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By email to [pubaffairs@ussc.gov](mailto:pubaffairs@ussc.gov)

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

Attention: Public Affairs – Priorities Comment

Dear Sir or Madam:

I am an attorney with experience serving as defense counsel in federal criminal cases, and as a government attorney working for the U.S. Department of Justice, Office of the Pardon Attorney, and before that the United States Parole Commission. I no longer work for the government, and offer the following comments strictly as a private person.

1. The career offender category imposes extremely harsh sentences on people having at least two prior convictions for drug offenses or crimes considered violent. The “violent” crime classification is quite broad and includes crimes ranging from murder to burglary. In my previous experience, I have encountered a number of individuals sentenced as career offenders who were, in my view, essentially over-sentenced petty offenders. The category is also at odds with the guidelines themselves, which already take prior offenses into account when formulating an appropriate sentencing recommendation. I urge the Sentencing Commission to consider narrowing the scope of career offender classification so as to cover only truly violent and/or habitual offenders.

2. I do not know whether this would be within the Sentencing Commission’s purview, but if it is, I suggest it would be valuable to review how much time trial-level courts devote to supervised release matters, and how district judges themselves as well as other stakeholders feel about their oversight role. According to Chief Justice John Roberts’ 2014 Year-End Report on the Federal Judiciary, “The number of persons under post-conviction supervision rose nearly one percent to 132,858.” Presumably, oversight of so many releasees takes a considerable bite out of district court judges’ time, but how much in raw numbers of hours or percentages of time is a mystery.

The results of such a study could be useful if, at some future date, Congress wished to consider whether additional judges are needed to process criminal cases, and/or whether alternative means of handling supervised release exist. (For example, Congress might consider appointing special magistrate-level judges, with expertise in supervised release, to oversee many day-to-day aspects of supervision and supervised release violations. Like

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bankruptcy judges, the magistrates could be appointed for ten-year terms, with their decisions reviewable by the district court judges to whom the cases were originally assigned. As a private practitioner, I see value in assigning cases to one judicial overseer, thereby enabling consistent decision-making in a given case. As a former Parole Commission employee, I see value in giving oversight to specialists familiar with current, statistically-validated methods for improving reentry success rates. The above suggestion seeks to blend the best of both pre- and post-SRA systems.)

I hope the above comments are helpful, and I thank you for your attention.

Very truly yours,

Johanna E. Markind