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3-October-2022

United States Sentencing Commission  
Attention: Public Affairs / Priorities Comment  
One Columbus Circle, N.E. Suite 2-500  
South Lobby  
Washington, DC 20002-8002

Re: Comments on Sentencing Commission Priorities

Dear Members of the United States Sentencing Commission:

I am an inmate in federal prison, and write to express my appreciation for the work you are doing and to affirm your planned priorities. As someone with inside experience of the sentencing guidelines, I can provide a unique prospective to give helpful feedback.

I feel strongly of the importance of the following identified priorities:

- (1) 1B1.13 - Reduction in Sentence.
- (7) Studies on recidivism and the treatment of defendants with zero criminal history points.
- (11) Simplify the guidelines while promoting the statutory purposes of sentencing.
- (12) Diversion and alternatives-to-incarceration programs.
- (13)(A) 3D1.2 - Grouping of Closely Related Counts.

As you consider priority eleven (11), how to simplify the guidelines and statutory purposes of sentencing, it is important to integrate the guidelines to the statutory maximum sentence allowable. Ideally, if all possible guideline enhancements for aggravating factors were applied in a given case, the guideline sentence would not exceed the statutory maximum. In some classes of crimes, particularly sex offenses, the guidelines for a typical case are at or beyond the statutory maximum.

In particular, consider cases of child exploitation, production, distribution, receipt or possession of child pornography. Most of these cases are given the following enhancements:

- § 2G2.2(b)(4) - material with sadistic or masochistic conduct
- § 2G2.2(b)(6) - use of a computer
- § 2G2.2(b)(7) - number of images involved

Because most cases receive these enhancements, they become "useless" and contribute to a guideline sentence at or above the statutory maximum. Frequently, judges do not have the backbone to give a downward variance accordingly. Those that do are scrutinized severely. Consider the confirmation hearings of Justice Ketanji Brown Jackson.

In cases of sexual abuse, there is no guideline consideration for the severity of the sexual act. 18 U.S.C. § 2246(2) describes a "sexual act" to include anything from (A) forced sodomy/intercourse to (D) simply touching the genitalia to cause sexual arousal. There is no guideline enhancement for more severe conduct.

The age of the victim becomes a primary consideration according to the guidelines sentence, particularly for a conviction under 18 U.S.C. § 2423(c). There is sentencing disparity between the guideline used, § 2G1.3(b)(5)(B) - "the offense involved a minor who had not attained the age of 12 years, increase by 8 levels", and other guidelines. The enhancement used for other sex offenses is at least half. Consider:

- § 2A3.1(b)(2) - increase by 4 levels
- § 2A3.4(b)(1) - increase by 4 levels
- § 2G2.1(b)(1)(A) - increase by 4 levels
- § 2G2.2(b)(2) - increase by 2 levels
- § 2G2.6(b)(1)(A) - increase by 4 levels

Accordingly, the § 2G1.3(b)(5)(B) enhancement should be reduced from 8 levels to 2 to 4 levels to prevent sentencing disparity.

The age issue is again double-counted under § 2G1.3(b)(2)(B) for Undue Influence because "some degree of undue influence" exists whenever an age disparity of at least ten years exists between a minor and another participant in the prohibited sexual conduct. § 2G1.3(b)(2)(B) cmt. n. 3. It would be a very rare case where there was not an age disparity, and the undue influence enhancement would not apply. The note should be modified not to apply the Undue Influence enhancement for age disparity alone.

I appreciate your work to revise and improve the sentencing guidelines which will make for more equitable sentencing.

Sincerely,



**From:** [~^! BRADFORD, ~^!TAMMY SHREE](#)  
**Subject:** [External] \*\*\*Request to Staff\*\*\* BRADFORD, TAMMY, [REDACTED]  
**Date:** Friday, October 14, 2022 7:04:17 AM

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To: Whom it May Concern  
Inmate Work Assignment: Back Gate

\*\*\*ATTENTION\*\*\*

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\*\*\*Inmate Message Below\*\*\*

I would like to ask that people with Substance Abuse Disorder receive treatment, not incarceration. I'm not suggesting the stereotypical 28 day rehab, but a long term, holistic and intensive program such as can be found in Residential Recovery Facilities. I spent 21 months at Starting Point Outreach for Women in Anniston, Alabama on pretrial...it changed my life. Then, I come to prison, with no credit for the 31 months I did on pretrial, and I am right back in the middle of the same crowd and drug mess that I was in before I got into recovery. I am still sober, by the Grace of God, but it is a real struggle...cruel punishment. No wonder the recidivism rate is so high...incarceration perpetuates the same lifestyle as in the street. Something has to change. Please revise the sentencing guidelines to allow non-violent drug addicts a real chance to change their lives. Thank you.

**From:** [~^! MAPSON, ~^!CHARIS](#)  
**Subject:** [External] \*\*\*Request to Staff\*\*\* MAPSON, CHARIS, [REDACTED], ALI-B-A  
**Date:** Friday, October 14, 2022 10:49:59 AM

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To: U.S. Sentencing Commission  
Inmate Work Assignment: LCP

\*\*\*ATTENTION\*\*\*

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\*\*\*Inmate Message Below\*\*\*

Please reinstate the federal parole system: This would allow the government to alleviate a mass amount of the over crowding in the prison system, by releasing inmates on federal parole to be monitored and would save the BOP money by utilizing this option.

Please make it so that everyone who is a minimum and able to go to camp would instead go to home confinement. I understand that there are some that are minimum but cant go to camp but for those who can be released to home confinement.

First time offenders would be released and just on probation. For first time offenders by being incarcerated statistics show that they are more likely to learn criminal behavior which just makes it worse. But by releasing them on probation instead of giving prison time that the government can still keep an eye on them but they do not learn bad habits and behavior. Statistics also show that when released a fist time offender is less likely to re-offend if released onto probation/parole. This would further help to remedy the over crowding population problem in the prisons.

There is over crowding still and there has been proof of home confinement and release on probation (could also be on parole) has been working. that the percentage of inmate coming back to jail/prison has been extremely low. These would work to help solve the over crowding issues, as well as the staffing issues, medical issues, and other issues due to there being too many inmates to take care of properly.

Thank you for your time and consideration.

**From:** [~^! RITO, ~^!KELLY ANN](#)  
**Subject:** [External] \*\*\*Request to Staff\*\*\* RITO, KELLY, [REDACTED], ALD-B-B  
**Date:** Thursday, October 13, 2022 8:06:20 PM

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To: Public Affairs  
Inmate Work Assignment: Education-Teacher's Aide

\*\*\*ATTENTION\*\*\*

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\*\*\*Inmate Message Below\*\*\*

This email is in regards to the ideas Colette Peters is in favor of for all minimum security prisoners to be able to be on home confinement which will help the tax payer dollars. This would also really help me personally as I am sitting here at Alderson Prison Camp at 45 years old and this being my first and only time in prison as I have no criminal history. My pattern score is a minimum and I agree with Mrs. Peters as I could be at home and be able to work to help support my household. My 79 year old mother is having to pay my rent and bills so my son has a place to live and food on the table. I was a Controller for Mercedes Benz for many years and this ONE mistake I made is costing my family everything. When I was on Pre-Trial, I did amazing and was able to work on my sobriety more than I am able to in here. I went to NA meetings regularly and stayed clean for almost 2 years so I know that if I was at home serving my sentence I would not only be able to continue that but also get a job to contribute to my families household expenses. I would also be able to be able to start my online courses to become a Drug Treatment Specialist sooner at home than sitting in here without any access to these things that would be helping me. I am in FULL SUPPORT of Mrs. Peters ideas and truly hope that her ideas are taken into consideration and possibly even taken into affect.

Thank you for taking the time to read this email and I really hope it helps!

Kelly Rito

[REDACTED]  
Alderson Prison Camp