

September 28, 2010

To whom it may concern:

I'am writing as a concerned ... citizen in support of this written public comment: with regards to the proposed emergency Amendment pending before this Commission" in anticipation of a vote by November 1, 2010, and (further) urge you to apply this Amendment (S.1789) "retroactively" to those individual's already confined.

Sincerely,

Handwritten signature of Ashley Rose in cursive script.

October 4, 2010

United States Sentencing Commission
One Columbus Circle, NE, Suite 2-500 South Lobby
Washington DC 20002-8002
Attention: Public Affairs – *Proposed Emergency Amendment, Level 24 Option*

To Whom It May Concern:

In light of the passing of *Fair Sentencing Act of 2010*, I Portia Hubbard is asking the United States Sentencing Commission to please amend the sentencing guidelines to reflect the new 18 to 1 crack-powder cocaine ratio and also include a retroactive clause in this amendment.

Twenty four years has passed since the law mandating greatly different sentences for crack and powder cocaine offenses took effect. We now have over twenty years of data to analyze whether the extreme penalties of crack offenses has been effective in the eradication of crack in our neighborhoods.

Looking at the current drug arrests involving crack in the United States, the crack trade still thrives in our cities. The law has not had effective results from these severe prison sentences. But the law has had unintentional consequences that are very disturbing. The disparity in sentences between crack and powder cocaine has locked up many, many young men, mainly African American men much longer than those who sell similar amounts of other comparable drugs.

The Anti-Drug Abuse Act of 1986 singled out crack cocaine for significantly harsher penalties than powder cocaine. Abundant research reveals that crack cocaine is not more dangerous than powder cocaine.

Harsh penalties have fallen on low-level crack offenders, many with no previous felony criminal history. These penalties are for more severe than the wholesale drug suppliers who provided the drugs. People convicted of crack cocaine offenses receive prison sentences greater than international powder cocaine traffickers.

Due to these laws and guidelines being in place, it has drained law enforcement resources. It costs over forty thousand dollars a year to care for an inmate. Despite the substantial cost to tax payers and society, federal resources has been diverted from stopping drug kingpins to chasing after low-level offenders. These small dealers are quickly replaced with other young people.

In 2007 the Sentencing Commission submitted to Congress amendments to the federal sentencing guidelines that lowered the sentencing ranges for crack offenses. The new guidelines were retroactive and over 15,000 crack cocaine offenders received a reduction in their sentence, with no adverse effects on public safety.

The 2007 amendment did reduce numerous sentences but it was not enough. Those who were convicted of more than 4.5 kilograms of crack cocaine were not eligible for the reduction. This clause excluded thousands of people, including my son in law Charles Hubbard.

Mr. Hubbard is currently serving a life sentence at FCC Coleman Medium. He was sentenced in 1993 at twenty years of age for one count of conspiracy to distribute crack cocaine and had nineteen kilograms assigned to him, also he was a first time felon. Mr. Hubbard has been incarcerated since 1992, with no infractions in the past sixteen years or more.

No crime should go unpunished. But looking at the crimes committed today, a life sentence is a harsh punishment for a non violent offense of a young first time offender. We have to make room for those who are not only committing drug offenses but violent crimes also on a recurrent basis. Many jails are holding more inmates than they can deal with safely and effectively, creating environment of danger for the staff and the inmates as well.

People sentenced within the past five to seven years have not received the harsh sentences given to those in the late 1980's – early 1990's. Those who received lengthy sentences without infractions while incarcerated deserve a second chance. Their clean record while in prison proves rehabilitation has been accomplished.

I urge you to please amend the sentencing guideline to the 18:1 crack cocaine ratio and make it retroactive by choosing *level 24 option*. Our country needs a more rational approach to sentencing people for non violent crimes.

Sincerely,



Portia Robinson

From: Orelia Orrelien

Date: Sept 27th, 2010

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

In Re: Comments on proposed Sentencing Amendments for the Fair Sentencing Act of 2010 S. 1789.

Dear Sentencing Commission:

I strongly suggest that concerning the changes to statutory terms of imprisonment for crack cocaine drug quantity table that "Level 24 option" be implemented. Surely, the base offense levels for crack cocaine need to continue to be set so that the statutory minimum penalties correspond to base offense levels 24 and 30, using the new drug quantities established by the Act. (Bill S. 1789). Moreover, it is legally sound for the Sentencing Commission to follow the very same principles that were established in 2007 that set the base offense levels in line with the corresponding statutory minimums. To not implement level 24 option would be taking steps backwards just as well as preventing a defendant from being able to receive a statutory minimum sentence base on the corresponding base offense level.

In short, it is only fair that the Sentencing Commission enact "Level 24 option". Especially knowing the long standing history that the Sentencing Commission started in 1995 in trying to correct the disparity between powder cocaine and crack cocaine to a 1-to-1 ratio.

Next, the enhancements and adjustments have a list of questions 1 through 11. The below answers follow the same order of the questions (under subtitle "issues for comment").

1. The commission should provide a single level of enhancement for any conduct covered by the violence enhancement.
2. The enhancements for weapon possession in subsection (b) and violence in subsection (b)(2) should not be applied cumulatively.
3. The term "violence" should be defined for purposes of the new violence should be similar to 18 U.S.C. ~ 924 (e) requirements, but limited to "explicit violence" (not potential) in which a defendant was indicted or charged and found guilty (beyond a reasonable doubt) of specific and direct acts or conduct of violence. This definition should trump any other provisions in the sentencing guidelines that has a lesser requirement that define violence.

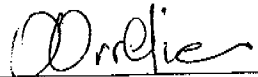
4. The new bribery enhancement should be compatible with other provisions and not applied cumulatively.
5. Maintaining an establishment for the manufacture or distribution of a controlled substance, as described in 21 U.S.C. ~ 856 should not be applied more broadly. This new enhancement should be compatible with ~2D1.8 and the base offense level should remain 26.
6. All the directives of subsections (b)(14) and (15) of ~ 2D1.1 should be implemented in chapter three by establishing new chapter guidelines.
7. The characteristic in 2D1.1(b) 14 should not be assigned different level all should have a 2 level adjustment, nor should there be any cumulative effect or upward departure if more than one factor is present.
8. The new specific offense characteristic in 2D1.1(b)(14) should be compatible and should not be applied cumulatively.
9. The proposed new specific offense characteristic in ~2D1.1 (b)(14) and the proposed characteristics for bribery and maintenance of a drug establishment should be compatible with each provision and never be allowed to apply cumulatively.
10. Whatever the new specific offense characteristics do not apply to then those specific offense should not be disturbed. In every question concerning whether the proposed new specific offense characteristic be applied cumulatively the answer is "no" because if applied cumulatively it can amount to double counting identical offense characteristic.

As to all the answers that suggest compatible for the new enhancements, that is the only one is chosen to be use to enhance a defendant. Moreover, the least amount of points (i.e. 2) should be attributed to any enhancements and adjustments since that very conduct was considered when establishing all base offense levels.

11. The other changes that the commission should make is to apply the changes to statutory terms of imprisonment for crack cocaine retroactive to allow the defendant who remain sentenced under and unjust ratio of 100-to-1 to receive some relief under the new proposed drug table, "level 24 option".

Thank you for addressing this letter.

Respectfully submitted,



Blog Talk Radio: Mommieactivist and Sons

Posted September 26, 2010

The Fair Sentencing Act of 2010 Proposed Amendment and Issue

Website for radio show hosted by Karen Garrison and Lawrence Garrison

Dear Members of the U.S. Sentencing Commission:

This letter is being forwarded after the passing of S.1789 Fair Sentencing Act of 2010, and President Obama signing it effectively into law on August 3, 2010. As this is a momentous step in gaining fairness and equity in sentencing, there are lingering questions and concerns as to the effect of such a remedial amendment to the 21 U.S.C. 841 Drug statute.

The most frequently asked questions amongst federal inmates and their families are: "whether the Sentencing Commission can make the amendment to the Guideline Retroactive?" and "Whether the Sentencing Commission can make their amendment to the Guidelines retroactive by way of their emergency authority?" As a layman, I can only assume. However I refuse to do as much. As the implementation of justice, fairness, and equality is at stake.

Confidently I am asking this Commission to utilize the emergency authority delegated to it by Congress to make its amendments to the Guidelines retroactive. As you all are well aware, 80% of all Crack offenders are African American. It would be a "miscarriage of justice" in the least to do other than correct the discriminatory effects of a 100:1 Crack/Powder Cocaine Disparity. In the past this Commission has issued amendments for guidelines concerning Oxycotin, marijuana, and LSD with little or no resistance. These amendments were applied in an orderly fashion with immediate benefit for incarcerated defendants.

This is why I thought it to be imperative that a letter be forwarded to the august commission, and hopefully encourage you to grant relief to the body of federal Non-violent Crack Cocaine offenders. A delay in the allowance of relief would not only be unfair, but unconscionable. As the majority of us incarcerated can bare witness to the harsh reality of lacking medical attention, open discrimination, overcapacity, violence, and the farce attempt of true rehabilitation.

It is with the utmost humility that I appeal to you on behalf of those incarcerated, with sentences that were the result of former Racially Discriminatory 100:1 Crack/Powder Cocaine ratio, to make four changes retroactive and thwart the existence of injustice, inequality, and bias in our criminal justice system.

Respectfully Submitted,

The Fair Sentencing Act of 2010 Proposed Amendment and Issues Campaign

Letter sign on end this week. All letters should be submitted to the USSC BY October 8, 2010

United States Sentencing Commission
One Columbus Circle, NE. Suite 2-500
Washington, DC 20002-8002
Attn: Public Affairs

S.1789
POL 24
9-26-10
RETRO
CRACK

Subject: Public Comment for S.1789's Proposed Amendment(s).

Dear Honorable William K. Sessions III,

I am writing in regards to the meeting held on September 1st for the proposed amendment that reflects the sentencing reduction S.1789 provides. I am requesting the USSC to promulgate any necessary changes to the Drug Quantity Table in Sec 2D1.1 which will result in the greatest sentence reduction possible. Such as establishing the (Under Level 24 Option) for base offense levels and quantities. ✓

I am also requesting for these guideline changes to be retroactively. *my Husband* I have a loved one currently serving a harsh penalty under the 100:1 disparity. And for years I've been advocating for drug sentencing reform with hopes of one day seeing him and others finally treated fairly. Retroactivity is the much needed gesture to make S.1789 a true "Fair Sentence Act". *

I've been following the USSC's stance on this issue for some time now. And I am very grateful for your concerns, and your service to We The People. May God Bless.

Sincerely,

Darci Yaniel-moss

United States Sentencing Commission
One Columbus Circle, NE – Suite 2-500
South Lobby
Washington, DC 20002-8002

Dear Members of the U.S. Sentencing Commission:

This letter is being forwarded after the passing of S.1789 Fair Sentencing Act of 2010, and President Obama signing it effectively into law on August 3, 2010. As this is a momentous step in gaining fairness and equity in sentencing, there are lingering questions and concerns as to the effect of such a remedial amendment to the 21 U.S.C. 841 Drug statute.

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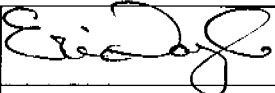

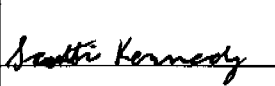
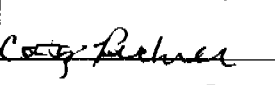

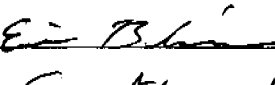

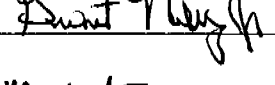
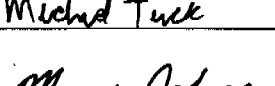
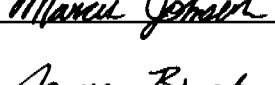
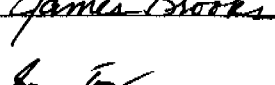
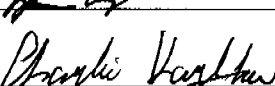
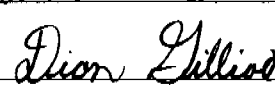


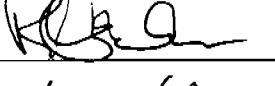


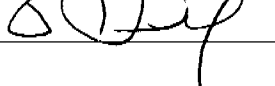

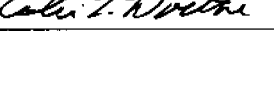

Confidently I am asking this Commission to utilize the emergency authority delegated to it by Congress to make its amendments to the Guidelines retroactive. As you all are well aware, 80% of all Crack offenders are African American. It would be a "miscarriage of justice" in the least to do other than correct the discriminatory effects of a 100:1 Crack/Powder Cocaine Disparity. In the past this Commission has issued amendments for guidelines concerning Oxycotin, marijuana, and LSD with little or no resistance. These amendments were applied in an orderly fashion with immediate benefit for incarcerated defendants.

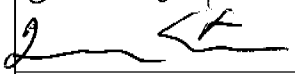
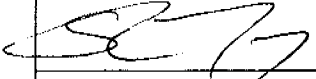

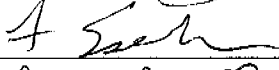


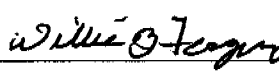
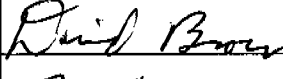
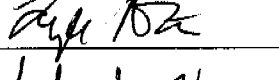
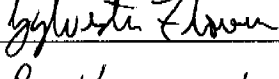
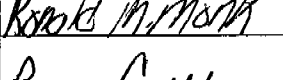
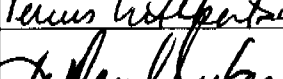

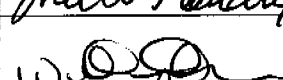
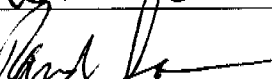
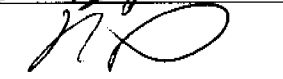
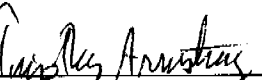


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It is with the utmost humility that I appeal to you on behalf of those incarcerated, with sentences that were the result of former Racially Discriminatory 100:1 Crack/Powder Cocaine ratio, to make our changes retroactive and thwart the existence of injustice, inequality, and bias in our criminal justice system.

Respectfully Submitted,

Print Name		
Delunnie Martin	Delunnie Martin	P.O. Box 4000 Manchester, Ky 40962 - 4000
Fajana Darius	Fajana Darius	P.O. Box 4000 Manchester Ky 40962-4000
Charles T. Faulks	Charles T. Faulks	P.O. Box 4000 Manchester, Ky 40962 - 4000
Caddius L. House	Caddius L. House	P.O. Box 4000 Manchester, Ky. 40962-4000
Tyron Thomas	Tyron Thomas	P.O. Box 4000 Manchester, Ky 40962 - 4000
Samuel Tolley	Sam Tolley	P.O. Box 4000 Manchester Ky. 40962
Jimmy Scott	Jimmy Scott	P.O. Box 4000 Manchester Ky. 40962
Quinton Daniel	Quinton Daniel	P.O. Box 4000 Manchester Ky, 40962
Robert M'Shan	Robert M'Shan	P.O. Box 4000 Manchester Ky, 40962
Robert Ewing	Robert Ewing	P.O. Box 4000 Manchester KY 40962
Michael Bradley	Michael Bradley	P.O. Box 4000 Manchester Ky 40962
COURTNEY MORRIS	Courtney Morris	MANCHESTER, KY 40962
Donnie Stewart	Donnie Stewart	P.O. Box 4000 Manchester, KY 40962
Marcel Holmes	Marcel Holmes	P.O. Box 4000 Manchester, KY 40962
Matthew Fields	Matthew Fields	P.O. Box 4000 Manchester, KY 40962
Larone Mills	Larone Mills	P.O. Box 4000 Manchester, KY 40962
Joseph McConnell	Joseph McConnell	P.O. Box 4000 Manchester, KY 40962
Eugene Cooper	Eugene Cooper	P.O. Box 4000 Manchester Ky 40962
Ulysses Evans	Ulysses Evans	FPC MANCHESTER

Eric Taylor		FPC Manchester
Brett Jones		FPC Manchester
Samb. Kennedy		FPC Manchester
Cortez Beckner		FPC Manchester
Victor E. Moore		FPC MANCHESTER
Eric Blaine		FPC MANCHESTER
Emanuel Cherault		FPC Manchester
GRANT NUBY Jr		FPC MANCHESTER
Michael Tuck		FPC Manchester
MARCUS JOHNSON		FPC Manchester
James Brooks		FPC Manchester
Spencer Torrey		FPC Manchester
Charlie Vartan		FPC Manchester
Dion Gillies		FPC Manchester
Ronald Woodard		FPC Manchester
Don Anderson		FPC Manchester
Richard Friedman		FPC Manchester
Jason Halsley		FPC Manchester
ROY E KEITH		FPC Manchester
Nicholas Polivinsky		FPC Manchester
MARCUS LACEY		FPC MANCHESTER
Calvin L. Worthen		FPC Manchester

Rafael Bowens	Rafael Bowens	FPC Manchester
Lucious Jones	Lucious Jones	FPC Manchester
Derrick Morris	Derrick Morris	FPC Manchester
	JANAEL CARTER	FPC MANCHESTER
	Shuansterley	FPC Manchester
	Jamarius Goreman	FPC Manchester
	Filberta Gibson	FPC Manchester
	JAMES BLACKWELL	FPC MANCHESTER
	TERRY CLARK	F.P.C. MANCHESTER
	Willie O'Fergan	F.P.C. Manchester
	David Brown	FPC Manchester
	Kyle Hunter	FPC Manchester
	Sylvester Flower	FPC Manchester
	Ronald Monk	FPC Manchester
	Pervis Cuthbertson	FPC MANCHESTER
	Lamond SYKES	FPC Manchester
	Walter Hendrix Jr	FPC Manchester
	William Anderson	FPC Manchester
	Randy Singleton	FPC Manchester
	Wesley Priddy	FPC Manchester
	Timothy Armstrong	FPC Manchester
	Jon Beach	FPC Manchester

PATRICK HARRIS	Patrick Harris	MANCHESTER FPC
JAMES O SAMUEL	James O Samuel	Manchester FPC
OSBORNE DENNIS	Osborne Dennis	Manchester FPC
James Stone	James Stone	Manchester FPC
TORANIO HIGHTOWER	Toranio Hightower	Manchester FPC
J Clark	J Clark	Manchester FPC
G. Driffler	Geord Driffler	Manchester FPC
P. Greer	P. Greer	Manchester FPC
O. Clark	O. Clark	Manchester FPC
J. MARTINEZ	J. Martinez	MANCHESTER FPC
N. Corley	N. Corley	Manchester FPC
David Goss	D. Goss	Manchester FPC
Siburt Walter	Siburt Walter	Manchester FPC
Teddy Kiriakidis	Teddy Kiriakidis	Manchester FPC
Mike Keller	Mike Keller	Manchester FPC
Charles Thompson	Charles Thompson	Manchester FPC
DAVID OSBORNE	David Osborn	MANCHESTER FPC
Karlos Butler	Karlos Butler	Manchester FPC
Forsell Sheppard	Forsell Sheppard	Manchester FPC
James Lewis	Mark Summer	MANCHESTER FPC
James Lewis	James Lewis	Manchester FPC
Deveon Collins	Deveon Collins	Manchester FPC
Tommie Hopkins	Tommie Hopkins	

**Office of Public Affairs
U.S. Sentencing Commission
One Columbus Circle, N.W.
Washington, D.C. 20002-8002**

Dear Honorable Commissioners:

Your work through the decades acknowledging the adverse impacts and injustice of the 100-to-one cocaine disparity, and recommending retroactivity end of 2007 was *noticed* and *appreciated* by thousands of people. We turn to you again in order to have justice prevail.

While Congress addressed the injustice of disparate cocaine sentencing in part, it is my understanding the Commission can address retroactivity. Without this important recognition of long injustice, disrespect for the legal process will continue to erode communities in and outside of federal prisons. ✓

Commissioners have the opportunity to further restore citizen faith that the present system of sentencing is not so rigid that it can't serve us properly. And recommending retroactivity would give you the opportunity to use the discretionary powers the Commission has today. Without consistent changes and fair adjustments the Sentencing Commission is charged to do, more ground will be laid for another period "ripe for reform," requiring sudden, drastic measures.

Retroactivity for crack-cocaine prisoners would also relieve some prison overcrowding and costs without jeopardizing public safety. ✓

Dissent against harsh, dead-end sentencing rises as fast as budgets are cut. This letter is to demonstrate that there *is* public support for retroactive sentencing relief.

The goals of the United States Sentencing Commission to reduce unwarranted disparity, increase rationality and transparency of punishment, and make punishment proportional cannot be accomplished without retroactive sentencing relief.

Sincerely,



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

In RE: Public Comment for retroactivity of the new crack cocaine
sentencing guidelines.

Dear Chairman:

I would like to start by thanking you and the rest of the commission for the work that has been done thus far to make justice a little bit more fair for crack cocaine offenders. I think that without retroactive application of this Law, there isn't justice!

As you know, there are tens of thousands of crack offenders in the Bureau of Prisons serving unjust amounts of time. Similarly, "we", as the family and friends of these offenders, are feeling the strain nonetheless! It would only be the right thing to do to make these changes retroactive!

In conclusion, I would like to thank you for your time and effort. It is long over due and much needed.

Respectfully,

Richard M. Jones

9/2/2010

United States Sentence Commission

Date 9/12 2010

One Columbus Circle, N.E.

Suite 2-500 South Lobby

Washington, DC 20002-8002

Attn: Michael Courlander, Public Affairs Officer

Subject: Retroactivity for S.1789/Crack Guidelines

Dear Honorable William K. Sessions III

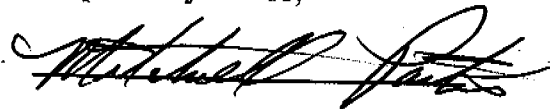
It is to my knowledge that S.1789 the "Fair Sentencing Act" gives the USSC emergency authority to amend the guidelines to reflect the change in the new law. In the near future when the USSC exercises it's authority, I am in full support of any and all changes being applied retroactively.

I have a loved one currently serving a harsh crack penalty and I am very grateful for the Sentencing Commission's stance on this matter. Relief for those serving time under the 100:1 disparity is long overdue. I am aware of the Commission's history on trying to reverse this disparity, and I share the same views of the USSC. So there is no need for me to go into detail on why the new amended guidelines should be retroactive.

I am appreciative and proud of your service and dedication towards restoring fairness in our Judicial System. And I am very excited about the possibility of my loved one coming home a little earlier than expected. I would like to take this moment to thank each and every member of the USSC. May God Bless.

Add: 808 Seminole Ave
Prichard, AL 36610

Respectfully Yours,



FROM:

James D. Hughes Sr.
7205 Sprague St.
Philadelphia, PA 19119-1702

2
S 1789

DATE:

TO: Office of Public Affairs
U.S. Sentencing Commission
One Columbus Circle, N.E.
Washington, DC. 20002-8002
e-mail: pubaffairs@ussc.gov

RE: S. 1789 Authority To Amend Crack Guidelines Retroactively

Dear Chairman:

I am sending this letter to request that any "temporary emergency amendment" and "permanent amendment" of the crack guidelines (USSG § 2D1.1) include retroactivity because of the warrant of authority in S. 1789 that retroactivity must be provided "to achieve consistency with other guideline provisions and applicable law", specifically this sentencing commission's Amendment 706 and its retroactivity of the crack guidelines.

S. 1789 specifically state in pertinent part:

The United States Sentencing Commission shall--

(2) pursuant to the emergency authority provided under paragraph (1), make such conforming amendments to the Federal sentencing guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

S. 1789, Sec. 8(2) (emphasis added). Accordingly, any amendment to the crack guidelines provided for within S. 1789, that was signed into "law" by President Obama, though its "emergency authority for the United States Sentencing Commission" to amend the crack guidelines according to its statutory changes must be made retroactive "to achieve consistency with other guideline provisions" as required by the "applicable law" S. 1789.

Therefore, I request that any amendment to the crack guidelines be made retroactive as warranted by the law.

Sincerely,

James D. Hughes Sr.
Signature

CRACK
RETRO
BOOKER

September 15, 2010

DEPPEL TAYLOR 90021-054
P. O. Box 1000
OTISVILLE N.Y. 10963

To: Hon. William K. Sassoc III
U.S. Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500, South Lobby
Washington, DC 20002-8002

RE: Correct Federal Offenders Illegal Sentences, By making new law retroactive.

Dear Mr. Sassoc,

I am writing you to seek your help with a overlooked matter of national importance. As you know the Sentencing Reform Act of 1987 (Federal Guidelines), Supreme Courtlaw and research since, has ruled that the Federal Guidelines Sentencing scheme was unconstitutional. ✓

Prior to 2000, federal offenders sentences were increased drastically based on fact not submitted to the jury or proven beyond a reasonable doubt. This practice was ruled unconstitutional (Apprendi vs New Jersey, 530 U.S. 466). In 2005, the court ruled that a mandatory sentencing guideline system violated the 6th Amendment (U.S. vs Booker). ✓
On August 3, 2010, congress reduced the disparity between crack and powder cocaine to 18 to 1. However, none of these corrections in the Federal System were made retroactive. It is cruel and arbitrary to fix these injustices for some, but not for others, especially when the laws were driven by the recognition that the Federal guidelines Sentencing scheme and crack law were wrong from the start (1987).

I am humbly and respectfully asking that you make the correction of law retroactive, so that I may have my illegal sentence corrected. ✓
In the past the U.S.S.C. has made laws affecting LSD, Marijuana, and Percocet retroactive. Each of these changes largely affected white federal offenders. It's time to correct these federal offenders sentences, who where sentenced illegally under the Federal Guidelines. I thank you in advance for your time and professional consideration.

sincerely,

DeppeL Taylor

CC:
Mr Eric Holder Doj
950 Pennsylvania AVE NW
Washington, DC - 20530 - 0001

m m
5/7/89

Federal Correctional Institution, Elkton
P.O. Box 10
Lisbon, Ohio 44432

The Honorable William K. Sessions, Chairman
United States Sentencing Commission
One Columbus Circle, N.E.
Washington, D.C. 20002-8002

Dear Chairman Sessions:

Please urge Congress to not only end mandatory minimum sentencing, but to do so in a way that provides relief for prisoners (and families), who have for the past twenty years been excessively sentenced under the wrongful combination of mandatory minimums and the 100:1 (now 18:1) crack cocaine / powder cocaine sentencing disparity.

The U.S. Sentencing Commission is currently studying the impact of mandatory minimums at the direction of Congress, which has asked for a report by October 28. Additionally the Commission has been asked by Congress to enact amendments to recently passed S.1789 (the crack / powder disparity bill). Having compiled the most comprehensive and insightful bodies of data available that pertain to mandatory minimums and the crack / powder disparity and having the ear of Congress (to some extent), the Commission is uniquely qualified and positioned to make known to Congress on behalf of the nation's minority communities that - after over two decades of excessive and unjustifiable sentencing of the impoverished, the repeal of mandatory minimums accompanied by provisions such as; (1) amending 18:1 to 1:1, (2) retroactive application for the anticipated end of mandatory minimums and 18:1 / 1:1 and (3) if necessary, amending the sentencing guidelines to reflect a change from 18:1 to 1:1 to be retroactive and "permanent", is long over due.

Please see (the U.S. Sentencing Commission's 1995 attempt to change the ratio to 1:1 and its 2007 Amendment 706 and companion comments).

Virtually, if not literally, all of the evidence gathered by the Commission demonstrates that crack cocaine sentencing laws: 1) were ill-conceived and overblown; 2) waste money, 3) are ineffective and 4) exude the inescapable stench of racial inequality. Yet no relief has reached the over sentenced petty repeat offender, small time participant or crack addict who were sentenced under yesterday's mis-perception of the drug. The message received by minorities is one of continued second class citizenship.

Thank you for being a voice for the voiceless.

Sincerely,



U.S. Sentencing Commission
Public Affairs Officer
One Columbus Circle N.E.
Washington, D.C. 20002-8002

RE: Applying Retroactivity to S1789 Fair Sentencing Act

To: Public Affairs Officer

I am writing this letter to the Sentencing Commission to express my thoughts and support of the retroactivity of S1789 Fair Sentencing Act.

I am in full support of S1789 Fair Sentencing Act being made retroactive.

Sincerely

Barela Suipavaket
4941 Root St
Col. Ohio 43207

gwendolynjacobs@sc.rr.com

From: JACOBS CHRISTINA (13619171)
Sent Date: Thursday, September 30, 2010 4:50 PM
To: gwendolynjacobs@sc.rr.com
Subject: Important

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

Attention: Public Affairs
Re: Public Comment on proposed Amendment for Fair Sentencing Act of 2010

Dear Public Affairs,

We support the Sentencing Commission's proposed amendments to the Sentencing Guidelines to implement the statutory changes regarding crack cocaine offenses and directives drug trafficking offenses generally set forth in the Fair Sentencing Act of 2010 (Pub. L. No 111-220). We further support the retroactive application of the proposed guideline amendments for crack cocaine offenders.

In regard to the ratio of the disparity, we understand that Congress has set the statutory ratio at 18:1 by increasing the threshold amount of crack cocaine to 28 grams (for the 5 year mandatory minimum) and 280 grams (for the 10 year mandatory minimum). However, Congress directs the U.S. Sentencing Commission to amend the Sentencing Guidelines to reflect the statutory changes made by the new law. Although we are aware that the mandatory minimum must reflect the 18:1 ratio, set by Congress, we believe the Sentencing Commission could and should reduce the ratio even lower.

Our reasoning for this is based on the Sentencing Commission 2007 report sent to Congress verifying that there is no empirical difference between crack and powder cocaine. We actually support the total elimination of disparity as supported by the extensive research, scientific literature and other empirical data of the 2007 report.

In the 2007 report that lowered the Crack Cocaine Sentencing Guidelines by two levels, the Sentencing Commission quoted, "It is neither a permanent nor complete solution to those problems. The Commission view the amendment only as a partial remedy to some of the problems associated with the 100 - to - 1 drug quantity ratio." The Commission, then placed that ball in Congress' court. Now, the ball is again in the Sentencing Commission's court.

In 2007, the Sentencing Commission made the two level reduction retroactive. Therefore, we believe the newly proposed amendments as promulgated by the Fair Sentencing Act of 2010 should also become retroactive in accordance with legislative history. See, "Bradley v. Richmond School Board" 416 U. S. 696, 711 (1974) (A federal court or administrative agency must "apply the law in effect at the time it renders its decision, unless doing so would result in manifest injustice or there is statutory direction or legislative history to the contrary." Statutory changes which would result in a manifest miscarriage of justice, if not applied to cases pre-existing the change, are also always applied retroactively.

In addition, we believe the new law is procedural and remedial in nature. Simply because it involves how a defendant is indicted and prosecuted. I.e. the specific criminal statute he or she is being prosecuted under. In such cases, the Rule of Lenity requires that any doubt be resolved in the defendant's favor. "United States v. Seale" 542 F.3d 1033 (5th Cir. 2008). concludes absent a clear statement by Congress to the contrary, substantive changes to federal statues are applied prospectively, but procedural or remedial changes are applied retroactively. The Sentencing Commission's own words confirm that the crack amendment changes are remedial in nature, holding the view that the two level reduction is only a partial remedy. . . . to reduce the unwarranted disparity.

gwendolynjacobs@sc.rr.com

Thus, we believe the U. S. Sentencing Commission goal in promulgating the 2007 Crack Amendment as well as the currently proposed amendment is to correct the long term injustices of the Crack Cocaine sentences for decades. It is now time to rectify the sentencing disparity that has tainted and corrupted the Sentencing Guidelines from inception.

Resolving the crack/cocaine sentencing disparity also has the support of President Obama and Attorney General Eric Holder. A.G. Holder, at the National Association of Black Prosecutors Conference in 2009 said "Many of the issues we are looking at, including the structure of federal sentencing, the role of mandatory minimums, the Department's own charging and sentencing policies, the elimination of the sentencing disparities between crack and powder cocaine and other unwarranted disparities in federal sentencing, have been the source of controversy in our nation for many years. But controversy should not breed inaction. As prosecutors, we need to do what is right, no matter what challenges confront us."

Again, we urge you, the Members of the U. S. Sentencing Commission, as well as Congress, to consider the equitableness of applying this act retroactively. To make these Amendments effective November 1, 2010 forward would be the inequitable and unjust, as well as in violation of the factors set forth in Section 3553(a), that insures that sentencing should be applied uniformly and no greater than necessary to promote justice and equality for all.

Retroactive application will give some relief to the tens of thousands serving 10+ to 20+ years and give hope to their children whom have been without their parents for decades. It would also give inmates an opportunity to be re-instated sooner as productive members of society.

Sign *Gwendolyn Jacobs*
Date *9/30/10*

Will you print this off, sign it and get others to sign it as well. Also, can you email a copy to chrisholcomb77@yahoo.com. TODAY, please!! The due date is Oct. 8th.

Love you Mom

<i>Charles Jacobs Sr.</i>	<i>Audrey Jones</i>	<i>Tawanda Lewis</i>
<i>Budget Jacobs</i>	<i>Dary Jones</i>	<i>Peggy Rankin</i>
<i>Terrance Jacobs</i>	<i>Tyrone Hutcherson</i>	<i>Larry Richardson</i>
<i>Jasmine Jacobs</i>	<i>Tashara Hutcherson</i>	<i>Jay McKie</i>
<i>Mareetta Jenkins</i>	<i>Tanya Leggett</i>	<i>Sandy McKie</i>
<i>Catherine Gleaton</i>	<i>Wanda Barber</i>	<i>Judy Jacobs</i>
<i>Bruce Gleaton</i>	<i>Jacraha Berry</i>	<i>Carl Rankin</i>
<i>Navis Gleaton</i>	<i>Ruth Jacobs</i>	<i>Michael Rankin</i>
<i>Antwon Gleaton</i>	<i>Ruth Howard</i>	<i>Aunt Lavonia Atkinson</i>
<i>Jessie Richardson</i>	<i>Jerry Phillip</i>	<i>Paster Almeta Adams</i>
<i>Aletha Whitlock</i>	<i>Jeffery Jacobs</i>	<i>Byron Kay</i>
<i>Raymond Whitlock</i>		<i>Stacey Kay</i>
<i>Bobby Jacobs</i>		<i>Williams Miles</i> 10/1/2010
<i>Beverly Jacobs</i>		<i>Charamine Richardson</i>
<i>Wade Jacobs Jr.</i>	<i>Wade Jacobs</i>	<i>Veronia McCoy</i>
	<i>Joyce Patterson</i>	<i>Nicole Madison</i>
	<i>Pauline Sims</i>	

September 10, 2010

UNITED STATES SENTENCING COMMISSION
ONE COLUMBUS CIRCLE
N.E., SUITE 2-500
WASHINGTON, D.C. 20002-8002

ATTENTION: PUBLIC AFFAIRS/FAIR SENTENCING ACT OF 2010

Dear Sentencing Commission,

I'm writing you in regards to the above mentioned caption. First I would like to take this time to thank you and the legislation in trying to bring forth equality into our justice system. Although we have fell short in completely eliminating the racial disparity between crack and powder cocaine; however, we have taken a step towards closing the gap and for that I am thankful.

Now I ask of you as a citizen of the United States to choose the base offense level (BOL) that has been set so that the statutory minimum penalties correspond to levels 24 and 30 using the new drug quantities established by the Act (the "level 24" option).

My reason for requesting level 24 option to be chosen is for the same stated purpose of the Fair Sentencing Act of 2010, to restore fairness to federal cocaine sentencing.

At the very least, to allow level 26 option to override a more beneficial option will indicate that the old regime were fair and just, the complete opposite of the reason why the sentencing Commission set the base offense levels for crack cocaine so that the statutory minimum penalties correspond to levels 24 and 30, using the new drug quantities established by the Act (the "level 24" option).

It will be unfair to go back to the old, when the Sentencing Commission felt the new was just.

I respectfully request that the Sentencing Commission find that level 24 option is the best option to start restoring fairness in federal cocaine sentencing.

Thank you for your time and concern in addressing this urgent matter.

Sincerely,

Addie Wilson

United States Sentencing Commission

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

Date 9/22/10

Issues for Comment

Re: Notice of Proposed Amendment; Request for Public Comment

Dear Commission,

Hello, my name is Thelma Laughinghouse. I am concerned about the new Fair Sentencing Act of 2010 and the new Amendments the Commission is in debate to enact. The first issue I would like to address deals with the BOL for crack cocaine. The question submitted by the commission was:

Should the Base Offense Levels for crack cocaine again be set so that the statutory minimum penalties correspond to Levels 26 and 32. Using the New Drug Quantities established by the Act ("the Level 26 Option") or should the Base Offense Levels for crack cocaine continue to be set so that the Statutory Minimum Penalties correspond to levels 24 and 30, using the New Drug Quantities established by the Act ("The Level 24 Option")?

<u>BOL</u>	<u>Quantity Under Level 24 Option</u>
38	25.2 KG or more
36	At least 8.4 KG but less than 25.2 KG
34	At least 2.8 KG but less than 8.4 KG
32	At least 840 G but less than 2.8 KG
30	At least 280 G but less than 840 G
28	At least 196 G but less than 280 G
26	At least 112 G but less than 196 G
24	At least 28 G but less than 112 G
22	At least 22.4 G but less than 28 G
20	At least 16.8 G but less than 22.4 G
18	At least 11.2 G but less than 16.8 G