

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

Re: Priorities for Sentencing Commission

To Whom it may concern;

I am writing in response to the U.S. Sentencing Commission's recent Notice of Proposed Priorities which was published in the Federal Register on May 30, 2013.

Mandatory minimum sentences are doing more harm than good. Prior to 1994 the Sentencing Commission initially determined that a drug conviction could possibly cause an offender's, depending on the drug amount, base offense level to begin at a level 43. In 1994 the Sentencing Commission passed Amendment 505 causing the base level to be dropped to a level 38. The Commission is currently reviewing and suggesting as a priority for Congress further considerations of amending the Drug Quantity Table in 2D1.1. This would bring the base level down from 38 to 36.

As well the 924(c) is being considered as a priority too. This statute criminalizes possessing a firearm in commission of a drug trafficking offense or violent crime. The stacking of these sentences has allowed first time offenders to receive draconian sentences. United States v. Angelos, is a perfect example of the injustice of how prosecutors are charging and forcing judges to sentence certain offenders. See United States v. Angelos, 2009 U.S. Dist Lexis 37871 (April 28, 2009).

Economic crimes such as Fraud are receiving harsh mandatory sentences as well. An individual sentenced to a 55 year sentence for fraud of \$215,000,000.00 is not going to be able to pay back that money embezzled while serving that sentence. It makes more sense to allow him back into society after serving a just sentence so that he can work again and pay back that money.

The result of these harsh sentences under the mandatory sentencing scheme has produced the effect of:

- 1) First time offenders with absolutely no priors often receiving life sentences or unusually large and extensive sentences;
- 2) Drug users being treated as drug dealers and considered as career offenders;
- 3) Low and mid level drug dealers being treated as kingpins and assigned leadership roles causing them to be enhanced;
- 4) Relevant conduct is contributed to drug amounts that are not readily proven causing an increase in an offender's sentence;
- 5) Many of the statutes; such as the 924(c), that charge an offense are

already factors that can be calculated under the guidelines, yet prosecutors select the statutory sentences instead to ensure these extensive sentences are meted out;

6) Mandatory minimums do not provide first time offenders with the opportunity to rehabilitate while in prison and reintegrate back into society as productive citizens. This is so because it does not give the offender any incentive to reform because his sentence says he will always be an outcast to society.

This cycle of sentencing offenders according to mandatory sentences has led to overcrowded conditions in prison. Overcrowdedness leads to more prisons being built. The increase in prisons being built is an increase in more funds paid out by taxpayers further draining an economy that is still trying to recover.

In short the increase in offenders receiving harsh and lengthy sentences leads to an economy supporting prisons rather than many other areas that could actually prevent future incarceration. I support the changes in the Mandatory Sentencing scheme along with the 2 level reduction to drug offenders suggested by the Sentencing Commission. I believe and agree that this needs to be a priority in Congress to assist our nation in restoring equality, justice, and a strong economy for future generations. Further, these amendments should be designated for retroactive application by the Commission under U.S.S.G. 1B1.10.

Thank you for allowing me to comment.

Sincerely,

Michelle McDowell

UNITED STATES SENTENCING COMMISSION
One Columbus Circle NE., Ste. 2-500
South Lobby
Washington, DC 20002-8002
Attention: Public Affairs - Priorities Comment

RE: "Needed New Safety Valve."

I urge the U.S. Sentencing Commission to expand the current "Safety Valve" to deal with the overcriminalization in the criminal justice system. Our national crime rates are at all time record lows, yet the federal prison system is operating at close to 40 percent over capacity.

I believe the federal prison system is creating a society of dependants. Why, because most low-level offenders and mid-level offenders are serving lengthy sentences and because of overcrowding, opportunities for true rehabilitation is becoming scarce. Please do something about this.

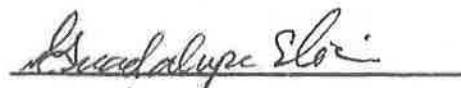
I am also asking that more opportunities, to earn extra good-time, be given to inmates who exhibit good behavior while incarcerated. Truly, this will help facilitate good behavior and help those who truly want to rehabilitate themselves.

I care about these issues because I am personally impacted or I have family and/or friends incarcerated for very long prison terms for non-violent crimes. Everyone incarcerated, should be afforded the opportunities to reenter society.

I value public safety, as well as, many Americans, but at the same time, we also place a greater value on the human life and its waste when people are being over penalized for mistakes they made.

I sincerely hope that the commission consider the public's outcry and make expanding the "Safety Valve" and "Extra Good Time" a priority for 2013. Lets do the right thing.

Thank you,



Justice
Equality
Freedom
Liberty

United States Sentencing Commission

One Columbus Circle NE Suite 2-500

South Lobby

Washington, D.C. 20002-8002

Attention: Public Affairs, Priority Comment(s)

Re: Tentative Priority (1); Elimination of the Mandatory
"Stacking" of penalties under 18 USC §924(c).

Dear Sir/Madam,

I am writing to you in relation to the aforementioned because I believe that the "stacking" of §924(c) penalties is inherently un-fair to offenders and to the public. Many §924(c) offenses are charged due to the mere presence of firearms regardless of the fact that no actual violence occurred, no harm is inflicted upon anyone and the weapon is not even used other than to be carried. Even offenses in which the firearm is "used" during crimes such as bank robbery, guns are merely carried and/or "brandished" and almost NEVER used to harm anyone. Additionally, criminal statutes such as bank robbery give additional time for firearms being used without §924 (c) enhancements. The purpose that §924 (c) penalties seem to have served the most is to cause our prison system to burst from over-crowding and for the tax-payer(s) to be burdened with the costs of this ridiculous law.

I speak from personal experience in that I have my son who has languished in federal prisons for nearly 20 years now because of §924 (c) "stacking". This Draconian law makes no sense and should have never been enacted. It needs to be

changed. The tax-paying American does not deserve to be burdened with the expense of those incarcerated because of these laws, which serve absolutely no purpose as far as deterrent value; crime still occurs regardless.

Thank you for your time and attentions to this matter.

Sincerely,

Elizabeth Rourke

Dated this 9 day

of July, 2013.

The U.S. Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500 South Lobby
Washington, DC 20002-8002

AMENDMENT #2

Attn: Public Affairs Priorities Comment

I am in support of Amendment #2 for the following reasons:

1.- Aging and medically-impaired prisoners require significant funding in order to provide health care and other social services to accommodate their needs. This amendment will go a long way to save tax dollars and provide bed spaces for more dangerous prisoners once this amendment is adopted and implemented.

2.- This amendment supports the aspirations of many notable Americans that have been advocating for reduction of prisons population and doing away with long drug sentences as recently reported in the media. Included in these groups are the following: Governor Chris Christie of New Jersey, Governor Bobby Jindal of Louisiana; Nathan Deal; John Kasich; Newt Gingrich; Ed Meese, former Attorney General; David Keene; Grover Norquist; Senator Rand Paul; Jason Chaffetz of Utah; Brett Tolman, former U.S. Attorney, all reputable members of the society.

3.- Prisoners with drug sentences involving crack cocaine have been granted reduction in their prison time whereas they are not the only drug offenders that received long, illegal sentences. Drug offenders have been exposed to harsh, oppressive sentences since 1987 when the Comprehensive Drug Control Act of 1984, which abolished parole, took effect. Adopting this amendment will provide justice to other drug offenders whose sentences were equally as harsh as those offenders dealing with crack cocaine providing equitable relief and saving tax dollars.

Respectfully submitted,

Signature: Alex Perez

Date: 09/10/13

June 20, 2013

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

Re: Possible Amendment to the Drug Quantity Table

Dear Honorable Commissioners:

As a physician I deal with drug addicts and I know about the horrible affects caused by substance abuse. Yet, I am also aware that the federal sentencing system has caused our prisons to be packed with non-violent offenders, lured, obviously, by the enormous profit associated with sales, or, due to the lack of parental guidance and influence. Without parole, a typical drug offender spends anywhere from ten to thirty years in prison. And despite these steep sentences, the durg problem today is far greater than it was a decade ago. This fact proves that the current system does not deter people; it simply fuels the situation by removing mothers and fathers for decades (and thereby alter the family structure), which I believe pushes children into the street to enter this vicious cycle.

In sum, I support a retroactive reduction to the Drug Quantity Table of the U.S. Sentencing Guidelines. I would like to see a system implemented where a first-time non-violent offender receives no more than a ten-year sentence; a twenty-year term for a second offense; and a thirty-year term for a third offense. A system such as that would allow a person to realize the seriousness of his actions, while affording a second chance, and, it would severely incapacitate a person foolish enough to test the system again.

Thank you for considering my comments.

Sincerely yours,


Dr. Brian Thompson

July 2, 2013

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

Attn: Public Affairs – Priorities Comment

Dear Sentencing Commission Members:

Thank you and the United States Sentencing Commission for including the review of the sentences for economic crimes again, especially sentences that come from application of the fraud guideline which gives too much weight to the amount of loss and it doesn't reflect an offender's actual culpability. With the overlapping sentencing enhancements because of the loss amount, a defendant's sentence can result in draconian punishment and some might even go as far as to say double the time offenders are incarcerated for even ordinary fraud offenses. My son, 44 years old now and a first time non-violent offender was sentenced to 151 months; 12.7 years for Medicare Fraud. As you can see below the enhancements drastically increased my son's sentence according to the guidelines. Our entire family has served 84 months of the 151 months that my son was sentenced.

Base Level	6
Loss Calculation (More than \$2,500,000)	18
Enhancements	8
 Total Offense Level	 32

As you know the recidivism rate for the majority of economic crime is very low because the people who commit these crimes are first time non-violent offenders who do not want to go back to federal prison.

I respectfully thank you and the other members of the Commission for your plans to continue the review of the sentences for economic crimes. Hopefully, the Sentencing Commission will recommend that Congress make some meaningful changes by supporting legislation to reduce the guidelines for fraud and the overlapping enhancements that drive sentences very high. With the present prison population at 40% over capacity and the debt of the United States at over 17 Trillion, taxpayer dollars should be spent more efficiently.

Sincerely,

Connie Conner

Connie Conner



June 25, 2013

U.S. Sentencing Commission

I am writing to comment on possible public policy issues for the amendment cycle ending May of 2014.

The United States prison population is vastly larger per capita than every other civilized nation. The federal budget alone for the BOP is extremely burdensome on taxpayers not to mention the high costs associated with the many federal agencies involved in law enforcement and prosecution, the cost of judiciary, US Marshalls, and pretrial housing primarily in county jails nationwide. The growth in the federal prison population far exceeds the overall growth nationally and yet studies continue to show that lengthy prison sentences do not deter crime, inversely affect rehabilitation, and destroy families.

Modern technology allows home-confinement as an alternative for all non-violent offenders, facilitates rehabilitation and keeps families together for the benefit of the children. The Mandatory Restitution Act would actually have meaning restored to it if court-ordered restitution were collected from offenders on H.E.M instead of being non-productive inmates on the taxpayer's dime.

I highly encourage the US Sentencing Commission to reduce sentence lengths retroactively and allow for H.E.M for all non-violent sentences. There is absolutely no reason to keep paying to house non-violent offenders at \$100 per day per inmate when our government has to borrow \$1 trillion per year to stay afloat. Reduce sentences retroactively to save our economy, balance our budget, restore our families, and put reason back into our criminal justice system by reducing sentence lengths, enforcing restitution orders, and utilizing H.E.M in home confinement for non-violent offenders.

Thank you for your consideration.



Evelyn Murray
U.S. Citizen and Taxpayer

June 20, 2013

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

Attn: Public Affairs Priorities Comment

COMMENTS ON AMENDMENT #8

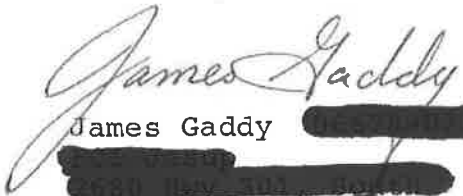

Members of the Commission:

I am sure the Commission is aware of the current emphasis and publicity on the BOP's use of the **Compassionate Release** program(?) with little regard to the Commission's current policy statement. There is little evidence the policy is even considered at the local level of the institutions.

I certainly do not wish to waste the Commission's time with futile requests, but I respectfully request the Commission to urge the BOP at every level of the Compassionate Release program to give this program the support it deserves.

To have any real meaning for getting to the level of the sentencing judge for his/her consideration of a request, it is obvious from the IG's report that the BOP must drastically change its approach to the Commission's policy.

One factor the Commission should add and that is age, conduct and time served as one of the extraordinary and compelling reasons. The BOP has an aging population that exceeds the 70+ years threshold with no need for further incarceration. Thank you for your attention.


James Gaddy 

cc: Jennifer Turner

U.S. Sentencing Commission

One Columbus Circle, NE, Suite 2-500

South Lobby

Washington, DC 20002-8002

Attention: Public Affairs Priorities Comment

July 5, 2013

Dear Sir/Madam:

I am writing in reference to your recent list of tentative priorities for Congress to address. I wish to be heard on this matter and to have my comments considered by your organization as part of the public comment period.

My primary concern has to do with § 12 of your tentative priorities, which reads, "Continuation of its work with Congress and other interested parties on child pornography offenses to implement the recommendations set forth in the Commission's December 2012 report to Congress, titled Federal Child Pornography Offenses, and to develop appropriate guideline amendments in response to any related legislation."

While there are a number of areas of concern with the sentencing of child pornography offenders, as there are with many components of the sentencing guidelines, it is my belief that federal sex offenses deserve the lion's share of Congress's sentencing guideline revision time in 2013 and 2014. As it currently stands, child pornography offenders are receiving more and more time in federal prison -- calling this a disparate amount of time might not even be out of order -- for offenses which have become easier and easier to commit. In this age of the internet, all a person has to do is click on an illegal image or spend a few moments on an "open" peer-to-peer website in order to go to federal prison for several decades. This just doesn't seem to make any sense. The price paid appears to be in excess of any reasonable sentencing guideline computation and simply does not reflect the conduct of the offender. The guidelines in this arena should be based upon empirical evidence, not emotion or public perception, as they currently appear to be.

From a sentencing guidelines perspective, I find it troublesome that federal criminal defendants are being sentenced so severely for downloading illegal pornography from these "open" peer-to-peer websites. In many cases, federal defendants who go to sites such as Napster.com,

**United States Sentencing Commission
One Columbus Circle, NE Suite 2-500
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Attention: Public Affairs Priorities Comment**

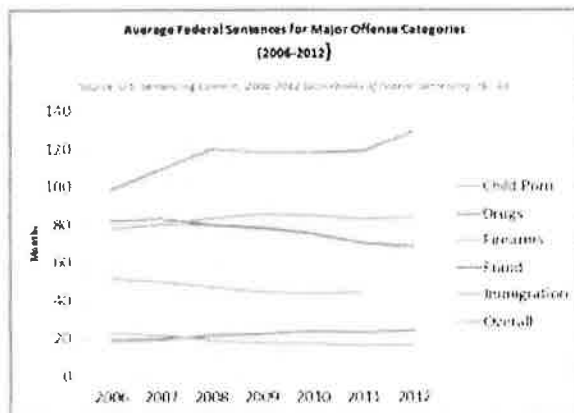
A response to the United States Sentencing Commission to support:

AMENDMENT # 12

CAUTIONclick National Campaign for Reform is seeking your support to promote in Congress the Commission's recommendations from its 2012 report on child pornography sentencing, which found that nonproduction sentences are often severe. The existing sentencing guidelines are disproportionate to the severity of the offense committed and serve no other valid penal purpose, as there is no sound research or empirical evidence indicating that first time non contact offenders are likely to re-offend and/or commit more serious crimes.

"The guidelines are founded on false assumptions about the nature of most offenders and metes out extraordinarily high recommended sentences for all but a few. Available scientific data and statistics, as well as practical experience demonstrate that punishment focused on the wrong variables and that the current system regularly scores minor offenders the same or worse than maliciously dangerous offenders with more sophistication.....The fact is every study out so far demonstrates the vast majority of these offenders-particularly those with no history of contact convictions-respond well to supervision, and that only a small portion are likely to recidivate in any meaningful way."¹

COST OF INCARCERATION:



"After spending \$2 Billion over the last six years, it's far past time to rein in this madness. The Commission's recent report on *Federal Child Pornography Offenses* effectively disavowing the sentencing guideline for non-production offenses is an enormous leap in the right direction. We simply cannot afford to continue being fiscally foolish on child pornography sentencing; these data put the magnitude of the madness in sharp relief. Hopefully Congress acts quickly to grant the Commission's wish to enact legislation providing the Commission with

express authority to amend the current guideline provisions that were promulgated pursuant to specific congressional directives or legislation directly amending the guidelines."²

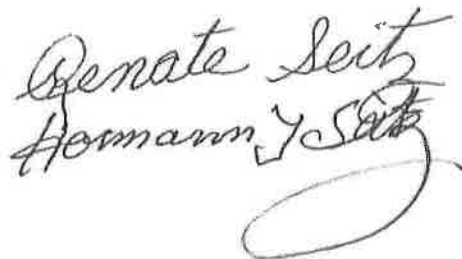
¹ Stabenow, Troy, A Method for Careful Study: A proposal for Reforming the Child pornography Guidelines

² AllenBaugh, Mark

"In fiscal year 2008, the Innocent Image National Initiative (IINI) was funded at \$60.9 million or less than one quarter of what the U.S government committed to spend on the incarceration of child pornography possessors convicted in that year alone."³ Imagine if this amount could be diverted to the IINI, how much safer our children would be from those who are attempting to make a hands on contact!

"Any substantial reduction in the production and marketing of child pornography will require more sophisticated, internationally cooperative efforts such as those employed by IINI and its international task force, aimed at large-scale producers and distributors as well as internet service providers who are aware that their services are being used to transmit images of child sexual abuse but do nothing to stop such commerce."⁴

Sincerely,

A handwritten signature in cursive script, reading "Renate Seitz-Hormann". The signature is written in dark ink and includes a large, stylized flourish at the end.

³ U.S Department of Justice, Federal Bureau of Investigation. "FY2011 Authorization and Budget Request to Congress;

⁴ *Justice Perverted: Sex Offense, Law, Psychology, and Public Policy*, Charles P. Ewing, Law Professor and psychologist from the State University of New York at Buffalo.pg.173

June-July 2013

The United States Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500, South Lobby
Washington, D.C. 20002-8002
ATTN: Public Affairs Priorities Comments

Dear Sentencing Commission:

I am writing to urge the Sentencing Commission to amend the drug trafficking guideline to provide a two-level reduction for all drug types. (Amendment 2) For years, the Sentencing Commission's own research has shown that drug quantity is an imperfect measure of culpability and that drug quantity is often "based on potentially untrustworthy factors such as the testimony of coconspirators." See, Fifteen Years of Guidelines Sentencing: An Assessment of How Well the Federal Criminal Justice System is Achieving the Goals of Sentencing Reform 50 (2004). The Sentencing Commission's research further shows that the drug trafficking guideline produces sentences that are far greater than what is desired by the public. See, Peter H. Rossi & Richard A. Berk, United States Sentencing Commission, Just Punishments: Federal Guidelines and Public Views Compared 5 (1997).

It appears the Sentencing Commission is aware of the problems and unfairness associated with the drug trafficking guideline. But, what the Sentencing Commission does not know is what it feels like to continue to serve a sentence that everyone agrees is unjust. Every day is hard. It is very frustrating, and at times, unbearable. As time passes, it becomes even more disheartening.

Finally, Amendment 2 of the Sentencing Commission Priorities would save tax dollars and be more cost-effective. The Sentencing Commission has noted that the drug trafficking guideline was the single greatest contributor to growth in the federal prison population. Indeed, the Department of Justice has warned that we "are now on a funding trajectory that will result in more federal money spent on imprisonment and less on police, investigators, prosecutors, reentry, and crime prevention." See, United States v. Daiz, 2013 U.S. Dist LEXIS 11386 (E.D.N.Y. 2013)(Gleeson, J.)(citing Matthew Axelrod, Testimony on Behalf of the U.S. Department of Justice before the U.S. Sentencing Commission, February 16, 2012 (2012).

I urge the Sentencing Commission to implement Amendment 2 listed in its 2014 Priorities. Thank you for considering my comments.

Sincerely,

Dawn Hardin

CHANNA ROBE

[REDACTED]

July 2, 2013

United States Sentencing Commission
One Columbus Circle, Suite 2-500, South Lobby
Washington, DC 20002-8002
ATTN: Public Affairs – Priorities Comment

RE: Sentencing Guidelines

Dear Commissioners:

It has been brought to my attention that you desire public comment on the amendments to reduce sentencing ranges.

I would be in favor of guidelines that would enable those convicted of nonviolent property offenses to be in the workforce earning a wage both to provide restitution to the victim/s and to support him/herself and any immediate family members (i.e. spouse and children). This would positively affect both the victims and those convicted as well as keeping a significant number of families intact.

Additionally this would also decrease the tax burden in two important ways: 1) fewer prison inmates and 2) fewer women and children needing government financial assistance because the husband/father is in prison.

As an added concern, boys who grow up with one or both parents serving prison terms have a greater likelihood of serving time in prison themselves at some point in their lives; and girls who grow up with one parent in prison have a greater likelihood of having children outside of marriage. Both drain government financial resources and affect society as a whole. Thus the cycle is repeated consuming a larger and larger amount of tax dollars.

In sum, I support amendment of the guidelines

- 1) To allow non-violent property offenders to work productively in order to provide restitution to the victim, and to provide for the offender's own family
- 2) To reduce the tax burden upon society, and
- 3) To return a parent to his or her family in order to make that family more productive of good citizens.

If new guidelines are adopted, those guidelines should be made to apply retroactively to affect currently serving offenders, and their families, and their victims in positive ways while also easing the strain on the current prison population and costs.

Thank you for taking the time to consider my thoughts.

Sincerely,

Channa Robe
Channa Robe

June _____, 2013

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

Re: Priorities for Sentencing Commission

To Whom It May Concern:

I am writing in response to the U.S. Sentencing Commission's ("Commission") recent Notice of Proposed Priorities which was published in the Federal Register on May 30, 2013.

I would like to express support for the Commission's decision to address how the Guidelines have impacted federal prison overcrowding. When the sentencing guidelines were created, little to no attention was given to the effects the Guidelines would have on federal prison overcrowding. While Congress invited the Commission to take prison overcrowding into consideration when creating and amending the Guidelines, *see* 28 U.S.C. § 994(y), the Commission has failed to do so to date. This has caused the federal prison system to reach nearly 140 percent of its rated capacity, with over 218,000 offenders in Bureau of Prisons custody as of June 15, 2013.

Given the state of overcrowding within the federal prison system, the Commission should use its authority to help alleviate the problem by introducing an across the board two-level reduction to all U.S.S.G. § 2B1.1 and § 2D1.1 offenses. Further, these amendments should be designated for retroactive application by the Commission under U.S.S.G § 1B1.10. These proposed amendments would represent a modest attempt to correct the Commission's failure to take into consideration how the Guidelines--and subsequent amendments to the Guidelines—have caused the federal prison population to grow to the dangerously high levels seen today.

Thank you for your consideration of my comments.

Sincerely,

June 22, 2013

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

Dear Commission Members,

I write to you in response to the Commission's published list of priorities on May 30. In accordance to your request for the public's response I want declare my support of Amendments #1, #2, #4, #5, #6, #7, #8, #9, and #12. I oppose Amendment #3, as I do not promote legislation that will make the federal sentencing guidelines more mandatory by eliminating some of the discretion judges currently have. I especially support Amendment #2 regarding sentencing guidelines across drug types and reducing sentencing guidelines for all drugs by two levels.

Mandatory minimum sentences are driving unsustainable prison populations and costs. They are also undermining public safety and destroying families by sending too many people - especially nonviolent offenders - to prison for far too long. Because of mandatory minimums, judges are forced to send people to prison for fixed terms set by Congress - even if that sentence is unnecessary, doesn't fit the crime, won't lead to rehabilitation, or makes no sense. Giving judges flexibility to impose less prison time than the mandatory minimum calls for would save our prison beds and budget for the most dangerous offenders. People would still go to prison with this safety valve in place - but not for longer than they deserve, and that's good news for taxpayers and public safety.

Less unnecessary incarceration means better safety and lower costs for all of us. People should be treated like individuals and receive fair and sensible punishments when they go to court. For these reasons, I am also supporting H.R. 1695 and support this important legislation.

Thank you for considering my views.

Sincerely,

 *Richard J. Lee*



June 23, 2013

June 21, 2013

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

To whom it may concern,

I am writing to the United States Sentencing Commission in support of three amendments. I am concerned with the overcrowding of federal prisons and the enormous amount of taxpayers' money that is spent to keep these federal inmates in prison. These amendments will help to abolish some of these issues concerning overcrowding and tax money spent. Not only are the prisoners and their families suffering while incarcerated but the general public also suffers as taxes often financially support families of the incarcerated via welfare. Simply put, Texas taxpayers spend on average \$21,390 a year per convict. In 2010, an average daily population of 154,576 that comes to \$3.3 billion.

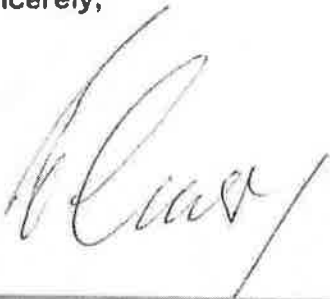
I am supporting **Amendment #1** and the Commission's work in Congress to reform mandatory minimum penalties. Mandatory minimum sentencing strips judges from the ability to prosecute those based on the circumstances unique to each case. In multiple instances judges have found their hands tied by the restrictions of mandatory minimum sentencing and forced to give inmates longer sentences than the judge deems appropriate due to the details of the case. Prisoners and their families should not be forced to suffer such harsh penalties when often judges are unable to give appropriate punishments as they see fit and forced by mandatory minimum sentencing to give undeserving rulings. However, not only are the judges having their hands forced and those incarcerated paying the price but so are taxpayers. It is wrong for mandatory minimum sentencing to neglect circumstance and imprison people for many years and force the public to pay for their lengthy incarceration when more often than not the specific evidence of a case is neglected and such neglect causes taxpayers to spend billions and prisons to overflow.

I am also supporting **Amendment #5** and the continued study of the statutory and guideline definition of "crime of violence." Taxpayers should not be paying for the continued incarceration of previously deemed "violent" offenders when, in fact many are not legitimately violent crimes and pose no real or imminent danger to society. So much of taxpayer's money is going to inmates of actually nonviolent offenders and by the continuation of this study we can curtail those inmates that are spending unnecessarily lengthy sentences. With the continuation of this study we can restrict the number of prisoners who in actuality do not pose any real threat to society but yet still continue to suck taxpayer's money.

Lastly I am supporting **Amendment #12** and the suggestion that nonproductive sentencing is too severe for those involved in the viewing of child pornography cases. The inmates who are unassociated to the production of child pornography and simply viewing images are often spending paralleled sentences to those convicted persons of vehicular manslaughter. The sentencing time served by these viewers is outrageous and a waste of taxpayers' money. As foul as child pornography is, I am not persuaded by the suggestion that a direct link has been proven between viewing child pornography and molesting a child. Thusly, these offenders should not be serving such lengthy sentences and crowding prisons when those of imminent danger pose a more serious threat to society and serve as a better us of taxpayers' money.

It is time that **Amendment #1, #5 and #12** be taken seriously so that modifications can be made to the outrageous spending and the overcrowding of prisons in the United States. For the betterment of society, I urge you to take action and consider these amendments a priority in the upcoming cycle.

Sincerely,



Kurt H. Elmer, CEC



Stephen S. Miller

June 24, 2013

[REDACTED]
[REDACTED]

UNITED STATES SENTENCING COMMISSION
One Columbus Circle, N.E., Suite 2-500
South Lobby
Washington, D.C. 20002-8002

Dear Sir/Madam,

I appreciate the USSC giving me the opportunity to be heard on Sentencing Reform. It seems everyone I know has someone, or knows someone serving a very long prison sentence for no obvious reason. It has been challenging waiting for Congress to see this growing prison population problem and to act on it with some common sense solutions.

Even with the little I know about the USSC's recommended amendments, they have me encouraged. I especially like Amendments 1 through 9, with the exception of Amendment No. 3 which restricts the discretion of judges. We have found where judges are restricted it gives the prosecutors the ability to manipulate the justice process.

I would like to do more to make my voice heard in regards to decreasing prison sentences and I will appreciate any opportunity in the future to speak for some common sense alternatives to prison.

I pray that this effort will be effective.

Thank you for your service and your attention on this important matter.

Sincerely yours,

Stephen S. Miller

See attached for reference please. Thanks

July 6, 2013

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

Attn: Public Affairs – Priorities Comment.

Dear Members of The United States Sentencing Commission,

Thank you for taking time to solicit and consider public comments, on your list of Proposed Priorities (Federal Register May 30, 2013), before suggesting amendments to the Sentencing Guidelines. My comments are referenced to your proposed Priorities by numbers.

Introduction

This time Commission asks that public comments "address the issue of reducing costs of incarceration and overcapacity of prisons" as it relates to each priority. This is an important step for the Commission, because over the years the Sentencing Guidelines have resulted in over-filling the federal prisons to dangerous overcrowding levels far beyond the designed capacity.

As a minimum starting point, given the state of high overcrowding within the Federal Prison System, the Commission should use its authority to help alleviate the expensive and expansive overcrowding by introducing an across the board two-level reduction to all U.S.S.G. 2B1.1 and 2D1.1 offences. Furthermore, these reductions should be designated for retroactive application to present inmates by the Commission under U.S.S.G. 1B1.10.

Congress's new bipartisan task force on over criminalization in the justice system held its first hearing earlier in June 2013. It was a timely meeting: national crime rates are at historic lows, yet the federal prison system is operating at close to 40 percent over capacity. The United States now has 5 percent of the world's population, yet has 25 percent of world's prisoners. Nearly one in every 33 American adults is in some form of correctional control. Time has come for The Sentencing Commission to lead and find ways to reduce overflowing Federal Prison population especially considering that The Federal Courts have ordered The State of California to reduce State overflowing prison population. It is time to reinstate parole in Federal Prison system and eliminate the private prison industry which encourages longer incarceration. (Reference 1).

Support Priority 1

Please continue the Commission's work in Congress to reform mandatory minimum penalties and promote reforms it suggested in its 2011 Mandatory Minimum Report.

These include, among other things:

- Adopting a safety valve, like the one currently used for drug defendants, for low-level, nonviolent offenders convicted of non-drug crimes;
- Expanding the current drug safety valve to apply to people with more criminal history than currently covered;
- Reassessing the severity of two- and three-strikes drug sentences;
- Eliminating "stacking" of multiple gun sentences; ensuring extra sentences for recidivism apply only to defendants with prior gun convictions; and lowering the current 25-year mandatory minimum sentence for second gun offenses.

H.R. 1695, the Justice Safety Valve Act of 2013, was introduced by U.S. Representatives Bobby Scott (D-VA) and Thomas Massie (R-KY) on April 24, 2013. This legislation would save taxpayers money and protect public safety by giving Judges discretion to sentence certain offenders below the mandatory minimum sentence when that higher minimum would not protect the public or fulfill the goals of punishment. Mandatory minimum sentences are driving unsustainable prison populations and higher costs. They are also undermining public safety and destroying families by sending too many people - especially nonviolent offenders - to prison for far too long. Many of the prisoners are wrongfully convicted. In recent years, based on DNA testing, hundreds of prisoners have been declared innocent of the crimes they were wrongfully convicted of and imprisoned for many years. Recently the Brooklyn district attorney is reviewing about 50 murder cases tied to a former detective, and questions about prosecutors' misconduct in wrongful convictions has been raised. What kind of future U.S. Citizens are we going to have by taking away parental/grandparental guidance from children in their crucial formative years? Christopher Wildeman, a Yale sociologist, has found that children are generally more likely to suffer academically and socially after the incarceration of a parent. Boys left fatherless become more physically aggressive. Spouses of prisoners become more prone to depression and other mental and physical problems. (Reference 2).

Oppose Priority 3

We do not want the Commission to promote legislation that will make the federal sentencing guidelines more mandatory by eliminating some of the discretion Judges currently have. The Commission's recommendations can be found in its 2012 Booker Report and the FAMM opinion of it can be found on www.famm.org web site.

Because of mandatory minimums, Judges are forced to send people to longer prison for fixed terms set by Congress - even if that longer sentence is unnecessary, doesn't fit the crime, won't lead to rehabilitation, or makes no sense. Giving Judges more discretionary flexibility to impose less prison time than the mandatory minimum calls for would save our prison beds and budget to be used for the most dangerous offenders. People would still go to prison with this safety valve in place - but not for longer than they deserve, and that's good news for taxpayers and

public safety. Less unnecessary incarceration, especially for non-violent offenders, means better safety and lower costs for tax payers. Accused should be humanely treated like individuals and receive fair, just and sensible punishments when they are taken to court.

Support Priority 4

Study and possibly amend the guidelines covering economic crimes, including examining the "loss" table.

There are cases where a non-violent accused, who was declared not guilty, by the Jury, of conspiracy with other codefendants, has been ordered, by the Judge, to unfair longer sentence using relevant conduct criteria by adding up all the economic losses attributed to all other codefendants who conspired with each other.

Two decades ago, the director of the Federal Bureau of Prisons was asked at a congressional hearing how much time a non-violent offender needed to get the message. Her reply was 12-18 months and anything beyond that was merely punitive. Contrast that with the long sentences handed out to non-violent offenders. People need to understand that the wake-up call some offenders need to get their lives on track happens during the first 18 months of incarceration. (Reference 3.)

The Sentencing Commission should emphasize a range of outside of prison preventive approaches which can be highly cost-beneficial with better outcomes. Increase access to non-violent economic, drug and mental health courts to divert more non-violent defendants away from prison when their incarceration doesn't serve the public interest. Let them remain with family, under court ordered supervision, and continue to be tax paying productive members of the society. Provide inmates needed Education Grants, so that those who must be incarcerated have the opportunity to pursue meaningful and marketable education and training. (Reference 4). Similar to RDAP program for drug offenders, develop a Rehabilitation Education Program for non-violent/non-drug offenders where they are trained to learn necessary skills to re-enter society and follow meaningful career employment following their release. Inmates who complete this program should be awarded with twelve months reduction in their prison sentence similar to the twelve months sentence reduction awarded for completing the RDAP program by drug offenders.

Support Priority 8

Possibly amend the policy statement guiding Judges who are considering compassionate release. FAMM supports in expanding the use of compassionate release for prisoners.

Voices from across the political spectrum are calling for criminal justice changes. Conservative commentator Richard Viguerie recently wrote that "...it's not just the excessive and unwise [criminal justice] spending that offends conservative values. Prisons, for example, are harmful to prisoners and their families. Reform is, therefore, also an issue of compassion."

Printed Name Rujanchica Patel
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References

Reference 1. The N.Y. Times Editorial Board. Needed: A New Safety Valve, June 23, 2013.

Reference 2. The N.Y. Times. Prison and Poverty Trap. February 18, 2013.

Reference 3. Julie on Justice: End the Love Affair, Julie Stewart, President, Families Against Mandatory Minimums (FAMM), June 2013.

Reference 4. The N.Y. Times. The Opinion Pages. Coming Together on Prison Reform. June 16, 2013.

Reference 5. The N.Y. Times. The Opinion Pages. A Conservative Case for Prison Reform. By RICHARD A. VIGUERIE Published: June 9, 2013

Reference 6. Julie on Justice: The Tyranny of Out-of-Touch Leaders, July 4, 2013 email message from Julie Stewart, President, Families Against Mandatory Minimums (FAMM).

Reference 7. The Answer is No. Too Little Compassionate Release in US Federal Prisons, FAMM Report, NOVEMBER 2012, ISBN: 1-56432-969-0


Compassion has too often been absent in conversations about sentencing policy, usurped by a thirst for retribution and plain old punishment. States across the country are passing bills that reduce punishments for non-violent offenders (Oregon did recently) and in US Congress the Justice Safety Valve Act that would give Judges more flexibility to sentence below the mandatory minimum has been introduced in both houses. The bill deserves committee hearings and passage soon. Other states reduced prison terms for low-level offenses; diverted some offenders to community supervision; and strengthened parole programs, so that fewer offenders landed back in jail for technical violations like missed appointments or failed drug tests. These principles work. In recent years, there has been a dramatic shift on crime and punishment policy across the country. It started in Texas in 2007. The state said no to build eight more prisons and began to shift non-violent offenders from state prison into alternatives, by strengthening probation and parole supervision and treatment. Texas was able to avert nearly \$2 billion in projected corrections spending increases, and its crime rate is declining. At the same time, the state's parole failures have dropped by 39 percent. (Reference 5 and 6).

In 1984, US Congress granted federal courts the authority to reduce sentences for just such "extraordinary and compelling" circumstances, after taking into account public safety and the purposes of punishment. It assigned to The United States Sentencing Commission the responsibility to describe what those circumstances might be. Congress authorized what is commonly called "compassionate release" because it recognized the importance of ensuring that justice could be tempered by mercy. A prison sentence that was just when imposed could because of changed circumstances become cruel as well as senseless if not altered. The US criminal justice system, even though it prizes the consistency and finality of sentences, makes room for Judges to take a second look to assess the ongoing Justice of a sentence. Prisoners cannot seek a sentence reduction for extraordinary and compelling circumstances directly from the Courts. By law, only the Federal Bureau of Prisons (BOP, the Bureau) has the authority to file a motion with a Court that requests judicial consideration of early release. Although we do not know how many prisoners have asked the BOP to make motions on their behalf because the BOP does not keep such records we do know the BOP rarely does so. The federal prison system houses over 219,000 prisoners as of June 15, 2013, yet in 2011, the BOP filed only 30 motions for early release, and between January 1 and November 15, 2012, it filed 37. Since 1992, the annual average number of prisoners who received compassionate release has been less than two dozen. Compassionate release is conspicuous for its absence. The paucity of BOP motions for sentence reduction for extraordinary and compelling reasons is not happenstance. The BOP insists that it has essentially unbounded discretion with regard to compassionate release, and it has chosen to exercise that discretion to reject compassionate release in all but a few cases. (Reference 7).

Once again thank you for considering my input on your proposed Priorities prior to suggesting amendments to the Sentencing Guidelines.

Sincerely,

Signature/Date

 07-9-13
