

From: [~^! ANTHONY, ~^! STEVEN ALLEN](#)
Subject: [External] ***Request to Staff*** ANTHONY, STEVEN, [REDACTED]
Date: Thursday, October 13, 2022 4:35:34 PM

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To: SENTENCING COMMISSIONOR
Inmate Work Assignment: na

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Inmate Message Below

PLEASE REVISIT THE 4B1.1 AND 4B1.2 COMMENTARY NOTE 1 OF THE CAREER OFFENDER GUIDELINES IN WHICH THE COMMISSION ADDED WITHOUT CONGRESS VOTING AND PASSING IT THEMSELVES THAT CONSPIRACY IS A DRUG OFFENSE.PLEASE EITHER TAKE IT OUT OR BRING IT TO CONGRESS ATTENTION TO EITHER CHANGE IT THEMSELVES OR MAKE COMMENTARY NOTE 1 TO 4B1.1 AND 4B1.2 ACTUAL LAW.THERE'S A CIRCUIT SPLITE ON THIS ISSUE RIGHT NOW.

THANKS FOR YOUR TIME AND HELP.

From: [~^! BALLARD, ~^!VINCENT MITCHELL](#)
Subject: [External] ***Request to Staff*** BALLARD, VINCENT, [REDACTED]
Date: Thursday, October 13, 2022 7:06:12 PM

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To:
Inmate Work Assignment: fstc

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Inmate Message Below

The commission should make priority the career offender guidelines and what qualifies as predicate offenses. How chapter 4 enhancements can vary and be applied.

From: [~^! FRAZIER, ~^! DAVID T](#)
Subject: [External] ***Request to Staff*** FRAZIER, DAVID, [REDACTED], FOM-C-A
Date: Friday, October 14, 2022 10:05:37 AM

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To:
Inmate Work Assignment: C-1 Orderly

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Inmate Message Below

I would like to submit to this commission some sensical changes to the guidelines. The Supreme court held that the Guidelines are immune to the vagueness doctrine. This in turn left a class of individuals left out of the Johnson V. United States (2015) Amendment 798 loop. I Support that you all make this retroactive in another amendment to the guidelines. It is not too to allow many offenders who ran afoul of having Crimes such as mine [Felony Evading arrest Tennessee] where the threshold or men rea requirement was a simple failure to stop when lights are activated and the person knows that it is law enforcement. Such crimes today can never be labeled "Crimes of Violence". This measure would also cut Prisoner cost as well as allow many deserving defendants to be free. This in turn would allow the Government to go after the true Federal offenders who are major drug traffickers and not cases that were turned over by the State like mine was. Another is This court should clarify and make that clarification retroactive what "A" prior case means in Application note 6 of 4B1.2. Whether a defendant can show that prior cases have been held invalid or does the defendant need to show through his litigation history that his offense is invalid, through a judicial review other than having it vacated... Also to avoid that altogether, this commission should seek to abolish the almendez-Torres exception to Apprendi And require also prior convictions to be found accurate and reliable for enhancement purposes. In closing I would like to invite this commission to answer a question of whether offenses that have been expunged and impeached can be relied upon to continue to support an 14.6 year enhancement, when the offense(S) were impeached due to errors of law. This is currently taking place in my case 1:09-cr-00188-(CLC) (start at Document 131 to current), where the Government continues to cite expunged and impeached offenses to support my prison sentence, which would otherwise be expired. Finally this commission should request a Pro-se litigation section where the pro-se petitioners such as my self do not be treated unfairly and their claims taking seriously and not handled by a inadequate Staff Attorneys office where many are fresh out of college. This problem was spoken upon by Richard Posner of the Seventh Circuit and was the reason for his retirement. In closing, The State Trial judge in my case agreed that the Sentence was illegal, and I have conflicting statements by that state judge and the Appeals court for Tennessee concerning the validity of the prior conviction. The State judge entered the order in a way that would allow the Federal court to attempt to split a hair that a competent Attorney would object to. The state judge states that my sentence was a negotiated instrument in a written plea agreement, but attempts to hold that it was voluntary and knowingly entered. Against U.S. Supreme court case law. See Baldasar V. Illinois, 1972). The Government and the court refuses to correct the P.S.I. in my case even though changes in Factual circumstances has occurred in my case. With pro-se individuals having the odds stacked against them like this is no wonder the prison is overcrowded...

From: [~^! JENKINS, ~^! DANIEL](#)
Subject: [External] ***Request to Staff*** JENKINS, DANIEL, [REDACTED], MCK-C-B
Date: Friday, October 14, 2022 9:20:15 AM

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To: Honorable John Gleeson
Inmate Work Assignment: N/A

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Inmate Message Below

I am writing you in regards and reference to the proposed amendments and changes to the sentencing guidelines and provisions. I was personally sentenced as a Career Offender in light of an inchoate crime that is now many years old, though I did serve a little over a year on this offense I was not committed to an institution for more then a few months above the time recommend for the action. Yet, in light of the District Court ruling in light of Nasir today I would not be sentenced as a Career Offender due to the fact that inchoate crimes have never been classified by the sentencing commission as a completed crime.

I am serving a sentence for and under a sentencing guideline range of 188-235 months well above the 84-105 month range that was my starting point of my sentence. I now have served more then 120 months in prison. I have obtained my GED, through correspondence courses on my own due to the covid protocols at the time not allowing me to take the class at the institution. I did this on my own along with many other classes and things that I have done for my personal betterment. My intent is to be a better man and better family member all around.

I have been classified with a Low Recidivism rate and have not received any major shots in over a year and a half. I have low security points and am scheduled to go to the RDAP program and I have many things going on within the institution that show my productivity yet, all of these things I could actual do in the free world if only the Sentencing Commission would clarify for the Courts that inchoate crimes are not intended to be utilized for the purpose of enhancement.

The criminal history points and the guideline range were both altered and effected by the designation of the Career Offender designation. I have set and watched for many months as other people sentenced with seemingly worst criminal backgrounds then mine and they have had the benefit of the new intervening law and I only ask to receive the same treatment and that is my reason for forwarding this missive to you and the commission. I thank you for this once in a life time opportunity to present my story to you and the committee. I would greatly benefit from the commission making a universal guideline adjustment that reflects the many criminal court decisions that would help many of us like myself who have been sentenced under a much harsher regime. Today I have been in prison for well over a decade and that is fair time for the crime I committed reflected in the sentences being passed down today the disparity can be evened out with the commission utilizing it's power and authority to plainly establish how and what sentences should look like for people who have minor offense from their states who find themselves in front of a federal judge. I thank you again for this opportunity may you have a blessed day and may this commission's hand be guided by the Almighty God who is the True Judge of us all.

Respectfully Submitted,

Mr. Daniel Jenkins

From: [~^! JOHNSTON, ~^!ANDREW J](#)
Subject: [External] ***Request to Staff*** JOHNSTON, ANDREW, [REDACTED], TCP-D-B
Date: Thursday, October 13, 2022 5:19:27 PM

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To: Mr. John Gleeson, USSC
Inmate Work Assignment: Trust Fund VR Photography

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Inmate Message Below

Mr. Gleeson,

In light of the Supreme Court's ruling in *United States v. Taylor*, S. Ct. No. 20-1459 (June 22, 2022), it would be beneficial to adopt a retroactive amendment to the U.S. Sentencing Guidelines Section 4B1.2 (Career Offender) to reflect that unarmed attempted bank robbery does not categorically match the elements of the force clause in Section 4B1.2.

At trial, the jury was instructed in my case on an attempt and substantial step theory of liability. See, *Johnston v. United States*, Appeal No. 22-2246 (Application for leave to file second motion under 28 U.S.C. Section 2255 denied because USSG 4B1.2 is an advisory Guidelines enhancement, not a statutory one).

Under *Taylor*, the jury instruction for attempt categorically disqualifies the conviction from satisfying the force clause because non-violent or violent substantial steps could be taken toward commission of the offense. As such, without Section 4B1.2 Guidelines, the advisory Guidelines range was 63-78 months imprisonment instead of 210-240 months imprisonment as the starting point or benchmark for the sentence.

Respectfully,

/s/Andrew Johnston

Mr. Andrew James Johnston

From: [~^! SMITH, ~^!DONNIE](#)
Subject: [External] ***Request to Staff*** SMITH, DONNIE, [REDACTED], MIA-D-A
Date: Thursday, October 13, 2022 7:06:13 PM

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To: Sentencing Commission
Inmate Work Assignment: pipefitter

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Inmate Message Below

First and foremost the the 4B1.1 language is said not to be the same... And in a recent decision by the United States v Wooden, 6th circuit addressed the issue: What about the drug dealer who makes 3 consecutive sales is he truly a CAREER OFFENDER set about by Congress. They will change ACCA but not Career Offender and my mistake I made was 22 years at the time I was sentenced but the judge was bound by the guidelines and I received 20 years. It just got a lot of good men and women in prison the ones in international generally get less time for the ones peddling. 4B1.1 needs to be overhauled and not allow the courts to use consecutive sentencing on all charges to to be separated for the purpose of Career Offender is widely abused. Even one of the justices said in the Wooden case is a person who makes 3 separate sales in a single investigation a career offender deemed by congress. Thank you for your patience.