

To whom It May Concern:

I am writing regarding the proposed lowering of the sentencing guidelines. In my opinion " first offenders" should be anyone who has a prior history of misdemeanors or lower and those with a minor conviction that is stale. The proposed amendment should be made retroactive in fairness to not only benefit those going forward but for those who are serving sentences that might have benefited from a lower guideline if such guidelines had been in place at the time of sentencing. This would be a fair and across the board implementation of such an amendment and not a time cut-off issue to better serve the public with safety and justice without an over harsh and unneeded sentence length.

Sincerely,

Sydney Perrizo

Sent from my iPad

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Subject: Proposed Amendments to Sentencing Guidelines

I am writing to support the proposed amendments to the Federal Sentencing Guidelines.

Randall Wilson

1. Proposed Amendment: First Offenders/Alternatives to Incarceration, Section (A) -2 Under the Guidelines Manual, offenders with a minimal or no criminal history are classified into Criminal History Category I. "First Offenders." Offenders with no criminal history, are addressed in the guidelines only by reference to Criminal History Category I. Criminal History Category I. However Criminal History I includes not only "first" offenders but also offenders with varying criminal histories, such as offenders with no criminal history points and those with one criminal history point. Accordingly,. The following offenders are classified in the same category: [1] first time offenders with no prior convictions that are not used in computing the criminal history category for reasons other than their "staleness" (i.e.) sentences resulting from foreign or tribal court convictions, minor misdemeanors convictions or infractions)" and (4) offenders with a prior conviction that received only one criminal history point. **COMMENT:** Pertaining to the proposed amendment, I am in agreement with the aforementioned changes in verbiage, procedure, and encourage the use of alternatives to incarceration whenever and wherever possible. **CRIMINAL HISTORY ISSUES, pg.55**
2. The proposed amendment would amend 4A1.2 to provide the revocations of probation, paroles, supervised release, special parole or mandatory release are not to be counted for purposes of calculating criminal history points, but may be considered under 4A1.3 (Departures based on Inadequacy of Criminal History Category (Policy Statement). The policy statement at 4A1.3 provides upward departures for cases in which reliable information indicates that the defendant's criminal/category substantially underrepresents the seriousness of the defendant's criminal history. As the proposed amendment is currently put forth, the semantics in question may be the term "reliable information" is used. The phraseology should be further explained as to what exactly is acceptable, as "reliable information is" as it could lead to an "upward departure", due to the criminal history of the defendant being higher than normally would be interpreted, were the information provided "unreliable". Guidelines must be established to ensure that information provided upon as reliable, must meet certain criteria, in order to be admissible in a court of law. Please insure that adequate explanation of exactly what "reliable information" is, per the sentencing guidelines, to preclude errors in sentencing and possible over or under sentencing by the presiding judge. This issue is being commented on, in reference to 4A1.3 (a) Standards for upward departure. Subsection (2) Types of Information Forming the basis for upward departure. There should be some type of clarification as to what exactly constitutes the "reliable information", resulting in an upward departure. The only items deemed as "reliable information", items 4A1.3 (a) (2) If this is the case, then the amendment should be prefaced with this clarification prior to annotating the proposed changes to the amendment.
3. **PROPOSED AMENDMENT:** Miscellaneous, 2A3.5. (b) (2) Commentary concerning application of subsection (b) (2) (A) in general. In order for subsection (b) (2) to apply, the defendant's voluntary attempt to register or to correct the failure to register, must have occurred prior to the time the defendant knew or reasonably should have known a jurisdiction had detected the failure to register. **COMMENTS:** Under subsection (b) (2) If the defendant voluntarily (A) corrected the failure to register; or (B) attempted to register but was prevented from registering by uncontrollable circumstances and the defendant did not contribute to the creation of those circumstances, decrease by e levels. It should be considered unjust to hold a defendant accountable for circumstances beyond their control, and still require points to be assigned

against them for charges of "Failure to Register" and decrease the points by -3, when, if in fact the defendant can prove that the defendant does in fact meet the requirements stated in Subsection (b) (2) (B) (A), then the defendant should be exonerated of the "Failure to Register" charge, and associated point assignments. This exoneration should apply if there are no Specific Offense Characteristics as listed in Subsections (b) (1) (A-C).

PROPOSED AMENDMENT: Technical, - All current proposed technical modifications and corrections should be submitted as documented for approval and subsequent inclusion.

PROPOSED ADMENDMENTS: TRIBAL ISSUES, YOUTHFUL OFFENDERS, BIPARTISAN BUDGET ACT, MIRIHUANA EQUIVALENCY, All current proposed modifications and corrections, should be submitted as documented for approval and subsequent inclusion.

Public_Comment@ussc.gov

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

Attention: Public Affairs

Kathleen Rich

Re: Support for the proposed 2017 "First Offenders / Alternatives to Incarceration" Amendment to the U.S.S.G.

Date: February 13, 2017

Dear United States Sentencing Commission:

I support the proposed 2017 amendment to the Federal Sentencing Guidelines that would amend the Criminal History Guideline to "provide lower guideline ranges for first offenders generally and increase the availability of alternatives to incarceration for [them] at the lower levels of the Sentencing Table" (First Offenders / Alternatives to Incarceration).

Currently, people with no criminal history points are treated the same as people with one criminal history point--both are placed in Criminal History Category I for sentencing calculation purposes. Thus creating an unfair and unbalanced sentencing guideline range and ultimately leading to the over-sentencing of people with no prior convictions or criminal history. This over-sentencing helps lead to the current over-crowding of our Federal Prisons and an increased burden on the U.S. taxpayer.

I support a 2-Level reduction under the proposed Criminal History Guideline that would be created for First Offenders. I also support making the proposed "First Offender" Criminal History Guideline retroactive in order to immediately correct the currently unfair sentence of all "First Offenders."

In addition to this support of the "First Offender" Criminal History Guideline Amendment, I support the proposed recommendation for Alternatives to Incarceration.

I feel strongly that the proposed "First Offender / Alternatives to Incarceration" amendment meets the mandate to the United States Sentencing Commission to see that Federal sentences in the United

States are carried out fairly, protects the citizens of the United States, and reduces the population of the Federal Bureau of Prisons.

I look forward to retroactive approval of the proposed "First Offender / Alternatives to Incarceration" amendment to the Criminal History Guidelines this year and future amendments to improve the over-sentencing/incarceration of non-violent offenders in the United States.

Respectfully,

Kathleen Rich

Dear United States Sentencing Commission

RE: Support for the proposed 2017 "First Offenders / Alternatives to Incarceration" Amendment to the U.S.S.G.

I strongly support the above 2017 proposed amendment to the Federal Sentencing Guidelines that would amend the Criminal History Guideline to "provide lower guideline ranges for first offenders generally and increase the availability of alternatives to incarceration for (them) at the lower levels of the "Sentencing Table" (First Offenders / Alternatives to Incarceration).

Currently, people with no prior criminal history points are treated the same as people with one (1) criminal history point, which means that both are placed in Criminal History Category One (1) for sentencing calculation purposes. This creates an unfair and unbalanced sentencing guideline range that leads to the over-sentencing of individuals who have no prior convictions or criminal history. In turn, this leads to the current overcrowding situation of our Federal Prisons and also increases the burdens of U.S. Taxpayers.

Accordingly, I therefore support the Two (2) level reduction under the proposed Criminal History Guideline Amendment that would be created for first-time offenders.

I also support making the proposed "First Offender" Criminal History Guideline retroactive, in order to immediately correct the currently unfair sentence of all "First Offenders".

In addition to the above support for the "First Offender" Criminal History Guideline Amendment, I support the proposed recommendation for Alternatives to Incarceration.

I strongly believe that the proposed "First Offender / Alternatives to Incarceration" amendment meets the mandate of the U.S. Sentencing Commission to see that Federal sentences in the U.S. are carried out fairly, to protect the citizens of the U.S., and to reduce the population of the Federal Bureau of Prisons.

I sincerely look forward to the retroactive approval of the proposed "First Offender / Alternatives to Incarceration" amendment to the Criminal History Guidelines this year, and to whatever future amendments will improve the over-sentencing and incarceration of non-violent offenders in the U.S.

Respectfully,

Gerald Blumenthal Ph.D.

Honorable William H. Pryor, Jr.
Acting Chair
United States Sentencing Commission
One Columbus Circle, N.E., Suite 2-500 Washington, D.C. 20002-8002
Attention: Public Affairs

Re: Public Comment, Proposed 2017 Amendment: First
Offenders/Alternatives to Incarceration

Dear Judge Pryor:

I write to express my support for the entirety (Part A and Part B) of Proposed Amendment 1 (First Offenders/Alternatives to Incarceration) to the U.S.S.G.

In the interest of furthering the goals of the Sentencing Reform Act of 1984, specifically consistency between offenses and sentences, I support the addition of a category of literal "first offenders." As is stands currently, the forceful conflation of those who have no prior convictions with those who do leads to an imbalance in sentencing; that is, it over-penalizes those who are truly people with no criminal history.

While, under Part A, both Option 1 and Option 2 in 4c1.1 improve the fairness of first-offender sentencing, Option 2 is preferable. A larger reduction in level for those with already relatively low levels better and more thoughtfully furthers the idea that sentencing should be adjusted to fit the seriousness of the offense.

Part B's consolidation of Zones reflects a conceptual step forward; discretionary probation in place of extended imprisonments is often the better choice for offenders, particularly those with offense levels as low as Zone B and Zone C. I fully support eliminating Zone C by folding it into Zone B and thereby allowing Zone B's probation substitution to be applied to offenders who would have fallen into Zone C. I would support, as the Issues for Comment consider, a Zone B that applies to all offenses, without additional categorization, because the further breakdown would be redundant. Offense levels already serve to reconcile sentencing with severity of offense; singling out offenses (such as white-collar offenders, to adhere to the example provided in the Issues) expressly works against the goal of consistency.

Finally and crucially, I support making all portions of the amendment retroactive. Sentencing guidelines must apply evenly across the board, to future offenders and those serving time, as a matter of equity.

Thank you for proposing the 2017 amendment and for considering public comments. The anticipated benefits of Amendment 1 are vast for current prisoners and their families, as well as for future first and low-level offenders.

Respectfully,

Firas

Roxanne Boling

Re: Support for the proposed 2017 "First Offenders / Alternatives to Incarceration" Amendment to the U.S.S.G.

Date: February 11, 2017

Dear United States Sentencing Commission:

I support the proposed 2017 amendment to the Federal Sentencing Guidelines that would amend the Criminal History Guideline to "provide lower guideline ranges for first offenders generally and increase the availability of alternatives to incarceration for [them] at the lower levels of the Sentencing Table" (First Offenders / Alternatives to Incarceration).

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I look forward to retroactive approval of the proposed "First Offender / Alternatives to Incarceration" amendment to the Criminal History Guidelines this year and future amendments to improve the over-sentencing/incarceration of non-violent offenders in the United States.

Respectfully,

Roxanne Boling