

JUDGE'S CHAMBERS
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
104 Federal Building & United States Courthouse
180 West Main Street
ABINGDON, VIRGINIA 24210

James P. Jones
United States District Judge

July 1, 2014

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

**Re: Comment Regarding Retroactivity
Of the Drug Guidelines Amendment**

Dear Judge Saris,


I write to urge the Sentencing Commission make the lower guideline ranges for drug offenses effective on November 1, 2014, retroactive and to do so without conditions or exclusions that would limit eligibility. I believe that the factors that are taken into account in any federal sentencing — including the nature of the crime, public safety, and individual characteristics — should determine whether a reduction is appropriate, rather than otherwise arbitrary factors.

While I understand that the Department of Justice has proposed “carve-outs” of those defendants who may be eligible for reduction in sentence, based on factors such as weapon possession or criminal history category, I believe it is more appropriate to leave the decision to the individual sentencing judge. Federal district judges are experienced in making such decisions and are accustomed to balancing the factors that produce an appropriate sentence. The proposed caveats will operate like mandatory minimums, perhaps removing otherwise deserving prisoners from consideration. Judges, assisted by their probation officers, are best equipped to sort out those who deserve early release from those who would pose a risk if released early.

The judicial experience with the earlier retroactive crack cocaine reductions reinforces my opinion that individual judges should make these judgments, rather than reliance on exclusions that may limit the benefits — both to individual defendants and to the administration of justice generally — of the retroactive guideline reductions.

Thank you for the opportunity to present my views.

Sincerely yours,



JAMES P. JONES