

Attn: Public Affairs Comments  
United States Sentencing Commission  
One Columbus Circle N.E.  
Suite 2, 500 South Lobby  
Washington D.C., 20002-8002

February 25, 2016

Re: 2G2.2 Sentencing Enhancements

Dear Commission,

This Commission knows that the sentencing enhancement under 2G2.2 are harsh and are unsupported by empirical data but are merely the product of political posturing. The Harvard Law Review (Vol. 124:1082), points out problems such as harshness and severity with the 2G2.2 enhancements compared to other criminal enhancements. Another important study is Troy Stabenow's "Deconstructing the Myth of Careful Study: A Primer on the Flawed Progression of the Child Pornography Guidelines." This Commission now has an opportunity to fix these politically motivated enhancements.

Many first time offenders of on-line child pornography are serving sentences much longer than many other inmates, who have multiple priors leading to a criminal history category of IV or V. These inmates not only had criminal intent but actual tangible victims of their various crimes. The 2G2.2 enhancement are completely unjust and unfair in relation to other sentencing enhancements.

Harvard Law Review's article states: "Whereas the United State Sentencing Commission (USSC) usually employs empirical methods, the court [2nd Circuit Dorvee] observed that section 2G2.2 has been rendered increasingly harsh -over USSC protest - by a spate of congressional mandates."

Many Federal Circuits assume that any sentence within the Sentencing Guidelines are reasonable. However, the Harvard article as well as the Stabenow's report states that the 2G2.2 enhancements are not necessarily reasonable. Every case is different. Guideline sentences under 2G2.2 are substantively unreasonable in most cases when it comes to "Sufficient but no Greater than Necessary."

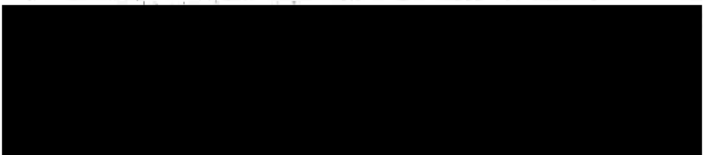
This Sentencing Commission has been correcting many injustices over the last few years. Now it is time for them to consider the 2G2.2 enhancements. All crimes involving children are loaded with emotions. However, it is important to remember that the viewers of on-line child pornography did not create the pornography. The commission needs to understand that the majority of men sentenced under 2G2.2 enhancements never made any attempt at physical contact, but found freely available digital images on-line.

Please correct these draconian sentencing enhancements. Lower all levels of 2G2.2 by 1 or two levels making the changes retroactive. First time offenders need a chance to prove that they only made a mistake, and never had any real criminal intent. Repeat offenders should be sentenced at current levels, but not first timers!

Thank You,

*Jess Alexandra Bouyer*

\* available at <http://fd.org/pdf/lib/child%20porn%20july%20revision.pdf>



February 18, 2016

Attn: Public Affairs Comments  
United States Sentencing Commission  
One Columbus Circle NE.  
Suite 2, 500 South Lobby  
Washington D.C., 20002-8002

Re Sentencing Law 2G2.2

Dear Commissioners,

I am very glad that you are reviewing the sentencing enhancements under 2G2.2 which seem to be out of line with the penalties for other crimes. (I've read a number of times in the paper of murderers who got much less time in jail than my cousin's son, (Mark Brown #53540-018, Federal Correction Institution, Loretto, PA) who was sentenced to 17 years in prison and never hurt anyone. Mark's own story was never told.

**Mark was abused by a priest**, Father Smith, who served at Our Saviors Church in Cocoa Beach, FL in the early '60s, when Mark was around seven years old. Father Smith was a close friend of Mark's parents and Mark's father was on the Board of the Church. When Mark told his father about the abuse, his father took him to the priest to "confess" what he had said. Thereafter Mark didn't tell anyone else about what had happened to him, and Father Smith was swiftly moved to another diocese. (Other members of his family didn't know about his abuse.)

Mark held the memory of that abuse. Years later, he looked for childhood photos of himself on line. It was the abuse by a priest that started him on this awful path, and it isn't only Mark who has been affected. The damage done by his incarceration has been severe for his family and especially his two young children, who adored him.

Mark has never been arrested for anything. He didn't know anything about the law, and when his lawyer, Edie Suarez of Tampa, FL told him he needed to sign a "plea agreement", or he could get life imprisonment, he chose the "plea agreement". Mark's family thought Edie was doing a good job, until he said nothing to defend Mark at the trial.

The Harvard Law Review (Vol, 124:1082) points out problems such as harshness and severity with the 2G2 enhancements compared to other criminal enhancements, and another important study is by Troy Stabenow "Deconstructing the Myth of Careful Study: A Primer on the Flawed Progression of the Child Pornography Guidelines"

For Mark, it was a first time offense. He never had any criminal intent. He has served nearly 6 years in a 17 YEAR SENTENCE!

Thank you for your consideration to make the laws appropriate and fair.

Sincerely,



Carol Dwyer



United States Sentencing Commission  
ATTN: Public Affairs Comments  
One Columbus Circle N.E.  
Suite 2, 500 South Lobby  
Washington, DC 20002-8002

John Robert Ehlen  
FCI - Loretto  
P.O. Box 1000  
Loretto, PA 15940  
**February 12, 2016**

RE: Public Comment on Upcoming Priority Enhancements Under 2G2.2

Dear Honorable United States Sentencing Commission,

I am writing to express my hope for this duely appointed commission to make correcting the draconian sentencing guidelines for non-production underage pornography offenses its foremost priority.

These guideline ranges for namely 18 U.S.C. §2252(a)(4)(B), 2252(b), and §2252(a)(2), 2252(b)(1) are entirely too harsh, outdated, and fundamentally broken. These guidelines and their enhancements are so broken many Federal Judges from several circuits have refused to apply guideline range sentences, while, at the same time, many Judges from other circuits continue to adhere to them. This completely defeats the purpose of maintaining sentencing guidelines in the first place - to provide Federal Sentencing consistently across circuits.

I feel the use and definition of the charge of 'Receipt' needs to be fully explained and clarified, in the context of file peer-to-peer programs and other modern internet tools. The much more serious charge of 'Receipt,' 18 U.S.C. §2252(a)(2), §2252(b)(1) may be over used and charged inconsistently across our nation. What separates this conduct from simple possession, 18 U.S.C. §2252(a)(4)(B) and §2252(b)(2)?

The enhancements under 2G2.2 that were originally intended to differentiate the most serious offenders are now being applied to a majority of cases and for the wrong reasons. These enhancements have not kept up with the changes in technology and the common ease of peer-to-peer computer connectivity. Adding a two point enhancement for the use of a computer is telling the courts that possessing a digital copy of a copy of an image is far more serious than possessing the original Polaroid photo; from the event, an actual crime scene evidence. All other enhancements must also be greatly reduced or eliminated for non-production offenses as well. None of these possession enhancements account for the ability for file compression allowing many hundreds or thousands of images per a single download file or other advancements in computer speed and technology.

The base level offense must also be reduced in the guideline range. In many cases the base level suggests a prison term already above the mandatory minimum. This occurs in the charge of 'Receipt' 18 U.S.C. §2252(a)(2), 2252(b)(1) where the base level guideline range is already above the 60 month minimum mandatory. This discrepancy should not be possible at all as it is inverted and needs correction.

All Commission corrections to the guideline ranges for 2G2.2 should be made retroactive or for clarification as these affect many individuals since peer-to-peer software became widely used.

Thank you very much for your consideration.  
Respectfully signed,



[REDACTED]  
United States Penitentiary-Tucson  
[REDACTED]  
Tucson, AZ 85734

Sentencing Commission  
2-500 Columbus Cir NE  
Washington, DC 20002-8002

January 5th, 2016

I am writing you to address (hopefully you respond) with regards to the severe disparity in sentencing in CP offenses. I recently filed a *amicus curiae* with the S.D. of Indianapolis in the US v Jared S. Fogle, 1:15-cr-00159-TWP-MJD case to oppose the plea deal that was agreed to by U.S. Attorneys Office which would have allowed for a minimum sentence of 5 years and had capped the maximum at 12 1/2 years (150 months). Mr. Fogle did not receive his plea deal and as a result I believe was sentenced to 188 months. His case involved flying to N.Y. to have sex with underage females and CP distribution, so not just a computer crime but a hands on offense yet he was offered such a plea deal by the US Attorneys Office.

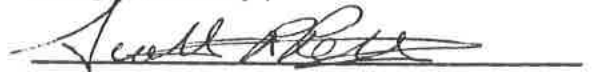
How can there be such varriant offers being made??? is this not unequal justice?? and unfair to both the victims and the defendants?? Does not such dealings display a lack of integrity within this supposed great judicial system??? does it not show the biasness and prejudices of those sworn and trusted, prosecutors, Judges, and even defense attorneys??? I personally know of several inmates here who have previous convictions from the "State" there from, who were then caught by the Feds and charged with distribution, receipt, and possession, the Distrbution and receipt carrying a mandatory minimum of 15 and maximum of 40 because of the previous "State" convictions. The Possession carries 10 to 20 years yet they were allowed to plead to "possession"

only and received the minimum 10 year sentence with priors being considered. I myself was forced to plead to distribution as the Federal Prosecutor had been my previous State prosecutor and felt I got off easy on my State case so she would not allow me to plead down to possession. I received the maximum sentence of 40 years and yet there are many cases where hands on offenses is also in the current instant offense, like Mr. Fogle, yet they receive sentences that are far more lenient. My cellie is from Utah he has a hands on offense from 1999 and one from 2004 and was then picked up by the Feds and charged with distribution and possession and received a negotiated plea deal of the minimum 10 years for possession, (Bryan Gardner, #18035-081). Why does Mr. Fogle and Mr. Gardner get the chance to live life again??? Why do they get to go home and see their families while I never get to see my mom ever again?? Does not my life mean as much as theirs??? I admitted my guilt and went along with the Federal Public Defender that I had a good chance to receive a 15 year minimum sentence, even that at 46 years old is a long time especially someone who just 6 months prior was diagnosed with coronary artery disease and had to have stents put in. My mom lost the family home of over 50 years because I was helping to support her, now she's in a nursing home like me in an institution for the unwanted.

Had I known the Federal penalties involved it may have very well deterred my behaviors, it would not have changed who I am, and as this Country is finding out there are millions. What I did does not deserve what amounts to a life sentence.

Thank you for your time.

Respectfully,



Concur by: Stephen Reinhardt; John T. Noonan  
REINHARDT, Circuit Judge, concurring:

Like Judge Noonan, I concur in the unanimous opinion of the court. Also, like Judge Noonan, I am disturbed about the practical impact of the child pornography laws upon otherwise law-abiding individuals. I do not agree, however, that advertising the legal consequences is a solution to the problem. Rather, it is my view that "psychological impairment" is in most, if not all, cases the cause of the criminal conduct. Whether psychiatric treatment rather than incarceration would be the proper response by state authorities is a matter that I would hope would be given more serious consideration than it has until {766 F.3d 1053} now. Surely sentences of five to twenty years for a first offense of viewing child pornography are not the solution. See 18 U.S.C. § 2252(b)(1). Nor are mandatory sentences of fifteen to forty years for a second. See *id.*

My concern is not with those who produce or distribute child pornography for financial gain. Such individuals willfully do serious injury to the most vulnerable members of our society and deserve whatever punishment the law provides. Certainly no one can have much sympathy with those who prey upon young children in order to benefit themselves. Those individuals are ordinarily motivated by wholly selfish interests that they are perfectly capable of controlling. In contrast, those who only view child pornography, including those who exchange video computer files, are in all likelihood the victims of a form of mental illness that prevents them from controlling what they would otherwise understand to be not only unhealthy impulses but impulses that result in great harm to the most innocent members of our society.

I do not profess to know the solution to the problem of how to cure the illness that causes otherwise law-abiding people to engage in the viewing of child pornography. I know only that lengthy sentences such as the one in this case, ten years (and below the guidelines at that) for a first offense, cannot be the answer.

There is nothing new in what I say here, but it is a problem that I believe deserves more attention than we have given it thus far. Many lives of otherwise decent people have been ruined by psychological problems they are not presently capable of controlling. Incarcerating them will not end the horror of child pornography or the injury it inflicts on innocent children. All it accomplishes is to create another class of people with ruined lives-victims of serious mental illness who society should instead attempt to treat in a constructive and humane manner.

NOONAN, Circuit Judge, concurring:

I concur in Judge Murguia's opinion.

I write to underline the need for further action to discourage a crime whose actual extent is unknown but whose commission is increasingly prosecuted as a serious federal offense. As pointed out in a thoughtful communication by Alexandra Gelber, Assistant Deputy Chief, Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice: Those convicted of the crimes of possessing, receiving, or distributing child pornography typically have no criminal record but "include professors, teachers, coaches, fathers, lawyers, doctors, foster parents, adoption agency owners, and more." See Alexandra Gelber, *Response to "A Reluctant Rebellion"* 7 (July 1, 2009), [/ceos/downloads/ReluctantRebellionResponse.pdf](#). Obviously, lack of criminal history is not a defense. It is equally obvious that this kind of defendant is normally law-abiding and, unless suffering from some psychological impairment - the probability Judge Reinhardt effectively develops - could be expected to obey the law in this area if aware of its provisions and especially if aware of its sanctions. Why should the government not advertise the law and its penalty? Better to stop a crime's commission than mop the consequences.

2-01-16

United States Sentencing Commission  
ATTN: Public Affairs Comments  
One Columbus Circle N.E.  
Suite 2, 500 South Lobby  
Washington, DC 20002-8002

RE: Public Comment on Upcoming Priority Enhancements Under 2G2.2

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These guideline ranges for namely 18 U.S.C. §2252(a)(4)(B), 2252(b), and §2252(a)(2), 2252(b)(1) are entirely too harsh, outdated, and fundamentally broken. These guidelines and their enhancements are so broken many Federal Judges from several circuits have refused to apply guideline range sentences, while, at the same time, many Judges from other circuits continue to adhere to them. This completely defeats the purpose of maintaining sentencing guidelines in the first place - to provide Federal Sentencing consistently across circuits.

I feel the use and definition of the charge of 'Receipt' needs to be fully explained and clarified, in the context of file peer-to-peer programs and other modern internet tools. The much more serious charge of 'Receipt,' 18 U.S.C. §2252(a)(2), §2252(b)(1) may be over used and charged inconsistently across our nation. What separates this conduct from simple possession, 18 U.S.C. §2252(a)(4)(B) and §2252(b)(2)?

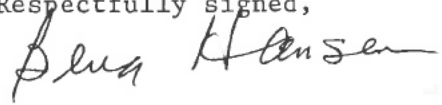
The enhancements under 2G2.2 that were originally intended to differentiate the most serious offenders are now being applied to a majority of cases and for the wrong reasons. These enhancements have not kept up with the changes in technology and the common ease of peer-to-peer computer connectivity. Adding a two point enhancement for the use of a computer is telling the courts that possessing a digital copy of a copy of an image is far more serious than possessing the original Polaroid photo, from the event, an actual crime scene evidence. All other enhancements must also be greatly reduced or eliminated for non-production offenses as well. None of these possession enhancements account for the ability for file compression allowing many hundreds or thousands of images per a single download file or other advancements in computer speed and technology.

The base level offense must also be reduced in the guideline range. In many cases the base level suggests a prison term already above the mandatory minimum. This occurs in the charge of 'Receipt' 18 U.S.C. §2252(a)(2), 2252(b)(1) where the base level guideline range is already above the 60 month minimum mandatory. This discrepancy should not be possible at all as it is inverted and needs correction.

All Commission corrections to the guideline ranges for 2G2.2 should be made retroactive or for clarification as these affect many individuals since peer-to-peer software became widely used.

Thank you very much for your consideration.

Respectfully signed,



Attention: Public Affairs Comments

United States Sentencing Commission

One Columbus Circle N.E.

Suite 2, 500 South Lobby

Washing DC, 20002-8002

RE: 2g2.2 Sentencing Enhancements

Dear Commission,

My Brother Mark Brown, 53540018, FCI, Loretto PA 15940, is serving an unbelievably harsh sentence for being in possession of child pornography. His sentence is much harsher and much longer than most ....having followed the trend with most inmates that are currently being sentenced. Having watched the Nation and following the sentences it is without doubt that the Judge, Judge Lazaro did not take into account much of the information that was provided during Marks sentencing.

He was provided a compressive report from the now deceased Ted Shaw PHD. Leading sexual addiction specialist who believe after many meetings with Mark that he would have a less than 1% chance of being a repeat offender. It was disturbing that during his testimony he was hard to hear because of his advance stage of esophageal cancer and that Judge Lazaro did not read his written report.

He was provided with a written report from his then mental health counselor, whom Mark had been seeing for two hours each week while in was incarcerated in the Pinellas County Prison system.

Mark was a family man, Father of two children and a loving Husband. He was gainfully employed for over 30 years in the boating industry. He is not a young man. Our family has been fractured over this situation.

Please correct these draconian sentencing enhancements. Lower all levels of 2G2.2 by 1 or two levels making these changes retroactive. First time offenders need the opportunity to prove that they have made a mistake, and that they never had any criminal intent.

I thank you in advance for you attention to this matter.

My Best,

Mara Routh





U.S. Sentencing Commission

Re; Child pornography

The mass incarceration of our young, and some older citizens is based on a faulty premise and permeates a mistrust of our system of justice. There is no empirical formula that clearly depicts a demon on the prowl and it gives prosecutors over reaching tactics that promote inequity and a fast track too jail.

The Attorney General from New York, currently the Governor, made a sensible recommendation, convince the email providers to stop this from passing through their servers, similar to keeping users from using profanity, which has been done.

An emotional response to any offense is not what our constitution or our bill of rights represents, but merely an act to appease a segment of our population, but it does not serve the entire populace.

We all agree that our children should be protected, but at what cost and these impositions will impact the very we are protecting by way of our limiting their rights as prescribed in our constitution.

My son is serving 15 years for transmitting 3 pictures but never had a clue that this was a felony punishable up to 20 years. No priors, no intent, refused to meet at the task force's insistence and clearly indicated that was a violation. The prosecutor created an external hard drive that was not his. The computer where they claim to have found despicable videos was inoperable and he never downloaded these awful videos they had send him and us in N.Y.

The commission, congress or an act of GOD, will not impact the system of injustice until prosecutors are held accountable for their breach of oath. "Injustice for all is not an inscription on a wall, but a shameful act bestowed upon us all" by inmate [REDACTED]



Nelson Cintron, [REDACTED]

February 18, 2016

The United States Sentencing Commission  
One Columbus Circle, N.E., Suite 2-500  
South Lobby  
Washington, DC 20002-8002  
Attn: Public Affairs – Priorities Comment.

RE: SCHADE, Derek 62590-066  
#07-CR-555-1

To Whom It May Concern:

I am writing in response to amendment #3. In November 2007, my son was found guilty of possession of child pornography and distribution. He was found guilty on 2 counts and sentenced to 11-1/2 years in federal prison. He had a trial by jury who found him guilty. He truly believed that he had done nothing wrong. He did not ask for these films, he had never encountered anyone at all, never went on a chat room and definitely never produced any of these films. Unfortunately, he looked at these images and did not delete them which made them accessible to others who were on the same sharing site. This distribution thing makes it sound like he literally went into the file himself and sent them. The Citizens Crime Commission came into my home, confiscated his computer, looked through my house, took away cell phones, cameras and looked for any materials and found nothing.

He was on a sharing site called Bear Share (I believe that was the name of the sharing site which I don't think is any longer around) and I am sure that he wanted adult pornography but I know that he did not ask for the child porn. Being obsessed with the computer, he rarely deleted anything which was to his disadvantage. He had over 107,000 (or more) files saved on his computer (various things), many of which he just never deleted. I still don't know how this became a federal crime. It was just assumed that the distribution went out of the state even though there no was evidence of such.

Let me tell you a little about him. He was a whiz with the computer and I believe given the chance for punishment he could have helped the feds in tracking down these perpetrators and maybe even went to the schools and talked on the issue of being more careful with what comes across on your computer and the risks of sharing such files. Community service would have been more preferable in my estimation. Even spending a few years in prison and on getting out speaking of the consequences entailed with possession of such seems more reasonable. He never hurt any of these kids even though they were considered to be his victims.

Derek worked 10 ½ years for a company, was highly esteemed by his employer and co-workers. If the feds believed that he was really a threat to society, why did they not confiscate his work computer

which he was on from about 7:00 in the morning until around 5:00 PM every evening. He always worked a 10 hour day at least. I just feel that he had very poor representation from his lawyer. Had we been a little smarter we would have probably fired him from the get go. He lied to us about how we were making more out of the situation then it really was. I don't think getting 11 ½ years in prison is making more out of it then we should.

Derek was good to our whole neighborhood with his computer. People that did not have wireless would hook up with his router. I am not into technology too much and unfortunately I do very simple things on the computer . I still ask many questions when I have something which takes a little technical saavy but I know that I would use the computer. It was a home computer so we both had access to it and Derek would be right there helping me along the way with things on the computer that I was not sure of. Actually the internet access was in my name. He helped everyone that way. We all miss him terribly. Unfortunately, I know that his time in prison has changed him.

He really has to defend himself and his character all the time. He is always being accused of what he is not.

I wonder if this was me on the computer , since I did not have a password and used Derek's, would I have gotten the same punishment. I bet I wouldn't have.

The fact that there is a first time crime doesn't mean anything anymore. If you have not done anything criminal to the age of 30 should make things a little better for you or having character witnesses at your trial or having your family and neighbors write letters in his behalf, seems like a joke. It doesn't seem to matter at all that people are rooting for you.

How long should someone be punished for just being irresponsible on their computer. Should their whole life be taken away from them. Why should they have to register as sex offenders for not even being involved with a real person, only computer images. If you look at murders and share gruesome images does that make you a murderer?? If you look at illicit sex what does that make you??

Also, my son was suffering from severe obstructive sleep apnea for which he was operated on. His studies showed that his heart stopped over 100 times per minute. He really did not sleep well at all. He would be cleaning his room at night, walking around and being awake when he should have been having a good nights sleep. I wanted this to be addressed in court but my lawyer said that it was crazy but I did not think so at all. If a sleep specialist was brought into the court they may have been able to convince the jury that this disease had some impact on his actions. To this day, I am sorry that his sleep apnea was never even entertained. My father (his grandfather) had severe sleep apnea and he actually walked roofs of houses and was missing for many hours due to this. This had a big impact on his heart and I believe that part of his heart condition and his death was due to his severe sleep apnea.

I know that I am really getting into a lot of personal things but I believe that there is something more that has caused him to be so irresponsible with the computer.

He was convicted in a 3 day trial to 11 ½ years which seems so unfair. He had a lawyer who only always wanted money but didn't really try to help him out in any way. I don't think that he really cared at all. He was never briefed before his trial or anything. He kept promising to go see him and talk to him but never did. He got paid so what did it matter. Since we were not familiar with defense lawyers, we just expected that while paying someone for his services would afford us the best representation we could get. How sad I felt that he had no time to go see my son before the trial. I really did not know this until after the trial because I trusted in the fact that the lawyer was being honest with me.

Well, I could go on forever and ever as far as my son is concerned. I just hope that some changes can be made regarding these computer related issues especially when no other crimes are being admitted and the person really has nothing to do with the production of any of these films.

I hope that you hear many such cases and would consider changing the mandatory minimum. From the time Derek was arrested, I kept saying that things have to change in that regard.

Thank you for your time. I hope to hear in the future that changes are being made.

Yours truly,

Christine Schade

Attn: Public Affairs Comments 2G2.2  
United States Sentencing Commission  
One Columbus Circle N.E.  
Washington, D.C., 20002-8002

March 3rd, 2016

Re: Harsh Sentencing 2G2.2 enhancements

Dear Sentencing Commissioners,

I want to express my thoughts on the unjustified harsh enhancements of 2G2.2 enhancements for viewing child pornography.

I am a married man of over 17 years. I have two daughters whom I miss dearly. I was successfully employed for 23 years as a grocery manager when I became a first time offender with no prior record.

I am now serving time here at FCI Loretto. I am incarcerated with many inmates that have been in and out of jail numerous times. Now many of these drug offenders are seeing some relief in sentencing thanks the the public pressure of mass incarceration, with much too long prison sentencing.

An article in the Harvard Law Review (Vol. 124:1082) points out problems of the harshness and severity of 2G2.2 enhancements when compared to other criminal behavior. Federal defender Troy Stabenow's report 'Deconstructing the Myths of Careful Study; A Primer on the Flawed Progression of the Child Pornography Guidelines' tells of how this commission already knows how severe the enhancements are and are not the wishes or experience of the commission but are mere political ploys of elected officials to look 'tough on crime'.

The many enhancements under 2G2.2 that were originally intended to differentiate the most serious offenders are now being applied to a majority of cases, and all for the wrong reason. These changes have not kept up with the changes of technology and the common ease and speed of peer-to-peer computer connectivity. With in a mere moment, it is possible to add a full 10 - 12 sentencing levels due to these enhancements, without ever doing anything other than click on a mouse behind a closed door.

Adding a two point level for the use of a computer is telling the courts that possessing a digital image found on-line is more severe than owning the original Polaroid, or obtaining the image direct from the camera that took the photo from the event, an actual crime scene.

Children do need to be protected. But the mass incarceration and lengthy sentences pronounced when Judges refuse to depart from the sentencing guidelines, has made no effect on doing away with on-line child pornography. Pornography addiction needs to be addressed, Most viewers are not pedophiles. Have no sexual attraction to children but got caught up in a pornography addiction that led to where I am today. Over sentencing a viewer is not the answer. Please revise the 2G2.2 enhancements and make them retroactive, especially for the first time offender.

Thank You,

Tarek Tretiak  
FCI Loretto

**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** Comments on changes to sentencing guidelines  
**Date:** Sunday, January 24, 2016 12:36:18 PM

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Dear Sir or Madam,

We would like to provide comment on the proposed changes to Sentencing guidelines, specifically those concerning Child Pornography Circuit Guidelines. We support the changes that would limit the offence level enhancement for using a file sharing program such as P2P file sharing. By using this program, a user can share files without making any effort to do so, or without purposely trying to share the files. In fact, we support the wording to state that the offender "Purposely" shared files, rather than "knowingly" shared files.

We would also support changes to the sentencing guidelines for the number of images possessed by the offender. Since almost all child pornography is obtained over the internet, it is very easy to download a large number of images or videos with a simple click of a button. Obtaining a large number of images, does not translate into the offender distributing the images (as is used in drug offences - possessing a large number of drugs is implied to mean the offender intends to distribute drugs). The offence level enhancement for possessing a large number of images does not make sense with the current ease of obtaining images over the internet without even incurring any expense.

Additionally, we would encourage the Commission to make these changes retroactive. There are numbers of offenders currently in prison who would not be there if these changes had been in effect at the time of their sentencing.

Thank you for considering our input on this matter.

Mr. and Mrs. Ernie Rongish

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** Proposed 2016 Federal Sentencing Guidelines Amendments  
**Date:** Saturday, March 19, 2016 3:18:19 PM

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Dear Sirs:

We are answering the invitation to submit comments concerning the proposed amendments to the sentencing guidelines for 2016, with regard to the changes involving fair sentencing for federal child pornography. We commend you for your willingness to address the disparity that exists in sentencing of child pornography offenders. These proposed amendments are certainly a first step in the right direction.

Our son's case is complicated, and when it was adjudicated, we were very naive about the nuances of his case, and of sentencing, in the federal system. He is our only child, and we are his only living close relatives, who can serve as a support system for him. Due to our advancing ages, his Draconian sentence, and release date compared to our lifespan, we are especially interested in helping to make sure that the current unfair aspects of the guidelines involving his case be changed, in order to reflect a truly fair sentencing, compared to the actual crime.

Sentencing for crimes society finds abhorrent must never be over punished, to accomplish revenge, otherwise rehabilitative, and restorative efforts are dismissed, and the entire society suffers the fallout. Our son, by court declaration had no victims, and he has never committed, nor been accused of a hands-on act. There are also many others, in his situation, whose lives are ruined, and who suffer under the unfair aspects of the current sentencing structure, and they deserve due process, and justice.

Today's society is highly computer-centric. Images and videos of child pornography are almost always obtained using a computer. Ten images or 10,000 images may be downloaded with the click of a mouse, so the quantity of images on a computer does not speak to the intent or desires of the offender. Since almost all of the sentences handed down today include enhancements for computer use and image quantities, these specific offense characteristics should be covered by the base offense level. For these reasons, we believe that Section 2G2.2 subsections (b)(6) and (b)(7) should be deleted.

We thank you for your efforts to change, and to make a definite distinction between distributors of child pornography, and those who have child pornography in their possession, by means of a computer. Currently, many distributors, and producers are serving shorter sentences than those who possess/view child pornography, and in order to accomplish criminal justice reform in this area, it is a disparity, which must be corrected.

A. Charles Lytle

Susan L. Lytle

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