

**Jeffrey Thaler, Esq.**



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

Re: Proposed Amendments to Sec.2b.1.1

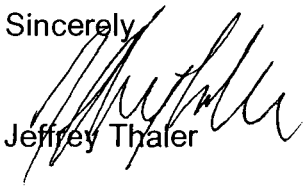
Dear Sir or Madam:

I write to voice my support for an amendment addressing the current situation that in security fraud cases, the significant impact of loss amount and number of victims in the sentencing guidelines results in extremely unfair and harsh sentences to defendants without any regard to individual culpability.

To better address this situation equitably, I suggest that the Commission should insert a new specific offense characteristic in Sec.2b.1.1 to limit the impact of the loss table in cases involving large loss amounts **if** the defendant had relatively little or no gain relative to the loss. Additionally, there should be added a clause to limit the cumulative impact of the loss table and the victims table if the enhancement under the loss table is (14)/ (24) levels, and not apply the 4 level or 6 level adjustment under the victims table. Third, the limitation should only apply in securities fraud cases. And fourth, the amendments should apply retroactively, so that people already sentenced under those Guidelines that have proven to be inequitable and have resulted in disproportionately harsh sentences be able to receive just, appropriate sentencing under the updated and amended Guidelines.

Thank you for your consideration.

Sincerely

  
Jeffrey Thaler

# Robert A. Moore



February 29, 2012

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

RE: Proposed Amendments to the Federal Sentencing Guidelines

Dear Commission Members:

I am writing to strongly urge your favorable action on proposed changes to the Federal sentencing guidelines, specifically the draft changes reflected in Sec. 2B1.1. I do have a personal interest in this. A close friend was convicted (wrongfully in my view, but that is no longer relevant) a few years ago; he was very harshly sentenced (8-10 years) in a way that dramatically overstated his culpability. An alleged securities fraud-type case where, unlike ALL other defendants, my friend had absolutely no gain. He was a financial manager who essentially followed directions to pass along information which turned out to be misleading.

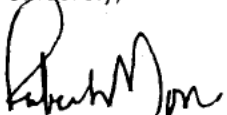
He is now mid-way through an unduly harsh sentence that is costing the taxpayers a large sum and depriving his family of his comfort and support, all while more culpable defendants have been released or served shorter sentences. Something is wrong with the system.

Specifically, I urge you to insert a new specific offense characteristic in Sec. 2B1.1 to limit the impact of the loss table in cases involving large loss amounts if the defendant had relatively little (or no) gain relative to loss. In security fraud cases, there is a disproportionate and unfair impact, triggered by loss amount and the apparent number of victims in the sentencing guidelines; this results in extremely unfair and unduly harsh sentences for criminal defendants by not weighing individual culpability. The proposed changes are welcome and necessary changes to an unjust sentencing practice.

Critically, I urge you to make these changes retroactive; this may allow my friend to rejoin his wife and children.


From the day of his conviction, I have struggled to understand why the extraordinarily harsh sentence was given to a mid-level manager who realized no gain whatsoever from the alleged fraudulent actions of his company's top executives. Thank you for your consideration. I applaud your effort to make the sentencing guidelines more just.

Sincerely,



Robert A. Moore

Roger H. Miller



March 10, 2011

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

Re: Proposed Amendments to Sec.2b.1.1

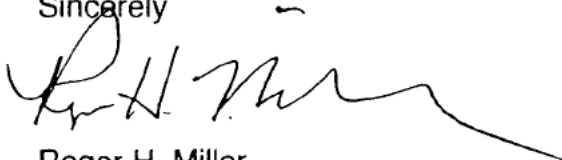
To the Commission:

I am writing to you in support of modifying the sentencing guidelines for security fraud cases. Specifically, I would urge you to make the following changes:

1. The Commission should insert a new specific offense characteristic in Sec.2b(1.1) to limit the impact of the loss table in cases involving large loss amounts if the defendant had relatively little gain relative to loss.
2. Limit the cumulative impact of the loss table and the victims table if the enhancement under the loss table is (14)/(24) levels, do not apply the 4 level or 6 level adjustment under the victims table.
3. Limitation should only apply in securities fraud cases.
4. These changes should also be made retroactive.

We are currently incarcerating non-violent offenders often for periods far longer than those offenders who have committed violent crimes. Given our fiscal challenges, it is critical that we look at our current sentencing guidelines to ensure that we are utilizing our prisons for the most violent offenders and not applying unduly harsh sentences to non-violent criminals. I urge you to make the above changes and to do so retroactively.

Sincerely



Roger H. Miller

Lisa R. Miller



March 10, 2011

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

Re: Proposed Amendments to Sec.2b.1.1

To The Commission:

I am writing to you in support of modifying the sentencing guidelines for security fraud cases. I believe that while the intentions were initially good, the actual impact of the sentencing guidelines is disproportionate, especially when considered vis-à-vis other crimes. In security fraud cases, the significant impact of loss amount and number of victims in the sentencing guidelines results in extremely unfair and harsh sentences to criminal defendants without any regard to individual culpability. The proposed changes are at least a start to ameliorating the guidelines in this regard. I would also urge you to make these changes retroactive.

With our budgetary constraints, it is critical that our sentencing guidelines more accurately represent both the harm to society and ensure fairness, while also mitigating the expense of incarcerating non-dangerous individuals.

I hope that you will consider modifying the sentencing guidelines.

Sincerely,

A handwritten signature in black ink, appearing to be 'Lisa R. Miller', written in a cursive style.

Lisa R. Miller

United States Sentencing Commission  
One Columbus Circle, NE  
Suite 2-500  
Washington DC 2002-8002  
Attn : Public Affairs

RE : Proposed Amendments to Sec. 2b.1.1

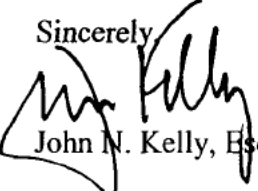
Dear Commission Members,


As an attorney and former prosecutor I am writing to express my support for the Commission's Proposed Amendments to Section 2b.1.1, as to security fraud cases, on the following bases:

1. The amendments begin to instill a level of fairness first, in creating a new specific offense characteristic with the limitation of the impact of the loss table in cases involving large loss amounts when the defendant had little or no gain relative to the loss. Secondly, by limiting the cumulative impact of the loss and victims tables if the enhancement under the loss table at the (14)/(24) levels, do not apply the 4 level or the 6 level adjustment under the victims table.
2. The savings in the ultimate reduction of the incarcerated cohort will favorably impact the burgeoning national debt.

I emphasize the importance of enacting the amendments retroactively to extend fairness to previously incarcerated prisoners and guarantee the greatest economic impact.

Finally, I extend my gratitude and congratulations to the Commission for its foresight and courage in promoting these long needed changes in our sentencing rules.

Sincerely,  
  
John N. Kelly, Esq.

Kelly, Remmel & Zimmerman, PA  


Kent W. Mohnkern



March 8, 2012

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

Attn: Public Affairs

RE: Proposed Amendments to Sec.2b 1.1

To The Commission:

As an attorney, my wife and I have for years watched the sentencing in security fraud cases. It appears that the sentencing guidelines based on loss amount and number of victims, result in extremely harsh sentences being handed down, without a great deal of regard to individual culpability. Frequently, we see those convicted of crimes like manslaughter receiving a sentence that is less than these security fraud sentences.

Our prisons are overcrowded and cost the taxpayers a great deal of money. It is time to rethink the sentencing guidelines for security fraud and amend them to bring them back to being realistic. And the results should be applied retroactively to have immediate positive impact.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kent W. Mohnkern', with a horizontal line extending to the right.

Kent W, Mohnkern

R. Keith Brower  
Colonel, USA (retired)



March 4, 2012

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

Re: Proposed Amendments to Section 2b.1.1

Dear Sirs/Madams:

I agree that the general statement that in security fraud cases the significant impact of loss amounts and the number of victims in the sentencing guidelines has resulted in extremely unfair and harsh sentences to criminal defendants without any regard to individual culpability or personal gain on the part of the defendants. The proposed changes are at the very least a starting point to ameliorate the guidelines in this regard.


Specifically, the Commission should consider those cases where the defendant had little or no gain relative to the loss and limit the impact of the loss table in these cases. In the past several years, extremely harsh sentences driven by the inability to distinguish between culpability with no gain and culpability where the defendants had exceptionally large gains based on the "one-size fits all" nature of the guidelines has created an undifferentiated playing field. Therefore, any change to the sentencing guidelines should be retroactive to correct this oversight.

Thank you for your consideration of this matter. I hope you will find the latitude to correct this undifferentiated guidance.

Sincerely yours,

A handwritten signature in cursive script that reads "R. Keith Brower".

R. KEITH BROWER  
Colonel, USA (retired)



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

Re: Proposed Amendments to Sec.2b.1.1

Dear Commission Members:

I would like to state my position that in security fraud cases, the significant impact of loss amount and number of victims in the sentencing guidelines results in extremely unfair and harsh sentences to criminal defendants without any regard to individual culpability.

To this end, I would support that The Commission should insert a new specific offense characteristic in Sec.2b1.1. to limit the impact of the loss table in cases involving large loss amounts, if the defendant had relatively little gain relative to loss. I would also support changes that would limit the cumulative impact of the loss table and the victims table if the enhancement under the loss table is (14)/ (24) levels, do not apply the 4 level or 6 level adjustment under the victims table. Additionally the limitation should only apply in securities fraud cases. In closing, it is critically important that these amendments be retroactive in order to right the injustices that the current law has created. This is a fair and just attempt to right the wrong that has been dealt to individuals whose lives have been devastated by overlooking individual culpability.

Sincerely,

Julie M. Restuccia



Conor Shankman



Date: March 6, 2012

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

Re: Proposed Amendments to Sec.2b.1.1

To Whom It May Concern:

I am writing this letter in support of the proposed amendments to Sec.2b.1.1., and to advocate that these changes be retroactive in nature.

Under the current guidelines, within security fraud cases, the significant impact of loss amount and number of victims in the sentencing guidelines results in disproportionately unjust and punitive sentences to criminal defendants without any regard to individual culpability. This strikes me as particularly unfair and in need of recalibration.

To that end, I ask that the Commission consider inserting a new specific offense characteristic in Sec.2b1.1. to limit the impact of the loss table in cases involving large loss amounts if the defendant had relatively little gain relative to loss. Cases in which defendants did not profit financially from their acts should be handled differently from situations in which the defendant has clearly committed acts of fraud for personal profit.

Additionally, I believe that the Commission should limit the cumulative impact of the loss table and the victims table. More specifically, when the enhancement under the loss table is at the (14)/ (24) levels, do not apply the 4 level or 6 level adjustment under the victims table. These changes would bring greater equity to the sentencing guidelines, but to that end should only be applied in securities fraud cases.

Again I must stress the fact that these changes should be retroactive in nature. Only then will the proposed amendments represent an equitable change to the guidelines. I truly appreciate the Committee's hard work, along with the opportunity to have my voice heard.

Sincerely,

Conor McCabe Shankman

March 3, 2012

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

Re: Proposed Amendments to Sec.2b.1.1

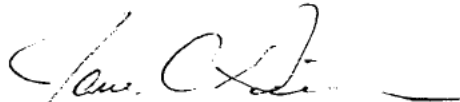
The Commission:

It is my understanding that the Sentencing Commission is considering changes to the sentencing guidelines for security fraud cases. I am writing to urge the Commission to revise the guidelines to recognize that the loss amount and number of victims in the sentencing guidelines can result in unfair and harsh sentences to defendants without any regard to individual culpability. The loss calculation can overstate individual culpability, especially for those who had no gain. Adding a victim calculation on top of the loss calculation can also result in an unfair sentence.

I urge that the guidelines be changed to correct these problems. To ensure that justice is served, the revised sentencing guidelines should be applied retroactively.

Thank you for considering these comments.

Sincerely,



James St. Pierre



March 3, 2012

Sharon Gentry, LCSW

[REDACTED]

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

United States Sentencing Commission:

Re: Proposed Amendments to Sec.2b.1.1 – Federal Sentencing Guidelines

This is to let you know I strongly support the general statement that in security fraud cases, the significant impact of loss amount and number of victims in the sentencing guidelines result in extremely unfair and harsh sentences to criminal defendants without any regard to individual culpability. Individual culpability can be overstated by the loss calculations. In some cases a co-defendant has had zero gain.

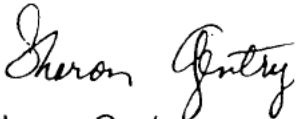
These proposed changes are at least a start to ameliorating the guidelines:

1. The Commission should insert a new specific offense characteristic in Sec.2b1.1. to limit the impact of the loss table in cases involving large loss amounts if the defendant had relatively little gain relative to loss.
2. Limit the cumulative impact of the loss table and the victims table if the enhancement under the loss table is (14)/ (24) levels, and do not apply the 4 level or 6 level adjustment under the victims table.
3. Limitation should only apply in securities fraud cases.

Finally, these amendments should become retroactive.

Thank you for considering these very important amendments to the Federal Sentencing Guidelines.

Sincerely,



Sharon Gentry  
Licensed Clinical Social Worker

## Action Alert!

Salutation: The Commission

Re: Proposed Amendments to Sec.2b.1.1

*I writing to support the general statement that in security fraud cases, the significant impact of loss amount and number of victims in the sentencing guidelines can be extremely unfair and lead to severe sentences to criminal defendants without any regard to individual culpability. The proposed changes are at least a start to ameliorating the guidelines. As a friend to a co-defendant who had no gain in his case, please begin to realize that the loss calculation can, and does in my friends case because he's now severing his third year of nine, overstate individual culpability.*

*I write this in regards to my dear friend and family who's case is totally unjust, and as a tax payer who now realizes the exorbitant amount of money that goes into a Federal trial and the ludicrous cost to hold someone in jail. Please take the proposed amendment sec.2b.1.1 into serious consideration and make them retroactive to reduce my dear friends sentence as well as others.*

*Thanks for the consideration and your efforts.*

*Sincerely,  
Tom Tanner*

*Thomas A. Tanner*

March 5, 2012

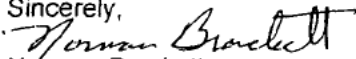
United States Sentencing Commission  
One Columbus Circle, N.E. Suite 2-500  
Washington, D.C. 20002-8002  
Attention: Public Affairs


Dear Commission Members  
Re: Proposed Amendments to Sec.2b.1.1

I understand that you are evaluating amendments to the Federal Sentencing Guidelines relating to security fraud cases. I thank you for considering this issue as I have thought for some time that the Guidelines' treatment of the loss in the security case and the number of victims has resulted in an overstatement of individual culpability, especially for those who had no gain.

If changes are made in the Guidelines, I sincerely hope that they are applied retroactively.

Sincerely,

  
Norman Brackett



March 10, 2012

Mary H. Wright

[REDACTED]  
[REDACTED]

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

To: The Commission  
Re: Proposed Amendments to Sec.2b.1.1

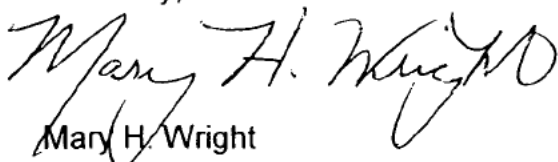
The purpose of this letter is to request that the United States Sentencing Commission:

1. Insert a new specific offense characteristic in Sec.2b1.1. to limit the impact of the loss table in cases involving large loss amounts if the defendant had little gain relative to loss.
2. Limit the cumulative impact of the loss table and the victims table if the enhancement under the loss table is (14)/ (24) levels; do Not apply the 4 level or 6 level adjustment under the victims table.
3. **Make the above two amendments retroactive.**

I am also writing to express my support for the following general statement:

*In security fraud cases, the significant impact of loss amount and number of victims in the sentencing guidelines results in extremely unfair and harsh sentences to criminal defendants without any regard to individual culpability. The proposed changes are at least a start to ameliorating the guidelines in this regard.*

Sincerely,

  
Mary H. Wright

Al Noyes

[REDACTED]

March 5, 2012

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

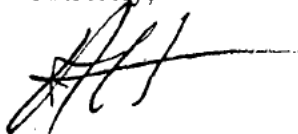
Dear Sentencing Commission:

In reference to Proposed Amendments to Sec.2b.1.1:

*I believe that, in security fraud cases, the significant impact of loss amount and number of victims in the sentencing guidelines can result in extremely unfair and harsh sentences to criminal defendants without any regard to individual culpability. The proposed changes are at least a start to ameliorating the guidelines in this regard, and I encourage you to support them.*

I would further encourage you to make any changes retroactive, in the interests of fairness.

Sincerely,



Al Noyes

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

March 3, 2012

The Commission  
Re: Proposed Amendments to Sec.2b.1.1

*I believe that in security fraud cases, the significant impact of loss amount and number of victims in the sentencing guidelines results in extremely unfair and harsh sentences to criminal defendants without any regard to individual culpability. The proposed changes are at least a start to ameliorating the guidelines in this regard.*

I Believe:

1. The Commission should insert a new specific offense characteristic in Sec.2b1.1. to limit the impact of the loss table in cases involving large loss amounts if the defendant had relatively little gain relative to loss.
2. Limit the cumulative impact of the loss table and the victims table if the enhancement under the loss table is (14)/ (24) levels, do not apply the 4 level or 6 level adjustment under the victims table.
3. Limitation should only apply in securities fraud cases.

This change should be retroactive so as to not further inappropriately penalize individuals currently impacted.

Thank you for your consideration of this important matter.

  
Robert Daigle  




[REDACTED]  
March 8, 2012

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

Re: Proposed Amendments to Sec .2b.1.1

To whom it may concern:

I am writing to express my support for the proposed amendments to Sec.2b.1.1 which I believe to be at least a start in ameliorating the overly strict guidelines in sentencing individuals in security fraud cases. The significant impact of sentencing based on the combined effects of loss calculation and amount of victims severely overstates individual culpability, especially for those for whom there is no gain. My hope is that these amendments be passed and also that they be made *retroactive* to address those individuals who are currently serving sentences which formulated under the current, unfair and unreasonable, system.

Thank you.

*Meredith McCabe*

Meredith McCabe, LCSW

Eugenie S. Francine  
Brian H. Noyes



March 13, 2012

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

To: The Commission

RE: Proposed Amendments to Sec. 2b.1.1

We are writing to show our support for the proposed amendments to Sec. 2b1.1.. The current formula used for calculation overstates culpability. Specifically in security fraud cases the significant impact of loss amount and number of victims in the sentencing guidelines results in extremely unfair and harsh sentences to criminal defendants without any regard to individual culpability. The proposed changes are at least a start to ameliorating the guidelines in this regard.

The Commission should consider inserting a new specific offense characteristic in Sec. 2b1.1. to limit the impact of the loss table in cases involving large loss amounts if the defendant had relatively little gain. The limitation should only apply to fraud cases. Finally we would suggest that these amendments be retroactive once passed.


Thank you for your consideration of this letter.

Sincerely,

Handwritten signatures of Eugenie Francine and Brian H. Noyes in black ink.

Eugenie Francine & Brian Noyes

March 13, 2012

Deborah Fogg  


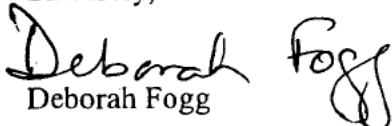
United States Sentencing Commission  
One Columbus Circle, N.E. Suite 2-500  
Washington, D.C. 20002-8002  
Attn: Public Affairs

The Commission:

I am writing regarding the **Proposed Amendments to Sec.2b.1.1**. I am in complete support that in the instance of security fraud cases, the impact of loss amount and number of victims in the sentencing guidelines results in an extremely unfair and harsh sentence to criminal defendants without full regard to an individual's culpability. The proposed changes are an important start in improving the sentencing guidelines.

Please consider making this important change **retroactive** to our sentencing guidelines. Thank you for your attention on this matter. I will follow proceedings closely.

Sincerely,

  
Deborah Fogg

2/3/12

Salutation: The Commission

Re: Proposed Amendments to Sec 26.1.1

Dear Sirs:

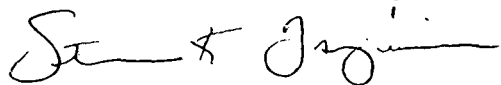
I am writing in regards to the Proposed Amendments to Sec. 26.1.1.

I fully support a change in the sentencing guidelines to limit the sentencing to an individual or defendant if that defendant has no gain. (to limit the impact of the loss table in cases involving large loss amounts if the defendant had relatively little gain relative to loss.)

Also, I would recommend that these amendments are retroactive.

Thank you for your consideration

Steven K. Tsujiura



March 13, 2012

United States Sentencing Commission

One Columbus Circle , N.E. Suite 2-500

Washington, D.C. 20001-8002

Attn: Public Affairs

Dear Commission:

I am writing this letter to express my support for proposed changes to sentencing guidelines which will create reasonable and fair standards to address certain cases of security fraud. The current guidelines are, in my opinion, extremely unfair and harsh in that they do not consider individual culpability.

I would therefore ask that the commission insert a new specific offense characteristic in Section 2b 1.1 to limit the impact of the loss table in cases involving large loss amounts if the defendant had relatively little gain relative to the loss. Also, I would strongly suggest that the amendments made are retroactive to address past unfairness.

Thank you for this consideration and your attention to this important issue.

Sincerely,



Michael A Harris



March 15, 2012

United States Sentencing Commission  
One Columbus Circle, N.E. Suite 2-500  
Washington, D.C. 20002-8002  
Re: Proposed Amendments to Sec.2b.1.1

To: The Commission,

I am writing to support the proposed guidelines, which provide flexibility in sentencing in cases of securities fraud. Simply put, the significant impact of loss amount and number of victims in the sentencing guidelines results in extremely unfair and harsh sentences to defendants without regard to individual culpability. The proposed changes are at least a start toward correcting this unfair situation. I believe that the Commission should be allowed to consider reducing the sentence where there has been no gain to the individual being sentenced. Furthermore, I believe that such changes in sentencing guidelines should be made retroactive.

I appreciate your consideration of this reasonable request.

Yours very truly,



Charles E. Prinn, III