

Public Affairs

From: John Olive
Sent: Monday, December 19, 2016 4:07 PM
To: Public Comment
Subject: 2017 Proposed Amendments

Regarding the "First Offender" proposed amendment, I would suggest not excluding individuals who have no more than two convictions for offenses that are listed in § 4A1.2(c)(2). Otherwise, something as simple as a speeding ticket could eliminate an individual from First Offender consideration, and many individuals who are never involved in the criminal justice system otherwise have speeding tickets on their record.

Eliminating revocations from criminal history consideration will have a dramatic effect and result in a windfall for many defendants who are given a chance at probation and violate the Court's order. These one-point convictions often turn into three-point convictions due to irresponsible behavior by the defendant. To not consider probation revocations will artificially lower the criminal history points, and exclude a significant number of qualifying convictions for Career Offender due to the age of the offense, as probation sentences are only countable for 10 years from imposition. A defendant who cannot conform to the requirements of a probation sentence should not be rewarded by having his revocation mean nothing. Many prison sentences start out as probation cases, so this change would result in an extreme reduction in the criminal history score.

I would not apply this amendment to probation revocations.

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