

Dear Judge Pryor,

After reviewing the posted public comments for Proposed Amendment No. 1, I would like to offer a brief comment on the letter submitted by Caution Click (CCNCR). This organization proposes an amendment to U.S.S.G. 5D1.2(b) to include a policy statement recommending the imposition of the minimum mandatory term of 5 years supervised release for "first offenders" convicted of a non-production child pornography offense who have no history of sexual contact with children. I agree with CCNCR to amend the current policy statement because it is consistent with the Commission's empirical conclusions regarding recidivism rates of "first offenders" and child pornography offenders. The Commission has previously noted a need to amend this policy statement as the average supervised release sentences for child pornography offenders are exceeding 20 years. Quotes from the 2012 Practitioners Advisory Group serves to remind us of the need for change: "in our experience, most child pornography offenders are first offenders with no prior contacts with the criminal justice system and nothing in their backgrounds to suggest that they are a danger to children or anyone else." (This statement is footnote referenced in U.S. v Cruickshank 667 F. Supp. 2d697,701 (S.D. W.V. 2009) One of the fundamental problems with the child pornography guidelines is that it does not distinguish offenders with differing levels of culpability. In fact, it does the opposite."

CCNCR also suggests amending U.S.S.G. 4B1.2 Commentary to specifically exclude 18 U.S.C. 2252(a) from the "crime of violence" definition. Given the inconsistencies within the Guidelines Manual, the "crime of violence" definition within the United States Code, the plain statutory language of 18 U.S.C. 2252(a), and the Supreme Courts' decisions, I agree with the opinions expressed by CCNCR and support the exclusion of 18 U.S.C. 2252(a) to the Commission's "crime of violence" definition.

We have a family member who has served a federal sentence, employed at less than 25 percent of his former profession, but has committed himself to become a contributing member of society as bet he can! He has attended multiply hours of required and voluntary Treatment to ensure he never accesses any illegal material ever again. He has a new family, serves in a wonderful church where he is welcomed and reaches out to help those in need.

He is on lifetime supervised release however; even when his probation officer says in private, there is no need. But with the current legal restraints, there is little to no opportunity for probation or the courts to terminate his supervised release. There are promises, and thin encouragement, but nothing comes of it. Please consider our position carefully.

Thank you for the opportunity to offer comment.

Respectfully,

Barbara McClamma

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Respectfully,  
Alice Wilson

