

UNITED STATES DISTRICT COURT

District of New Mexico
100 North Church Street
Las Cruces, New Mexico 88001



Chambers of
ROBERT BRACK
U.S. District Court Judge

(575) 528-1450
Fax: (575) 528-1455

June 9, 2014

Honorable Patti B. Saris, Chairman
United States Sentencing Commission
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E. - Room 2-500
Washington, DC 20002-8002

RE: Retroactivity Changes in the Drug Guidelines

Dear Chairman Saris:

Thank you for the opportunity to allow me to express my opinion about the retroactivity of the new drug guidelines.

I am generally opposed to blanket retroactivity for drug related offenses. I am not aware of any empirical studies that support retroactivity.

A 2012 study by Syracuse University showed that I sentenced 7,020 defendants processed in the District of New Mexico, from October 2006 to July 2012. While most of the cases are Immigration related, a significant portion of them are drug related. The three judges in the McAllen Division of the Southern District of Texas were second, sentencing 5,467 defendants each during that same time period. The busiest courthouses in the study by Syracuse were all in Southwest border states. These included El Paso, Del Rio, Brownsville, Tucson, San Diego, Austin, Waco, San Antonio and Las Cruces.

Thank you for the opportunity to express my opposition to retroactivity. If you have any other questions, please do not hesitate to contact me. Please distribute this letter to all members of the Sentencing Commission.

Sincerely,

ROBERT BRACK
United States District Judge