

Hello,

My name is Amy Montes. My best friend, [REDACTED], is currently incarcerated at Federal Prison Camp [REDACTED]. She is a first time, non-violent offender and received the three-year sentence that she is currently serving.

I would like to submit my comment on the priorities list to be considered for the upcoming year. Of particular importance is tentative priority number 5 (the multi-year study on recidivism), letters B and C, as they may possibly impact my friend's sentence if the measures are backdated. Additionally, being incarcerated has provided insight into the wastefulness that comes with Federal Prison Camp, as many of the programs provided at [REDACTED] are accessible to the public through social services or even at local colleges. Allowing someone like [REDACTED] to serve a home-bound sentence ('house arrest') would not only save government money and resources, it would allow for someone like her to stay in society and start her life over with more ease, thus contributing to the issue of recidivism.

[REDACTED] is fully accepting and aware that she deserves her sentence. The decisions she made are what got her to where she is. However, the changes being considered by our Commissioners would impact her and those like her – those who find themselves arrested due to poor decisions made not out of a lifetime habit, but due to circumstances during a particular moment in their lives.

I know that the Commission is aware of many of the pros and cons of the issues at hand. My goal in writing is to provide the perspective of members of the public that are directly impacted by these issues.

[REDACTED] has four beautiful children who would also benefit from having their mother home. Having such an opportunity would not be wasted, and providing first-time, nonviolent offenders with alternates to incarceration would impact our communities for the better.

Thank you for your time and consideration.

Respectfully,

Amy Montes

[REDACTED]
[REDACTED]
[REDACTED]

TO: United States Sentencing Commission
ATTN: Public Affairs - Priorities Comment
RE: Child Pornography – First Time Offenders
DATE: July 2017

Statement of the issue –

The USSC Guidelines do not allow sufficient relief for First Time Offenders charged with non-contact non-production Child Pornography.

Please let me give you a personal example of why this is should be a priority

My son was charged with a non-contact non-production Child Pornography offense. Despite his previously 100% clean record, he received virtually no points reductions and certainly no relief or allowance for his perfectly led life up to that point.

Here is his story

My son was Magna Cum Laude High School and Magna Cum Laude College graduate in [REDACTED] with two honor societies. He had 8 years of continuous employment with three promotions, created 3 patents, home owner, perfect credit score, zero previous law encounters, and was a respected community volunteer.

He is currently serving an 84-month sentence.

What is the solution

I am aware that the USSC has proposed some slight relief in the 2011 Mandatory Minimum Penalties in the Federal Criminal Justice. But more can and needs to be done.

The simplest solution would be easy -- to provide much bigger point reductions for a true clean record first offender.

And it would be possible to extend or expand the Federal First Offenders Act from just drug offenses to include non-contact non-production Child Pornography. The following shows how apparently simple this would be.

As you well know, The Federal First Offender Act, also known as FFOA, provides a special probation program for first offenders. The term "first-time offender" often refers to people who are convicted of a legal offense for the first time. This designation usually gives the accused an opportunity to fight for some leniency in the legal process. In essence, the code specifies that in certain non-violent cases of drug possession (non-contact Child Pornography), first-time offenders may complete a period of probation that would allow them to have the charge dismissed without a conviction

being entered. The arrest and the case itself also may be expunged (**optional**). The result is that the first-time offender can truthfully deny having been convicted of the underlying criminal offense.

Avoiding a criminal record and all the penalties that can accompany a conviction is important. However, not everyone who commits a crime for the first time is eligible for the program. In order to qualify for first offender treatment under federal law, a person must show he or she:

- Has been found guilty of simple possession of a ~~controlled substance~~ (**non-contact Child Pornography**)
- Has not, prior to the commission of such offense, been convicted of violating a federal or state law relating to ~~controlled~~ (**non-contact Child Pornography**)
- Has not previously been accorded first offender treatment under any law
- The court has entered an order pursuant to a state rehabilitative statute under which the criminal proceedings have been deferred pending successful completion of probation or the proceedings have been or will be dismissed after probation

There is much more to this law, but I am sure you have better access and knowledge than I do. But this simple approach to a solution that would resolve the issue.

Thank you for your consideration of this issue.

Sincerely,

Dan Holbert