

## Public Affairs

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**From:** John Ball <johnballattorney@gmail.com>  
**Sent:** Saturday, March 07, 2015 11:46 AM  
**To:** Public Affairs  
**Subject:** Public Comment on Proposed Amendments

I am writing to offer comments on the proposed amendments to the Sentencing Guidelines. Specifically, I am commenting on the Jointly Undertaken Criminal Activity and Mitigating Role proposed amendments.

I practice in the Southern District of Texas--McAllen Division. These two amendments would have important implications for my region and our judges. I support both of these amendments.

As written, the current version of the jointly undertaken criminal activity portion of the guidelines is too sweeping. The proposed amendments provide commonsense clarification, which serve to curb the reach of courts to impose sentences for conduct neither admitted by the defendant, nor charged in the indictment.

Secondly, I support the mitigating role language. The appropriate test for determining mitigation should be an evaluation of culpability as compared to the other participants; not comparisons against a hypothetical participant. Comparisons between actors within the same conspiracy grounds the relevant inquiry in the facts of the case, not the amorphous notions of average in a hypothetical world.

I support both of these amendments.

Thank you.

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