



Tue 8/25/2015 5:26 PM

John_Olive [REDACTED]

Revisions to "Crime of Violence" Definition in USSG § 4B1.2

To Public Comment

You replied to this message on 8/25/2015 5:50 PM.
We removed extra line breaks from this message.

Whatever definitions are developed to define crimes of violence in the revised Career Offender guideline will need to be specific enough to avoid confusion and create a repeat of what we have had for decades with the "otherwise" clause.

While you are at it, you may want to address similar problems which will likely crop up with the residual clause in the Immigration guideline.

PLEASE, do not make the changes to the "crime of violence" definition retroactive. Career Offender is a guideline enhancement only, the courts could have varied and/or granted departures if the Career Offender guideline overrepresented the seriousness of the offense. Also, if you make the change retroactive, then what about every Felon in Possession case, where the base offense level has been enhanced for a "crime of violence" that no longer qualifies? What about revocation sentences on TSR cases where the Chapter 7 range is based on a Class A felony that is no longer a Class A felony because the new offense is no longer a crime of violence?

A retroactive application would create a serious mess when we are just now getting over the "Drugs Plus 2."

Thanks for the opportunity to comment.

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