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

VIA E-mail: PubAffairs@ussc.gov

Re: Career Offender

Dear Honorable Members of the Commission:

I am a CJA Attorney who has the honor and responsibility of representing an individual who has been determined to be a career offender under the USSG. On behalf of my client and other individuals who find themselves similarly situated, I request that you consider the use of relevant conduct to determine if a prior conviction should trigger application of the career offender enhancement.

My client was previously convicted in Federal Court for a felony drug conspiracy offense, and then was subsequently convicted in State Court for two felony counts of drug distribution. The presentence investigation report in the prior Federal conviction specifically referenced the conduct serving as the basis for the subsequent State Court drug conviction, and for all purposes, the State Court conviction would be considered relevant conduct as to the Federal conviction. However, my client has now accepted responsibility for a current and unrelated drug conspiracy in Federal Court, and the foregoing prior Federal and State convictions have served as the basis to designate my client as a career offender.

Prior to November 1, 2007, there existed an Application Note 3. designated as "Related Cases" under §4A1.2 USSG that would have arguably excluded consideration of the above referenced State Court conviction as a predicate offense to trigger application of the career offender enhancement in this case. However, absent this Commission's reinstatement of the foregoing Application Note or the creation of a new Application Note which embodies the well-established rule of relevant conduct to exclude inclusion of prior convictions that would be treated as relevant conduct for purposes of prior convictions under the career offender enhancement, my client and

other similarly situated individuals will continue to suffer from an overly exaggerated guideline range.

In the interest of justice, I am respectfully requesting that the United States Sentencing Commission consider reinstatement of the prior Application Note 3. under §4A1.2 USSG or the creation of a new Application Note that evaluates prior convictions through the lens of relevant conduct for inclusion or exclusion of prior convictions to trigger the career offender enhancement.

Please contact me if there is any additional information that I can provide in connection with this important issue, and thank you for taking the time to review this matter.

Respectfully Submitted,



John E. Jessee

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