



## UNITED STATES DISTRICT COURT

### WESTERN DISTRICT OF TEXAS

525 Magoffin Avenue, Suite 661

El Paso, Texas 79901

(915) 534-6736

Chambers Of  
**PHILIP R. MARTINEZ**  
United States District Judge

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

Attention: Jeanne Doherty

Dear Judge Saris:

On behalf of four judges in the El Paso Division of the Western District, I wanted to express our opposition to the retroactivity of the Guidelines regarding drug cases. We understand that the proposed guidelines changes in drug cases are motivated in part by the high prison population and the corresponding challenge faced with present level funding of rehabilitation programs within the prison environment. That being said, we believe that the possible retroactivity of the guidelines changes in drug cases does not serve the goals of the criminal justice system, does not address (and, in fact, may counteract) the necessary concern for community safety, and will not promote respect for the law given the lack of finality of sentences imposed under appropriate legal standards. The fifth judge in the Division does not oppose the retroactivity of the proposed guidelines provided that the government and the Sentencing Commission affirmatively support retroactivity.

I hope that this information is helpful. Finally, we believe that the issue will result in the filing of additional petitions for the judges consideration whether or not the changes are made retroactive.

Please distribute this letter to each member of the Commission. Contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip R. Martinez". The signature is written over a circular stamp or seal that is partially obscured.

Philip R. Martinez  
United States District Judge

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