July 21, 2014

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

Re: Priorities for 2014-2015 Guideline Amendment Cycle

Dear Members of the Commission:

I support the work that Prisology does, and am writing to address what I believe should be the Commission's priorities for the 2014-2015 Guideline amendment cycle.

1. The Commission should take action to reduce, by two levels, the loss table in U.S.S.G. 2B1.1. During the 2013-2014 amendment cycle, the Commission focused its attention on reducing penalties for drug offenses because drug offenders make up the majority of the federal prison population. I applaud the Commission for its efforts in this regard, and now ask the Commission to give equal attention to economic crimes. In the wake of economic scandals after the turn of the 21st century, the Commission amended the loss table for economic crimes. This caused sentences for economic offenses to increase dramatically. Many distinguished jurists, scholars, and other persons have come to recognize the unduly harsh results produced by the current 2B1.1 loss table. In keeping with the Commission's efforts to take steps to reduce prison overcrowding without endangering public safety, I strongly urge the Commission to consider reducing, by two levels, the loss table in U..S.S.G. 2B1.1.

2. The Commission should also consider reducing the career offender guideline by two-levels. Career offender sentences in certain cases overrepresent the seriousness of individual offender criminal histories. For instance, an individual who commits two felony drug distribution offenses while 18 or 19 years old can be considered a "career offender." Once someone receives a career offender designation, the sentence in the case doubles and triples oftentimes from what the underlying offense calls for. The Commission, consistent with its other federal sentencing reforms, can reduce the career offender guideline by two-levels without endangering public safety.

3. The Commission should amend U.S.S.G. 2D1.1(b)(1), Application Note 3. The Guidelines currently require a two-level upward adjustment in drug cases "[i]f a dangerous weapon (including a firearm) was possessed." U.S.S.G. 2D1.1(b)(1). Application Note 3 of 2D1.1(b)(1) provides that "[t]he enhancement should be applied if the weapon was present, unless it is clearly improbable that the weapon was connected with the offense." U.S.S.G. 2D1.1, Application Note 3 (emphasis added).The clear improbability standard required by Application Note 3 shifts the burden of proof for an upward adjustment to the defendant to show that the weapon was not connected with the offense once the Government demonstrates that a weapon was present. This skews the proper burden-shifting framework utilized by the Guidelines in comparison to other enhancements. For other enhancements, the burden rests entirely with the Government to prove, by a preponderance of the evidence, that the enhancement is applicable.The Commission should amend Application Note 3 to impose upon the Government, and not the defendant, the burden of showing by a preponderance of the evidence that a "dangerous weapon (including a firearm) was possessed" in connection with the offense.

4. The Commission should eliminate the "cross-referencing" of state law offenses. With greater frequency, defendants are receiving lengthy federal offenses for state law crimes of murder, assault, etc.... The cross-referencing of state law offenses is inconsistent with important federalism principles that our country was founded upon. Persons charged and convicted of federal offenses should not have their federal sentences based on state law conduct that has not been charged in an indictment, proven to a jury beyond a reasonable doubt, or admitted as as part of a guilty plea.

5. The Commission should eliminate enhancements based on acquitted conduct. While courts have approved of the use of acquitted conduct for sentencing purposes, the notion that a person can receive an enhanced sentence for conduct that a person was found not guilty of is against public policy, and casts the criminal justice system and the Guidelines in a negative light.

6. The Commission should create U.S.S.G 5D1.4, Early Termination of Supervised Release. As Prisology recounted in its recent testimony before the Commission, very few offenders each year receive early termination of supervised release. This is in spite of the fact that a large number of offenders are on "low-intensity supervision," a designation only given to persons who have a low risk of recidivism. U.S.. Probation resources should be used to focus on supervision cases that require supervision. Currently, the Guidelines address early termination of supervised release in only an application note. See, U.S.S.G. 5D1.2, Application Note 5. The Commission should dedicate a Guideline specifically to early termination of supervised release, and detail specific criteria courts should consider in determining whether to grant or deny early termination of supervised release.

7. The Commission should expand the criteria for compassionate release currently in U.S.S.G. 1B1.13. Additional criteria is needed beyond what is presently listed in 1B1.13 to better implement the compassionate release provisions of 18 U.S.C. 3582 (c)(1).

8. Finally, the Commission should continue its review of other Guideline provisions, and make recommendations to Congress concerning the elimination of federal mandatory minimums, and the "stacking" provisions of 18 U.S.C. 924(c).

Thank you for taking the time to consider my comments.

Sincerely,

Gerald Charles 65523-054
(Your Name and Number)

PO BOX 1000 Low Security Correctional Institution - Allenwood
(Address)

White Deer, PA 17887
(City/State/Zip Code)

Public Affairs

From: david brendel <dbfly@mac.com>
Sent: Thursday, July 24, 2014 11:01 AM
To: Public Affairs
Subject: Sentencing Guidelines

Dear Sirs and Madams,

I am writing to urge you to continue to revise the deeply flawed sentencing guidelines that have emerged in the last few decades here in the United States.

First and foremost, we must fix the Career Offender guideline. It is steering citizens into absurd punishments that should be reserved for career criminals.

We must thoroughly redo the guidelines for economic crimes. Again, for non-violent firs time offenders, we're saddled with the expense of longer than necessary punishments.

This is why why must expand the Sentencing guideline safety valve as well. The ability for judge's to use their wisdom and knowledge is vital.

And finally, let's abolish the acquitted conduct rule. It's an insult to the very core of our jury system.

The United States has always been, fundamentally, about freedom. Somehow we got derailed, and became the biggest jailer on the planet. It's unethical, it's immoral, and we can't afford it.

david brendel
dbfly@mac.com
718 564 3295

Public Affairs

From: Rev Dr Joy Bennett <PJ@PastorJoy.org>
Sent: Sunday, July 27, 2014 11:03 PM
To: Public Affairs
Subject: Rev Dr Joy Comments on

Importance: High

In compliance with your request for comment on the sentencing issues relating to the amendments made for the policy cycle ending May 1, 2015 I make the following comments:

I have worked within the American prison system as well as several community programs related to faith based initiatives like Restorative Justice, FAMM and FedCURE and as a contributing member of this country I request that your commission revise and review the polices in place as listed below:

1. Fix the Career Offender guideline. This sentencing scheme results in absurdly long sentences based on prior offenses that often have nothing to do with a career in crime.
2. Overhaul the guidelines for economic crimes. Those sentences are driven by a feature called "loss" that, like drug amount, quickly add up to sentences way longer than necessary for the non-violent, often first time offenders who must serve them.
3. Expand the Sentencing Guideline safety valve to other than drug offenses. There is a safety valve in the guidelines that reduces a guideline sentence by two levels if the drug defendant meets the Safety Valve criteria in federal law (the defendant has very little or no criminal history, did not use or threaten violence or possess a weapon, was not an organizer or leader, truthfully provided the court about his offense and the offense did not result in death or serious bodily injury). The Commission can and should make safety valves for other guidelines that routinely result in unduly long sentences.
4. Get rid, once and for all, of the acquitted conduct rule. That is the rule in the Sentencing Guidelines that directs judges to use conduct to increase a sentence even when the jury threw it out and acquitted the defendant of the conduct!

I have a husband who is currently serving a sentence in prison for a non-violent crime who has already spent 5years more in prison than the law allows for his crime but we can't seem to get the courts or the president's clemency project to make a phone call to bring him home.

We have family friends and other community partners that have been affected by the career criminal treatment to inmates and we are left with trying to love and support all those broadly affective so don't extend sentences to individual time's added to people's time which may result in sentences that last years longer than the crime warrants.

We also feel that compassionate release should be more equable and you should have not have family and friends close by inmates that will not survive their illness when a compassionate release will allow that persons to die in peace.

There are so many reasons why you can and should do these audits to help the guidelines become more fair and equitable because being a minister within our global community then stilling by your word will go along way for both them and me committee know that we the people still love and support our so we hope that one day your eyes will be opened to see for yourself.

Sincerely,
Rev Dr Joy Crawford

Public Affairs

From: Shannon Ingram <ingram.shann@gmail.com>
Sent: Wednesday, June 18, 2014 12:17 PM
To: Public Affairs
Subject: Public Comment on USSC Priorities

Follow Up Flag: Follow up
Flag Status: Flagged

I first want to thank the USSC for their continued support on prison reform and the priorities they are taking to shorten non-violent drug offender's sentences. I'm not a lawyer nor know the perfect lingo concerning case law and such but I do have a loved one in federal prison. He is a Non-Violent Drug offender who got caught with possession a few times after a manufacturing conviction in his twenties that caught up with him when he caught his fed charge in his 30s. He was given a 12 ½ year sentence due to "stacking" without a firearm when he should have just gotten 5 years for possession of material. He didn't even have Meth on him at the time of his arrest but the material he had in his possession was used to calculate it. How fair is that? He is such a good man and good father. He just never got the help he needed the first time he got out of TN state prison. Instead of putting them in programs and helping them get back on their feet, they throw them into the street and say "good luck". That system failed and landed my loved one back in prison because he couldn't get a job and had to make money for child support , rent and utilities. I'm not condoning what he did. He deserved jail time but also rehab and a chance at a better life. He wants a new life in a new town and has me to help him when he gets out. He knows he has a future and doesn't have to go back to that old life. Not all "career offenders" are bad people. They don't all deserve to be locked up for 10-20 years to rot and leave their children fatherless. They deserve to have a chance at a real life with a real job with real help. I feel that now since you have started amending guidelines and wanting to do what you can to reduce the cost and capacity of incarceration that you should continue to do so in every way possible. Your priorities should remain only on things that do just that. It's not just costly and overcapacity, unfair sentences were given and that needs to be corrected for the future and for all non- violent offenders already serving sentences no matter their criminal history. You can't judge a person now on their criminal history. You have to judge them by what they have accomplished since being in prison, who they are now. The BOP needs jurisdiction on evaluating these poor men who no longer deserve to be locked up. They deserve rehabilitation and to get back out in the real world working a real job. With all that being said, below are my comments on your priorities. Again, I'm a normal citizen and will address these in my own words. I didn't go to law school so I didn't understand the outline furnished but I think you will know what my comment (what I think) is in each instance and why.

1. Continuation to work with Congress on Mandatory Minimum Penalties including recommendations regarding the severity and scope , expanding the "safety valve" and elimination of "stacking" under 18 USC 924(c) and develop appropriate guideline amendments response to any related legislation.

Comment: I do believe it is a priority for the USSC and Congress to continue to work together on issues of Mandatory Minimums, expanding the "safety valve" but one thing I think needs to be addressed immediately is the elimination of "stacking" of penalties under 18USC 924(c) I Understand guidelines for a charge involving a gun and then that makes it a violent offence in my opinion and that is not what we are talking about here. A drug offense should be charged and given a sentence based on the crime at hand and there should not be

anything added because of priors, that is double jeopardy. If they were convicted for it, then they already did the time for that crime. Stacking is making them do the time all over again for something that was done years before. Eliminate the staking in the guidelines and make that retroactive. Any changes the commission makes should be retroactive or you aren't making progress to cost or capacity issues and we all know that.

2. Continuation of it's work on economic crimes, including study, related guidelines, fraud offenses on the market and anti-trust offenses.

Comment: Ask yourself how many prisoners will be released in the next 5 years based on these studies? The Non-Violent drug offenders are the ones that are given the unfair sentences. There are a lot more of those that deserve to be let out sooner than the economic criminals. This should not be a priority of the commission because it will not produce a reduction in cost and capacity. It can be looked at later.

3. Continuation of it's multi-year study of statutory and guideline definitions relating to nature of defendants prior conviction (crime of violence, aggravated felony, violent felony, drug trafficking offense, and felony drug offense) and the impact of such definitions on the relevant statutory and guideline provisions (career offender, Illegal reentry, and armed career criminal), possibly including recommendations to congress on any statutory changes that may be appropriate.

Comment: You can't keep studying about this issue, you have to make a decision. My opinion is that in the case of reducing cost and capacity, it would be beneficial to eliminate the term "career offender". No non-violent offender deserves to be called a "career offender" because he has 2 prior convictions and then have months and months tacked on due to "stacking". Re-evaluate these words and definitions and make changes to how a drug offender is sentenced so he is not unfairly sentenced and do away with the criminal history categories. That is irrelevant to the charge and creates double jeopardy and it's just not humanely right. We should be ashamed for these harsh sentences. They need programs not time to rot.

4. Implementation of the directive of the Commission in section 10 of the Fair Sentencing Act of 2010.

Comment: Again if this priority will reduce the cost and capacity of our federal prisons, than implement it but if it's time consuming and takes away from focusing on the real problem then it can wait. Personally, since changes have been made at least twice to this act in the last 5 years, it's not a priority to report to congress on it now.

5. Study of the operation of 3B1.2 and provisions in the Guidelines Manual and consideration of any amendments to the guidelines manual that may be appropriate.

Comment: This part of the Guidelines Manual should only apply to big drug rings and not "small town" boys. If there are 5 or more participants, we are not talking "small town". That should be changed and noted. However if it's not going to help reduce the cost and reduction of capacity then it doesn't need to be a priority. We all know starting a study on unnecessary topics is a waste of money and that is what we are trying to save.

6. Study of the guidelines applicable to immigration offenses and related criminal history rules and consideration of any amendments to such guidelines that may be appropriate in light of the information obtained from such study.

Comment: As far as immigration goes, the best way to save money and create space with them is to deport them. I'm sure it costs less to deport them than it does to house them. We don't care about them "doing time" unless it's for a violent offense. Criminal History from illegal aliens wouldn't exist if we deported instead of housed. Even if they come back, we will deport again. It costs less and makes no sense for them to be here

7. Continuation of it's study of recidivism including examination of circumstances that correlate with increased or reduced recidivism; possible development of recommendations for using information obtained from such study to reduce costs of incarceration and overcapacity of prisons and consideration of any amendments to the Guidelines Manual that may be appropriate in light of the information obtained from such study.

Comment: Yes this is a priority because this study should help with statistics to help the USSC and Congress make changes as needed to the Guidelines Manual.

8. Continuation of it's review of federal sentencing practices pertaining to violation of conditions of probation and supervised release, including possible consideration of amending the policy statements in Chapter Seven of the Guidelines Manual.

Comment: This is not a priority at this time however it should be in the next few years. We need to continue the focus on sentencing and reductions right now. This priority will not help with capacity reduction at this time.

9. Continuation of it's work with the legislative, executive and judicial branches of government and other interested parties with respect to the Commissions report to Congress The Continuing Impact of US v Booker on Federal Sentencing.

Comment: This Is not a priority at this time because it does not directly affect ways we can reduce cost and capacity. We need action! Studies, Statics and reports to congress about this type of stuff can wait. Let's reduce some sentences first.

10. Continuation of its work with congress on Child Pornography offenses…

Comment: This is not a priority as far as action. I do believe that work with Congress is crucial but only to keep sex offenders off the street. Those are the ones that need the long sentences, not the non-violent drug offenders. This priority can wait.

11. Consideration of amending the policy statement pertaining to "compassionate release"

Comment: I believe this is a priority if it's going to let some older people and sick people out of prison because they are no longer a threat. More should be released so the commission should do whatever it needs to do to change policy to where the BOP releases more inmates on "compassionate release"

12. Beginning a multi-year effort to simplify the operation of the guidelines, including a review of a) cross references in the guidelines manual b) the use of relevant conduct in offenses involving conspiracies c) the use of acquitted conduct in applying the guidelines, and the use of departures.

Comment: Beginning any Multi-year operation is only adding to our problem of sitting on our butts and not contributing to action. The Guidelines Manual needs to be changed in many areas but now is not the time to focus on that. Let's get the prison capacity down and cost down and then we will correct the guidelines. This is not a priority.

13. Implementation of any crime legislation enacted during the 113th Congress warranting a Commission response.

Comment: Again, if this helps to reduce cost and capacity then yes but if this has nothing to do with reducing cost and capacity of the Federal Prisons then it's not a priority. I do think if Congress needs a response and is asking for one, then give one but don't spend too much time on it if it's not a priority.

14. Resolution of Circuit conflicts, pursuant to the Comission's authority and responsibility under 28 USC 991(b)(1)(B) and Braxton v US to resolve conflicting interpretations of the guidelines by the federal courts.

Comment: This is not a priority. Once we get cost and capacity down, then you can focus on this one.

15. Study of the availability of alternatives to incarceration.

Comment: This is very much a priority. The government needs to give other alternatives to first time offenders instead of the prison time. Drug Offenders need rehab, not to be locked up for many years. That is taking away someone's life when they didn't take away anyone's life themselves.

16. Consideration of any miscellaneous guideline application issues coming to the Commissions attention from case law and other sources.

Comment: Again I am not a lawyer so I don't have a clue about case law and such but like I said before, the guidelines need correcting when it concerns non violent drug offenders so if an issue comes up concerning the guidelines and non-violent drug offenders then it needs to be addressed if it's a positive change and contributes to the reduction in cost and capacity.

This concludes my comment on your priorities for the amendment cycle ending May 1, 2015. Bottom line is that you have to do your part to help alleviate the crowding issue in the federal prisons because it's partly the commissions fault it has gotten this bad. In your guidelines Manual you have Violent offenders and Drug Traffic offenders paired together like they are equal and they are not. A non violent drug offender who is not

operating in a big operation does not deserve the amount of time a violent offender does. The crimes are nowhere near the same. We are talking about good people who have messed up and want a new start but have to be given a chance to do that. They are wasting away in there while the violent people are on the street. Their civil liberties are being violated because of the unfair long sentences. Lets get smart about this and fix what is broken.

Thank you,

Shannon Ingram

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July 13, 2014
9159 Ferncrest Street
Firestone, CO 80504

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

SENTENCING COMMISSION COMMENTS: ECONOMIC CRIMES 2015

Clarify that a sentence that was required by a statutory maximum is first equated with months and criminal category in the sentencing table. This guideline range is then the downward departure point for whatever levels the Commission is lowering for purposes of a 3285 motion. This poses no conflict with the separation of powers as would a mandatory minimum.

LOSS AND VICTIM CALCULATIONS

The current practice of allowing judge found facts to estimate pecuniary loss and victim counts without anything but an investigator's report is legally, morally and ethically wrong. The preponderance of evidence standard should not also be a double standard as relates to civil burdens. Causation was essentially abandoned when the Commission decoupled from consequential v. non consequential loss in favor of a 'reasonably foreseeable' standard. This term is easily confused with Guidelines Chapter 1B1.3 co-conspirator liability, particularly when sneaking into the fraud guideline from the money laundering guideline

which directs to only compute 1B1.3 (a) (1) (A), or the defendant's acts only. The confusion allows the District Court to improperly find 1B1.3 (a) (1) (B) or even (a) (2) liability for the defendant who trusted that the judge and Probation Officer understood the guidelines. A prosecutor is certainly not going to refuse the 'bonus'. In drug cases, this error is much less frequent.

This flaw can be corrected by eliminating intended loss and requiring any victim to actually aver that they were damaged. There are many cases when the 'victims' feel that other events caused their loss (simply a deal gone bad) or that they received some benefit (an insurance contract that served their purpose with reduced coverage when the government interpreted that as a crime). Recent case law has modified this for securities violations. It is unjust not to change the standards for non-security violations.

1B1.2 (a) MISINTERPRETATION

US v Braxton 500 US 344 (1991) and Amendment 613 (2001) require EXPLICIT agreement that stipulated 'facts' in a plea agreement to be employed as punishment from a dismissed count. The most frequent use is when a defendant pleas to a 'telephone count' that has a statutory limit below a dismissed drug count. It is inconsistent to not apply this to the money laundering guideline as redefined in Amendment 634, 2001.

CLARIFY COMMENTARY ON 1B1. 2(a) and 2S1.1 to state that this rule applies to 2S1.1 money laundering. This error is frequent when allowing the court to detour into either the drug or fraud guideline pursuant to 2S1.1 (a) (1) rather than remain in the money laundering guideline, 2S1.1 (a) (2). Plea agreement 'fact stipulations' to identify for example 'knowledge' of money laundering are confused with an 'explicit' agreement to be punished by that dismissed count conduct.

In 2S1.1 (a) (1) and (a) (1) (A), the term 'underlying offense of conviction' must be pursuant to 1B1.1 (definitions), be substituted for 'underlying offense'. In other words, the plain text language of 2S1.1 (a) (1) requires a conviction for the underlying offense. Commentary 6 explicitly explains that 2S1.1 (a) (1) requires this base offense level when convicted for both. Further, when 2S1.1 (a) (1) is applicable, pursuant to an explicit plea agreement, the defendant may only be punished in accordance with 1B1.3 (a) (1) (A), his direct relevant conduct, not (a) (1) (B), the acts of others. This principle is discussed in US v Charon 442 F3d 881 (5th Cir 2006). The Charon Court acknowledged the 1B1.1 definition argument but allowed 2S1.1 (a) (1) because Charon pled to both Money Laundering (ML) and a drug count and in dicta opined that the grouping rule 3D1.2 (d) allows relevant conduct.

BASIC UNFAIRNESS IN THE RULE 32 PROCESS

Imagine a high school debate where team A's view is not only first but is the only one actually heard. The prosecutor connects his investigator with the Probation Officer to deliver their 'story' in order to avoid breaching a plea agreement. Neither the investigator or Probation Officer is an attorney. Even when the defense replies, the PO's mind is generally made up and is sensitive to criticism of himself or a 'law enforcement' collaborator. There is generally no effort to verify the facts. The government's interpretation of the facts are rarely questioned. This process is infected with constitutional infirmity.

A solution would be to require a truly independent three party committee including the Probation Officer, an appointed person of the defendant and the third chosen by the first two.

RESPECTFULLY SUBMITTED,

Lynndon B. Qualls

LYNNDON B. QUALLS

Commission letter

July 13, 2014

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

Attn: Public Affairs-Priorities Comment

To Whom It May Concern:

I support the Commission's work to reform mandatory minimum penalties as they are now. I believe that non-violent, first offender sentences are too severe and shouldn't be on a level with the more severe crimes. I would like the Commission to consider defendants with no previous criminal history (first time offenders) and those who are non-violent offenders. Their sentences shouldn't be as much as someone who is violent or who has a long criminal history. (Amendment #1)

I support lowering the mandatory sentencing guidelines for all offenses, including child pornography possession. Not all of these cases are as severe as others and they shouldn't be judged the same. (Amendment #12)

I would ask that the Commission consider that there are some offenders who would never repeat the offense and who would be productive citizens if allowed the chance to be. (Ammendment #6-Recidivism) I support finding ways to identify these defendants/inmates. Then, I would want them to receive less time for their crimes than other, more severe crimes. I also would approve of reducing the prison population by not having lower risk crimes be given the same punishment as high risk crimes and by using probation and parole for the kinds of crimes that are non-violent. (Amendment #7) I would support the expanding the use of compassionate release for low risk prisoners. (Amendment #8)

I do not support making the federal sentencing guidelines more mandatory, but would support giving the Judges more discression in giving sentences that are more in sync with the crime.

We must use our prisons for the more serious offenders. Some of the first time offenders have made a mistake and don't deserve to have their lives ruined and the lives of their family ruined due to a mistake. I'm not saying they shouldn't receive some punishment, but it should be on a scale in keeping with what they did and not ruin their lives forever. These offenders can often make good changes and never re-offend again. We can save people and families by being more understanding and compassionate toward good people who make bad mistakes.

Thank you for listening.

Jan Wiese

Jan Wiese

April 1, 2014

Honorable Patti B. Saris, Chair
One Columbus Circle, N.E. Suite 2-500
Washington, D.C. 20002-8002
Attn: Public Affairs

Dear Judge Saris,

Please indulge me a moment of your time in consideration of the following. In the amendment cycle ended May 1st, 2014 the United States Sentencing Commission identified priorities one (1) and nine (9) as priority policy issues.

Priority One (1)	Continuation of its work with Congress and other interested parties on statutory mandatory minimum penalties to implement the recommendations set forth in the Commission's 2011 report to Congress titled "Mandatory Minimum Penalties in the Federal Criminal Justice System" including its recommendations regarding the severity and scope of the mandatory "stacking" of penalties under 18 U.S.C. 924(c).
Priority Two (2)	Review and possible amendment of guidelines applicable to firearms offenses.

In the interest of acting in a fair and just manner, I implore you to consider these priorities In the Commission's amendment cycle ending May 1st. 2015.

The average prison sentence for an offender convicted for a single 924(c) count is 182 months. The average sentence for multiple, "stacked" 924(c) counts is 351 months. Interestingly, offenders facing single or multiple 924(c) charges proceed to trial at a higher rate than offenders facing all other mandatory minimum-eligible charges. When at trial with these cases, United States attorneys enjoy an astounding 90% conviction rate, yet during sentencing, District Federal Judges sentence defendants to the mandatory minimum in an overwhelming majority of the cases. This would seem to convey the message striking right to the point of this letter, that these mandatory minimum sentences are excessive and in many instances, unjust.

Cordially,

Jack Henshall
Melbourne, Arkansas

Sassan Khoubyari
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Greensboro, NC 27410
sassank@yahoo.com

7/27/2014

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

Re: Priorities for 2014-2015 Guideline Amendment Cycle

Dear Members of the Commission:

I support the work that Prisology does, and am writing to address what I believe should be the Commission's priorities for the 2014-2015 Guideline amendment cycle.

1. The Commission should take action to reduce, by two levels, the loss table in U.S.S.G. 281.1. During the 2013-2014 amendment cycle, the Commission focused its attention on reducing penalties for drug offenses because drug offenders make up the majority of the federal prison population. I applaud the Commission for its efforts in this regard, and now ask the Commission to give equal attention to economic crimes. In the wake of economic scandals after the tum of the 21st century, the Commission amended the loss table for economic crimes. This caused sentences for economic offenses to increase dramatically. Many distinguished jurists, scholars, and other persons have come to recognize the unduly harsh results produced by the current 281.1 loss table. In keeping with the Commission's efforts to take steps to reduce prison overcrowding without endangering public safety, I strongly urge the Commission to consider reducing, by two levels, the loss table in U..S.S.G. 281.1.

2. The Commission should also consider reducing the career offender guideline by two-levels. Career offender sentences in certain cases overrepresented the seriousness of individual offender criminal histories. For instance, an individual who commits two felony drug distribution offenses while 18 or 19 years old can be considered a "career offender." Once someone receives a career offender designation, the sentence in the case doubles and triples oftentimes from what the underlying offense calls for. The Commission, consistent with its other federal sentencing reforms, can reduce the career offender guideline by two-levels without endangering public safety.

3. The Commission should amend U.S.S.G. 2D1.1{b){1}, Application Note 3. The Guidelines currently require a two-level upward adjustment in drug cases "[i]f a dangerous weapon (including a firearm) was possessed." U.S.S.G. 2D1.1(b)(1). Application Note 3 of 2D1.1(bl(1) provides that "[t]he enhancement should be applied if the weapon was present, unless it is clearly improbable that the weapon was connected with the offense." U.S.S.G. 2D1.1, Application Note 3 (emphasis added).The clear improbability standard required by Application Note 3 shifts the burden of proof for an upward adjustment to the defendant to show that the weapon was not connected with the offense once the Government demonstrates that a weapon was present. This skews the proper burden-shifting framework utilized by the Guidelines in comparison to other enhancements. For other enhancements,

the burden rests entirely with the Government to prove, by a preponderance of the evidence, that the enhancement is applicable. The Commission should amend Application Note 3 to impose upon the Government, and not the defendant, the burden of showing by a preponderance of the evidence that a "dangerous weapon (including a firearm) was possessed" in connection with the offense.

4. The Commission should eliminate the "cross-referencing" of state law offenses. With greater frequency, defendants are receiving lengthy federal offenses for state law crimes of murder, assault, etc.... The cross-referencing of state law offenses is inconsistent with important federalism principles that our country was founded upon. Persons charged and convicted of federal offenses should not have their federal sentences based on state law conduct that has not been charged in an indictment, proven to a jury beyond a reasonable doubt, or admitted as part of a guilty plea.

5. The Commissior1 should eliminate enhancements based on acquitted conduct. While courts have approved of the use of acquitted conduct for sentencing purposes, the notion that a person can receive an enhanced sentence for conduct that a erson was found not guilty of Is against public policy, and casts the criminal justice system and the Guidelines in a negative

6. The Commission should create U.S.S.G 501.4, Early Termination of Supervised Release. As Prisology recounted in its recent testimony before the Commission, very few offenders each year receive early termination of supervised release. This is in spite of the fact that a large number of offenders are on "low-intensity supervision," a designation only given to persons who have a low risk of recidivism. U.S.. Probation resources should be used to focus on supervision cases that require supervision. Currently, the Guidelines address early termination of supervised release in only an application note. See, U.S.S.G. 501.2, Application Note 5. The Commission should dedicate a Guideline specifically to early termination of supervised release, an detail specific criteria courts should consider in determining whether to grant or deny early termination of supervised release.

7. The Commission should expand the criteria for compassionate release currently in U.S.S.G. 181.13. Additional criteria is needed beyond what is presently listed in 181.13 to better implement the compassionate release provisions of 18 U.S.C. 3582(c)(1).

8. Finally, the Commission should continue its review of other Guideline provisions, and make recommendations to Congress concerning the elimination of federal mandatory minimums, and the "stacking" provisions of 18 U.S.C. 924(c).

Thank you for taking the time to consider my comments.

Sincerely,

Sassan Khoubyari

Public Affairs

From: Catherine J. Johnson <CoppesConsulting@comcast.net>
Sent: Thursday, July 24, 2014 11:41 AM
To: Public Affairs
Cc: CoppesConsulting@comcast.net
Subject: Manatory sentences

Lengthy Mandatory sentencing for drugs does not help people learn coping skills & boundaries. It adds to poor esteem & self savataging behaviors addz to why they look for escapes in drug use & poor choices in friends. Prison is not the answer.
The counseling in prisons are grim
I beleive in ankle braclets & forced group therapy w personal sessions too. Eventually healthy thinking begins to click. It puts the weong people in jail vs taking down a Cartell.
Sent from my Samsung Galaxy™ S II 4G

Public Affairs

From: June Simmons <jbug0611us@gmail.com>
Sent: Saturday, July 26, 2014 2:22 PM
To: Public Comment
Subject: 924(c)

In my opinion I think the guidelines of the 924c enhancement should be concurrent I Also think that only possessing a firearm versus having used (discharging) one should be looked at.

Public Affairs

From: Tiffany <miss_tiffany03@yahoo.com>
Sent: Sunday, July 27, 2014 12:07 AM
To: Public Affairs
Subject: Request for public comments

Hello,
I'd like to address mandatory minimums which I think In most cases do not fit the crime. The time given is way to extensive for the crime committed, especially when sex offenders and murders are getting lower sentences then drug offenders. The time spent incarcerated is wasting tax dollars when the inmate can actually be in the community paying taxes. I understand there are consequences but the sentence needs to fit the crime. It's shouldn't be one size fits all especially in the Justice system. When someone is away for that long it potentially can change them and they can lose the hope they had when family & friends starts fading away. Just imagine getting your freedom taken away for 10 yrs. It's a horrible thought. Please consider doing away with mandatory minimums it not only affects the offender but also the family. They might have already learned from their mistake after the first few months or maybe even years but after years and years of being locked away things may change for the worse instead of the better. Please just try and put yourself in someone else's shoes. Even if good time was a little more than the 50 some odd days a year they get now, maybe we could bump it to 128 or so. Even that would help.
Thank you for your time and consideration.
Sincerely,
T Padilla

Public Affairs

From: Kristin Froehlich <kmfroehlich@comcast.net>
Sent: Friday, July 25, 2014 6:32 PM
To: Public Affairs
Subject: Improving Sentencing Guidelines

Please advocate avoiding use of the death penalty. It's use has been shown to be racist, arbitrary, costly, and ineffective. As the family member of a mass murder victim, I also think it falsely promises healing to victims' family members. The death penalty does not make us safer, it advocates violence to solve problems, and it is at high risk of executing an innocent person.

Thank you for your consideration.

Sincerely,

Kristin
Kristin Froehlich
Board President
Delaware Citizens Opposed to the Death Penalty
kmfroehlich@comcast.net
302-379-0488

Public Affairs

From: Lori White <Maxwh234@aol.com>
Sent: Sunday, July 27, 2014 11:54 PM
To: Public Affairs
Subject: sentencing guidelines for fraud crimes

Dear Commissioners,

I am writing to you in support of reviewing and changing the sentencing guidelines for first time offenders accused of fraud and hoping that there will be some relief for first time offenders. I have experienced the Judicial system with a family member for the above referenced crime. My brother was convicted in 2006 for 2 counts of conspiracy to commit mail/ wire fraud and 2 counts of mail/wire fraud. The first trial was a hung jury and the second trial was a guilty decision. My brother was tried together with his partner. During the sentencing hearing my brother was handed down a 17 and a half years punishment. I find this to be an excessive number of years for a white collar crime, especially for a first time offender. My brother was never in any kind of trouble before and the supposed dollar amount of the fraud was 10 million dollars. I am not saying that was not a large amount by any means, but I do feel that the punishment was excessive. My brother's partner who was also convicted of the same crimes, in the same 2 trials, received only 9 years. My brother has been incarcerated now for 8 1/2 years and will not be released until 2021 at which time he will be 67 years old. When my brother was convicted I received a 101 course from another family member on the way a Judge computes the appropriate sentence. The family member is a Federal Judge. I know how many years each count can give along with the computation for the dollar amount of the fraud, with the more the dollar amount, the more points received. I am also aware of downward departures.

It boggles my mind that my brother's fraud was supposedly 10 million dollars and his sentence was 17 1/2 years. His partners fraud was the same number of counts and the same dollar amount and again only received 9 years. His partner has since been released. Bernie Ebbers who was convicted on 9 counts and his fraud was 11 billion dollars (a significant amount more) and he received 25 years in 2005. The Rigas family was convicted on 18 counts with a 100 million dollar fraud and both father received and son received 15 years and 20 years respectfully. Jeffrey Skilling who was convicted of multiple counts in one of the country's largest fraud and sentenced to 24 years but since has acquired a 10 year sentence reduction. Why? That being said, can you explain to me the disparity in my brother's sentence amidst the information given?

These facts show me that the sentencing system is broken. I do not know if it is a result of how a Judge feels about a certain individual or where the breakdown begins or ends, but something is definitely out of whack. A first time fraud offender should not receive a sentence longer than people that murder others or other violent crimes. That just seems absurd. Fraud offenders are not violent, not a threat to the public. They made a mistake. Please review the guidelines just as you have done for drug offenders.

Thank you for your time.

Lori White

Public Affairs

From: Cynthia Gomes <cynthiagomes@msn.com>
Sent: Sunday, July 27, 2014 10:53 AM
To: Public Affairs
Subject: 2014-2015 Priorities-Overhaul Economic Crimes

Dear Members of the Commission:

I support the work that Prisology does and am writing to address what I believe should be the Commission's priorities for the 2014-2015:

I ask the commission to give equal consideration to economic crimes. In the wake of economic scandals after the turn of the 21st century, the Commission amended the loss table for economic crimes. This caused sentences for economic offenses to increase dramatically. Many distinguished jurists, scholars and other persons have come to recognize the unduly harsh results by the 2B1.1 loss table. In keeping with the commission's effort to take steps to reduce prison overcrowding, without endangering public safety, I strongly urge the commission to consider reducing the loss table in U.S. S.G. 2B1.1.

Please consider early release measures to include expanding supervised release, re-entry programs, reinstating parole for federal inmates, expanding the armor of good time credit an inmate can earn and repealing federal criminal statues for some offenses.

Reduce the cost of incarceration and help my family and thousands of other struggling with a loved one that is incarcerated. Let restitution start sooner. Save tax dollars.

One parole officer making 70K plus 40K in benefits can supervise 25 inmates that would otherwise cost the system 30K per year, or $650,000, to hold people unproductively in prison.

Cynthia Gomes
1843 Adagio Drive
Alpharetta, GA 30009
770-402-2896

July 27, 2014

United States Sentencing Commission

Attention: Public Affairs – Priorities Comment

One Columbus Circle, NE

Suite 2-500, South Lobby

Washington, DC 20002-8002

RE: Priorities for 2014-2015 Guidelines Amendment Cycle

Dear Members of the Commission:

I appreciate the work that the Sentencing Commission does, and am writing to address what I believe should be the Commission's top priority for the 2014-2015 amendment cycle.

The Commission should take action to reduce, by 2 levels, the loss table in U.S.S.G. 2B1.1. During the 2013-2014 amendment cycle, the Commission focused its attention on reducing penalties for drug offenses because drug offenders make up the majority of the federal prison population. I applaud the Commission for its efforts in this regard, and now ask the Commission to give equal attention to economic crimes.

The Sentencing Commission amended the loss table for economic crimes in 2001-2002, and this change caused sentences for economic crimes to increase dramatically. My friend is currently serving a 120 month sentence on a fraud-related conviction and fully 114 months of his sentence represents the loss enhancement from the current loss table. He was grossly over sentenced based on this loss table.

Many distinguished jurors and legal scholars have come to recognize the unduly harsh results produced by the current 2B1.1 loss table. In keeping with the Commission's efforts to reduce prison overcrowding without endangering public safety, I strongly urge the Commission to reduce, by 2 levels, the loss table in U.S.S.G. 2B1.1.

Thank you for your consideration of this important issue.

Sincerely,

Lawrence Brennan

15496 Prestwick Cr. N

Northville, MI 48168

Public Affairs

From: Tommy <tanelsonjr70@gmail.com>
Sent: Thursday, July 24, 2014 10:35 AM
To: Public Affairs
Subject: Sentencing Guidelines

Dear Members of the Commission:

There are several issues of concern as it pertains to the current Sentencing Guidelines. Will you please seriously consider addressing ridiculously long fraud sentences, get rid, once and for all, the acquitted conduct rule, etc.

I am a former U.S. Senate Intern, I earned three graduate degrees while working my way through college, I am a member of Golden Key International Honour Society, Phi Alpha Delta (PAD) Law Fraternity; as well as a host of other organizations.

I was a first term mayor fresh out of law school, when the government decided to target me in a sting operation. I had never been in any type of trouble; I did not even have a traffic ticket on my record. There were no complaints from citizens or businesses regarding any corrupt conduct involving me in my city, nevertheless the government without any verifiable evidence of any type of misconduct on my behalf, spent over $300,000 tax payer dollars over a three year period in an effort to entangle me.

The government used William Myles whose son was arrested for selling drugs in a school zone. Myles who resides in a totally different State began working for the government. Myles was at first paid $1250 per week and later $2000 per week in addition to having use of a BMW (value over $1000 per month) and a luxury condominium in New Orleans ($2500-$2700 per month), plus various paid personal services ($300,000 over three years).

I was a small town mayor just trying to do the best I could for my city, I was not bothering anyone; nor was I associated in any type of criminal acts. I am not a street smart person, some seem to have this perception that because someone gets caught up in a bad situation they were already a bad person; this just is not true - some people are tricked.

Myles used another mayor of whom I only knew to be President of a National Mayor's organization to invite me to a meeting; I honestly had no idea that I would be meeting with Myles or what the meeting would entail. I want to make this very clear as reflected by the governments records, I hardly knew the President of the National Mayor's organization, and I had no communications with him prior to this invitation; nor did I have any after.

From this point forward, the government began a relentless campaign, gaining my trust and friendship, enticing me with prospects of wealth and gifts tailored to my personal passions, and encouraging me to solicit or accept bribes.

In November 2008, after learning of my passion for hunting, Myles twice offered to take me on expensive hunting trips in November and December 2008. I declined both offers, saying after the first, "I'm not going to do y'all that way."

On January 27, 2009, Special Agent McAllister offered to make me a silent partner, which he claimed would make me a millionaire. I never accepted the offer.

In March 2009, the government offered me an investment opportunity in electronic medical records - an idea that, again, originated with the government. I did not accept this offer.

In April 2009, the government brought in a third operative, Special Agent McKinney, who also posed as a businessman. Special Agent McKinney's initial goal was to arrange an offer to me of stock in an imaginary medical records business - again, an idea entirely originating with the government.

On May 20, 2009, Special Agent McKinney offered me $20,000 in the form of either electronic medical records stock or cash for my support, but encouraged me to accept cash instead. Special Agent McKinney admitted he did this because the medical records stock idea was less clearly illegal. I, on the other hand, focused on the medical records idea, even though the value of the stock was at the time worth only "pennies" and just "a lottery ticket." Additionally, I offered to write a check from my personal bank account, arguably not understanding the offer as a bribe. I made it clear at this May 20th meeting that my support was not contingent on the offer: "If the medical records thing goes through, fine... if it doesn't... I'm still fine...I really want to see this thing work, and that's just the bottom line - I think it's something that, that's really needed." I never received any stock or other benefit relating to the government's medical records idea.

In the summer of 2009, I began having financial problems, which the government was aware of, because my wife was out of work from complications with her pregnancy. I also lost lines of credit worth $11,000 shortly after the government (unknown to me) subpoenaed my credit report in July 2009.

In August 11, 2009, Special Agent McKinney told me that Special Agent McAllister "told me earlier...to get with you, make you comfortable...to make sure we got the support we need and all that. He didn't know where you stood," that "you didn't have your hand in his pocket like everyone else does," that "if you're doing it for the right reasons...that's all the better," and that "it's just unusual for the people that we deal with - to do this the right way."

The next day, August 12, 2009, Special Agent McKinney met with me and offered me $20,000 in cash and told me, "on the phone call, it seemed like you were uncomfortable about something...I don't want to put you in a difficult position. I'm glad it's happening for the right reasons." Special Agent McKinney also testified that I was uncomfortable and that "it was my intention when we walked away from that, that I would not be talking to him again, I would not be discussing the bribe payment again." He continued: "we were going to let him go."

Later that day, I called Special Agent McAllister and accepted the $5,000 offer, noting that it would make things easier with the baby and that, "I'm appreciative to whatever, however, I'm not going to go back and forth. If it's nothing, then it's cool, I'm still cool with everything. We still move forward, we still do it." Special Agent McAllister spoke of our friendship and said the offer was not contingent on my support: "Anything I can do for you man, I do for you because you are my cat. You know? It's not necessarily because, just because you're dong something for me on you know, Cifer or whatever, you know...it's a different type of party...And as things move forward, you know, we gonna make it, we gonna be alright."

This sting by the government was entirely fictitious! There was very little evidence presented at trial or sentencing to establish either the alleged $2 million value of the Investor Letter, or the alleged $4 million value of the EPA Letter. Those values were set by the government operatives, arguably as a way of enhancing my sentence. The letters themselves did not include any monetary amounts or estimates.

Myles asked if I would help Cifer obtain contracts with other cities in exchange for 10% of the profit (I did not assist in obtaining any contracts). The loss amount from this "scheme" was calculated at $1 million. The Sentencing Court added a $250,000 loss amount based on the government's argument: "Mr. Myles explains that he anticipated that they would get about a 25 percent profit on each contract, thus a 10 million contract which would result in 2.5 million in profit, and that the defendant's kickback of 10 percent, which would result in two hundred and fifty thousand dollars."

In the recorded conversation that the government refers to, Myles is speaking in hypothetical's. For instance, Myles stated, "Let's say that through all your best effort it was $10 million" followed by "let's say we made 25 percent." Myles was speaking hypothetically. Myles could have picked any amount and discussed what my final percentage would be in the hypothetical. Likewise, Myles could have picked any profit margin in the hypothetical. That does not mean that I should be held accountable for it.

The Sentencing Court's loss calculations for a fictitious sting in which there were no victims, no contracts, etc., clearly impacted my sentence as the difference between the actual benefits received was approximately ($20,000), and the total value of the speculative investment and grant (over $6 million) translates to a difference of fourteen offense levels. U.S.S.G. 2B1.1(b)(1)(C), (J).

*NOTE: THIS WAS A STING MADE UP BY THE GOVERNMENT, THE BUSINESS WAS FAKE, THE BUSINESSMEN WERE FAKE, THERE WERE NO VICTIMS, THERE WERE NO LOSSES. HOWEVER, THE GOVERNMENT ARGUED THAT I SHOULD SERVE LIFE IN PRISON BASED ON THESE MADE UP NUMBERS (ESTIMATED LOSS). I RECEIVED A SENTENCE OF 132 MONTHS (11 YEARS). I HAD NEVER BEEN IN TROUBLE A DAY IN MY LIFE, AND ALSO SERVED MY COUNTRY HONORABLY IN THE U.S. MILITARY FOR (8) YEARS.

THE GOVERNMENT ALSO ATTEMPTED TO SUPERCEDE THE INDICTMENT. THE GRAND JURY DID NOT FIND THAT I COMMITTED ANY CRIMES WARRANTING AN ADDITIONAL INDICTMENT, NEVERTHELESS THE GOVERNMENT WAS STILL ALLOWED TO USE THIS AGAINST ME AT SENTENCING AND THE SENTENCING COURT ALLOWED IT.

SPECIAL AGENT MCALLISTER WAS CONVICTED OF FRAUD PRIOR TO MY TRIAL. I WAS NOT ALLOWED TO EFFECTIVELY CROSS-EXAMINE HIM BECAUSE THE GOVERNMENT STATED IT WOULD PREJUDICE THEIR CASE.

DURING ITS CASE-IN-CHIEF, THE GOVERNMENT CALLED MY FORMER DEFENSE COUNSEL, MS. PIERSON. COUNSEL OBJECTED TO MS. PIERSON'S TESTIMONY ARGUING THAT I HAD NOT WAIVED ATTORNEY - CLIENT PRIVILEGE. I FIRED MS. PIERSON PRIOR TO HIRING NEW COUNSEL AND SHE TESTIFIED IN VIOLATION OF THE ATTORNEY CLIENT PRIVILEGE AGAINST ME AND FOR THE GOVERNMENT AT TRIAL IN THE PRESENCE OF THE JURY; HOWEVER THE COURT DID NOT FIND THIS PREJUDICIAL.

WHILE INCARCERATED MY WIFE AND OUR BABY BOY SUFFERED TRAUMATIC BRAIN INJURIES DUE TO A VERY DEVASTATING VEHICLE ACCIDENT. MY WIFE SUFFERS FROM MULTIPLE ISSUES WHICH INCLUDES MEMORY LOSS ETC. SHE AND OUR THREE BABIES ALL UNDER AGE (6) NEED ME AT HOME AS THEY HAVE NO HELP, HOWEVER I AM NOT EVEN HALFWAY THROUGH THIS RIDICULOUSLY LONG SENTENCE WHEN THE ACTUAL AMOUNT I RECEIVED WAS ($20,000).

EVERYTHING LISTED HERE CAN BE FOUND IN MY COURT TRANSCRIPTS. 11 YEARS, IS MUCH TO LONG FOR ($20,000). I PRAY THAT YOU PLEASE IMPROVE THE SENTENCING GUIDELINES AS IT PERTAINS TO THE ABOVE AND MAKE THEM RECTROACTIVE.

Thank you for asking the public to weigh in on how you should improve the Sentencing Guidelines next year.

Respectfully Submitted,

Thomas A. Nelson, Jr.
#05425-095

Public Affairs

From: Gf8082@aol.com
Sent: Friday, July 25, 2014 2:26 PM
To: Public Affairs
Subject: Re:Economic Offenses

Dear Sentencing Commission,

I support the guideline for White Collar offenders. I commend the sentencing commission for the action taken regarding drug minus two guideline changes. I am now asking that the commission take the same action during the 2014-2015 cycle regarding Economic Offences. The prisons are full of white collar, low-level individuals who are non-violent offenders. The beds would be better utilized to house dangerous and violent criminals. As you know white collar offenders have the lowest recidivism rate in correlation to other crimes. I think the majority of these inmates should be working and contributing to society rather than be sitting in prison for long sentences costing Tax Payers billions of dollars.

Respectfully Submitted,

G.F.

Public Affairs

From: Nick Easevoli <ilevitys@gmail.com>
Sent: Friday, July 25, 2014 2:26 PM
To: Public Affairs
Subject: Commission's priorities!!!

July 25, 2014

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

Re: Priorities for 2014-2015 Guideline Amendment Cycle

Dear Members of the Commission:

I am writing to address what I believe should be the Commission's priorities for the 2014-2015 Guideline amendment cycle.

1. The Commission should take action to reduce, by at least two levels, the loss table in U.S.S.G. 2B1.1. During the 2013-2014 amendment cycle, the Commission focused its attention on reducing penalties for drug offenses because drug offenders make up the majority of the federal prison population. I applaud the Commission for its efforts in this regard, and now ask the Commission to give equal attention to economic crimes. In the wake of economic scandals after the turn of the 21st century, the Commission amended the loss table for economic crimes. This caused sentences for economic offenses to increase dramatically. Many distinguished jurists, scholars, and other persons have come to recognize the unduly harsh results produced by the current 2B1.1 loss table. In keeping with the Commission's efforts to take steps to reduce prison overcrowding without endangering public safety, I strongly urge the Commission to consider reducing, by at least two levels, the loss table in U.S.S.G. 2B1.1.

2. The Commission should create U.S.S.G 5D1.4, Early Termination of Supervised Release. As has been recounted in testimony before the Commission, very few offenders each year receive early termination of supervised release. This is in spite of the fact that a large number of offenders are on "low-intensity supervision," a designation only given to persons who have a low risk of recidivism. U.S. Probation resources should be used to focus on supervision cases that require supervision. Currently, the Guidelines address early termination of supervised release in only an application note. See, U.S.S.G. 5D1.2, Application Note 5. The Commission should dedicate a Guideline specifically to early termination of supervised release, and detail specific criteria courts should consider in determining whether to grant or deny early termination of supervised release.

Thank you for taking the time to consider my comments.

Sincerely

Nick Easevoli

6330 Shadowland Crossing APT D

Raleigh, NC 27616

Public Affairs

From: Shirley Williams <jrwms227@gmail.com>
Sent: Friday, July 25, 2014 2:57 PM
To: Public Affairs
Subject: Loss Table Guidlines

Sir or Madam:

I understand you will be looking at your Loss Table Guidelines for all fraud cases real soon for 2014-2015. I am e- mailing you for you to please consider reducing this table on your 2014-2015 agenda. This is very important to me because I have a family member who was sentence in 2010 with the loss table USSG-2B1.1 and was given a harsh sentence of ten years. If that table was lowered into a more accountable system of figuring loss of crime(fraud) then my family member's family would not be suffering such a long sentencing struggle. His wife and four minor children are really struggling to get by with out his help and support. He also has elderly parents that have numerous health problems that they need his help and support also. So I am asking you to please change your guidelines for 2014-2015. Because I feel there is more than my family suffering. Thank you so much for considering this request.

Public Affairs

From: TERRI HIRSCHBERG <pitbull101@bellsouth.net>
Sent: Saturday, July 26, 2014 9:53 AM
To: Public Affairs
Subject: first time offenders

Good Morning,
I understand the public's input may be heard to the fraud or "white collar" crimes committed by first time offenders.
Well I have someone I know who was given 17 years for his first offense #56468-004 prison number. This man good have been given 5 years and the rest to help under privileged community and finish his sentence that way and help others. Now we the taxpayers are paying for wasted talent. This man ran many successful companies and his knowledge is being wasted sitting in a federal prison writing emails and excising!!!!!!!!!!. please think about the benefits people like him could be used. YES BE CREATIVE !!
Sincerely.

Terri Hirschberg
Terri

Public Affairs

From: nshebetich@aol.com
Sent: Saturday, July 26, 2014 11:28 AM
To: Public Affairs
Subject: White Collar Offenders

Dear Sentencing Commission,

I support the guideline for White Collar offenders. I commend the sentencing commission for the action taken regarding drug minus two guideline changes. I am now asking that the commission take the same action during the 2014-2015 cycle regarding Economic Offences. The prisons are full of white collar, low-level individuals who are non-violent offenders. The beds would be better utilized to house dangerous and violent criminals. As you know white collar offenders have the lowest recidivism rate in correlation to other crimes. I think the majority of these inmates should be working and contributing to society rather than be sitting in prison for long sentences costing Tax Payers billions of dollars.

Respectfully Submitted,

Nicholas F. Shebetich

Sent from AOL Mobile Mail

Public Affairs

From: Quinci Belcher <belcherquinci23@gmail.com>
Sent: Saturday, July 26, 2014 12:40 PM
To: Public Affairs
Subject: Career offender

Hi, my name is Quinci Belcher, im a Crimonology and Forensic science student. I just want to make a comment about career offenders. I think its unjust and unfair that offenders; that have served time for older crimes should be subjected to punishment for the second time. Although their actions of breaking the law cause their incarceration, however i believe a change should be made.

Thanks,

Quinci M. Belcher

Public Affairs

From: Nicole Lee <crystalbarton47@gmail.com>
Sent: Wednesday, July 23, 2014 9:53 PM
To: Public Affairs
Subject: Amendment #3

id like to see a change in the offender career guidelines cause its too many people serving time for old charges or things that just so happen to place them in the category with lengthy sentences thats nearly unbearable an i feel like everyone deserves a second chance because we are all human an we make mistakes. mistakes that we can learn from..i appreciate u taking the time to take my thoughts an feelings into consideration

Public Affairs

From: Tawanna Wilson <tawannawilson39@gmail.com>
Sent: Thursday, July 24, 2014 9:41 AM
To: Public Affairs
Subject: Change Career offender guidelines

I have watched for years the judicial system tear families apart. This system has never had the children first. We as loved ones have to do the sentences along with them an its not fair that time is based on prior offenses. You are punishing kids for things that probably happen before they were born. ITS LIKE BEING BORN INTO THIS WORLD HIGH ON DRUGS..SOMEONE CHOSE IT FOR YOU..and u wonder why some kids grow into the way they are. The guidelines for career offenders needs and overall. My boyfriend is 50 years old. He along with some of the rest need avenues that once they are released can better themselves. He has kids that need HIM. I TRULY NEED HIM. I'm asking you to change the guidelines to give some they're lives back..GOD HAS THAT POWER..ESPECIALLY WHEN THEY ARE NONVIOLENT OFFENSES...THANK YOU!

Public Affairs

From: Rebecca Oakley <kaylahoakley11@gmail.com>
Sent: Thursday, July 24, 2014 10:04 AM
To: Public Affairs
Subject: Career

I would like to see sentencing change on or for a non-violent drug offender change especially if the judge going off his past history.. past history mean it's in the past.. I don't think someone should be labeled a career criminal

Public Affairs

From: sequryah@yahoo.com
Sent: Thursday, July 24, 2014 5:00 PM
To: Public Affairs
Subject: Career Offender Guide line

I truly believe the career offender guidelines should be changed. We can all attest to making a mistake in our lifetime. God forbid if we were all punished excessively for that one mistake. I ask the sentencing commission to PLEASE REDUCE and revisit options that are reasonable to offenders and maybe add a rehabilitation clause in lieu of heavy time.

Thanks for listening.
Sent from Yahoo Mail on Android

Public Affairs

From: Cristina Lopez <cristinal854@gmail.com>
Sent: Thursday, July 24, 2014 5:50 PM
To: Public Affairs
Subject: Attention Public Affairs Priority Commitee

Jose Silva #32979-018
Federal correctional Institution
P.O. Box 7000
Texarkana, Tx 75505-7000

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

RE: Priorities for 2014-2015 Guidelines Amendments Commissions

I am writing to support the Commission's proposal to reduce ALL drug guidelines by two levels. Drug sentences are too long. I believe the Commission should consider reducing career criminals by two levels. Such long sentences hurt individual defendants and their/my loved ones.

The term Career Offenders in certain cases over represent seriousness of individual offenders criminal history. For instance an unfortunate fact that defines a Career Offender he/she is a violent person. It could simply mean that he/she committed three controlled substance offenses. In my case I unfortunately committed 3 such offenses. My 1st involved 28 grams of Cocaine, my 2nd involved 252 grams and lastly my 3rd offense involving 4.5 Kilograms of Cocaine.

Lastly if there are exceptional factors that upward violates under Title 18 U.S.C.S 3553 (a)
For certain categories of offenses and offenders, the guidelines permit the court to impose either imprisonment or some other sanction or combination of sanctions. In determining the type of sentence to impose, the sentencing judge should consider the nature and seriousness of the conduct, the statutory purposes of sentencing, and the pertinent offender characteristics. A sentence is within the guidelines if it complies with each applicable section of this chapter. The court should impose a sentence sufficient, but not greater than necessary, to comply with the statutory purposes of sentencing. 18 U.S.C. § 3553(a).

Today, half of the 216,000 people in federal prison are serving drug sentences, which averaged more than 70 months in 2012.

Lowering drug sentences by roughly 18 percent would be a strong first step in slowing the growth of the prison population and helping to ensure safe prisons and safe streets.

And, it would be the right thing to do. Federal drug sentences are far too lengthy, and this change is an important first step to making them fairer.

The district is still free to depart upward therefore I ask that you seriously consider reducing Career Offenders Guidelines by 2 levels.

Thank you for proposing this change.

Jose R. Silva #32979-018

Public Affairs

From: JOI MILLBROOK <enjoi11@live.com>
Sent: Thursday, July 24, 2014 6:14 PM
To: Public Affairs
Subject: Guideline changes for 2015

Dear United States Sentencing Commission,

I believe the sentencing guidelines can be changed next year by focusing on and fixing the "*Career Offender guidelines*". I applaud you for the steps you have made to reforming the sentencing guidelines for drug offences but there is so much more that needs to be done.
There are a lot of men and women currently serving absurdly long sentences for a drug offences that the changes you have mad will not help because they have received the Career Offender enhancement. Unfortunately my loved one can not take advantage of the great changes you have made because he has that enhancement. A enhancement he received for a crime he already paid for but is not being punished again for. I believe that is called "*Double Jeopardy*", **the prosecution of a person twice for the same offense**, because that is in fact what the Career Offender enhancement does. I ask how can that be fair? In fact, he even risked his and his family members lives by cooperating with the government thinking he was doing the right thing and yet he still was punished with the enhancement.
Without the Career Offender he would be eligible for the new drug minus two reductions that were just made retroactive. He is currently serving a sentence that many others are but they are eligible for the reduction and he is not because of a past that had nothing to do with his current crime..
He has been incarcerated since February 2009 and is not scheduled to be released until August 2021.
I am asking along with so many others that you please do something to help our loved ones come home so they can be a productive part of society.
Please work on changing the harsh and extremely long sentences the Career Offender enhancement adds to ones sentence..

Sincerely,

Joi Millbrook
5446 N. Division St.
Davenport, Iowa 52806
(563) 499-2548

Public Affairs

From: Deborah Edwards <mapplee@yahoo.com>
Sent: Thursday, July 24, 2014 7:27 PM
To: Public Affairs
Subject: SENTENCING GUIDELINES IMPROVEMENT

In this matter, I believe that one of the main thing that should be changed is the CAREER OFFENDER GUIDELINES.
This is important to my family because a father has been incarcerated with a long sentence based on the past. He has missed being their for his children and now grandchildren. In his case I don't believe that this long sentence was necessary. There are so many others are in this predicament and it truly hurts all involved especially the children who miss their parent being there for them. Thank you so much for hearing me. I pray God's guidance and direction in Jesus' Name. It's time for MERCY.

REMEMBER TO INCREASE THE PEACE DAILY...BE BLESSED!!!

DEBORAH

Public Affairs

From: Jill Styles <jill@hermanstyles.com>
Sent: Thursday, July 24, 2014 9:48 PM
To: Public Affairs
Subject: Career Offender Status

I am writing to ask that you fix or do away with Career Offender guidelines.
This sentencing scheme results in absurdly long sentences based on prior offenses that often have nothing to do with a career in crime .
Thank you for your time.

Sincerely,
Jill Styles
1401 Lurlyn Dr.
Poplar Bluff, MO 63901
jill@hermanstyles.com

Sent from my iPad

Public Affairs

From: Pat <patharrisflorida@msn.com>
Sent: Friday, July 25, 2014 1:19 PM
To: Public Affairs
Cc: Pat; bill harris
Subject: Re: Career Criminal Sentencing esp on nonviolent crimes

To: Sentencing Commission
Re: Career Criminal Sentencing especially on nonviolent crimes

It appears that the Career offender guideline is the only one that does not benefit from the new law. My son Kenneth W. Harris 09784-027 is enhanced over two issues that have nothing to do with being a career criminal, and occurred a very long time ago. The first was possession of cocaine for usage in 1989. The other was an incident precipatated by my son's fiancee' being battered multiple times by her wealthy exspouse. Law enforcement would not prosecute him. When my son saw her little 90-pound person right after she was beaten up again for an on-the-record 14th or 15th time, he took matters into his own hands to protect her, also on record. (Further, this resulted in a Battery charge for my son rather than Burglary. A ball bat was produced and used by an occupant of the house. My son's prints were not on the bat and there were no gloves, yet introduction and use of the bat were attributed to him rather than the occupants.) These incidents have nothing to do with being a Career criminal.

In 2008 my son continued working in construction for which he enjoyed a reputation of being dependable and producing and being proud of maintaining high quality in his work. As the economy flopped, he started working multiple jobs and was a struggling taxpayer. He started using "speed" (methamphetamine) to stay awake to work multiple jobs in order to eat and pay other living expenses. He also applied for work through temporary services which only yielded one possibility; that factory, Gortech, in Valparaiso, IN, would not hire him due to his having a record.

My son turned to "meth" production in order to generate income to take care of his family. I do not approve of the choice he made. Neither illegal drug production nor consumption is within our family values. I do understand how this came about but do not excuse it. He understands it was a poor choice and how devastating the consequences have been on his wife, daughter, and two grandchildren. Through the years my son has had the reputation of being one to respect others and their property, to raise peoples' spirits, to bend-over-backward to help others, and to be a conscientious, hard worker. He does not fit the profile of a Career criminal. The guideline(s) need to be tweaked.

Thank you. Sincerely,

Patricia A Harris
1340 Hillcrest Dr., #104
Cuyahoga Falls, OH 44221

To whom it may concern.

First I would like to thank you in your decision to make Drugs minus two retroactive. That has been great for thousands of families who need there love one's home. But I write to you today with my concern with my family member. He has been labeled a career offender due to prior bad decisions he has made. But let me inform you that many of those decisions were made in his youth years as of many prisoners that are incarnated to this day. Since his sentence we have watch the commission over turn many decision to benefit many prisoners since 2007. But yet have watched the career offender guidelines change. Why, Is my next question? People make decisions on the environment they're force to live in, more so when they are children who don't know right from wrong. My concern is our youth now that things will follow them through life when everybody deserved a second chance. Your hearts are giving second changes but with conditions. Which myself and thousand other families are still without they're love ones. We miss them just as much as any other family will miss their families after a week's vacation. Doing crime is wrong no matter how you put it, so being fair to all that have committed a crime will only show that same fairness that retroactivity has giving thousands of prisoners that have the chance to make it home. Career Offenders should not be excluded because they were sentence under those same guidelines that any other prisoner was during the change of the laws that caused this major incarceration of drug offenders. Without giving career offenders a chance to redeem themselves only keep the initial law in tact that you have worked so hard to change. It will still be those mandatory minimums. At least look into the prisoner's background while incarcerated and consider the good behavior, the accomplishments, and the character of the person. The whole reason for the prison is to do your time and think of your wrong actions that have taken place, and become a better person. The years that are giving for a non-violent offender are bad, but the years giving to a non-violent career offender are worse because they are still non-violent. The mandatory years are too harsh and a career offender should be giving the same chance as long as they are not violent. Thank you for your time and I strongly suggest that you think about this not only for me and my family but there are many that was sitting back hoping and praying that this time the career offender guideline would be considered. By adding this to the retroactivity would increase the population release and save more of the taxpayers money.

Thanks again for your consideration.

Public Affairs

From: MR01821@aol.com
Sent: Monday, July 14, 2014 8:18 PM
To: Public Affairs
Subject: 2015 Priorities, Non Contact, non production Sex Offennder offence, sentences

1234 SE 12 Way

Fort Lauderdale,Fl 33316

July 14, 2014

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

Dear Commission Members:

As a member of CAUTION Click National Campaign for Reform (CCNCR), I am requesting the United States Sentencing Commission (USSC) continue its efforts to urge Congress to implement the commission's findings set forth in its 2012 Report to Congress, Federal Child Pornography Offenses. Congress needs to address the current inconsistent and excessive pre- and post- sentencing structure for non-production child pornography offenses and to pass legislation that is fair and consistent for both offenders and victims.

As a result of recent growth in the computer and internet technologies that typical non-production offenders use, the existing scheme in these cases no longer adequately distinguishes among offenders based on their degrees of culpability. In a recent study, *The Heterogeneity of Child Pornography Offenders,* presented at the November 2013, National Association for the Treatment of Sexual Abusers (ATSA) Conference, Michael Seto and Angela Eke gathered data from law enforcement agencies to support findings regarding degrees of culpability. They found that those who were charged with non-production possession of child pornography and who had no previous criminal history had such a low predictable recidivism rate that their numbers were not included with those of other subjects within the study.

Recent studies continue to show that evidence-based reform will benefit both the victim and the offender by providing needed victim support services and the successful re-entry of the offender into the community. CCNCR advocates for well-informed policies based on the Evidence Based Practices movement supported by the Justice Research and Statistics Association, the Bureau of Justice Assistance, the US Department of Justice, and the National Criminal Justice Association. See: http://whatworks.csgjusticecenter.org

Current findings suggest that members of the public are not confident that lawmakers prioritize the "what works" research to inform sex offender management policy decisions. The public holds the opinion that lawmakers rely on their own personal opinions and attitudes and are easily influenced by specific crimes that have occurred in their own communities and by the sensational news headlines flaunted by the news media, (Center for Sex Offender Management, a collaborative effort project, US Department of Justice, et al, 2010. See www.csom.org). This same opinion was succinctly expressed by Radley Balko in his column, We Must Destroy the Children in Order to Save Them, *The Washington Post,* July 11, 2014:

"We should know by now that when drawing upon crime legislation, lawmakers aren't always engaging in a careful consideration of costs, benefits, and the proper role of punishment in a criminal justice system. They're often driven by outrage, media frenzies, and a flare-up of *we have to do something* syndrome."

CCNCR supports effective sentencing legislation which would increase public safety, reduce recidivism, promote family reunification and stronger communities, and ensure smarter use of public dollars. Such legislation would not require this non-production child pornography population to register as sex offenders, or alternatively, require only temporary registration until successful completion of a prescribed program. Additionally, the use of actuarial risk assessment could serve to further ensure the safety of the public by determining levels of risk.

In addition, we urge Congress to promote a national education campaign to promote awareness and prevention regarding the unintended consequences of viewing internet child pornography. We believe the cycle of abuse can be reduced through educational awareness and the development of a national, efficient, and effective funding source for victim services. The funding program would be supported by fines, based on an amount determined by levels of culpability and ability to pay, from those convicted of child pornography charges, and would be centrally administered for victim services such as counseling and support groups.

CCNCR supports the findings of the 2012 USSC report on child pornography offenses, and we urge the USSC to make this important national issue a priority for its 2015 agenda. According to a February 6, 2011, Associated Press Article, *Prosecutions for Child Porn Soaring*, "No other crime is growing at the 2500 percent rate the FBI claims for child porn arrests." Such a high percentage indicates epidemic proportions; it is obvious that what is currently being done is NOT working. This continues to be a miscarriage of justice and a waste of taxpayers' money.

In conclusion, a quote from U.S. District Judge James L. Graham, who today, departing from Federal Sentencing Guidelines, sentenced a man to one year in federal prison and five years probation for non-production child pornography:

" 'An ocean of pornography circulates daily on the Internet,' Graham said. He said most defendants he sees have viewed child pornography, but most cases 'aren't going to lead to the touching of a child.'

Federal sentencing guidelines for people who view but do not create or disseminate are 'draconian' and out of line with the actual culpability of the accused, the judge said."

--Kathy Lynn Gray, The Columbus Dispatch, July 14, 2014

Sincerely,

Marvin Roberts,

954-789-7146,

Mr01821@aol.com

Public Affairs

From: M susan Lanning <msusanlanning@yahoo.com>
Sent: Monday, July 14, 2014 7:30 PM
To: Public Affairs
Subject: 2015 recommendations to Congress

July 14, 2014

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

Dear Commission Members:
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> Federal sentencing guidelines for people who view but do not create or disseminate are 'draconian' and out of line with the actual culpability of the accused, the judge said."
>
> --Kathy Lynn Gray, The Columbus Dispatch, July 14, 2014

Sincerely,

Margaret Lanning msusanlanning@yahoo.com
17882 SE 107th Terrace
Summerfield, Fl.. 34491
(330) 592-2202

Public Affairs

From: Frank Neston <nsccny44@gmail.com>
Sent: Sunday, July 27, 2014 6:23 PM
To: Public Affairs
Subject: USSC Open Comment Period for Amendment Priorities

To: The Honorable Judge Patti B. Saris USSC Commissioner and all members of the USSC.

Subject: Proposed priority amendment for this year's amendment cycle.

Hello and thank you for providing me this opportunity to voice my opinion on what I believe should be a top priority for this year's amendment cycle. I humbly beg this Commission to take up amendments regarding USSG 2G2.2 for non-production child pornography offenses. I ask that you take up amendments to this guideline because of the following:

I must refer to the Commissions very own report submitted to congress in December of 2012 concerning the myriad of problems with USSG 2G2.2. In your report you expressly stated that of all the case that were sentenced in 2012(most recent data available at the time) USSG 2G2.2 had a variance rate of over 60%. This rate was the highest out of all active guidelines for all offenses across the board. What that says is that over 60% of all cases under 2G2.2 were sentenced outside the guideline range for non-government sponsored departures, more than any other type of sentence including drug trafficking offenses. It is the commissions duty and role to analyze and when necessary correct guidelines that have shown to be problematic. Even your colleagues on the judicial bench have gone on record saying that the current 2G2.2 scheme is flawed and that it produces sentences at or above the statutory max for mine run cases. Looking at the data, and I have seen this personally in my 7 years of incarceration, how 2 different defendants with almost identical cases are given highly disparate sentences because of the judge, or simply the judicial district or circuit. I've seen countless defendants with the same criminal history; same criminal statute and same enhancements get sentences of 5-6 years up to 19-20 years with no rhyme or reason. The guidelines do not provide a honest or satisfactory starting point and thus have created an epidemic of disparate and disproportional sentences since 2004.

Now I am a realist, and I believe that you are too. We can both agree that we will probably never see the day that congress passes legislation that would give the Commission control to overwrite or remove Congressional directives that have led to the exponential increases in sentence lengths for non-production child pornography crimes and thus "ease the punishment on sex offenders". That would be political suicide. So I believe that the Commission should not wait for Congress to pass legislation like you have asked them to do in the Commissions December 2012 report because they will never do it. Only the Commission can fix these guidelines and as your report has pointed, USSG 2G2.2 is the most problematic guideline according to the Judiciary and your own statistics. There are 4 levels of enhancements that are applicable in over 98% of all cases prosecuted and another 4 levels that are applicable in over 85% of all cases. Those are not enhancements, but rather a basic element of the crime and should not be used to enhance a defendant's sentence but rather

should already be incorporated into the base offense level (which I may add is extremely high already). The 2 level Use of a computer enhancement is like giving a defendant charged with Grand Theft Auto a 2 level enhancement if they in fact stole a motor vehicle.

I would like to give you a little background about me and how I know first handedly how unjust USSG 2G2.2 is. I pled guilty in 2007 at age 21 to one count of statute 2252 a(2)(b)3 - Receipt and distribution of child pornography, with a base offense level of 22. I possessed 1,500 unique images that were also copied onto a backup hard drive to account for a total of 3,000 total images. I distributed (traded) via direct P2P 200 images ONE time. I actively collected the material for 4 months and did not actively search for this material for the 5 months prior to being arrested. I was enhanced +2 levels for the use of a computer, +2 levels for images containing a minor less than 12 years of age, +4 levels for Sado Masochism content, +5 levels for 600+ images, and +5 levels for distributing for pecuniary gain but NOT for profit. For a total offense level of 40!!!! At a criminal history category 2, for 2 misdemeanors (Possession of alcohol by person under 21- I was 20. And Possession of Marijuana under 1 gram.) After a 3 level reduction for acceptance of responsibility my guidelines were calculated at a cat 2 level 37, meaning 235-285 months in prison!!!! I was subsequently sentenced to the LOW END of the guidelines AT the STATUTORY MAX of 240 months and a lifetime of supervised release!! Do I deserve 20 years in prison for this? No. After 7 years of incarceration I can swear on my dead mother's grave I will never do this again and will enroll in Sex offender treatment as soon as I get out and will be a productive member of society. My mother has recently passes away while I've been incarcerated and I still have over 10 years to serve on this sentence and the probability of my father being alive when I get out are very slim. I do not want to lose both of my parents while I am sitting in prison.

I hope that you can find the strength to amend USSG 2G2.2 this cycle and make your changes retroactive ONLY till 2004 (the enactment of the PROTECT Act, that doubled the average sentence length) anybody sentenced before the PROTECT Act are likely out of prison already. Thank you for your time and God Bless.

Sincerely,

Andrew Neston 26826-018

FCC Beaumont LOW

PO BOX 26020

Beaumont, TX. 77720

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Public Affairs

From: Reine Margo <reine.margo83@gmail.com>
Sent: Friday, July 25, 2014 9:46 AM
To: Public Affairs
Subject: Changes to non-contact internet child pornography offences

Attn: Public Affairs – Priorities Comment

Dear Commission Members:

As the Sentencing Commission prepares its 2015 priorities, I am requesting that Commission promote in Congress the commission's recommendations from its 2012 report regarding nonproduction sentences for Child Internet Pornography offenses. These mandatory minimum sentences with their enhancements are too severe.

Sentences for child pornography crimes in the Federal system have increased drastically over the last fifteen years, due in part to easy access from the internet. Many of these criminals, were themselves molested as children. The statistics I have read indicate that these no contact offenders have very low rates of reoffending. Meanwhile, since becoming aware of this crime, I have noted that many charged at the local/state level serve minimal sentences or none at all, with sexual therapy as a parole requirement.

Although I understand that these offenders have committed criminal acts, I believe that not all "sex offenders" are equally culpable. A person who takes a child's innocence to abuse him or her and then films the abuse for profit should be sentenced to the maximum under the law, as should the internet service providers who knowingly allow their servers to transmit these images. Viewing these images is offensive, but hardly to the same degree.

I strongly believe that the sentencing for these crimes should be reduced. Tax payer money could be greatly saved by lowering the sentences of "viewers".

Sincerely,

Margo Ginsberg

3211 Colonial Ave SW, Roanoke, VA 24018

Public Affairs

From: cherry ann Banagua <cherryannbanagua@gmail.com>
Sent: Friday, July 25, 2014 2:20 AM
To: Public Affairs
Subject: Comment on Proposed 2015 Amendment Cycle

Dear Commissioners,

I would first like to say "Good Job" on getting the "All Drugs Minus 2" amendment passed with full retroactivity. There is a lot more to do, but it was a great first step.

I am interested in seeing changes to the USSG subsection 2G2.2. I feel this is an area that needs your full attention. After reading your report to congress on child pornography, it really looks that there is a significant amount of data that suggest that these guidelines are flawed. I dont really believe that there really is too much or too little a time that should be given for a crime. However, what ever time is given, should be just and fair and backed up with data that supports the need for the amount of time given. 2G2.2 does not have this. instead it is a mix of the commission doing their job and congress stepping in saying more and more and more, with no real reasons given. However, after your study was concluded, there appreas to be data that suggest our current path we are on is totally wrong.

I reccomend the following changes to 2G2.2.

1.) Do away with +2 levels for use of A Computer. This is very outdated and not insteap with current reality. I believe the commission already has support from the DOJ on makinf this change and would be a great starting point.

2.) Modify the application of + 2 Lvl for prepubescent child involved, +4 lvl for sadistic, mascochistic or violent conduct, and +5 lvls for 600+ images.

For all of these "enhancements", they are no longer relavent to today's times. Technology has surpassed these guidelines several years ago. It is simple for a person to aquire 5000 images/videos with in minutes, for no charge from anywhere in the world. In this mix of images and videos, all of the above can be met within minutes. Considering that 90+% of all non production cases get all of these enhancements, they are not really enhancements any more. Instead, these enhancements create a HUGE disporportionate sentence that is unreasonable give what the offender actually did. Congress and the public loves to toss around the term sex offense and sex crime and lable people sex offenders, however, there are a lot of different things covered by these terms and this is not an area of law where one shoe fits all crimes. Just like the drugs have different levels and classifications, Child Pornography deserves the same level of differences.

3.) Modify the Base level of the 2G2.2 offenses. Because some of the enhancements are from congress, the Commission is unable to make all the needed changes. So by lowering the base levels, it allows for diversification between offenders and their individual conduct.

4.) Change the Supervision after release. I think Congress is needed for this, however, the supervision should fit the crime, and after giving someone 10, 15 20 or 25 years for a crime, then adding 10, 20, or even life time supervision, this is crazy, especially if they pose a low risk of reoffending or offending with a hand on crime. However, with such excessive forms of punishiment followed by outlandish terms of supervised release,

what do we expect of these people after they are released? Do we expenct them to go out, get great jobs and have families? I dont think this is a realistic goal.

In closing, I understand that this is a touchy area of law. Congress does not and will not fix it, they cant. Congress is unable to act even in matters that have major impacts on our own country such as the immigration bill that is before them. So I doubt non production offenders are on their list. But this is the job of the commission. You have done your research and you have the empirical data, you know what needs to be done. It might not all happen at once, be atleast starting with the +2 for use of computers is a great start.

Thank you

Patrick D. Wiseman

Public Affairs

From: elaine <elukasa@aol.com>
Sent: Thursday, July 24, 2014 1:45 PM
To: Public Affairs
Subject: sentencing guidelines revision

Dear Sentencing Commission,

Please consider revising the sentencing guidelines for sex offenses. Viewing images on the internet should not result in a more severe sentence than making the images or sexually assaulting a victim. The computer enhancement should be removed as it really is a reiteration of the crime and dates from the time when computers were "new".
Too many depressed young men who got sucked into internet addiction are serving extremely long sentences. They could be out working and being productive members of society. These inmates are known to have a low rate of recidivism yet are often treated as lepers by society. They cannot live in most places or work, so have no way to support themselves .
Please also consider the silliness of counting images and the way a video depiction is counted. The number of downloads does not really indicate the problem of the crime.
If you revise these guidelines, please make them retroactive.
Sincerely,
Elaine Brazin
elukasa@aol.com
829 Wildwood Lane
Ann Arbor, MI 48103

Public Affairs

From: Thomas Thorne <amtwocorinth517@aol.com>
Sent: Friday, July 18, 2014 9:59 AM
To: Public Affairs

Recently, Attorney General Holder and the Sentencing Commission have been giving much attention to non-violent drug offenders. Meanwhile, there has been a group of citizens who have been proven to have one on the lowest rates of re-offending. Surprisingly they are sex offenders. The current policies for dealing with sex offenders in order to protect the public and deter crime and rehabilitate are to lock them up. Unfortunately, these policies are based on false knowledge and misconceptions.

The idea that sex offenders need to be locked away for decades, in many cases for life, because they are likely to re-offend has long been shown to be wrong. In fact, longer sentences lead to lower success rates for released inmates. What Federal and many state studies have shown is that sex offenders have some of the lowest recidivism rates of any crime, at 3% as opposed to 30% by other crimes. Some of the same people Attorney General Holder are advocating to release have a 75% greater chance of re-offending than sex offenders. Contrary to popular belief, studies have shown that 80% of sex offenders respond well to treatment. The ill-conceived laws that are so broad can be applied to more cases, resulting in higher arrest rates. This contributes to the misconceived idea that there is an increase in sex offenders.

We hear much about the problem of sex offenses, but little on how this problem is being addressed. The media, Sentencing Commission, and law makers are ignoring current research and statistics on sex offender recidivism and results of treatment. This is a mental disease, with low recidivism and positive results from treatment.

The United States, unlike other modern countries, punishes sex offenders based on emotion rather than fact. Lengthy sentences for sex offenders is not only costing tax payers millions of dollars, it is irrational, irresponsible, and inhuman based on current research.

It's difficult to understand how a modern world country like the United States can feel justified in accepting mob rule. And it's mob rule - out of control emotions - that we are using to dictate the future of thousands of people. And it's NOT working.

Are we really that ignorant?

July 15, 2014

United States Sentencing Commission

Attn: Public Affairs Priorities Comment
One Columbus Ave, NE
Suite 2- 500 South Lobby
Washington DC 20002-8002

Dear Commission Members:

I write to comment on and support careful consideration of the recommendations from the Commission's 2012 report on non-production sentences for Child Internet Pornography Offenses. I was made aware of the report from a close friend whose son was recently incarcerated for non-production offenses.

As a professor, and one who formally worked in a state psychiatric institution in forensics (with both sex offenders, and the victims of sexual abuse, pornography, and prostitution), I have come to understand the complexity, and seriousness of this issue, yet too the concerns for ways to protect victims, as well as means to assure fair sentencing guidelines. Here in Minnesota our sexual offender practices through DHS and in the mental health system have been under close scrutiny over the past couple of years; the laws are currently in Federal court being challenged for their constitutionality.

I fully understand the seriousness of sexual offenses including child pornography and having worked with many victims of abuse, I understand the life-long trauma it causes. That being said, the comprehensive report aforementioned, does an excellent job outlining the serious nature of child pornography; the lifelong trauma to the victims; the history of the sentencing guidelines; the background research and nature of the victims and offenders; the increase in the problem since the invention of the Internet; and the discrepancies in sentencing guidelines and practices. I am writing you to support the serious consideration of implementation of the well thought out and presented recommendations including the importance of acknowledging the history, the current discrepancies between districts, and the need to carefully consider how we can have fair sentencing guidelines and adequate support and intervention, especially for those convicted of possession only (and deemed a high likelihood for rehabilitation). I too am hopeful we can continue to consider the systems issues and ways to prevent this type of offense in the first place.

I was impressed with the breadth and depth of the report, and too am hopeful that similar analyses can be done in other areas of sentencing, particularly when there are significant racial disparities as is often the case in minor drug offenses and other areas of the law.

Thank you for consideration of this letter, and of the recommendations in the report.

Kristine Haertl

12081 Goldenrod St.
Coon Rapids, MN, 55448

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

Dear Commission Members:

As the Sentencing Commission prepares its 2015 priorities, I am requesting that Commission promote in Congress the commission's recommendations from its 2012 report regarding nonproduction sentences for Child Internet Pornography offenses. These mandatory minimum sentences with their enhancements are too severe.

Sentences for child pornography crimes in the Federal system have increased drastically over the last fifteen years, due in part to easy access from the internet. The statistics I have read indicate that these "no contact offenders" have very low rates of reoffending. Meanwhile, since becoming aware of this crime, I have noted that many charged at the local/state level serve minimal sentences or none at all, with sexual therapy as a parole requirement.

Although I understand that these offenders have committed criminal acts, I believe that not all "sex offenders" are equally culpable. A person who takes a child's innocence to abuse him or her and then films the abuse for profit should be sentenced to the maximum under the law, as should the internet service providers who knowingly allow their servers to transmit these images. Viewing these images is offensive, but hardly to the same degree.

I strongly believe that the sentencing for these crimes should be reduced. Tax payer money could be greatly saved by lowering the sentences of "viewers".

Sincerely,

Jessica Bergan

July 4, 2014

The Honorable Ketanji Brown Jackson
United States Sentencing Commission
Attn: Public Affairs – Priorities Comment
One Columbus Ave, NE
Suite 2 -500 South Lobby
Washington, DC 2002-8002

Honorable Jackson,

As you prepare for the 2015 sentencing commission priorities, I am asking you to promote the commission's recommendations from its 2012 report regarding non-production sentences for Child Internet Pornography offenses. I also ask that you mandate that **sentences for CP distribution apply only to those who actually bought, sold, sent or profited from CP.** Currently they apply to anyone who forgot to push a button on their computer turning off a peer to peer program, even though no one actually accessed their computer to obtain CP nor did they send it anyone. They are being convicted of **CP distribution** because it **COULD** have happened. Even when the **ADA** says it did not.

Sentences for CP crimes in the Federal system have increased drastically over the last 15 years, due in part to easy access to the internet and increased enhancements, and often doubly down on enhancements, i.e charge for possession and an enhancement for possession on a computer.

Many charged at the state/local level serve minimal time or no time at all compared to decades in the Federal system.

I do believe offenders of CP possession have committed a crime. I also believe that not all "sex offenders" are equally culpable. A person who takes a child's innocence and then films the abuse for profit should be sentenced to the maximum under the law. Viewing these images is offensive but hardly to the same degree, yet many viewers receive stiffer sentences than the producers.

I believe that viewing/possessing CP sentences need to be reduced. I ask that you take a strong look at distribution charges and change the law to read that there must be proof of distribution of CP by the defendant and make that change ameliorative.

Respectfully,

Mark and Terri Grasela
127 March Place
Mt. Juliet, TN 37122
615-758-7757 terrijg@tds.net

Dukes, Jennifer

From: james norris <grolsch2006@yahoo.com>
Sent: Wednesday, June 18, 2014 5:35 PM
To: Public Affairs

CAUTIONclick
National Campaign for Reform
CAUTIONclick(CCNCR)
Email: info@CAUTIONclick.com
wwwCAUTIONclick.com
Phone: (561) 305-4959
(716) 632-8673
P. O. Box 1478
St. Peters, Missouri 63376

June 16, 2014

Dear Friends of Justice:

According to its Rules of Practice and Procedure, the United States Sentencing Commission has once again issued the federally required notice requesting **immediate public comment** on its proposed sentencing policy issues for the amendment cycle ending May 1, 2015.

As a partner (organization) advocating for reform of the current Federal Criminal Justice System, CAUTIONclick National Campaign for Reform (CCNCR) is seeking your support in requesting the USSC adopt as a priority the continuation of the Commission's efforts to implement recommendations set forth in its 2012 Report to Congress, Federal Child Pornography Offenses. This most recent report found that nonproduction CP sentences are often overly severe and disproportionate to the severity of the offense committed. The report also referenced research or empirical evidence indicating that first time non-contact offenders are less likely to re-offend and/or commit more serious crimes.

As a result of recent changes in computer and Internet technologies that typical non-production offenders use, the existing sentencing scheme in non-production cases no longer adequately distinguishes among offenders based on their degrees of culpability. Reasons for urging the USSC to continue to keep child pornography sentencing reform as a priority are both practical and humane, and as recent studies show, evidence-based reform will benefit victim and offender alike:

"The guidelines are founded on false assumptions about the nature of most offenders and metes out extraordinarily high recommended sentences for all but a few. Available scientific data and statistics, as well as practical experience demonstrate that punishment focused on the wrong variables, and that the current system regularly scores minor offenders the same or worse than maliciously dangerous offenders with more sophistication…….The fact is every study out so far demonstrates the vast majority of these offenders-particularly those with no history of contact convictions, respond well to supervision, and that only a small portion are likely to recidivate in any meaningful way."[1]

[1] Stabenow, Troy K., "A Method for Careful Study: A Proposal for Reforming the Child Pornography Guidelines" (December 12, 2011). *Federal Sentencing Reporter*, Vol. 24, No.2, p. 108.

"After spending $2 Billion over the last six years, it's far past time to rein in this madness. The Commission's recent report on Federal Child Pornography Offenses effectively disavowing the sentencing guidelines for non-production offenses is an enormous leap in the right direction. We simply cannot afford to continue being fiscally foolish on child pornography sentencing."[2]

A reallocation of funds spent on excessive sentences could be diverted to organizations such as the Innocent Image National Initiative, as well as to much needed educational programs that would prevent a child from being subjected to abuse; both would serve to increase the safety of our children from those who produce, distribute and market illegal images.

CCNCR is a national, grassroots, advocacy organization dedicated to promoting public safety by working toward evidence-based policy reform of the federal sentencing guidelines and management practices for non-

production child pornography offenders, to ensure that services and sentences for these offenders, like all other offenders, are fair, just and consistent with the purposes of sentencing as defined in Chapter 18, U. S. C.

James B. Norris Jr.
4239 Lawn Ave. 2s
Saint Louis, Mo 63109-2458
314-352-1054

United States Sentencing Commission
Attn: Public Affairs--Priority Comment
One Columbus Avenue, NE
Suite 2, 500, South Lobby
Washington D.C. 20002-8002

July 10, 2014

Dear Sentencing Commission Members:

As the Sentencing Commission prepares its 2015 agenda and priorities for review and submission to Congress, I would like to ask that the Commission urge Congress to amend or eliminate many of the enhancements that are currently being applied to the majority of non-production child pornography cases. The mandatory minimum sentences and the enhancements as they currently stand are entirely too severe. Especially when you consider that a great number of individuals convicted are first time offenders with no criminal history; many being fathers and husbands, and of the working middle class.

It is widely known that the sentences and enhancements tied to internet pornography cases have increased by 300% since 1995 and that those increases are not based on empirical data, research or national experience but rather increased media attention brought on by public outcry about such cases and Congressional directive, which fails to distinguish between those who view and share pornography versus those who produce it, thereby committing "hands-on" offenses; and in the commission of their crimes have demonstrated they are a threat to public safety; this in contrast to the viewer/collector who remains secluded in the privacy of his own home, shrouded in secrecy without any means of seeking professional help for fear of receiving a lengthy prison sentence. What this means, in essence, is that the majority of first time offenders with no prior criminal history are being sentenced to extraordinarily long periods of incarceration.

Statistics now show that viewers of child pornography have a very low rate of recidivism and many respond positively to outpatient sex-offender therapy programs, thus lightening the burden on our already overcrowded and costly prison system. Additionally, under current practice, we are imprisoning many fathers and husbands who are otherwise

productive members of society despite their unacceptable and illegal actions of viewing and sharing child pornography thus, in part, leaving an entire generation of children to grow up in a household with only one parent who is often left struggling to provide not only emotional support, but financial security as well. Many of these now "fatherless" children are certain to gravitate toward illegal behaviors of their own due to a lack of parental guidance and support thus, further increasing the burden on law enforcement and the Justice system. Please help stop this vicious cycle.

While the fact remains that viewers and sharers of child pornography have violated the law and certainly must be held accountable for their actions, the sentences being handed down are much too severe, have wide disparity and need to be reduced.

Please take this opportunity to encourage and promote positive changes in sentencing of "hands-off" offenders and recommend that Congress amend or eliminate the current enhancements, eliminate or reduce mandatory minimum sentences and make the new changes unconditionally retroactive for viewers and sharers of child pornography. Its simply the right thing to do.

Thank You

Chris Brown

Barbara McClamma
8005 Riverwood Estates PL
Riverview, FL 33569

July 16, 2014

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

Dear Commission Members:

As a member of CAUTIONclick National Campaign for Reform (CCNCR) and concerned tax paying citizen, I am requesting the United States Sentencing Commission (USSC) continue its efforts to urge Congress to implement the commission's findings set forth in its 2012 Report to Congress, Federal Child Pornography Offenses. Congress needs to address the current inconsistent and excessive pre- and post- sentencing structure for non-production child pornography offenses and to pass legislation that is fair and consistent for both offenders and victims.

As a result of recent growth in the computer and internet technologies that typical non-production offenders use, the existing scheme in these cases no longer adequately distinguishes among offenders based on their degrees of culpability. In a recent study, *The Heterogeneity of Child Pornography Offenders,* presented at the November 2013, National Association for the Treatment of Sexual Abusers (ATSA) Conference, Michael Seto and Angela Eke gathered data from law enforcement agencies to support findings regarding degrees of culpability. They found that those who were charged with non-production possession of child pornography and who had no previous criminal history had such a low predictable recidivism rate that their numbers were not included with those of other subjects within the study.

Recent studies continue to show that evidence-based reform will benefit both the victim and the offender by providing needed victim support services and the successful re-entry of the offender into the community. CCNCR advocates for well-informed policies based on the Evidence Based Practices movement supported by the Justice Research and Statistics Association, the Bureau of Justice Assistance, the US Department of Justice, and the National Criminal Justice Association. See: http://whatworks.csgjusticecenter.org

Current findings suggest that members of the public are not confident that lawmakers prioritize the "what works" research to inform sex offender management policy decisions. The public holds the opinion that lawmakers rely on their own personal opinions and attitudes and are easily influenced by specific crimes that have occurred in their own communities and by the sensational news headlines flaunted by the news media, (Center for Sex Offender Management, a collaborative effort project, US Department of Justice, et al, 2010. See www.csom.org). This same opinion was succinctly expressed by Radley Balko in his column, We Must Destroy the Children in Order to Save Them, *The Washington Post,* July 11, 2014:

"We should know by now that when drawing upon crime legislation, lawmakers aren't always engaging in a careful consideration of costs, benefits, and the proper role of punishment in a criminal justice system. They're often driven by outrage, media frenzies, and a flare-up of *we have to do something* syndrome."

CCNCR supports effective sentencing legislation which would increase public safety, reduce recidivism, promote family reunification and stronger communities, and ensure smarter use of public dollars. Such legislation would not require this non-production child pornography population to register as sex offenders, or alternatively, require only temporary registration until successful completion of a prescribed program. Additionally, the use of actuarial risk assessment could serve to further ensure the safety of the public by determining levels of risk.

In addition, we urge Congress to promote a national education campaign to promote awareness and prevention regarding the unintended consequences of viewing internet child pornography. We believe the cycle of abuse can be reduced through educational awareness and the development of a national, efficient, and effective funding source for victim services. The funding program would be supported by fines, based on an amount determined by levels of culpability and ability to pay, from those convicted of child pornography charges, and would be centrally administered for victim services such as counseling and support groups.

CCNCR supports the findings of the 2012 USSC report on child pornography offenses, and we urge the USSC to make this important national issue a priority for its 2015 agenda. According to a February 6, 2011, Associated Press Article, *Prosecutions for Child Porn Soaring*, "No other crime is growing at the 2500 percent rate the FBI claims for child porn arrests." Such a high percentage indicates epidemic proportions; it is obvious that what is currently being done is NOT working. This continues to be a miscarriage of justice and a waste of taxpayers' money.

In conclusion, a quote from U.S. District Judge James L. Graham, who today, departing from Federal Sentencing Guidelines, sentenced a man to one year in federal prison and five years probation for non-production child pornography:

" 'An ocean of pornography circulates daily on the Internet,' Graham said. He said most defendants he sees have viewed child pornography, but most cases 'aren't going to lead to the touching of a child.'

Federal sentencing guidelines for people who view but do not create or disseminate are 'draconian' and out of line with the actual culpability of the accused, the judge said."

--Kathy Lynn Gray, The Columbus Dispatch, July 14, 2014

Sincerely,

Barbara McClamma phone 813-443-4031 Cell 813-382-7594 email: bclam@aol.com

Barbara McClamma

Public Affairs

From: Ruth Carlson <rac4310@msn.com>
Sent: Thursday, July 24, 2014 9:09 AM
To: Public Affairs
Subject: Please Consider

To: The U.S Sentencing Commission

Please make these your next Priorities:

1. Acquitted Conduct: In today's federal court rooms across America, inmates such as Don Siegelman were given extra time in prison for matters for which the jury found him not guilty. The trial judges add years to a defendant's sentence for charges that were alleged, but for which the defendant was acquitted, found not guilty by the jury...they were found by the jury not to have done the crime...so they shouldn't be made BY A JUDGE to do the time. But trial judges CAN and DO add time for matters which the jury did not find the defendant guilty and for which the defendant did not plead guilty. It is simply not fair or just for a JUDGE to override a JURY and add years to a defendant's sentence for matters for which they were acquitted.

2. Gun Charge enhancements: Once again the trial judge can add years to a defendant's sentence if a gun is found...not on the defendant but at his home, on a nightstand by his bed for example. This happened to Stewart Gavin. Without any showing that the defendant ever possessed a gun to further his crime, say transporting money or drugs, years can be added. Even though the Second Amendment guarantees the Right to keep and bear arms, a FIRST TIME OFFENDER, legally in possession of a legally purchased firearm, has years added to their sentence. This is so even though there is no mention of a gun charge in the indictment, at trial or in any plea agreement. No testimony saying the defendant ever was seen with a gun...It is violative of the defendant's Second Amendment Rights and Sixth Amendment Right not to have such a charge proven beyond a reasonable doubt BY A JURY. Judges should not be allowed to add such a gun charge. Juries should decide.

Thank You,
Ruth Carlson
Rac4310@msn.com

Public Affairs

From: Donalene G <momand4more@hotmail.com>
Sent: Thursday, July 24, 2014 2:15 PM
To: Public Affairs
Subject: Get rid, once and for all, of the acquitted conduct rule.

Get rid, once and for all, of the acquitted conduct rule.
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ONCE and FOR ALL!

Mrs. Donna Dampier

Public Affairs

From: herbert Fenner <theinnerme@yahoo.com>
Sent: Sunday, July 27, 2014 6:46 PM
To: Public Affairs
Subject: Aquitted conduct rule

I'm humbly requesting that the acquitted conduct rule be changed. This law is unjust to a just nation. Being sentenced for a crime that one was acquitted is a oxymoron. Please change this law and allow justice to be just

Sent from Yahoo Mail for iPhone

Public Affairs

From: James Hale <james83z28@hotmail.com>
Sent: Wednesday, July 23, 2014 8:11 PM
To: Public Affairs
Subject: Release Veterans incarcerated on Marijuana charges who's Defense was "Medicinal"-use.
Attachments: POW flag.jpg; Support troops Flag.jpg; Shirley Corrections Sign.jpg

To Whom This May Concern;

In my OPINION all Veterans who have been arrested and incarcerated for marijuana ONLY charges and his defense was for "Medicinal-use", should be released from all Federal and Local Facilities !

James Hale

VIEW SLIDE SHOW DOWNLOAD ALL

This album has 1 photo and will be available on SkyDrive until 10/21/2014.

- It may even cure the over-crowded Prison Systems ??
- It may not cover all 700,000 ("Veterans" incarcerated) of them but it's an intelligent decision for a step in the right direction.
- When the Veteran's Administration finds out these "Veterans" are arrested the cut their checks off and force them into the "Non-profit" (Profiting) Organizations that get funded by the very same people, who is helping who ? Social Security Disability same thing.
- My feelings are Broken about this, I understand Veterans need Something to take the "EDGE" off and I would deter them from Alcohol in every way possible !
- The most violent offending Veterans were those with Alcohol issues most common, the highest %.
- That does not surprise me since the Military allowed alcohol and NOT Cannabis.
- They did exactly what they were "TRAINED" to do "DRINK- on- it see if you feel better in the Morning !"

-
- The connection between Violence and Alcohol go back into History is Veterans ! Raping and Pillaging ! Who asked for the Connection ??

- Well Warlords , I'm not sure I want in the same category as an advanced Civilization we are as a Veteran-community or lack-off.
-

Public Affairs

From: Jon Korin <korin.jon@gmail.com>
Sent: Friday, July 25, 2014 10:32 AM
To: Public Affairs
Cc: Doherty, Jeanne; Kathy Korin
Subject: Priorites for 2014-5: "From HOW LONG to HOW SERVED"

Dear Judge Saris and distinguished Commissioners;

I applaud the fine and swift work that you are doing to reform and improve the effectiveness of the federal criminal justice system. I hope that you will be the catalyst for broader reform in congress and also at the state level. I have attended 4 USSC hearings this year and am truly impressed with the intellect, insight, proactiveness and thoughtfulness of the commission.

The very first sentence of the stated purpose of the U.S. Sentencing Commission is (bold, underline added):

"Its principal purposes are: (1) to establish sentencing policies and practices for the federal courts, including guidelines to be consulted regarding the **appropriate form** and severity of punishment for offenders convicted of federal crimes."

Your recent amendment on Drugs minus 2 with retroactivity addresses the "HOW LONG" sentences are served. My recommendation as an overarching theme for your next session is to focus on "HOW SERVED". I believe this can cause sweeping improvement on recidivism rates, incarceration costs and overcrowding.

From "How Long" to How Served"
Improving Sentencing Effectiveness, Cost and Fairness Through Application of Technology and Programmatic Innovation

Survey the use of both Technological and Programmatic advances that were not previously available when sentencing guidelines were set. Particular focus should be on how innovation can reduce cost, reduce recidivism, increase fairness and transform offenders into working, productive, honest tax-paying citizens. Technology innovations such as GPS, electronic monitoring and drug testing are but a few examples. Programmatic examples include re-entry programs, training, rehabilitation and job-readiness. A survey of successful innovation in the states and other countries should be considered.

This agenda will focus more on HOW sentences are served, not just HOW LONG. For example more inmates may be moved to effective out-custody programs sooner, thereby reducing the incarceration population, costs and recidivism rates. The result would be amended guidelines focused on use of innovative programs that change judicial instruction on how sentences are served. Often the judge may be able to recommend but not dictate how sentences are served. I would also suggest an exploration of the authority of sentencing judges to determine how sentences are served and coordination with the BOP to be sure they have the resources and ability to implement sentences as recommended or instructed by judges. Statistics on past, current and new programs should be kept to monitor their use, cost and effectiveness.

Thank you for your consideration.

Jon Korin
125 Hillcrest Lane
Severna Park, MD 21146

Public Affairs

From: C J <justiceforcorey8@gmail.com>
Sent: Thursday, July 24, 2014 12:25 PM
To: Public Comment
Subject: Proposed Priorities for Amendment Cycle- July 24, 2014

Dear Judge Saris and Commissioners,

I, first would like to start by saying thank you for recognizing the injustices that have occurred in the federal prison system while addressing the need to reduce the over spending that is also taken place. I became an advocate for prison reform only recently when I found out a friend of mine from high school was sentenced to life in prison in Terre Haute, Indiana. He has an amazing story of how he was convicted in a "drug conspiracy" with several co-conspirators who became government witnesses in order to avoid life imprisonment. I wanted to have an open mind before I made my decision to be an advocate and assist him in trying to regain his freedom. I began first by researching information on "conspiracy" charges, sentencing guidelines, mandatory minimums, recidivism, and alternative to incarceration. With all these topics in mind, I would like the Sentencing Commission to launch a study to just how many inmates are really being sent to prison, whether it is for 5 years, 10 years, 20 years, or even life in prison without sufficient evidence to obtain a conviction. People are being sentenced to harsh and long sentences based on only testimony of others involved in the case. I wander if the Sentencing Commission, The Justice Department or Congress realize that we have inmates spending life in prison based on "ghost quantities of drugs" or as little as one gram of crack? In my friend's case, the District Attorney was able to render a case that never produce any "drugs" or any "money" to show that there was even a conspiracy of intent to distribute crack cocaine. A judge used a ratio to sentence someone because witnesses said, I bought x amount of drugs from the defendant two or three times a week; so they added all the numbers up. This needs to be addressed, is this really a fair way to convict a person to spend the rest of their lives in prison?

Although, the commission has addressed the disparity with the crack vs. powder cocaine ratio, that is not the only injustice that occurred during sentencing issues. The Sentencing Commission has recognized that since the "War of Drugs" began it has increased the prison population with non-violent first time drug offender with an alarming number of over 200,000 inmates. The study I am asking for will begin to address, *'fair justice and convictions.'* Is the judicial branch executing fair punishment according to the sentencing guidelines by sentencing people to serve time in prison based on "ghost quantities?" Personally after reading numerous cases since 1990 to 2007, I have found many convictions in the federal court system that was based on sheer testimony of witnesses.

As a citizen of the United States, I want to trust my judicial system to know that the convictions and the people in prison are there because a prosecutor was well prepared and that a judge sentenced someone because of the evidence presented. I want to be reassured that if a juror of peers found the defendant guilty, all of the evidence was properly presented in a case. At this time, I have so many questions to how this system has won convictions and placed people in prison for life, without as much as an ounce of drugs to show that a conspiracy even existed. I am asking is this something that the Commission can address please do, or if not please share my letter with the appropriate channels so that citizens, judges, bloggers, authors etc., can say the Justice System in the United States of America is one that is fair.

Sincerely,

Karen Morrison

Public Affairs

From: barbara tarburton <barbtarburton44@yahoo.com>
Sent: Wednesday, July 23, 2014 10:03 PM
To: Public Affairs
Subject: Next Priorities

Please consider the following for your next priorities:

1. Acquitted Conduct: In today's federal court rooms across America, inmates such as Don Siegelman were given extra time in prison for matters for which the jury found him not guilty. The trial judges add years to a defendant's sentence for charges that were alleged, but for which the defendant was acquitted, found not guilty by the jury...they were found by the jury not to have done the crime...so they shouldn't be made BY A JUDGE to do the time. But trial judges CAN and DO add time for matters which the jury did not find the defendant guilty and for which the defendant did not plead guilty. It is simply not fair or just for a JUDGE to override a JURY and add years to a defendant's sentence for matters for which they were acquitted.

2. Gun Charge enhancements: Once again the trial judge can add years to a defendant's sentence if a gun is found...not on the defendant but at his home, on a nightstand by his bed for example. This happened to Stewart Gavin. Without any showing that the defendant ever possessed a gun to further his crime, say transporting money or drugs, years can be added. Even though the Second Amendment guarantees the Right to keep and bear arms, a FIRST TIME OFFENDER, legally in possession of a legally purchased firearm, has years added to their sentence. This is so even though there is no mention of a gun charge in the indictment, at trial or in any plea agreement. No testimony saying the defendant ever was seen with a gun...It is violative of the defendant's Second Amendment Rights and Sixth Amendment Right not to have such a charge proven beyond a reasonable doubt BY A JURY. Judges should not be allowed to add such a gun charge. Juries should decide.

Thank you,

Barbara Tarburton
23003 Marine View Dr So. B101
Des Moines, Wa, 98198

Angel Diez
24 Carol Drive
Englewood Cliffs NJ 07632

07/28/2014

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

The Commission should do away with the murder cross-references within he guidelines as they only serve to skirt fundamental rights of due process in that while the maximum sentence of the crime of conviction allows a life sentence, that maximum would in no way been imposed absent the application of the cross-reference. Furthermore, when the guidelines are amended to reduce the drug sentences under the presumption that they are too harsh, it exacerbates the violation because a defendant's guidelines would not be reduced due to the use of the cross-reference. Finally, and a testament to the due process violation of the cross-reference, is my friend Juan M. Diez's case. He was charged in 1996 with a run-of-the-mill drug conspiracy. He was convicted and the drug calculation for sentencing purposes rendered a BOL of 36. However, by application of the cross-reference, his range became 43; LIFE. But when he went to state court to face the murder charge, he was acquitted. This case exemplifies the problem. Under the preponderance of the evidence in the guidelines the court sentenced him for murder. When the same evidence required due process (beyond-a-reasonable doubt) it does not pass constitutional muster. Had he not been sentenced under the cross reference, not only would his sentence been less than life, but he would even be eligible for further reductions, for instance, due to the recent passage of Amendment 782.

I therefore implore you to consider amending the guidelines to do away with the cross-reference, or in the alternative, to require a beyond-a-reasonable-doubt standard when the increase is substantial. For these same reasons, the "Acquitted Conduct" guidelines should be amended.

Thank You.

Public Affairs

From: DEL DIEZ <del_diez@yahoo.com>
Sent: Sunday, July 27, 2014 9:06 AM
To: Public Affairs
Subject: cross reference

The Commission should do away with the murder cross-references within he guidelines as they only serve to skirt fundamental rights of due process in that while the maximum sentence of the crime of conviction allows a life sentence, that maximum would in no way been imposed absent the application of the cross-reference. Furthermore, when the guidelines are amended to reduce the drug sentences under the presumption that they are too harsh, it exacerbates the violation because a defendant's guidelines would not be reduced due to the use of the cross-reference. Finally, and a testament to the due process violation of the cross-reference, is my friend Juan M. Diez's case. He was charged in 1996 with a run-of-the-mill drug conspiracy. He was convicted and the drug calculation for sentencing purposes rendered a BOL of 36. However, by application of the cross-reference, his range became 43; LIFE. But when he went to state court to face the murder charge, he was acquitted. This case exemplifies the problem. Under the preponderance of the evidence in the guidelines the court sentenced him for murder. When the same evidence required due process (beyond-a-reasonable doubt) it does not pass constitutional muster. Had he not been sentenced under the cross reference, not only would his sentence been less than life, but he would even be eligible for further reductions, for instance, due to the recent passage of Amendment 782.

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Thank You.

Public Affairs

From: Manny Lopez <osal216@gmail.com>
Sent: Sunday, July 27, 2014 2:13 PM
To: Public Affairs
Subject: only serve to skirt fundamental rights of due process

Dear Sentencing Commission,

The Commission should do away with the murder cross-references within the guidelines as they only serve to skirt fundamental rights of due process in that while the maximum sentence of the crime of conviction allows a life sentence, that maximum would in no way been imposed absent the application of the cross-reference.

Furthermore, when the guidelines are amended to reduce the drug sentences under the presumption that they are too harsh, it exacerbates the violation because a defendant's guidelines would not be reduced due to the use of the cross-reference.

Finally, and a testament to the due process violation of the cross-reference, is my friend Juan M. Diez's case. He was charged in 1996 with a run-of-the-mill drug conspiracy. He was convicted and the drug calculation for sentencing purposes rendered a BOL of 36. However, by application of the cross-reference, his range became 43; LIFE. But when he went to state court to face the murder charge, he was acquitted. This case exemplifies the problem. Under the preponderance of the evidence in the guidelines the court sentenced him for murder. When the same evidence required due process (beyond-a-reasonable doubt) it does not pass constitutional muster. Had he not been sentenced under the cross reference, not only would his sentence been less than life, but he would even be eligible for further reductions, for instance, due to the recent passage of Amendment 782.

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Thank You.

Osmani Lopez