

UNITED STATES DISTRICT COURT
Northern District of West Virginia
1125 Chapline Street, Suite 2044
WHEELING, WEST VIRGINIA 26003

JOHN PRESTON BAILEY
District Judge

304-233-1492
Facsimile 304-233-1495

March 25, 2014

Hon. Patti B. Saris
U.S. Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500
Washington, D.C.

Dear Chief Judge Saris:

I know that it is very late in the process, but I feel compelled to write in opposition to the concept of reducing all drug offense base offense levels by a factor of two. My concern lies specifically with the base offense levels for heroin.

Here in the Northern District of West Virginia, young people are dying from heroin overdoses at a very high rate. It appears that a typical "dose" of heroin is between .05 grams and .10 grams. At present, the lowest level for heroin distribution is less than 10 grams, which would include less than 50 to 100 "hits" of heroin. If this base offense level is reduced by two levels to level 10, after a two level reduction for acceptance and a criminal history category of I, the guidelines would call for 0-6 months incarceration.

The outcome is even worse if one considers the benefit of the safety valve. If the heroin guideline is reduced by two levels, a defendant who has relevant conduct of up to 10 grams of heroin, or 100 to 200 "hits" would be eligible for probation.

In short, I believe that the heroin guidelines are too lenient now. Please do not reduce them further.

Sincerely,



John Preston Bailey

JPB/bjt