



United States District Court  
Western District of Texas  
Midland/Odessa and Pecos Divisions  
200 East Wall Street, Suite 301  
Midland, Texas 79701

Chambers of  
Robert Junell  
Judge

Telephone:  
(432) 686-4020

June 6, 2014

Via Facsimile 202.502.4699

Honorable Patti B. Saris  
Chairman  
United States Sentencing Commission  
Thurgood Marshall Federal  
Judiciary Building  
One Columbus Circle, N.E., Room 2-500  
Washington, DC 20002-8002

Re: Retroactivity Changes in the Drug Guidelines

Dear Chairman Saris:

Thank you for the opportunity to allow me to express my opinion about the retroactivity of the new drug guidelines.

First, let me state that I am 100% against an across the board retroactive policy concerning the new drug guidelines.

The only reason I am aware of the change in the guidelines and making them retroactive is to save money for the Department of Justice. I am not aware of any empirical study that shows crime will be reduced or there will be less recidivism by releasing drug dealers as a result of retroactively releasing them early from their original guideline sentences. This is purely a "money and cents" decision. This is the same Justice Department that has turned its back to violations of federal law in the states that have voted to approve the sale of marijuana even though it is illegal under federal law. This lack of enforcement has increased the transportation of illegal drugs through the border states in order to meet the consumer demand in these "marijuana free zone states."

The second reason that the proposal to make the guidelines retroactive should not be passed by the Commission is the additional casework that will be added to the already crushing caseload of the border courts. A 2012 study by Syracuse University showed that Judge Robert Brack of Las Cruces, New Mexico, sentenced all 7,020 defendants processed by that court from October 2006 to July 2012. Of course that number continues to grow. The three judges in the McAllen Division of the Southern District of Texas were second as they sentenced 5,467 defendants each in that same time period. As the sole federal judge for two divisions of the Western District of Texas which has 450 miles of the Rio Grande as one border I was third in the nation as I sentenced 4,810 defendants during that same time period. The busiest courthouses in the study by Syracuse were all in Southwest border states. These include El Paso, Del Rio, Brownsville, Tucson, San Diego, Austin, Waco and San Antonio.

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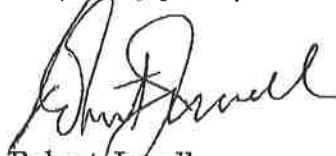
Of course not all of these cases were drug cases, however, I would estimate that at least 75% of my case load is drug related. The numbers continue to climb. We are having an epidemic of methamphetamine cases and I feel certain the release of "meth dealers" back into society will continue that explosion of the meth trade of which most of the meth is coming from Mexico.

Someone should answer this question. "How will the release of thousands of drug dealers into society make our country safer and better?" If the answer is "We don't know or maybe they learned their lesson," then I suggest they review the recidivism rates for the past 10 years.

This is all about MONEY and both the long term and short term consequences will come back to haunt the American people and our children.

Thank you for the opportunity to lay out some reasons why I am opposed to retroactivity. If you have any other questions, please do not hesitate to contact me. Please distribute this letter to all members of the Sentencing Commission.

Very truly yours,



Robert Junell  
United States District Judge  
Western District of Texas  
Midland/Odessa & Pecos Divisions

RAJ:dsb