

June 19, 2014

U.S. Sentencing Commission
Public Comment
One Columbus Circle, N.E.
Suite 2-500
Washington, DC, 20002

Re: Retroactivity of Drug Amendment Without Limitations

Dear Members of the U.S. Sentencing Commission:

As a federal inmate, I humbly ask that you make the new drug amendment retroactive to all federal inmates, without the limitations urged by the DOJ at the June 10, 2014, hearing on the matter. These limitations would be grossly unfair. It would cause inmates to be double punished for conduct already taken into consideration at the time of sentence. Moreover, as it has now been acknowledged, this extra time was added to a sentence that was already much too harsh. Justice and fairness fully support my present request.

The Honorable Judge Irene Keeley, who spoke on behalf of the Federal Judicial Conference at the June 10, 2014, hearing, stated what is on the heart of Federal Judges across the country, tens of thousands of federal inmates, and hundreds of thousands of the loving family members and friends. She specifically stated that this is a "moral issue", and that it would be fundamentally unfair to categorically deny retroactivity to prisoners.

In addition to considering that inmates have already been punished for the enhancements in question, the Commission should consider my individual circumstances, as follows:

I WOULD LIKE TO POINT OUT THAT CRIMINAL HISTORY POINTS ARE ONE HALF OF THE WHOLE SENTENCING SCHEME AND SHOULD BE USED AS PART OF THE REFORM, NOT USED AS A LIMITATION TO THE RULES FOR FAIR SENTENCING. IN OTHER WORDS, WE HAVE ALREADY BEEN OVERPUNISHED BY CRIMINAL HISTORY ALONE. THANK YOU.

I would also like to point out in closing that the District Court will consider "public safety" in each case in determining whether to grant relief. Therefore, it is clear that the the DOJ's proposed "enhancement" based retroactivity limitation, which abitrarily and unfairly suggests that all inmates with such enhancements pose a threat to "public safety", is neither reasonable nor necessary. Accordingly, I pray that the Commission will make the drug amendment retroactive, without limitation.

Return Address:
Safford FCI
P.O. Box 9000
Safford, AZ 85548

Sincerely,

DOUG NIELSEN

Print:



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

Re: Retroactivity of Drug Amendment to the §2D1.1 Drug Quantity Table

Dear Chairwoman and Commissioners:

As a tax paying citizen of this great country, and loved one of one who is incarcerated as a result of the harsh Drug Sentencing Guidelines, I am writing in favor of retroactive application of the recently approved amendment to the United States Sentencing Guidelines Drug Table on April 10, 2014 by this Commission.

I believe that the Commission should make the Amendment to the United States Sentencing Guideline §2D1.1 Drug Quantity Table retroactive to all eligible offenders, without limitations. In creating the Guidelines, Congress specifically directed the Commission to give "particular attention to the requirements of subsections 991(b)(1)(B) for providing certainty and fairness in sentencing and reducing unwarranted sentence disparities." 28 U.S.C. 994(f). If this amendment were only given prospective effect, tremendous unwarranted disparities would result between offenders sentenced before November 1, 2014, and those sentenced afterwards.

Not every federal drug offender in federal prison will be eligible for a lower sentence as a result of such a decision. The average sentence reduction for eligible offenders will be approximately 11 months, and the overall impact on the eligible offender population will occur incrementally over decades. The Bureau of Prisons annual budget of \$8 billion dollars will possibly be reduced by a couple of billion as a result of a retroactivity vote by the Commission. A vote in favor of retroactive application would also help alleviate the 38% overcrowding rating of the Bureau of Prisons as well. As a result will produce a far more safer environment for both Bureau of Prisons officers and inmates.

A vote by this Commission in favor of retroactive application to the proposed amendment to the drug guideline table is not equivalent to a get out of jail free card for all drug offenders. Many drug offenders will still be required under federal law to serve mandatory minimum 5 or 10 sentences because of the amount of drugs involved in their offense. The same is true for those offenders who under federal law are required to serve mandatory minimum sentences of 10 and 20 years, and a life sentence in some cases because of prior criminal history of the offender.

A federal sentencing judge will make the final determination of whether an offender is eligible for a lower sentence and by how much that sentence should be lowered in accordance with instruction given by the Commission. The ultimate determination will be made only after consideration of many factors, including the Commission's instruction to consider whether reducing an offender's sentence would pose a risk to public safety.

The Commission's own data reflects that public safety was not endangered by retroactive application of the crack cocaine amendments. In 2007 and 2011, the Commission voted to give retroactive effect to its "Crack Cocaine" amendments effective on March 3, 2008 and November 1, 2011. Both processes were smoothly coordinated among the courts, probation officers, United States Attorney Offices, Federal Public Defenders Community, and the Bureau of Prisons. Since that time, the federal district courts have processed 25,515 motions in connection with the 2007 (706) Amendment, and about 15,000 motions in connection with the 2011 (750) Amendment. The same smoothness should be true with this minus-two amendment to the 2D1.1 Drug Quantity Table as well. Moreover, the federal courts have the institutional capacity and experience following the retroactive crack cocaine amendments to handle an influx of sentence reduction motions from defendants. Additionally, the Commission has conducted studies of the recidivism rate of those offenders who received a reduced sentence as a result of the 706 and 750 amendments the Sentencing Guidelines, as compared to a similarly situated group of federal crack offender who served their normal term of imprisonment and determined that there is no statistically significant difference in recidivism rates between the two groups of offenders. Accordingly, I strongly urge this Commission to make this amendment retroactive, without limitation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arlene Zadd". The signature is written in dark ink and is positioned below the word "Sincerely,".

July 6, 2014

Attention: Public Affairs – Priority Comment on Drugs Minus 2 Retroactivity
United States Sentencing Commission

Dear Judge Saris and distinguished Commissioners;

My wife, Kathy, and I have attended several of the recent commission hearings concerning “Drugs Minus 2” sentencing reductions and retroactivity. Our involvement in this issue began with the 100 month sentence of our son on a non-violent drug offense but as we learned more, the degree of injustice, inefficiency and ineffectiveness of the current federal prison system became starkly apparent. Our involvement now is with the goal of transforming the system to the benefit of American society in general and inmates in particular.

I fervently support unconditional retroactive application for these and other reasons:

- 1. Justice Should Not Depend on Sentencing Date.** Those convicted and sentenced prior to the Frugs Minus 2 amendment should not be penalized simply because of the timing of their crime. That is unjust.
- 2. The current allocation of BOP funding is way too heavily skewed to incarceration at the expense of re-entry programs which can reduce recidivism.** By accelerating the movement of inmates from incarceration to existing and new re-entry programs, funding can shift from the most expensive/least effective stage of corrections -- incarceration -- to less expensive/more effective programs like halfway houses, home detention, supervision and other such programs.
- 3. The drastic overcrowding of prisons leads to ineffective and sometimes inhumane warehousing of inmates often at great distances from their families.** The BOP touts the benefits of strong family connections and yet separates inmates from families by great distances. After a mistaken initial assignment to a LOW facility 400 miles from his wife and young son, my son was transferred to a camp 1400 miles from home. These inhumane location assignments are surely due in part to overcrowding caused by excessively long sentences.
- 4. Carve-outs eliminate individual judicial review of each case.** The initial sentencing judge had to consider all factors related to sentencing including criminal history, violence, and other escalating or mitigating factors. All of these factors plus incarceration history will be considered by a judge considering retroactive application so a categorical elimination would deny inmates due and fair process.
- 5. Technology provides less expensive, more effective approaches to serving terms that can reduce both cost and recidivism.** The use of GPS bracelets, drug testing, electronic training and other approaches can safely put supervised offenders back to work and with their families without endangering the public. Retroactive application can place more inmates into these programs.

The United States has undergone an unprecedented social experiment with its excessive use of incarceration. Several states and other countries have demonstrated that there are far more cost effective ways to protect the public, punish the guilty, deter others and rehabilitate offenders. I applaud the Sentencing Commission for taking steps to reform our approach and will support future efforts to accelerate this transformation.

Thank you.

Jon Korin [REDACTED]
[REDACTED]
[REDACTED]

Inhumane Distance From Family.... Another Consequence of Overcrowding

1. Michael Goolsby's sentencing Judge Rogers recommends Pensacola (30 miles from home) to be close to wife Lauren and infant son Jordan
2. BOP assigns to Coleman Low (400 miles) after mistaken security level
3. After security level corrected to Minimum, request transfer to Pensacola. Instead BOP transfers to Duluth, 1400 miles from home. **There are at least 10 FPC's closer to home than Duluth**
4. Visits go from monthly to 3 times a year due to distance, travel time and cost.
5. Visits could be weekly in Pensacola



Which location lowers recidivism risk and reduces risk of child becoming an offender?

SYLVIA ROYCE
ATTORNEY AT LAW

3509 CONNECTICUT AVENUE, NW #1176
WASHINGTON, DC 20008
TELEPHONE 202.362.3445
[REDACTED]

May 19, 2014

Public Affairs – Retroactivity Amendments
United States Sentencing Commission
One Columbus Circle, NE
Suite 2-500
Washington, DC 20002

Re: Retroactivity for lowering drug Sentencing Guidelines by two levels

Dear Sir or Madam:

I write to offer my support for retroactive application of the proposed drug guideline amendments scheduled to become law on November 1, 2014.

I have extensive professional experience in the federal criminal justice system, first as a prosecutor and now as a defense attorney. I believe our communities have not been well-served by lengthy sentences for federal drug crimes, and that lowering all our drug guidelines is an important step in the right direction.

There is no reason to deprive those who are still serving these unduly long sentences of an earlier release than is now scheduled. All the reasons that caused the Commission to change the drug quantities associated with the Guidelines are equally applicable to those who are now prisoners. Quantity of drug has not been and is not now a reliable proxy for culpability; this is not something that will begin to be true only on November 1, 2014. In addition, the reduction in prison population that retroactive application would produce would help us achieve financial and other legitimate goals more quickly.

Sincerely,


Sylvia Royce

P.S. I also hope our system will grow less reliant in the future on sentencing incentives to cooperate with the authorities or plead guilty. Although there are practical reasons to encourage guilty pleas and cooperation, I believe that the current Guidelines system rewards these steps too generously.

May 1, 2014

Office of Public Affairs
U.S. Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500
Washington, DC., 20002-8002

Re: Retroactivity of Drug Amendment

Dear Members of the U.S. Sentencing Commission:

I support the work that Prisology does, and am writing in favor of retroactive application of the recent amendment to the federal drug guidelines..

I believe that the Commission should make this amendment retroactive to all eligible offenders, without limitation. In creating the Guidelines, Congress specifically directed the Commission to give "particular attention to the requirements of subsection 991(b) (1)(B) for providing certainty and fairness in sentencing and reducing unwarranted sentence disparities." 28 U.S.C. 994(f). If this amendment were only given prospective effect, tremendous unwarranted sentence disparities would result between offenders sentenced before November 1, 2014, and those sentenced afterwards..

The same is true of proposed limitations on retroactive application of the amendment. The Commission should not limit the amendment to offenders sentenced before the court's decision in *United States v. Booker*, 543 U.S. 220 (2005). Further, the Commission should not limit the amendment to only offenders who received the "safety-valve." When this amendment takes effect on November 1, 2014, it will apply to all drug offenders. Retroactive application of the amendment should be no different.

Sentencing judges are capable of determining which defendants should receive the benefit of the amendment without categorical exclusions or limitations. The Commission's data reflects that public safety was not endangered by retroactive application of the crack cocaine amendments. That should be true with this amendment too. Moreover, the federal courts have the institutional capacity and experience following the retroactive crack cocaine amendments to handle an influx of sentence reduction motions from defendants. Accordingly, I strongly urge the Commission to make this amendment retroactive, without limitation.

Sincerely,

Jose Nuñez Palacios
Your Name


Register Number

Federal Correctional Institution
Address

Herlong, CA. 96113
City/State/Zip Code

May 11, 2014

U.S Sentencing Commission
Public Comment
One Columbus Circle, NE
Suite 2-500, South Lobby
Washington, DC 20002-8002

Attention: Judge Saris and Commissioners

Dear Judge Saris and Commissioners,

First, I wish to thank you for taking steps to reduce drug guideline sentences by two levels. As you pointed out, this change will make drug sentences more proportionate, and it will help ease the prison overcrowding that threatens prison and public safety. I am writing now to urge you to take the next step and make that change retroactive. The reasons you cited for reducing drug sentences on November 1 also support making this change retroactive.

Prisoners serving unduly long drug sentences deserve the same treatment that people sentenced after November 1 will receive. The Commission relied on data it gathered about the sentences current prisoners are serving. The Commission learned that the current guideline sentences were set too high; they exceed the mandatory minimums, which the Commission has found are often too severe.



Justice should not depend on the date someone was sentenced.

Giving prisoners a chance to apply and perhaps receive a reduced sentence is a natural choice based on the other reason you cited: reducing the costs of over-incarceration and the burden of prison overcrowding without harming public safety. Many people serving drug sentences could be eligible to leave prison nearly a year early, saving millions of dollars and thousands of sentence years. But no one will be able to leave prison unless a federal judge has satisfied him or herself that the prisoner poses no threat to public safety. Also, we know that retroactive guideline amendments don't mean more crime: people who benefited from your retroactive "crack minus two" guideline change in 2007 did not reoffend more often than those who served their full crack sentences.

What you do matters to me because my brother-in-law, Kevin Blevins, federal prisoner [REDACTED] received a sentence of 380 months following his guilty-plea conviction for possession with intent to distribute and distribution of over 50 grams of a mixture and substance containing a detectable amount of methamphetamine. During the years since his conviction he has been a model prisoner. My brother-in-law definitely deserved to be punished for his crime but in my opinion there was too harsh a sentence issued for the crime he committed. He is a family man with a wife, two daughters and a new granddaughter waiting and praying for his return.

Thank you for considering my views.

Sincerely,

Public Affairs

From: Michael Sexton [REDACTED]
Sent: Sunday, June 29, 2014 10:06 AM
To: Public Comment
Subject: Please make Amendment #3 retroactive, without limitations!

Dear Judge Saris and Commissioners,

I am writing to urge you to make the drug guidelines amendment retroactive – without the exceptions, conditions or carve-outs proposed by the Department of Justice. However well-intentioned these exclusions are, they are a form of one-size-fits-all justice. They will sweep way too broadly and deny relief to truly deserving prisoners. Judges have demonstrated that they are in the best position to evaluate whether an individual poses a threat to public safety. It's their job. They are ready to do it. They have done it before and we ask that you let them do it again.

Thank you for voting to lower drug sentences. The reasons you cited for reducing drug sentences starting November 1 also support making this change retroactive. Justice should not depend on the date someone was sentenced. When the new drug guideline goes into effect on November 1, no one will be excluded based on enhancements or criminal history. Rather, you leave to judges the task of enhancing sentences for prisoners who deserve additional punishment. We ask you to treat prisoners already sentenced under the guidelines in the same way. Those who received enhancements will still be forced to serve them. The judge can only reduce the drug portion of the sentence and, no one will be able to leave prison unless a federal judge is satisfied that the prisoner poses no threat to public safety.

In fact, allowing judges, not categories, to decide who is released early will enhance public safety: Prison overcrowding threatens public safety when it takes scarce dollars away from the important crime fighting work of the DOJ. Retroactivity will reduce the costs of over-incarceration and the burden of prison overcrowding without harming public safety. Many people serving drug sentences could be eligible to leave prison nearly two years early, saving hundreds of millions of dollars and thousands of sentence years.

We know that retroactive guideline amendments don't mean more crime: people who benefited from your retroactive "crack minus two" guideline change in 2007 did not reoffend more often than those who served their full crack sentences.

What you do matters to me because: [add personal story here if you'd like]

Thank you for considering my views.

Michael Sexton
[REDACTED]

[REDACTED]

From: Ed Allen [REDACTED]
Sent: Tuesday, May 27, 2014 10:57 AM
To: Public Comment
Subject: Retro.

I personally believe that this should not be applied to already sentenced offenders. Otherwise they are receiving something that they did nothing to earn.

Ed Allen
[REDACTED]

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[REDACTED]

From: dorene wilhoit [REDACTED]
Sent: Wednesday, June 11, 2014 1:19 AM
To: Public Comment
Subject: Please Dont Make Drugs Minus Two Retroactive...

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Judge Saris and Commissioners,

If they have priors of drugs, guns, assaults, any of those type of things DO NOT REDUCE THEIR TIME!!! In fact start billing their families for part of the expenses the prisoners cost us! Criminals have more rights than their victims anymore and that is NOT right!!! Marijuana crimes w/o violence should be reduced or set free.

Thank you for considering my views.

dorene wilhoit
[REDACTED]

Public Affairs

From: T Carr [REDACTED]
Sent: Monday, June 23, 2014 4:54 PM
To: Public Comment
Subject: Retroactive drug cases

Dear Sirs

First of all I'd like to say that there is too much attention on taking care of drug offenders they are already getting special privileges in prison to get out early they are offered much more than the white collar federal defendants and from what I see by visiting federal cams most of them deserve to be in there. Why in the world would you spend all this time and money on drug offenders only.

What about all these federal defendants that never get it to be tried, never get investigated, but They allow the public defenders to do nothing but please all the defendants out. And then I just learned the biggest \$7000 bonus for these please where is the justice in the system.

Sent from my iPhone

[REDACTED]

From: Heath Johnson [REDACTED]
Sent: Wednesday, May 21, 2014 4:35 PM
To: Public Comment
Subject: Drug Offense Sentencing Reduction

As a criminal defense attorney I am opposed to making any drug conviction sentence reduction retroactive.

Thank you,

Eric Heath Johnson, Attorney

[REDACTED]

Please Make Drugs Minus Two Retroactive

Dear Judge Saris and Commissioners,

First, I wish to thank you for taking steps to reduce drug guideline sentences by two levels. As you pointed out, this change will make drug sentences more proportionate, and it will help ease the prison overcrowding that threatens prison and public safety. I am writing now to urge you to take the next step and make that change retroactive. The reasons you cited for reducing drug sentences on November 1 also support making this change retroactive.

Prisoners serving unduly long drug sentences deserve the same treatment that people sentenced after November 1 will receive. The Commission relied on data it gathered about the sentences current prisoners are serving. The Commission learned that the current guideline sentences were set too high; they exceed the mandatory minimums, which the Commission has found are often too severe.

Justice should not depend on the date someone was sentenced.

Giving prisoners a chance to apply and perhaps receive a reduced sentence is a natural choice based on the other reason you cited: reducing the costs of over-incarceration and the burden of prison overcrowding without harming public safety. Many people serving drug sentences could be eligible to leave prison nearly a year early, saving millions of dollars and thousands of sentence years. But no one will be able to leave prison unless a federal judge has satisfied him or herself that the prisoner poses no threat to public safety. Also, we know that retroactive guideline amendments don't mean more crime: people who benefited from your retroactive "crack minus two" guideline change in 2007 did not reoffend more often than those who served their full crack sentences.

What you do matters to me because: [add personal story here if you'd like]

Thank you for considering my views.

Keep it as
it is!

US Sentencing Commission
Public Comment
One Columbus Circle, NE
Suite 2-500 South Lobby
Washington, DC
20002-8002

You do the crime, you
do the time!
The
Period!