomas	P.O. Box 4000 Manchester, Ky 40962 - 4000
Samuel Tolley	Sam Tolley	P.O. Box 4000 Manchester Ky. 40962
Jimmy Scott	Jimmy Scott	P.O. Box 4000 Manchester Ky. 40962
Quinton Daniel	Quinton Daniel	P.O. Box 4000 Manchester Ky, 40962
Robert M'Shan	Robert M'Shan	P.O. Box 4000 Manchester Ky, 40962
Robert Ewing	Robert Ewing	P.O. Box 4000 Manchester KY 40962
Michael Bradley	Michael Bradley	P.O. Box 4000 Manchester Ky 40962
COURTNEY MORRIS	Courtney Morris	MANCHESTER, KY 40962
Donnie Stewart	Donnie Stewart	P.O. Box 4000 Manchester, KY 40962
Marcel Holmes	Marcel Holmes	P.O. Box 4000 Manchester, KY 40962
Matthew Fields	Matthew Fields	P.O. Box 4000 Manchester, KY 40962
Larone Mills	Larone Mills	P.O. Box 4000 Manchester, KY 40962
Joseph McConnell	Joseph McConnell	P.O. Box 4000 Manchester, KY 40962
Eugene Cooper	Eugene Cooper	P.O. Box 4000 Manchester Ky 40962
Ulysses Evans	Ulysses Evans	FPC MANCHESTER

Eric Taylor		FPC Manchester
Brett Jones		FPC Manchester
Samb. Kennedy		FPC Manchester
Cortez Beckner		FPC Manchester
Victor E. Moore		FPC MANCHESTER
Eric Blaine		FPC MANCHESTER
Emanuel Cherault		FPC Manchester
GRANT NUBY Jr		FPC MANCHESTER
Michael Tuck		FPC Manchester
MARCUS JOHNSON		FPC Manchester
James Brooks		FPC Manchester
Spencer Torrey		FPC Manchester
Charlie Vartanian		FPC Manchester
Dion Gillies		FPC Manchester
Ronald Woodard		FPC Manchester
Don Anderson		FPC Manchester
Richard Friedman		FPC Manchester
Jason Halsley		FPC Manchester
ROY E KEITH		FPC Manchester
Nicholas Polivinsky		FPC Manchester
MARCUS LACEY		FPC MANCHESTER
Calvin L. Worthen		FPC Manchester

Rafael Bowens	Rafael Bowens	FPC Manchester
Lucious Jones	Lucious Jones	FPC Manchester
Derrick Morris	Derrick Morris	FPC Manchester
	JANAEL CARTER	FPC MANCHESTER
	Shuansterly	FPC Manchester
	Jamarius Gore	FPC Manchester
	Filberta Gibson	FPC Manchester
	JAMES BLACKWELL	FPC MANCHESTER
	TERRY CLARK	F.P.C. MANCHESTER
	Willie O'Fergan	F.P.C. Manchester
	David Brown	FPC Manchester
	Kyle Hunter	FPC Manchester
	Sylvester Flower	FPC Manchester
	Ronald Monk	FPC Manchester
	Pervis Cuthbertson	FPC MANCHESTER
	Lamond Sykes	FPC Manchester
	Walter Hendrix Jr	FPC Manchester
	William Anderson	FPC Manchester
	Randy Singleton	FPC Manchester
	Wesley Priddy	FPC Manchester
	Timothy Armstrong	FPC Manchester
	Jon Beach	FPC Manchester

PATRICK HARRIS	Patrick Harris	MANCHESTER FPC
JAMES O SAMUEL	James O Samuel	Manchester FPC
OSBORNE DENNIS	Osborne Dennis	Manchester FPC
James Stone	James Stone	Manchester FPC
TORANIO HIGHTOWER	Toranio Hightower	Manchester FPC
J Clark	J Clark	Manchester FPC
G. Driffler	Gund Driffler	Manchester FPC
P. Greer	P. Greer	Manchester FPC
O. Clark	O. Clark	Manchester FPC
J. MARTINEZ	<del>J. Martinez</del>	MANCHESTER FPC
N. Corley	N. Corley	Manchester FPC
David Goss	D. Goss	Manchester FPC
Siburt Walter	<del>Siburt Walter</del>	Manchester FPC
Teddy Kiriakidis	Teddy Kiriakidis	Manchester FPC
Mike Keller	<del>Mike Keller</del>	Manchester FPC
Charles Thompson	Charles Thompson	Manchester FPC
DAVID OSBORNE	David Osborn	MANCHESTER FPC
Karlos Butler	<del>Karlos Butler</del>	Manchester FPC
Forsell Sheppard	Forsell Sheppard	Manchester FPC
<del>James Lewis</del>	Mark Summer	MANCHESTER FPC
James Lewis	Jim Lewis	Manchester FPC
Deveon Collins	Deveon Collins	Manchester FPC
Tommye Hopkins	Tommye Hopkins	





**Office of Public Affairs  
U.S. Sentencing Commission  
One Columbus Circle, N.W.  
Washington, D.C. 20002-8002**

Dear Honorable Commissioners:

Your work through the decades acknowledging the adverse impacts and injustice of the 100-to-one cocaine disparity, and recommending retroactivity end of 2007 was *noticed* and *appreciated* by thousands of people. We turn to you again in order to have justice prevail.

While Congress addressed the injustice of disparate cocaine sentencing in part, it is my understanding the Commission can address retroactivity. Without this important recognition of long injustice, disrespect for the legal process will continue to erode communities in and outside of federal prisons. ✓

Commissioners have the opportunity to further restore citizen faith that the present system of sentencing is not so rigid that it can't serve us properly. And recommending retroactivity would give you the opportunity to use the discretionary powers the Commission has today. Without consistent changes and fair adjustments the Sentencing Commission is charged to do, more ground will be laid for another period "ripe for reform," requiring sudden, drastic measures.

Retroactivity for crack-cocaine prisoners would also relieve some prison overcrowding and costs without jeopardizing public safety. ✓

Dissent against harsh, dead-end sentencing rises as fast as budgets are cut. This letter is to demonstrate that there *is* public support for retroactive sentencing relief.

The goals of the United States Sentencing Commission to reduce unwarranted disparity, increase rationality and transparency of punishment, and make punishment proportional cannot be accomplished without retroactive sentencing relief.

Sincerely,



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

In RE: Public Comment for retroactivity of the new crack cocaine  
sentencing guidelines.

Dear Chairman:

I would like to start by thanking you and the rest of the commission for the work that has been done thus far to make justice a little bit more fair for crack cocaine offenders. I think that without retroactive application of this Law, there isn't justice!

As you know, there are tens of thousands of crack offenders in the Bureau of Prisons serving unjust amounts of time. Similarly, "we", as the family and friends of these offenders, are feeling the strain nonetheless! It would only be the right thing to do to make these changes retroactive!

In conclusion, I would like to thank you for your time and effort. It is long over due and much needed.

Respectfully,

Richard M. Jones

9/2/2010



United States Sentence Commission

Date 9/12 2010

One Columbus Circle, N.E.

Suite 2-500 South Lobby

Washington, DC 20002-8002

Attn: Michael Courlander, Public Affairs Officer

Subject: Retroactivity for S.1789/Crack Guidelines

Dear Honorable William K. Sessions III

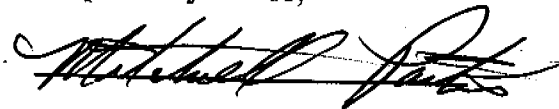
It is to my knowledge that S.1789 the "Fair Sentencing Act" gives the USSC emergency authority to amend the guidelines to reflect the change in the new law. In the near future when the USSC exercises it's authority, I am in full support of any and all changes being applied retroactively.

I have a loved one currently serving a harsh crack penalty and I am very grateful for the Sentencing Commission's stance on this matter. Relief for those serving time under the 100:1 disparity is long overdue. I am aware of the Commission's history on trying to reverse this disparity, and I share the same views of the USSC. So there is no need for me to go into detail on why the new amended guidelines should be retroactive.

I am appreciative and proud of your service and dedication towards restoring fairness in our Judicial System. And I am very excited about the possibility of my loved one coming home a little earlier than expected. I would like to take this moment to thank each and every member of the USSC. May God Bless.

Add: 808 Seminole Ave  
Prichard, AL 36610

Respectfully Yours,



FROM:

James D. Hughes Sr.  
7205 Sprague St.  
Philadelphia, PA 19119-1702

2  
S 1789

DATE:

TO: Office of Public Affairs  
U.S. Sentencing Commission  
One Columbus Circle, N.E.  
Washington, DC. 20002-8002  
e-mail: pubaffairs@ussc.gov

RE: S. 1789 Authority To Amend Crack Guidelines Retroactively

Dear Chairman:

I am sending this letter to request that any "temporary emergency amendment" and "permanent amendment" of the crack guidelines (USSG § 2D1.1) include retroactivity because of the warrant of authority in S. 1789 that retroactivity must be provided "to achieve consistency with other guideline provisions and applicable law", specifically this sentencing commission's Amendment 706 and its retroactivity of the crack guidelines.

S. 1789 specifically state in pertinent part:

The United States Sentencing Commission shall--

(2) pursuant to the emergency authority provided under paragraph (1), make such conforming amendments to the Federal sentencing guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

S. 1789, Sec. 8(2) (emphasis added). Accordingly, any amendment to the crack guidelines provided for within S. 1789, that was signed into "law" by President Obama, though its "emergency authority for the United States Sentencing Commission" to amend the crack guidelines according to its statutory changes must be made retroactive "to achieve consistency with other guideline provisions" as required by the "applicable law" S. 1789.

Therefore, I request that any amendment to the crack guidelines be made retroactive as warranted by the law.

Sincerely,

James D. Hughes Sr.  
Signature

CRACK  
RETRO  
BOOKER

September 15, 2010

DEPPEL TAYLOR 90021-054  
P. O. Box 1000  
OTISVILLE N.Y. 10963

To: Hon. William K. Sassoc 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. Sassoc,

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,

DeppeL Taylor

CC:  
Mr Eric Holder Doj  
950 Pennsylvania AVE NW  
Washington, DC - 20530 - 0001

m m  
5/7/89

Federal Correctional Institution, Elkton  
P.O. Box 10  
Lisbon, Ohio 44432

The Honorable William K. Sessions, Chairman  
United States Sentencing Commission  
One Columbus Circle, N.E.  
Washington, D.C. 20002-8002

Dear Chairman Sessions:

Please urge Congress to not only end mandatory minimum sentencing, but to do so in a way that provides relief for prisoners (and families), who have for the past twenty years been excessively sentenced under the wrongful combination of mandatory minimums and the 100:1 (now 18:1) crack cocaine / powder cocaine sentencing disparity.

The U.S. Sentencing Commission is currently studying the impact of mandatory minimums at the direction of Congress, which has asked for a report by October 28. Additionally the Commission has been asked by Congress to enact amendments to recently passed S.1789 (the crack / powder disparity bill). Having compiled the most comprehensive and insightful bodies of data available that pertain to mandatory minimums and the crack / powder disparity and having the ear of Congress (to some extent), the Commission is uniquely qualified and positioned to make known to Congress on behalf of the nation's minority communities that - after over two decades of excessive and unjustifiable sentencing of the impoverished, the repeal of mandatory minimums accompanied by provisions such as; (1) amending 18:1 to 1:1, (2) retroactive application for the anticipated end of mandatory minimums and 18:1 / 1:1 and (3) if necessary, amending the sentencing guidelines to reflect a change from 18:1 to 1:1 to be retroactive and "permanent", is long over due.

Please see (the U.S. Sentencing Commission's 1995 attempt to change the ratio to 1:1 and its 2007 Amendment 706 and companion comments).

Virtually, if not literally, all of the evidence gathered by the Commission demonstrates that crack cocaine sentencing laws: 1) were ill-concieved and overblown; 2) waste money, 3) are ineffective and 4) exude the inescapable stench of racial inequality. Yet no relief has reached the over sentenced petty repeat offender, small time participant or crack addict who were sentenced under yesterdays mis - perception of the drug. The message received by minorities is one of continued second class citizenship.

Thank you for being a voice for the voiceless.

Sincerely,



U.S. Sentencing Commission  
Public Affairs Officer  
One Columbus Circle N.E.  
Washington, D.C. 20002-8002

RE: Applying Retroactivity to S1789 Fair Sentencing Act

To: Public Affairs Officer

I am writing this letter to the Sentencing Commission to express my thoughts and support of the retroactivity of S1789 Fair Sentencing Act.

I am in full support of S1789 Fair Sentencing Act being made retroactive.

Sincerely

*Barela Suipavaket*  
4941 Root St  
Col. Ohio 43207

**gwendolynjacobs@sc.rr.com**

---

**From:** JACOBS CHRISTINA (13619171)  
**Sent Date:** Thursday, September 30, 2010 4:50 PM  
**To:** gwendolynjacobs@sc.rr.com  
**Subject:** Important

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

Attention: Public Affairs  
Re: Public Comment on proposed Amendment for Fair Sentencing Act of 2010

Dear Public Affairs,

We support the Sentencing Commission's proposed amendments to the Sentencing Guidelines to implement the statutory changes regarding crack cocaine offenses and directives drug trafficking offenses generally set forth in the Fair Sentencing Act of 2010 (Pub. L. No 111-220). We further support the retroactive application of the proposed guideline amendments for crack cocaine offenders.

In regard to the ratio of the disparity, we understand that Congress has set the statutory ratio at 18:1 by increasing the threshold amount of crack cocaine to 28 grams (for the 5 year mandatory minimum) and 280 grams (for the 10 year mandatory minimum). However, Congress directs the U.S. Sentencing Commission to amend the Sentencing Guidelines to reflect the statutory changes made by the new law. Although we are aware that the mandatory minimum must reflect the 18:1 ratio, set by Congress, we believe the Sentencing Commission could and should reduce the ratio even lower.

Our reasoning for this is based on the Sentencing Commission 2007 report sent to Congress verifying that there is no empirical difference between crack and powder cocaine. We actually support the total elimination of disparity as supported by the extensive research, scientific literature and other empirical data of the 2007 report.

In the 2007 report that lowered the Crack Cocaine Sentencing Guidelines by two levels, the Sentencing Commission quoted, "It is neither a permanent nor complete solution to those problems. The Commission view the amendment only as a partial remedy to some of the problems associated with the 100 - to - 1 drug quantity ratio." The Commission, then placed that ball in Congress' court. Now, the ball is again in the Sentencing Commission's court.

In 2007, the Sentencing Commission made the two level reduction retroactive. Therefore, we believe the newly proposed amendments as promulgated by the Fair Sentencing Act of 2010 should also become retroactive in accordance with legislative history. See, "Bradley v. Richmond School Board" 416 U. S. 696, 711 (1974) (A federal court or administrative agency must "apply the law in effect at the time it renders its decision, unless doing so would result in manifest injustice or there is statutory direction or legislative history to the contrary." Statutory changes which would result in a manifest miscarriage of justice, if not applied to cases pre-existing the change, are also always applied retroactively.

In addition, we believe the new law is procedural and remedial in nature. Simply because it involves how a defendant is indicted and prosecuted. I.e. the specific criminal statute he or she is being prosecuted under. In such cases, the Rule of Lenity requires that any doubt be resolved in the defendant's favor. "United States v. Seale" 542 F.3d 1033 (5th Cir. 2008). concludes absent a clear statement by Congress to the contrary, substantive changes to federal statues are applied prospectively, but procedural or remedial changes are applied retroactively. The Sentencing Commission's own words confirm that the crack amendment changes are remedial in nature, holding the view that the two level reduction is only a partial remedy. . . . to reduce the unwarranted disparity.

gwendolynjacobs@sc.rr.com

Thus, we believe the U. S. Sentencing Commission goal in promulgating the 2007 Crack Amendment as well as the currently proposed amendment is to correct the long term injustices of the Crack Cocaine sentences for decades. It is now time to rectify the sentencing disparity that has tainted and corrupted the Sentencing Guidelines from inception.

Resolving the crack/cocaine sentencing disparity also has the support of President Obama and Attorney General Eric Holder. A.G. Holder, at the National Association of Black Prosecutors Conference in 2009 said "Many of the issues we are looking at, including the structure of federal sentencing, the role of mandatory minimums, the Department's own charging and sentencing policies, the elimination of the sentencing disparities between crack and powder cocaine and other unwarranted disparities in federal sentencing, have been the source of controversy in our nation for many years. But controversy should not breed inaction. As prosecutors, we need to do what is right, no matter what challenges confront us."

Again, we urge you, the Members of the U. S. Sentencing Commission, as well as Congress, to consider the equitableness of applying this act retroactively. To make these Amendments effective November 1, 2010 forward would be the inequitable and unjust, as well as in violation of the factors set forth in Section 3553(a), that insures that sentencing should be applied uniformly and no greater than necessary to promote justice and equality for all.

Retroactive application will give some relief to the tens of thousands serving 10+ to 20+ years and give hope to their children whom have been without their parents for decades. It would also give inmates an opportunity to be re-instated sooner as productive members of society.

Sign *Gwendolyn Jacobs*  
Date *9/30/10*

Will you print this off, sign it and get others to sign it as well. Also, can you email a copy to [chrisholcomb77@yahoo.com](mailto:chrisholcomb77@yahoo.com). TODAY, please!! The due date is Oct. 8th.

Love you Mom

<i>Charles Jacobs Sr.</i>	<i>Audrey Jones</i>	<i>Tawanda Lewis</i>
<i>Budget Jacobs</i>	<i>Dary Jones</i>	<i>Peggy Rankin</i>
<i>Terrance Jacobs</i>	<i>Tyrone Hutcherson</i>	<i>Larry Richardson</i>
<i>Jasmine Jacobs</i>	<i>Tashara Hutcherson</i>	<i>Jay McKie</i>
<i>Mareetta Jenkins</i>	<i>Tanya Leggett</i>	<i>Sandy McKie</i>
<i>Catherine Gleaton</i>	<i>Wanda Barber</i>	<i>Judy Jacobs</i>
<i>Bruce Gleaton</i>	<i>Jacraha Berry</i>	<i>Carl Rankin</i>
<i>Navis Gleaton</i>	<i>Ruth Jacobs</i>	<i>Michael Rankin</i>
<i>Antwon Gleaton</i>	<i>Ruth Howard</i>	<i>Aunt Lavonia Atkinson</i>
<i>Jessie Richardson</i>	<i>Jerry Phillip</i>	<i>Paster Almeta Adams</i>
<i>Aletha Whitlock</i>	<i>Jeffery Jacobs</i>	<i>Byron Kay</i>
<i>Raymond Whitlock</i>		<i>Stacey Kay</i>
<i>Bobby Jacobs</i>		<i>Williams Miles</i> 10/1/2010
<i>Beverly Jacobs</i>		<i>Charamine Richardson</i>
<i>Wade Jacobs Jr.</i>	<i>Wade Jacobs</i>	<i>Veronia McCoy</i>
	<i>Joyce Patterson</i>	<i>Nicole Madison</i>
	<i>Pauline Sims</i>	

September 10, 2010

UNITED STATES SENTENCING COMMISSION  
ONE COLUMBUS CIRCLE  
N.E., SUITE 2-500  
WASHINGTON, D.C. 20002-8002

ATTENTION: PUBLIC AFFAIRS/FAIR SENTENCING ACT OF 2010

Dear Sentencing Commission,

I'm writing you in regards to the above mentioned caption. First I would like to take this time to thank you and the legislation in trying to bring forth equality into our justice system. Although we have fell short in completely eliminating the racial disparity between crack and powder cocaine; however, we have taken a step towards closing the gap and for that I am thankful.

Now I ask of you as a citizen of the United States to choose the base offense level (BOL) that has been set so that the statutory minimum penalties correspond to levels 24 and 30 using the new drug quantities established by the Act (the "level 24" option).

My reason for requesting level 24 option to be chosen is for the same stated purpose of the Fair Sentencing Act of 2010, to restore fairness to federal cocaine sentencing.

At the very least, to allow level 26 option to override a more beneficial option will indicate that the old regime were fair and just, the complete opposite of the reason why the sentencing Commission set the base offense levels for crack cocaine so that the statutory minimum penalties correspond to levels 24 and 30, using the new drug quantities established by the Act (the "level 24" option).

It will be unfair to go back to the old, when the Sentencing Commission felt the new was just.

I respectfully request that the Sentencing Commission find that level 24 option is the best option to start restoring fairness in federal cocaine sentencing.

Thank you for your time and concern in addressing this urgent matter.

Sincerely,

*Addie Wilson*



United States Sentencing Commission

United States Sentencing Commission  
One Columbus Circle, N.E.  
Suite 2-500  
Washington, D.C. 20002-8002  
Attention: Public Affairs

Date 9/22/10

Issues for Comment

Re: Notice of Proposed Amendment; Request for Public Comment

Dear Commission,

Hello, my name is Thelma Laughinghouse. I am concerned about the new Fair Sentencing Act of 2010 and the new Amendments the Commission is in debate to enact. The first issue I would like to address deals with the BOL for crack cocaine. The question submitted by the commission was:

Should the Base Offense Levels for crack cocaine again be set so that the statutory minimum penalties correspond to Levels 26 and 32. Using the New Drug Quantities established by the Act ("the Level 26 Option") or should the Base Offense Levels for crack cocaine continue to be set so that the Statutory Minimum Penalties correspond to levels 24 and 30, using the New Drug Quantities established by the Act ("The Level 24 Option")?

<u>BOL</u>	<u>Quantity Under Level 24 Option</u>
38	25.2 KG or more
36	At least 8.4 KG but less than 25.2 KG
34	At least 2.8 KG but less than 8.4 KG
32	At least 840 G but less than 2.8 KG
30	At least 280 G but less than 840 G
28	At least 196 G but less than 280 G
26	At least 112 G but less than 196 G
24	At least 28 G but less than 112 G
22	At least 22.4 G but less than 28 G
20	At least 16.8 G but less than 22.4 G
18	At least 11.2 G but less than 16.8 G

1. In the proposed new violence enhancement in subsection (b)(2) of §2D1.1, should the Commission provide a single level of enhancement for any conduct covered by violence enhancement, or should the Commission distinguish among the different categories of conduct (use of violence; credible threat to use violence; directing others to use violence) by assigning different levels of enhancement to each?

A. Yes

2. The proposed amendment would amend Application Note 3 to §2D1.1 to provide that the enhancements for weapon possession in subsection (b)(1) and violence in subsection(b)(2) are to be applied cumulatively. Should the Commission instead provide that the enhancements are not to be applied cumulatively?

A. No

3. The Guidelines Manual uses the term "violence" in several provisions, e.g. §5C1.2 (Limitation on Applicability of Statutory Minimum Sentences in Certain Cases) (the "safety valve" provision), without defining the term. Should the term "violence" be defined for purposes of the new violence enhancement in subsection (b)(2)? If so, what should the definition be? How, if at all, should such a definition interact with the other provisions in the Manual where the term is not defined?

A. Yes, N/A, N/A

4. The proposed new bribery enhancement in §2D1.1(b)(11) may interact with other provisions in the Guidelines Manual, such as §3C1.1 (Obstructing or Impeding the Administration of Justice). How should the new bribery enhancement interact with such other provisions? In particular, should they be applied cumulatively, or should they not be applied cumulatively?

A. N/A, No

5. The proposed new enhancement in §2D1.1(b)(12) would apply if the defendant "maintained an establishment for the manufacture or distribution of a controlled substance, as described in 21 U.S.C. §856." Should the enhancement apply more broadly, e.g., if the defendant "committed an offense described in 21 U.S.C. §856"? How should this proposed new enhancement in subsection (b)(12) interact with §2D1.8 (Renting or Managing a Drug Establishment; Attempt or

Conspiracy)? In particular, should the Commission raise the alternative base offense level 26 in §2D1.8 to [28] [30]?

A. No, N/A, No

6. As an alternative to establishing new specific offense characteristics at subsections (b)(14) and (15) of §2D1.1, should the Commission instead implement these directives in Chapter Three? In particular, should the Commission amend §3B1.1 and §3B1.2, or establish new Chapter Three guidelines, to provide the adjustments required by the directives?

A. No, N/A

7. For the proposed new specific offense characteristic in §2D1.1(b)(14), should the Commission distinguish among the different factors described by the directive (e.g., the factors set forth in subparagraphs (A) through (E) of the proposed new §2D1.1(b)(14)) by assigning different levels to each? For example, should the most egregious factor be assigned an adjustment of [6] levels, and other factors assigned adjustments of [4] or [2] levels? If more than one factor is present, should that have a cumulative effect, warranting a higher total adjustment for that defendant? As an alternative, should the Commission provide an upward departure provision for cases in which more than one factor is present?

A. N/A

8. The proposed new specific offense characteristic in §2D1.1(b)(14) may interact with other provisions in the Guidelines Manual, such as §2D1.2 (Drug Offenses Occurring Near Protected Locations or Involving Underage or Pregnant Individuals; Attempt or Conspiracy), §3B1.4 (Using a Minor to Commit a Crime), §3C1.1 (Obstructing or Impeding the Administration of Justice), and §4B1.3 (Criminal Livelihood). How should the new specific offense characteristic in subsection (b)(14) interact with such other provisions? In particular, should they be applied cumulatively, or should they not be applied cumulatively?

A. N/A

9. The proposed new specific offense characteristic in §2D1.1(b)(14) and the proposed new specific offense characteristics in §2D1.1 for bribery (see Part C of this proposed amendment) and maintenance of a drug establishment (see Part D of this proposed amendment) all respond

to section 6 of the Fair Sentencing Act of 2010. How should these provisions interact with each other? In particular, should they be applied cumulatively, or should they not be applied cumulatively?

A. N/A

10. This part of the proposed amendment establishes several new specific offense characteristics in §2D1.1. What, if any, changes should the Commission make to other Chapter Two offense guidelines involving drug trafficking to ensure consistency and proportionality? Many such guidelines refer to §2D1.1 in determining the offense level, but not in all cases. For example, if the base offense level is determined under subsection (a)(3) or (a)(4) of §2D1.2 (Drug Offenses Occurring Near Protected Locations or Involving Underage or Pregnant Individuals; Attempt or Conspiracy), or under subsection (a)(2) of §2D1.5 (Continuing Criminal Enterprise; Attempt or Conspiracy), or under §2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy), the new specific offense characteristics would not apply. Should the Commission establish similar specific offense characteristics in §2D1.2, §2D1.5, and §2D1.11?

A. N/A, Yes

11. What other changes, if any, should the Commission make to the Guideline Manual under the emergency authority provided by section 8 of the Act?

A. The changes that the Commission makes and amends to the Guidelines (BOL) should be made retroactive in accordance with the Commission's Policy Statement 1B1.10(a)(1), specifically, (the "level 24 option") to further establish fairness to "all persons involved in the process and encourage equal justice."

In closing, please consider my comments when the Commission begins to determine the path it chooses to take. Thank you for your time.

Sincerely,

*Thelma Laughinghouse*

City Greenville

State North Carolina

BOL 5

Date: 9-20-10

PUBLIC COMMENT  
Re: Fairness in Cocaine Sentencing Act of 2010

Sirs,

Hello, my name is Tamica Talbert and I am greatly concerned about the new sentencing act which is now law. I do have some views and comments I wish to submit for consideration as the Commission debates and designs amendments for this newly enacted law. I first wish to address the issue concerning the Base Offense Levels for crack cocaine, accompanied with othe issues that the Commission submitted Question and Request for public comment. I would just like to say, in advance, thank you for your time and please consider my comments and suggestions.

✓

Sincerely,

Tamica Talbert

United States Sentencing Commission  
One Columbus Circle, N.E. Suite 2-500  
Washington, D.C. 20002-8002 - Attention: Public Affairs

Date: 9-20-10

UNITED STATES SENTENCING COMMISSION

Re: Notice of Proposed Amendments; Request for Comment

Changes to Statutory Terms of Imprisonment for Crack Cocaine

Given the Statutory changes made by Section 2 of the Act, how should the commission revise the Drug Quantity Table for offenses involving crack cocaine?

A. The commission should revise the Drug Quantity Table to reflect the Drug Quantities shown under the level 24 option. Under this option, it would reflect a change in the harsh sentences that have been handed out for crack cocaine offenses. The level 24 option also reflects an 82% reduction the Act attempted to do to reduce the disparity between powder cocaine and crack cocaine sentencing. The level 26 option fails at closing the gap on sentences for crack cocaine in reflecting an 82% reduced ratio. It still utilizes harsh sentences because the drug amounts between the BOL are so wide that defendants will receive similar sentences as before the Fairness in Sentencing Act of 2010. Whereas option 24 will honestly reduce sentences and bring about some fairness. The Commission should also make this change retroactive.

Guideline Questions for Comment

1. The proposed new violence enhancement in Subsection (b)(2) of 2D1.1, should the Commission provide a single level of enhancement for any conduct covered by the violence enhancement, or should the Commission distinguish among the different categories of conduct by assigning different levels of enhancement to each?

A. The Commission should provide a 2 to 6 level enhancement and distinguish each type of conduct categorically (use of violence - 4 levels increase, directing others to use violence - 6 level increase, credible threat to use violence - 2 level increase).

2. The proposed amendment would amend application note 3 to §2D1.1 to provide that the enhancements for weapons possession in subsection (b)(1) and violence in subsection (b)(2) are to be applied cumulatively. Should the Commission instead provide that the enhancements are not to be applied cumulatively?

A. Yes! So a defendant can understand specific adjustments for specific acts. A defendant should have a full understanding for receiving any particular increase for conduct.

Specific result in to clear understanding and limits question.

Especially if other enhancements for other conduct could be considered.

3. The Guidelines Manual uses the term "violence" in several provisions, e.g. §5C1.2 (limitation on applicability of statutory minimum sentences in certain cases)(the "safety valve" provision), without defining the term. Should the term "violence" be defined for purposes of the new violence enhancement in subsection (b)(2)? If so, what should the definition be?

A. Yes! If a defendant that uses acts of "violence" by force, telecommunication, by letter, in writing, or verbally, to kill, threaten to kill, maim, kidnap, in any manner to induce physical "violence" to a person or damage property or instill fear or intimidation through any scope of "violence" considered under law as "violence" or to use any type of object that could potentially cause harm to another, during the commission of the offense or to obstruct the prosecution of that offense pending in a court of law, by aiding and abetting, increase by 2 levels, if no actual physical harm or damage transpired. If harm was induced physically or damage occurred, increase by 6 levels.

Further, make a list of any such acts of "violence" that are classified as "violent," such as rape, assault, arson, discharging a firearm which inflicts bodily harm, extreme acts on person[s] or property and list acts which express the threat without the actual execution (illustrate a list similar to the 4A1.2(c)(2) diagram for charges counted).

4. How should the new bribery enhancement interact with such other provisions? Should they be applied cumulatively?

A. No!

5. Should the commission raise the alternative Base Offense Level 26 in §2D1.8?

A. Yes! By two levels.

6. Should the Commission amend §3B1.1 and §3B1.2, or establish new Chapter Three guidelines to provide the adjustments required by the Directives?

A. The Commission should establish new Chapter Three Guidelines.

7. Should the Commission distinguish among the different factors described by the directives (e.g. the factors set forth in subparagraphs (A) through (E) of the proposed new §2D1.1(b)(14) by assigning different levels for each?

A. Yes! The Commission should provide an upward departure provision for cases in which more than one factor is present.

8. The proposed new specific offense characteristics in §2D1.1(b)(14)?

A. They should be applied cumulatively.

9. How should these provisions interact with each other? (The proposed new specific offense characteristic in Section §2D1.1(b)(14) and the proposed new specific offense characteristics in §2D1.1 for bribery and maintenance of a drug establishment). In particular, should they be applied cumulatively, or should they not be applied cumulatively?

A. No! The Commission should provide an upward adjustment provision for each characteristic for each factor presented per case. (In the same type of format as 4A1.2(c)(2) for types of crimes to be counted for points) Increase by 1 level for attempt to bribe, Increase by 2 levels for a bribe, increase by 3 levels for maintaining an establishment for drugs. Increase by 4 levels for organizer. Increase by 4 levels for leader. Increase by 2 levels for supervisor and under (3)(B) increase 2 levels (i)(I)(i)(II) Increase 2 levels (i)(III), increase by 1 level (3)(B)(ii) increase (I)(II)(III)(IV) by 4 levels and (V) By 1 level.

#### Changes to consider

10. What, if any, changes should the Commission make to other Chapter Two offense Guidelines involving Drug Trafficking to ensure consistency and proportionality?

A. The Commission should make changes to identify defendants on a case by case basis, even if the drug offense is a conspiracy. Have each defendant culpable to the enhancements listed in §2D1.1, these should be only applied separately and not jointly unless aiding & abetting is established between particular defendants. This will ensure that each defendant is dealt with based upon the actions of each individual's knowledge and willful intent to engage in behavior that will result in the adjustment for an enhancement under §2D1.1



11. What other changes, if any, should the Commission make to the Guidelines Manual under the emergency authority provided by section 8 of the Act?

A. Make Amendment 709 retroactive because the Commission sought this amendment due to a conflict between circuits on applying criminal history points to misdemeanor or petty offenses where state courts selected non-imprisonment sentences in lieu of fines or cost of court. Some defendants received points for these types of offenses in some circuits, and some defendants didn't receive points in other circuits. It would give all defendants whose cases were met with this conflict equal treatment or would rectify defendants who received the points which the Commission determined should not apply. It would also bring conformity for all who are sentenced with these types of offenses. Also, all defendant's criminal history calculations will reflect the sentencing manual.

Secondly, the Commission should make the retroactive application to Amendment 709 and instruct that in determining whether, and to what extent, a reduction or recalculation under 18 U.S.C. §3582(c)(2) this policy statemnt is warranted. The Court shall determine what Criminal History Category would have been applicable to the defendant if the amendment[s] to the Guidelines listed in section (c) had been in effect at the time the defendant was sentenced. Furthermore, any new amendments to changes to BOL should be **made retroactive**.

Thirdly, the Commission should consider adding the following enhancements or consider them to be added to §2D1.1(b)(2), under, "if the Commission feels it appropriate to create a "violence Section," the following:

If a defendant used forcible entry, as a means to commit robbery of a Person or persons whom maintain or distribute any type of illegal substances covered in §2D1.1 for the purpose of distribution or continue a criminal livelihood by distribution of substances in same or similar to the instant offense by intimidation, kidnapping, dishcharging a firearm and/or injuring one or more persons, by hand or weapon, of any type, and caused property damage or physical, minor or serious, and the act involved any person[s] over the age of 64 or under the age of 18 at a residence as an occupant and are innocent of any distribution of narcotics. Increase defendant's BOL by 6 levels.

Also, the Commission should add to this same section:

If a defendant during the course of instant offense by trespass, or on public property or private, private business or government, with or without the knowlege of the owner or lease, distributed any illegal substances covered in §2D1.1 (such as, if a defendant distributes drugs of any type on property known or unknown to the defendant, with or without knowledge to the owner or lease, and not legally obtained by him or her by lease/ownership) in using public private/business and government establishments to facilitate a drug sale or purchase. Increase BOL by 2 levels.

The Commission should further submit to section (b)(1) that:

If a defendant committed the instant offense in the vicinity or residence of any person over the age of 64 or under the age of 18 (basically, if a defendant maintains a dwelling or distribution of any substances listed in this section where persons are over the age of 64 or under the age of 18 frequent or are residents) and use that residence to facilitate and commit the sale or purchase of narcotics in the home in which the person over the age of 64 or under the age of 18 lives, or is kept. Increase BOL by 4 levels.

Sincerely,

Tamara Tullis

of Winston-Salem  
(city)

North Carolina  
(state)

September 23, 2010

**ATTENTION:** Public Affairs

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

Dear Commissioners:

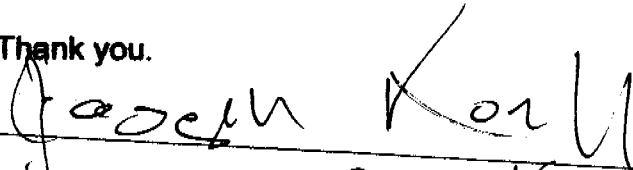
I'm writing in response to your request for comments on the new crack/cocaine, 18-1 Fair Sentencing Act.

I note that you have not addressed the 4B1.1 Career Offenders, and without the sentencing commission amending those guidelines, 4B1.1 will remain "unfair".

For example, if an individual is found to have 8 grams of crack and is in possession of a weapon(924c) that individual is charge with 841(A)(1), 841(B)(1)(C) which is 0-20 years plus 924(C), 60 months consecutive.

But as a career offender, the individual is at Level 37, Category 6 (VI) with a guideline range of 360-life, rather than about 6 years..... This needs to be fixed!

Thank you.



~~JOSEPH KORFF~~

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

Subject: Public comment for S. 1789's proposed temporary amendment.

Dear Honorable William K. Sessions III,

I am writing in regards to the meeting held on September 1st for the proposed temporary emergency amendment that reflects the sentence reduction S. 1789 provides. I am requesting the USSC to promulgate any necessary changes to the Drug Quantity Table in Sec. 2D1.1 which will result in the greatest sentence reduction possible. Such as establishing the (Under Level 24 Option) for base offense levels and quantities.

I am also requesting for these guideline changes to be applied retroactively. I have a loved one currently serving a harsh penalty under the 100:1 disparity. And for years I've been fighting for drug sentencing reform with hopes of seeing him and others finally treated fairly. Retroactivity of the temporary amendment(s) is the much needed gesture to make S. 1789 a true "Fair Sentencing Act".

I've been following the USSC's stance on this issue for some time now. And I am very grateful for your concerns, and your service to We The People. May God bless.

Sincerely,

Name:

*Condyra M. Henderson*

Address: 11743 S. Blue.

*Chicago, IL 60628*

✓  
CIRK → LVL 24

9/19/10

*crack retro*

September 27, 2010

Attention: Public Affairs  
United States Sentencing Commission  
Columbus Circle N.E. Suite 2-500  
Washington, DC 20002-8002

To whom it may concern:

I am in support of the proposed emergency amendment for the fair sentencing act of 2010.  
(Pub. L. NO 111-220) To decrease penalties for offenses involving cocaine base and to apply  
Retroactivity.

Sincerely,

*Joyce Nelson*  
P.O. Box 604  
Villa Rica Ga 30180

September 28, 2010

---

P. O. Box

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To: Hon. William K. Sassoc 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. Sassoc,

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). ✓

RETRO

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,

Bremen Miranda

CC:  
Mr Eric Holder Doj  
950 Pennsylvania AVE NW  
Washington, DC - 20530 - 0001

United States Sentencing Commission,  
One Columbus Circle, N.E., Suite 2-500, Washington, D.C. 20002-8002,  
Attention: Public Affairs

William K. Sessions III  
Chair

October-5-2010

Mr. William K. Sessions III I would like to urge you Sir, and U.S. Congress and the U.S. Attorney General: To seek amendments to the Bill S.1789 to make it retroactive for those who are in per-trial and not sentenced yet. This is a landmark legislation that has move us away from "lock them all up." Our President, called for "true fairness" on the campaign trail. When he said that the disparity in crack/power cocaine punishment "cannot be justified and should be eliminated," He was right.

It should be eliminated, to restore the concept of equal treatment under the law, rather than the inherent injustice which still exists.S.1789 The Commission "Emergency Authority", by the U.S Sentencing Commission to change or amend. The crack guidelines within 90 days of the date S.1789 is signed into law. This should include those who are in pre-trial and not sentenced yet? This would be fair and save taxpayers money. This Commission has within its power not only to eliminate this unfair and unjust law or at the very least do what congress failed to do and make it retroactive and eliminate Mandatory Minimums. People who are in pre-trial and not yet sentenced how can we continue the disparity, when the US Sentencing Commission has within its power to use alternatives to incarceration: This would be more human and less costly to the taxpayers?

We have come too far to turn around now, I am asking and pleading that everyone from the White house to the Congress to US Sentencing Commission and U S Attorney General,

To do what is fair and what is right Let us not add more burdens by sending more people to prison because of mandatory minimum laws.

So the War on Drugs has once again has failed, our criminal justice is not working, long sentences has compound the problem for offenders to receive mandatory minimum terms in state and federal prisons.

My son Marcus A Williams was arrested on April-4-09 on a Federal Charge, Indictment on April-9-09 on USC 21-841(A) (1) Possession with Intent to Distribute Cocaine Base 50 grams crack. U S District Court for the Eastern District Of California

On July-2-09 he was transfer to 2420 East Gibson Road, Monroe Detention Center in Woodland Ca. where he remains in a pre-trial status, but will not benefit from the new law, because federal law states at the time the crime was committed.

My Son should benefit from: **The Fair Sentencing Act of 2010**

Cocaine Sentencing Disparity Reduction

To seek amendments to the Bill S.1789 to make it retroactive for those who are in per-trial and not sentenced yet. Or even better eliminate it all together.

**INJUSTICE anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality. Tied in a single garment of destiny, whatever affects one directly affects all indirectly. " DR Martin Luther King April 16 1963**

You're Constituent



Alicia Ford

6016 Gwendolyn Street

Bakersfield Ca 93304

661-831-2397 hm

661-346-5705 cell

[aikofords@aol.com](mailto:aikofords@aol.com)

My Son lawyer Michael E Hansen, 711 Ninth Street Suite 100 Sacramento Ca 95814. Has stated nothing will change until the law dose, Marcus was just at the wrong place at the wrong time with the wrong person.



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

Attention: Public Affairs

I am writing to express my opinion on the proposed emergency amendment pertaining to the Sentencing Guidelines for the United States Courts.

First, I would like to thank the Commission for considering promulgating a temporary emergency amendment to the guidelines, policy statements, and commentary to decrease penalties for offenses involving cocaine base ("crack" cocaine) and to account for certain aggravating and mitigating circumstances in drug trafficking cases. I was exceptionally ecstatic that Congress was able to accept the fact that the laws and practices of the past was in great need of change. This change manifests some intelligence and knowledge of cocaine and the disparity that was present with people of color, African Americans and Hispanics. Although the Fair Sentencing Act of 2010 was not 100 percent fair, doing something about it is better than doing nothing at all. It is without a doubt that this Act should have been one to one instead of eighteen to one as it remains with no justification to make cocaine ("crack") to be different. Cooked or powder, it is still cocaine. I love the analogy of it being like an egg. Whether it (egg) is boiled, poached, scrambled or fried, it remains an egg. In essence, crack is cooked cocaine that does the same to the body as powder (High). Snorting it or smoking it also gives the same results.

Regarding offenses covered by 2D1.1 and 2D2.1, I urge you to go forth with your proposed provisions to make changes to the **Statutory Terms of Imprisonment for Crack Cocaine** that will reflect the level 24 option. This option makes more sense as the table, which reduces the BOL, will help with eliminating the disparity that still exist within the Fair Sentencing Act. This option will also prevent the overcrowding or prison facilities with non-violent first time drug offenders with no criminal history who should be given other alternatives to excessive lengthy sentencing terms. Mostly, it will reduce cost to the government as well as to the consumers who have to pay taxes to house these kinds of drug offenders (non-violent with no criminal history). If this option is chosen, I highly recommend that it is made retroactive in that it may release these inmates of this category who have been incarcerated since 1992 or earlier. Choosing the level 26 option will have the statutory minimum penalties set with a higher BOL for lower quantities will impact very little change and remain similar to the old way of doing things.

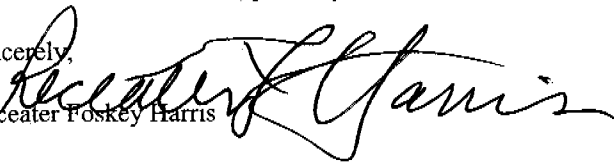
Unfortunately, I have a son who fits this category. I continue to pray for some relief for him and others like him. He has been incarcerated for 18 years and is still facing 10-12 more years because of the past 1992 laws that were effective regarding crack cocaine.

Enhancements and Adjustments are needed for drug trafficking offenses. I believe that the Commission should lean towards categorizing the conduct of violence by assigning different levels of enhancement to each. To give a single level of enhancement for any conduct covered by the violence enhancement will not allow differentiation for those who actually used violence to those who may have made threats to use it or directing others to use it.

Thank you for again for allowing me to give comments on the above issues. If you desire to discuss the above comments with me, you may reach me at 757-681-1769.

Sincerely,

Receater Foskey Harris



~~September~~ 23, 2010

ATTENTION: Public Affairs

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

✓ Career Offenders  
✓ Crack / R#770  
✓ Enhancements

Dear Commissioners:

I'm writing in response to your request for comments on the new crack/cocaine, 18-1 Fair Sentencing Act.

I note that you have not addressed the 4B1.1 Career Offenders, and without the sentencing commission amending those guidelines, 4B1.1 will remain "unfair".

For example, if an individual is found to have 8 grams of crack and is in possession of a weapon(924c) that individual is charge with 841(A)(1), 841(B)(1)(C) which is 0-20 years plus 924(C), 60 months consecutive.

But as a career offender, the individual is at Level 37, Category 6 (VI) with a guideline range of 360-life, rather than about 6 years..... This needs to be fixed!

Thank you

*Virginia Dileo*

Virginia Dileo  
488 Mariner Drive  
Jupiter, FL 33477

\*

CRACK 24:1 ✓  
S 1789 - 24  
RETRO

To the Commission:

This letter is in reference to Section (2) of the S. 1789 bill that Congress just passed. The Commission has the option of starting the 5 year MANDATORY minimum at level 24 or at level 26. ✓

Although level 26 represents the 18:1 ratio, it also exceeds the statutory ✓ sentence for 28 grams of CRACK COCAINE under the 18:1 ratio. The level 26 option also undermines Amendment 706 the Sentencing Commission put in back in 2007 to the guidelines for CRACK COCAINE sentences.

The level 24 option has the statutory sentence within the guideline range. Since it takes 28 grams of CRACK COCAINE instead of 5 grams of CRACK to trigger the 5 year MANDATORY minimum, 28 grams of CRACK should start at level 24 where 5 grams of CRACK is right now on the Drug Quantity Table. It can also put more fairness into sentencing individuals under a statute with an unfair disparity in it with the 18:1 ✓ ratio.

The Commission should adopt the level 24 and level 30 option when the new \* amendments is put into the Sentencing Guidelines for 841(b)(1)(B) and 841(b)(1)(A). I would like to commend the Commission for putting in Amendment 706 and making it retroactive. I hope the Commission does the right thing this time again and consider this recommendation. Thanks for wanting input on this. ✓

Respectfully,  
Kedric Rushton

CRACK/POWDER  
RATIO

Sept 24, 2010

Office of Public Affairs  
US Sentencing Commission  
One Columbus Circle, N.W.  
Washington, D.C. 2002-8002

Dear Honorable Commissioners:

I have been involved in reforming drug laws since 1990 and I am relieved to see that we finally have a small victory in the reform of the crack/powder cocaine disparity from 100 to 1 to 18 to one. This is a big step forward - I thank you for your involvement.

However, I feel that now this law should be applied retroactively so that those already serving harsh sentences will be treated the same as those sentenced in the future. Recommending retroactivity would give the Sentencing Commission the opportunity to use the discretionary powers you have. Please take this step in recognition of this long and unjust law. Declare retroactivity. Let justice prevail.

Sincerely,  
Lorraine Heller  
Lorraine Heller

United States Sentencing Commission  
One Columbus Circle, N.E.  
Suite 2-500  
Washington, DC 20002-8002

Re: Revising the Drug Quantity Table

To Whom It May Concern:

First and foremost, I want to thank the Commission for all of its continuing and ongoing efforts towards correcting the disparity of the 100 to 1 ratio involving drug offenses.

As the Commission requested back in 1995 for the ratio to be completely eliminated and made 1 to 1, it is widely accepted that is the proper ratio from which sentencing should be based. However, I must request that the base offense levels for the new crack cocaine drug quantities established by the Fair Sentencing Act of 2010, under the emergency amendment provision, be set at the "level 24" option. This will allow the statutory minimum penalties to correspond to levels 24 and 30.

Most importantly, please make this emergency amendment retroactive, so that those who have been sentenced under the previous erroneous ratio quantity do not suffer a disparity in sentencing that new offenders, under the new ratio, will enjoy.

Your consideration is greatly appreciated.

Respectfully requested,

Aziz SADIQ  
P.O. W. D.  
P.O. BOX 1000  
Marion IL 62959

Date: 10-6-10

October 4, 2010

The Honorable William K. Sessions III  
United States Sentencing Commission  
One Columbus Circle, N.E.  
Suite 2-500, South Lobby  
Washington, D.C. 20002-8002

Dear Chief Judge Sessions:

As a concerned citizen, I urge the United States Sentencing Commission to continue the forward progress in sentencing reform. I would like to advocate for the Commission to revise the Drug Quantity Table using base offense levels under the Level 24 Option. Additionally I would like to urge these changes be made retroactive.

To not use the level 24 option essentially the changes will roll back what was accomplished with the crack amendment. This is evident since under the level 26 option the sentencing guidelines for certain base offense levels are **above** the mandatory minimum sentence. Adopting anything other than the level 24 option would clearly be a backward movement to what was done to right unjustifiably harsh sentences for crack offenders. Offenders given mercy to sentences that were deemed as unjustifiable, only to have the sentencing structure rolled back does not give the impression of a just system or seem in line with what the goals of Congress were in lowering the crack ratio. This is an opportunity to further right what has been wrong about crack sentences since implementation.

Making these changes retroactive will ensure that the thousands of individual's, even with the retroactive crack amendment, are still left serving harsh sentences have a chance to benefit from the changes. To give this benefit only going forward, so to some but not to others, based on the date they were sentenced, is arbitrary and cruel.

I have a loved one serving what was a 24 year sentence. He is a first-time, non-violent offender and was attending The Ohio State University before incarceration. He was incarcerated at the age of 24 and has recently turned 40; already 16 years of his life wasted sitting in prison for a mistake. He was offered a 7 year plea, because he went to trial was instead given an unimaginable sentence, given the facts of his case. The Judge at the time of sentencing objected to the sentence handed down, however said his hands were tied. Without changes being made he still has years to serve before having the opportunity to be a productive, taxpaying member of society. His incarceration has been an emotional hardship on family members for years and his family is fully willing and capable of supporting him in his transition home.

We were able to benefit from the sentence reduction and for that we thank all members of the Commission for your insight and hard work; however we would ask to further grant mercy to those still serving harsh sentences.

Thank you for your time and thoughtful consideration.

Sincerely,

Amy R. Newsome  
(330) 383-0070  
P.O. Box 2203  
East Liverpool OH 43920

JANTANA WILLIAMS

11625 S. Lafayette Ave.  
Chicago, IL 60628  
Phone (773) 704-7386  
jantanadwilliams@yahoo.com

October 5, 2010

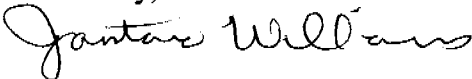
Mr. Michael Courlander  
United States Sentencing Commission  
One Columbus Circle, N.E.  
Suite 2-500  
Washington, D.C. 20002-8002

Attn: Public Affairs - Retroactivity Public Comment

Re: Request for Public Comment on Amendment 706

I am writing this letter to show my concern and support by adding retroactivity to the proposed changes to the Federal sentencing guidelines. I certainly believe the changes are overdue and clearly needed, while we are definitely working to correct an unjust matter it does nothing for those who were sentenced under the unrelenting guidelines that are currently in place. I support that all of the proposed amendments be made retroactive. I supported the amendment 706 and the retroactivity application that went into effect on Nov. 1st 2007. I also support that the commission current revise the guideline manual to reflect the level 24 option and make retroactivity applied which will be just and have consistency with the 706 amendment. There are people who should be able to benefit from the retroactive amendments of the guidelines- people who have obtained skills under the BOP workforce program, mothers, and fathers. I believe the over-incarceration in prisons in the United States should be corrected, for moral, lawful as well as financial reasons. I am a taxpaying citizen, and resident of the state of Illinois and believe that those who are incarcerated should and could benefit from the proposed changes. In addition to the reasons mentioned above at the following hearing on Oct. 8, 2010 let's continue to correct injustice by maintaining the public reputation of the fairness and integrity of the United States Sentencing Commission

Sincerely,

  
Jantana Williams

CRACK  
TOX

Dear Members of the United States Sentencing Commission,

My name is Jeffrey Morgan. I am an inmate serving a 235 month (19 yrs. 7 mo.) sentence for crack cocaine.

I know that in the Justice system it is often heard that inmates proclaim their innocence for crimes they have actually committed. However, I would like you to keep in mind the dozens of death row inmates recently exonerated due to the newly discovered **D.N.A.** techniques.

I will not say that I committed no crime at all. In 2001 I pled guilty to and was convicted of a conspiracy to sell and deliver **at least 5 grams** of crack cocaine in violation of statute 841(b)(1)(B). However, due to the relevant conduct attributed to me through the false statements made by one individual attempting to save himself from a lengthy sentence, I was held accountable and sentenced for **10.6 kilograms** of crack cocaine which I never saw nor touched in my life. I was barely 21 yrs. old when I got incarcerated and am on my 10th yr. of a 235 month (19 yrs. 7 mo.) sentence. I am not innocent. I sold crack. However, I was a petty street level drug dealer. I don't own anything and rarely have over 50 dollars on my account. I had neither the means nor the opportunity to go from selling **5 grams** to **10,694 grams** at barely 21 yrs. old. However, the mandatory nature of the guidelines at the time required a sentence of **235 months**.

During the past 10 yrs I have watched the Supreme Court, Congress and this Commission usher in a number of changes in order to eliminate some of the racial disparity from the guidelines as well as the over excessive punishment of crack offenders and the unconstitutional nature of the guidelines with hopes that I would finally be convicted with a sentence more proportionate to my actual crimes. I have also watched murderers, robbers and gun carriers come and go while I await this blessing of vindication to no avail. The decisions made by the Supreme Court were not held to be retro-active in 2004 at which time I was well past any hopes of appeal. In 2007 I was barred from even attempting to receive a 2-point reduction introduced by this Commission due to



the grossly overstated drug amount in my P.S.R. And now in the wake of this historic decision reached by Congress, I find myself still heartbroken due to the fact that although the new statute dictates I be resentenced under § 841(b)(1)(c), my guidelines would remain the same.

In all honesty, if I had actually ever in my life saw or sold 10.6 kilograms of crack, I would not be writing this letter. I was a petty street level crack ~~offender~~ <sup>offender</sup> serving a very harsh, stiff and overly excessive penalty for an amount of crack I never saw or sold in my life.

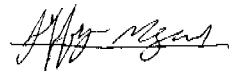
The reason I am writing this letter is to highlight circumstances and situations like mine that seem to be getting overlooked. I thought that the new changes were being made to eliminate or at least limit racial disparity and end <sup>the</sup> over excessive punishment of all crack offenders.

Through these years I have asked the Lord many times, and now with my mercy in the hands of this Commission and my Faith in God I ask <sup>this</sup> ~~the~~ Commission... Where is my relief?

I have heard that this Commission is considering a version of the guidelines that will offer a 2 point reduction to all crack offenders, ushering in some greatful relief and bringing a true definition to the words "with Liberty and Justice for All".

This letter is in support of that Amendment with Thanks and Appreciation for some much needed and long awaited relief.

Sincerely,



Jeffrey Morgan

Hi, my name is Danielle Watt. I currently am a professional dancer, (I have danced pretty much my whole life) and also work a full time job. My father has been in jail since I was dancing, and has never seen me perform. If you change the amendments to level 24 and make it retroactive, my father would get to see me dance this season of me being a professional dancer. I will give up dancing after this season to go back to college and wish he could be at at least one of my performances. You can make that possible by approving level 24 and making it retroactive.

I thank you for reading my letter, and maybe one day you can even see me dancing as I will even be on television. 😊

Lots of smiles,

Danielle Watt

OCT-5-2010

I'm requesting that the drug ratio 18:1  
be ran retro-active. It's very unfair to the  
prisoners like myself who's already serving  
a long severe sentence for crack cocaine.

Sincerely,

Rahsaan a-Cox

**From:** Tilithia Johnson <tilithiaj@yahoo.com>  
**To:** "U.S. SENTENCING COMM" <pubaffairs@ussc.gov>  
**Date:** Wed, Sep 1, 2010 8:52 PM  
**Subject:** Retroactivity for S. 1789/ Amended Crack Guidelines

Dear Honorable William K. Sessions,

In the near future when the USSC exercise its emergency authority provided in S. 1789, I fully support these amended crack guidelines becoming retroactive immediately. I have been following the USSC's stance on this issue for some time now. And I am very grateful for your service to We The People. May God Bless.

Sincerely,

Tilithia D. Johnson  
6712 Highland House Ct-B  
tilithiaj@yahoo.com

Keep GOD first.

**From:** Unhappy Resident <tobenott@yahoo.com>  
**To:** <pubaffairs@ussc.gov>  
**Date:** Thu, Sep 16, 2010 3:20 PM  
**Subject:** Public Comment for the Crack Law

Hi, its only fair that this bill be made retroactive. Its like saying, only men that sell drugs today get a fair sentence guideline. in reality, it should have been made retroactive first. Some inmates have served there sentence and some more time already!

Not to mention, its very racist! Have you seen the racial statictics to the amount of black men in prison versus white men?

Please help these inmates get to go home FINALLY!

Thank you!

**From:** "Dan Ehler" <dan.ehler.b5p1@statefarm.com>  
**To:** <jconyers@mail.house.house.gov>  
**Date:** Thu, Sep 16, 2010 12:15 PM  
**Subject:** Goodtime Bill H.R. 1475

I am writing you to thank you in advance for support of this bill. With no parole system in place this would be the best way of rewarding those that have bettered themselves and have improved in prison. The theory of prison is to punish for a crime and then to reintroduce back to the public with the idea that they will not be back. My son Jason John Ehler got addicted to drugs and then became more involved in the selling of drugs is what he was convicted of. He took his punishment and went to prison in 1998 and due to be released in 2017. I can tell you that after the first 10 years for sure there is no benefit in keeping my son or inmates like him in prison. They do not learn anything more nor are they going to change any more than they did the first 10 years. While in Prison he has earned his associates degree from the University of Wisconsin and since has been working on his BS degree by correspondence from the University of Iowa. He got married to a school teacher from our home town while in prison and has two step children. We have the support system in place out her for him to come home. During the sentence process Judge Bennett from Iowa said that the term of his sentence was to long but his hands were tied at that time to the mandatory guidelines. The system is broke and needs some repair. With the amount of drugs today and the prison being full I think an inmate would be better off with 5 years of rehab. Rather than 10 years of just being in prison. It is not cheap to keep someone in prison and the longer we do the harder it is for someone to come back and be productive. When we take 20 to 30 years away from someone who used or sold drugs it becomes hard to come back.

I ask that you continue to support and work hard at increasing the good time credit and continue to work on redoing our prison system. We have more people in prison than any other country so something is off. There has to be an incentive for anyone to do better.

Thank you.

Dan Ehler  
Father of Jason  
37 year volunteer firemen and EMT  
32 year State Farm agent  
5 year city councilmen  
58 year resident of the same small town.

**CC:** <pubaffairs@ussc.gov>

**From:** Saving our Sons <saveoursonsus@yahoo.com>  
**To:** <pubaffairs@ussc.gov>  
**Date:** Fri, Oct 8, 2010 7:39 AM  
**Subject:** Fw: Letter Retroactivity - Freedom

October 7, 2010

\*  
\*  
\*  
\*

United States Sentencing Commission  
Attention:\* Public Affairs  
Retroactivity Public Comment  
One Columbus Circle, NE, Suite 2-500  
South Lobby  
Washington, DC\* 20002-8002

\*

Dear Chairman Hinojosa,

\*

It gives me great pleasure to write to you today in reference to the upcoming decision on the current consideration of retroactivity as it relates to the newly passed Fair Sentencing Act, S.1789.\* As an African American female, advocate, educator and mother of four, it saddens me to I think our communities and homes can be shaken in an instant by the onslaught of the current drug war.\* What saddens me even more is the unjust sentencing of African American males who are more susceptible to extreme measures of lengthy sentences vs. those who receive extenuating punishments, though the crimes are similar.\*

\*

As an activist for justice, I absolutely do not encourage criminal behavior.\* However, I am perplexed by the behavior of our justice system that in many instances convict African American males long before they enter the justice system.\* Our ratios and statistics will prove preconceived notions extending from corporate America, entertainment, the prison pipeline factor, our current education and economic system and finally our penal institutions.\* These things should not be so. Therefore as a mother, an educator, and a fellow citizen of the United States of America, I ask for Justice on behalf of those who are not status savvy or financially able to receive adequate representation, nor employment prior to their conviction.\* They must be given sentences that equivocate the crime committed.\* We can no longer allow our justice system to be ran by how much money is in the budget, nor an individual's social status combined with their preference for the substance of one form or another.\* \*

\*

Sadly enough, the 4 million dollar restitution fee imposed on at least 1 out of the 200,000 inmates in Federal custody to repay, will never return to the neighborhoods to revitalize nor reshape the current condition.\* It is apparent that we must revamp sentencing guidelines to equal the crime committed and provide preventive measures in combination with resources in derogated communities with programs, business opportunities, and adequate education for the average African-American male.\* Apparently our Justice System is due for an Extreme MakeOver.\*

\*

So "Let's Move That Bus"

Because so many are stuck under the spinning tires of injustice and our communities are suffering in more ways than one.\* I sincerely thank you in

advance for your thoughtful consideration.

\*

\*

Best Regards,

\*

\*

\*

Kimberly Muktarian, President  
Save Our Sons (S.O.S.)

16:1

\*

16:1 \*Unemployment highest amongst Black Males

\*

16:1 \*\*School Drop out rate is highest amongst black males

\*

16:1 \*\*Lowest entry into College amongst black males

\*

16:1 \*\*More likely to enter penal institution

\*

16:1 \*\*More affected by Teenage Parenthood -\* Live below poverty line

\*

16:1 \*\*Death rate highest amongst Black Males than any other race of males

\*

16:1 \*\*Least likely to be employed with a degree versus a person with no degree  
with a record

\*

\*

\*

----- Forwarded Message -----

From: Saving our Sons <saveoursonsus@yahoo.com>

To: Kimberly Muktarian <saveoursonsus@yahoo.com>

Sent: Thu, October 7, 2010 10:50:43 AM

Subject: Letter Retroactivity - Freedom



**From:** CLEO RUSSELL <cantgetright60@yahoo.com>  
**To:** <pubaffairs@ussc.gov>  
**Date:** Mon, Sep 13, 2010 4:13 PM  
**Subject:** Comments on Changing Crack Laws

Dear Chairman Session,

I hope that you will, first call to vote an adoption of the Sept. 1st. meeting minutes on the fair sentencing act of 2010. Secondly, I hope that you will vote in favor of the quantity levels under the 24 option. When the Commission revised the guidelines to fit the 2pt. crack reduction, it was stated that there was still need for more change. I agree, so now that the possibility of the added change is here. I believe, as I hope you will, that this change should come from the starting point of the revisions of the crack guidelines now in use. (24 option quantity levels) Thank you for your time, and hopefully for your show of understanding the fairness of this.

**From:** Elizabeth Dubickas <edubickas@yahoo.com>  
**To:** <pubaffairs@ussc.gov>  
**Date:** Thu, Oct 7, 2010 6:01 PM  
**Subject:** Hearing 10/8/10 Level 24

To Whom It May Concern:

I am writing in the hopes that I can be a voice for so many inmates who are currently serving long sentences that need to be released. The sentencing guidelines are outdated and just as any process requires re-evaluation, I'm pleading with the you to approve level 24 and make it retroactive.

There are men sitting in camps, low securing prisons serving very long sentences. They have followed the rules, worked, kept out of trouble, have limited time with their loving and devoted families and deserve to be a part of this. It seems we may have forgotten about them. They are good men who just want to rejoin society and be with family. Give them a chance by approving this.

To me, we are doing the ones that can be released to their families more damage by leaving them in longer. They become removed emotionally and it only makes it more challenging and difficult for them to reconnect. Please, reconsider this. We are a strong country run by smart people and we should let what this could do to impact the courts or the parole officers or the paperwork stop us.

I'm pleading, there are cases that can re-evaluated and trust me some of these men will not return to prison life. They've been there to long and don't want to rot or die there. This is worth it!!

Thank you for your consideration.  
Elizabeth Dubickas  
344 Sweeney St.  
North Tonawanda, NY 14120

**From:** Bernadette McCullough <bernadette.mccullough@yahoo.com>  
**To:** <pubaffairs@ussc.gov>  
**Date:** Fri, Oct 8, 2010 9:48 AM  
**Subject:** level 24 public affairs

I am writing this letter to voice my vote for level 24, i am a wife of a federal inmate and he has already served 4 yr on drug charges i know murders who have not got a sentence for mor than what my husband has gotten he has 12yrs he is currently in a camp setting which is a very warm a good setting for his daughter to visit him she is only 5yrs old but i think the camp setting is a place where is almost like home he can be home with confinement and still be able to help out with his famiily working, taking care of his daughter and still be in the system so please make this bill retroactive so some of our african american men can come home and help raise our children work and take care of there family, they do need a second chance, at least out in society they can get rehabilitation in our community, so if this bill goes retroactive if will help a lot of our families out.

**From:** Eric Waddy <1ewaddy@gmail.com>  
**To:** <pubaffairs@ussc.gov>  
**Date:** Wed, Oct 6, 2010 10:05 AM  
**Subject:** fair sentencing act

I am in favor of quantity under level 24 option. Also make retroactive.

**From:** <debradobber1@aol.com>  
**To:** <pubaffairs@ussc.gov>  
**Date:** Tue, Oct 5, 2010 11:06 AM  
**Subject:** ammendment

I would like the crack cocaine Bill to go retro active. Also apply the Quantity level 24 option.

debra I dobbs

**From:** roger grunch <rogergrunch@gmail.com>  
**To:** <pubaffairs@ussc.gov>  
**Date:** Tue, Sep 14, 2010 1:51 PM  
**Subject:** New Sentencing Guidelines

Dear Honorable William K. Sessions III,

I am one of many thousands of Americans that wholeheartedly support the Commission's efforts to reduce unduly harsh sentences of non-violent, first-time offenders with no criminal history. This reform is long overdue and I am grateful for your concern and service. I also pray that whatever changes you make that you make them retroactive. May God bless you. A friend of mine who was in Vietnam for 4 1/2 years as an Infantry man retired as a Master Gunnery Sergeant after 26 years in the Marine Corps was sentenced after going to trial in federal Court without an Attorney and was pretty much run over by the U.S. Government. If he had had an Attorney he would have fared significantly better and most likely would have been found not guilty.

It is for him that I am hoping that your efforts result in his release. This man does not belong there. Should you wish to discuss the details of this mans plight please contact me by e-mail or through the address and phone number below.

Thanking you in advance for your efforts

Sincerely,

Roger J. Grunch  
3435 #2 Mckinley Road  
Johnson City Tennessee. 37604

231-330-9752

**From:** Mr Mrs <why\_notn08@yahoo.com>  
**To:** <pubaffairs@ussc.gov>  
**Date:** Thu, Oct 7, 2010 4:18 PM  
**Subject:** Public Crack Law Comments - due by October 8th!

What if this was the last chance to save the inmates from getting a chance to come home to their loved ones, their families, their children?

What if there release fully depended on your retroactive decision?

Would you truly be able to sleep at night knowing many could be home (that qualify to be home) versus sleeping in a prison?

Would you be able to look in the mirror every morning and say I could have made a simple choice and make it retroactive but decided not too?

Would your heart feel better overwhelming the courts with appeals and having maybe few upset judges that will get over the frustration sooner or later or have children go visit their dads in prison the next 10 to 20 years after they have already served a very lengthy sentence?

Please make the needed difference and help! You got appointed this position because you make wide decisions not to mention fare ones too- nobody selected you to be in this high position by being unfair did they? Nope! So please make the choice retroactive-its only fair - and please select level 24!  
Please for the love of God~ pass level 24 and make it retroactive! Thanks