

UNITED STATES DISTRICT JUDGE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

ALIA MOSES
U.S. DISTRICT JUDGE

111 E. BROADWAY
DEL RIO, TEXAS 78840
(210) 703-2038

June 10, 2014

Hon. Patti B. Saris
Chair, U. S. Sentencing Comm.
One Columbus Circle, NE
Suite 2-500
Washington, DC, 20002

Dear Judge Saris:

As a judge in a division with a huge criminal caseload and on the border with Mexico, please allow me to voice my opposition to the new drug guidelines, as well as the request that such guidelines be applied retroactively.

The Department of Justice continues down a dangerous trend of finding any and all means of releasing duly convicted and sentenced defendants, without regard to the crimes they committed or their individual backgrounds. They intentionally conflate narcotic trafficking defendants with simple possession of marihuana defendants. These tactics began with the intensive drug program, which allows for the early release of defendants upon the selective process of the Bureau of Prisons and their attorneys, and which in many cases ignore the sentencing judges' sentences and reasoned deliberations. The only justification for such a slide appears to be funding.

For those of us sitting on the border, narcotics trafficking cases constitute serious crimes of violence. We live and work always acutely aware of the subtle dangers associated with our positions because of the types of cases we hear. The Sentencing Commission and the Department of Justice downgrade the danger posed by these types of cases and defendants by reducing the offense levels and seeking to apply the reduction retroactively. This is a perilous shift in policy which sends the wrong signal to our nation, but more importantly, to others involved in the narcotics trade in other countries. Time, energy, and resources would be better spent finding better solutions to the problem than simply engaging in the act of opening jail cell doors.

The solutions proposed will not solve the issue. In fact, the solution will create a greater financial burden, with the burden shifted to the Judicial Branch. Conservatively, I have sentenced 1000 felony defendants per year since November 2002, a large percentage of these defendants in narcotics trafficking cases. Doing a quick calculation, you can see the incredible number of cases I will have to reconsider due to the proposed amendment, if applied retroactively. I sit as a lone district judge

in my division. The cost to the Courts of potentially sending other judges to assist me, with either these "old" cases or the current docket so that I may deal with the "old" cases, will be prohibitive. That cannot be in the best financial interest of our government.

Thank you for your kind consideration. The path of least resistance is not always the wisest choice. The "fix" proposed and under consideration will be a quick fix we will all regret.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anna M. J. S. V.", written in black ink on a white background.