

Public Affairs

From: Stephanie [REDACTED]
Sent: Friday, July 24, 2015 8:18 PM
To: Public Comment
Subject: Please Make Drugs Minus Two Retroactive

Dear Judge Saris and Commissioners,

First, I wish to thank you for taking steps to reduce drug guideline sentences by two levels. As you pointed out, this change will make drug sentences more proportionate, and it will help ease the prison overcrowding that threatens prison and public safety. I am writing now to urge you to take the next step and make that change retroactive. The reasons you cited for reducing drug sentences on November 1 also support making this change retroactive.

Prisoners serving unduly long drug sentences deserve the same treatment that people sentenced after November 1 will receive. The Commission relied on data it gathered about the sentences current prisoners are serving. The Commission learned that the current guideline sentences were set too high; they exceed the mandatory minimums, which the Commission has found are often too severe.

Justice should not depend on the date someone was sentenced.

Giving prisoners a chance to apply and perhaps receive a reduced sentence is a natural choice based on the other reason you cited: reducing the costs of over-incarceration and the burden of prison overcrowding without harming public safety. Many people serving drug sentences could be eligible to leave prison nearly a year early, saving millions of dollars and thousands of sentence years. But no one will be able to leave prison unless a federal judge has satisfied him or herself that the prisoner poses no threat to public safety. Also, we know that retroactive guideline amendments don't mean more crime: people who benefited from your retroactive "crack minus two" guideline change in 2007 did not reoffend more often than those who served their full crack sentences.

What you do matters to me because: My kids father is doing a life sentences and I need him to help me raise and support our kids. I beleave he will do the right thing this time if giving another chance.

Thank you for considering my views.

Stephanie [REDACTED]

Public Affairs

From:
Sent: Sunday, July 26, 2015 3:37 PM
Cc: Public Affairs
Subject: (Subject: "Proposed Priorities for Amendment Cycle")

Dear United States Sentencing Commission,

I write today to urge you consideration-- in accordance with the USSC Rules of Procedure 5.2, and your statutory authority under 28 U.S.C. 924(a), (o), and (p)-- for a proposed retroactive amendment to "Application Note 14" of U.S.S.G Section 2D1.1(c), comment (n.14) {Re: Reverse Stings}.

In the years since the original amendment in 1997, the nature of reverse stings has metamorphose surpassing the amendments reach. What is now know as "fictitious stash-house reverse stings" {SEE, www.ReverseSting.org} has become the go-to policing tactic for Federal Agents -- who inflate the quantity of imaginary drugs in order to trigger mandatory minimums. {SEE *United States v. Hudson, Whitfield & Dunlap* (9th Cir.. 2014) ("The time has come to remind the Executive Branch that the constitution charges it with law enforcement, not crime creation."); *United States v. Black*, 750 F.3d 1053, 1057 (9th Cir. 2014) (Reinhardt, T., dissenting from order denying petition for rehearing en banc) ("The Constitution does not allow the tactics employed by the government."); *United States v. Black*, 733 F.3d 294, 317(9th Cir. 2013) (Noonan, J., dissenting) (stating that "it is a denial of due process for sentences to be at the arbitrary of the ATF."); *United States v. Kindle*, 698 F.3d 401, 414 (7th Cir. 2012) (Posner, J., concurring and dissenting) (stating that stash-house stings "are a disreputable tactic"); *United States v. McKenzie*, 656 F.3d 688, 692 (7th Cir. 2011); *United States v. Caban*, 173 F.3d 89 93-94 (2nd Cir. 1999).

As evident by the nationwide media attention and court rulings made, prioritizing an amendment regarding these stings should be an obvious measure to be taken. As further evidence supporting the need to address this issue, twenty-two U.S. Representatives submitted a Bill to Congress on June 25, 2015 with "Provision Regarding Sentencing" that would give sentencing Judges discretion to " disregard drug quantitie determined by confidential informants, or law enforcement officers who solicit defendants to participate in fictitious stash-house robberies". {SEE, (SAFE) Justice Act (H.R.2944)}.

For these reasons, I pray that you truly consider making the proposed amendment a priority.

Respectfully Submitted,
Andre Saint Cyr

Public Affairs

From: Letitia [REDACTED]
Sent: Monday, July 27, 2015 9:18 AM
To: Public Affairs
Subject: Support Letter

To: U.S. Sentencing Commission

From: Tisha Certain

Subject: Support Letter for Stash House Robbery & Reverse Stings;

I support and am a family member to a defendant that was given a excessive sentence for outrageous misconduct by the Government who orchestrated a fictitious crime. I support the change of laws governing this type of illegal sentence in accordance with Rule of Procedure 5.2 and statutory 28 USC 994 (a)(o) and (p) proposed retroactive application note USSG 2D1.1(c) comment (n.14) re: stash house robbery/reverse sting. I request that the US Sentencing Commission change this laws and support the change.

Respectfully submitted,

Tisha [REDACTED]

Public Affairs

From: Catherine Zelenkofske
Sent: Tuesday, July 14, 2015 10:58 PM
To: Public Affairs
Subject: Proposed reforms for economic crimes

To Whom it May Concern,

I am writing to provide comments in connection with the amendments proposed by your commission to the federal sentencing guidelines that were issued on April 9, 2015 pertaining to economic ("white collar") crimes.

Let me start by saying that I support the proposed reforms and I am specifically writing to endorse not just their adoption, but that they be made retroactive to all those currently incarcerated who were sentenced under the then existing guidelines. The reasoning behind my support is as follows:

a) Under the mandate enabling the creation of the federal sentencing guidelines there was a requirement that the guidelines dealing with economic crimes have their tables adjusted every four years for inflation. Since the inception of the guidelines in the late 1980's there have been no inflation adjustments made to the tables. During this same time period inflation has averaged at least 1.5% annually. If you were to allow the changes to become effective without consideration of retroactivity the outcome would be to reward offenders whose criminal activities injured more people with lesser sentences due to their ability to delay detection of their crime and their sentencing;

b) In 2014 this very commission adopted changes to the sentencing guidelines affecting drug offenders. Those changes were made retroactive and by doing so the changes affected in excess of 46,000 incarcerated inmates. Included in those changes were new table of weight calculations for possession, distribution and conspiracy. However since the inception of the guidelines the method of weighing and calculating weights of drugs has not changed. A Kilo is still a kilo. These changes were also made retroactive despite the fact that the drug offender group has a substantially higher recidivism rate than the economic crime group. In the case of the economic crime offenders the changes would have the effect of securing early release for between approximately 600 and 700 additional inmates each year by shortening their sentences. These early releases would not place a meaningful burden on the system as did the additional 8600 prisoners given sentence reduction under last year's drug offender amendments. Further a majority of the economic crime group who would benefit from the reduction in sentence time are in excess of 45 years of age where the risk of recidivism is less than 7%, pose little risk to the community and place a fraction of the administrative burden on the halfway house and probation system that the drug offender group did;

c) The majority of economic offenders affected by these amendments are better educated and in excess of 45 years of age. A large block are in excess of 50 years of age when the cost of incarceration increases dramatically due to additional health care needs. Further, these individuals have the intelligence and earning

capacity to more than cover costs such as halfway house, probation and monitoring that would result from their early release as a result of making these changes retroactive. It would also serve to accelerate the completion of restitution and satisfaction of fines obligations were these changes to secure earlier release for these economic offenders. Effectively retroactive application would substantially reduce the financial burden currently borne by the Bureau of Prisons;

d) The majority of economic offenders are nonviolent offenders, most of whom were either on personal bond or small dollar amount bonds while their cases were pending. Many were permitted to self-report when their incarceration began. This factor coupled with the low recidivism rate make these inmates ideal for early release under a program where the reduction in guidelines is made retroactive;

e) Between 2000 and the present there have been numerous amendments and changes to the laws that have benefited and served to decriminalize many drug offenses and little to address the same effect for economic crimes. In fact the changes in the law have gone the other way in terms of over criminalizing economic offenses whereby a level 19 offense in 1989 has been translated into a level 29 offense in 2015 without any enhancements. In addition, enhancements have been added for things like use of sophisticated means where the communication with victims is made via email, which adds offense levels when in fact that is not sophisticated, but the norm. Further enhancements like abuse of trust in fraud cases seems duplicative when you consider that fraud schemes are by their very nature an abuse of trust. In the last several years becoming offense have garnered substantially more level enhancements as these "white collar" crimes have been over criminalized. The law is supposed to be blind to race, creed, ethnic background and education and yet failure to apply the amendments for economic offenses retroactively punishes to a greater degree the highly educated and more sophisticated economic offender. By making the proposed changes retroactive the commission would be serving to reverse the constitutional inequity of the over criminalization of economic crimes.

f) On April 14, 2015 Judge Patti Saris, Chairwoman of the Federal Sentencing Commission gave a speech at NYU Law School. The key topic of the speech was the over criminalization of the economic offense and why the proposed changes needed to be implemented. The gist of her comments were geared toward the complicated nature of these offenses and how best to apply the sentencing guidelines to them. To affect the changes on a going forward basis without consideration to retroactivity is to permit the very thing that Judge Saris intended to prevent: an inequitable application of sentencing guidelines as has been occurring over the last several years.

In consideration of the foregoing I strongly support the changes proposed and urge this commission to enact them with a provision that they be made retroactive on their effective date. I further urge that they be commenced on November 1, 2015 and not delayed as had occurred with the drug offender changes as such a start date will not place an undue burden on the system due to the small number of affected inmates in relation to the entire federal prison population.

Thank you for your consideration.

Fri 7/24/2015 12:55 PM

I am writing to provide comments in connection with the amendments proposed by the United States Sentencing Commission to the federal sentencing guidelines that were issued on April 9, 2015 pertaining to economic ("white collar") crimes. Let me start by saying that I support the proposed reforms and I am specifically writing to endorse not just their adoption, but ask that the reforms be made retroactive to all those currently incarcerated who were sentenced under the then existing guidelines. The reasoning behind my support is as follows:

a) Under the mandate enabling the creation of the federal sentencing guidelines, there was a requirement that the guidelines dealing with economic crimes have their tables adjusted every four (4) years to adjust for inflation. Since the inception of the guidelines in the late 1980's to date, there has been no inflation adjustments made to the tables. During the same time period, inflation has averaged at least 1.5% annually. If you were to allow the changes to become effective without consideration of retroactivity, the outcome would be to reward offenders whose criminal activities injured more people with lesser sentences simply due to their ability to delay detection of their crime and sentencing;

b) In 2014, this very commission adopted changes to the sentencing guidelines affecting drug offenders. Those changes were made retroactive and by doing so the changes affected in excess of 46,000 incarcerated inmates. Included in those changes were a new table for weight calculations for possession, distribution, and conspiracy. However, since the inception of the guidelines, the method of weighing and calculation weights of drugs has not changed. A Kilo is still a Kilo. These changes were also made retroactive despite the fact that the drug offender group has a substantially higher recidivism rate than the economic crimes group. In the case of the economic crimes offenders, the changes would have the affect of securing early release for between 600 and 700 additional inmates each year by shortening their sentences. These early releases would not place a meaningful burden on the system, as did the 8600 prisoners given a sentence reduction under last year's drug offender amendments. Further, a majority of the economic crime group who would benefit from the reduction in sentence time are in excess of 45 years of age where the risk of recidivism is less than 7%, pose little risk to the community and place a fraction of the administrative burden on the halfway house and probation system that the drug offender group did;

c) The majority of economic offenders affected by these amendments are higher educated and in excess of 45 years of age. A large block is in excess of 50 years of age when the cost of incarceration almost doubles due to the additional health care needs. Further, these individuals have the resources and earning capacity to cover the costs of halfway house, probation and monitoring that would result from an early release as a result of making the proposed amendments retroactive. It would also serve to accelerate the completion of restitution and satisfaction of fines obligations were these changes made to secure earlier release of economic offenders. Effectively, retroactive application would substantially reduce the financial burden currently borne by the Bureau of Prisons;

d) The majority of economic offenders are non-violent offenders, most of who were on small dollar or even person bonds while their cases were pending. Further, many were permitted to

self-report when their incarceration began. These factors coupled with the low recidivism rate make these inmates ideal for early release under a program where the reduction in guidelines is made retroactive;

e) Between year 2000 to date, there have been numerous amendments and changes to the laws that have benefited and served to decriminalize many drug offenses and little to address the same for economic crimes. In fact, the changes in the law have gone the other way in terms of over-criminalizing economic offenses whereby a level 19 offense in year 1989 translates to a level 29 offense in year 2015 without including for enhancements. In addition, enhancements have been added for things like use of "sophisticated means" where the communications with victims were done via email and add offense levels, when in fact, that is not sophisticated but is the norm. Further enhancements, like abuse of trust, in fraud cases, seems duplicitous when you consider that fraud schemes are inherently by their very nature an abuse of trust. In the last several years, economic crimes have garnered substantially more level enhancements, as these "white collar" crimes have been over-criminalized. The law is supposed to be blind to race, creed, ethnic background, and education and yet failure to apply the amendments retroactively punishes to a greater degree the highly educated and more sophisticated economic offender. By making the proposed changes retroactive, the commission would be serving to reverse the constitutional inequality of the over criminalization of economic crimes.

f) On April 14, 2015, Judge Patti Saris, Chairwoman of the Federal Sentencing Commission, gave a speech at NYU Law School. The key topic of the speech was the over-criminalization of the economic offense and why the proposed changes need to be implemented. The gist of her comments were geared toward the complicated nature of these offenses and how best to apply the sentencing guidelines to them. To affect the changes on a going forward basis without consideration to retroactivity is to permit the very thing that Judge Saris intended to prevent: an inequitable application of sentencing guidelines that has been occurring over the last several years.

In consideration of the foregoing, I support the changes proposed and urge the commission to enact them with a provision that they be made retroactive on their effective date. I further request the changes commence on November 1, 2015 simultaneous with the proposed enacting date and not be delayed as had occurred with the drug offender changes. A commencement date of November 1, 2015 will not place an undue burden on the system due to the small number of affected inmates in relation to the entire federal prison population.

Thank you for your consideration.

Dara Jackson
Columbus, Ohio



A CENTURY OF WITNESS A FUTURE OF COMMITMENT
OUR LADY of LOURDES
 CATHOLIC CHURCH

FOUNDED THROUGH
 THE GENEROSITY OF
 SAINT KATHARINA GRELL

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July 12, 2015

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To Whom It May Concern:

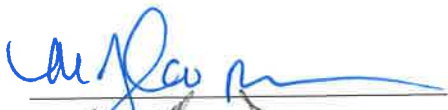
We, members of the Social Action Committee for Our Lady of Lourdes Church in Atlanta, Georgia, are urging you to make the 2015 Federal Sentencing Guidelines Amendments retroactive!

We believe doing so will help reduce excessive mandated sentences for nonviolent offenders who do not pose harmful threats to our society. This will directly address the issue of overcrowded federal prisons and the increased costs to taxpayers due to the overpopulations.

Again, please make the 2015 Federal Sentencing Guidelines Amendments retroactive!

Thank you.

God Bless,



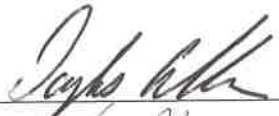
Matthew Moon

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