

2-7-2018

To Whom it May Concern,

I wanted write and comment on the amendment updates that might be in play regarding synthetic drugs. I am currently serving a 86 months sentence for this drug. My problem is that my conversion for MDMA aka Molly was 50 conflicted. They gave me 500 grams of marijuana to every 1 gram of MDMA. Which lead to me having nearly 10,000 Kg. of marijuana and a high offense level. I think something should be done about this because 500 to 1 is extremely to high.

God Bless,



I support the efforts to increase penalties on all drugs including synthetic formulations. Don't let dealers OR users off by saying they just need rehab. That's not a deterrent. Look at what's been done to producers or child pornography and viewers of FREE child pornography. They are all classified as felons, are sent to prison and put on the unconstitutional public registry telling them they cannot exist in public even after they have done their time. It's about time drunks and drug users are treated the same. Registries for everyone or NO registries for anyone.

March 1, 2018

United States Sentencing Commission

I had been reading information you already has from Prisology, FAMM, Public Defenders, Pew Institute, ALCU, and many others well known and prestigious organizations producing updated and valuable information to you, also from PhD brilliants scientific from all kind of organizations, universities, hospitals etc. in some case the information had been divide in 4 details topics: taxpayers, families, law makers and offenders. There are plenty of data in your hands already.

Also you have court cases USA vs McCarthy, USA vs Holmes, USA vs Reche and so many others, the wrong existing ratios had been use in a very inconsistent way, it must be stopped, I am pretty sure you know why the same drug is consider with different ratios in different court cases, creating a significant sentencing disparity.

Synthetic cathinones are not equal, the argument of put all of them in the same category is unfair, lazy and a very unprofessional move. There are 3 categories and some of them are according to the scientific community are weak analog of all others Ex. Ethylone is less potent than Methylone and Methylone is less potent than MDMA which is wrongly in the ratio of 1:500. This existent unfair ratio has sent more people to prison than it should be, that left more with child without parents than it should be, this unfair ration has costs more millions of dollars than it should be.

The existing drug epidemic with opioids is killing more people than never before, unfortunately fentanyl is available at very low costs in our cities to our kids and government agencies had failed over and over to control it, to reduce it, this epidemic grow in the last 3 years with more death year by year. Who will pay for this government agencies inefficient allowing thousands of death and enormous costs to our country?

You are independent, hopefully you will understand than inefficient government agencies cannot keeping running the unfair sentencing with wrong ratios, and with outdated information.

Please do the best for USA society, for the nation, not for federal agencies proven to be responsible for most of the existing prison high population and costs, with too little result. Also with some guilt to allow this deadly epidemic to grow out of control with terrible consequences for American families.

Severe sentences had proven been the wrong solutions, It does not deter people to use and sale drug, it mostly increase prison population and destroy so many households, even in Philippines where paramilitaries kill more than 3000 drug dealers recently, new drug dealers are replacing the previous one, the drug problem is more complicate than imposes severe sentences or kill them, the only way is reducing and hopefully eliminate the demand.

You are our heart and soul representing the desire of hundreds of thousands of family members in this chapter please make the right proposal, make the fair proposal, and make the sentencing system better. It is fully understand then punish is appropriate, but no severe, unfair and breathtaking sentences. Punish should fit the crime. Make fair ratios and make them retroactive to previous unfair sentences. Let correct previous unfair sentences too. This retroactive corrections may help thousands of prisoners receive a year or two years reductions in their sentences. It is a matter of correct unfair sentences with wrong ratios.

I do not want to repeat the statistic you know already but at least very brief I want to reproduce some of the most important:


USA house 25% of the world's prisoners, the highest incarceration rate anywhere, higher than China, Iran, Russia and Cuba etc. Over 7 million peoples are doing time, on probation or parole within a dysfunctional U.S. correctional system that has corrected very little, but still costs taxpayers 210 billion yearly.


The harm done to the families of the incarcerated-specially children- is a severe consequence of the criminal justice system. There are 1.1 million fathers and 120,000 imprisoned mothers in U.S. , report the Pew Charitable Trusts, more than 2.7 million children have an incarcerated parent, and 10 million have experienced parental incarceration in their lives says Annie E. Casey Foundation. The harm to youth, communities and the stability of household is incalculable, parental incarceration is the greatest threat to child well-being in the U.S.A. says World's Children's Prize Foundation.

Prisoners with unfairly harsh sentences should come home sooner, to improve their household economic situation and the reform of the unfair criminal justice system is long overdue, improving the fairness of the system and the life of ex-offenders significantly brightens the lives of children. Families of incarcerated are suffering a lot too. Punished must be a remedy but a fair punish, not a punishment based in wrong and exaggerated ratios for drugs.

It is time to reverse injustice with ratios, there are plenty of families waiting for your proposals, been fair, been effective with lenient, compassion and misericords, make all of them retroactive immediately.

Thanks

  
Enrique Enriquez



February 22, 2018

United States Sentencing Commission

The new proposal ratios of 1:500, 1:380, and 1:200 are not a clear indication of the different drugs under those names and the argument of one ratio for all of them is very unfair.

Ethylone is a weak analog of Methylone, Ethylone is less potent than Methylone, Methylone before the proposal is already 1:380 and it is half potent of MDMA which it is exaggerated in the 1:500.

Some recent studies, professional opinions and court cases are asking for a new ratio for Ethylone of 1:50 or 1:100 because it is less potent than all the other synthetic cathinones, D.E.A Mrs. Cassandra Prioleau and others scientific working for the government testified they have no opinion about Ethylone potency. Harvard professor Dr. Halpern in the court cases USA vs Holmes testified that Ethylone is less dangerous, produce less hospital emergencies, less death than cocaine which it is 1:200, he testified in the previous mentioned court cases showing unique experiment with mice proving less potency, and less dangerous effects, Ethylone is no dangerous and no addictive as other drugs.

Dr. Gregory Dudley has testified in front of you with the same opinion, he goes further explaining that recent analysis come to the same results, Ethylone is less potent than other cathinones.

Dr. DeCaprio and some others testified in front of you with the same information in previous appearance in front of the USSC, he also mention recent studies using more updated technology with another dimensions showing more data. This is one of the great injustices keeping the comparison of Ethylone with MDMA. The documents called Death Related to Ethylone mentioned in details 9 death in several years, none of the death is related to Ethylone along, all of them are multidrug users, some of the tragedy occurs with fire arms, multidrug users had been shot, the relation of this death with Ethylone is minimal or non-existent, a death to a person shot in the chest is because he was fatally shot in the chest if the person has in his body 7 different drugs is not appropriate to said person die because any of the drug, and the other death are more related to multiple drugs in the victims' bodies. The article is self explanatory.

The drug consumer's forum has this kind of comments:

Not the Molly I was looking for.

Looks like MDMA but without the fun.

A very calm beauty experience.

A bit disappointment.

This is not your mother methylone.

Serotin Sedation.

Do not hold your breath

The comments clearly express drug addicted are disappointed because the effect of the Ethylone is so weak, they are looking for more potent drugs, no anything so weak like Ethylone.

The D.E.A. has the power to compare drugs based in similar structure, effects and potency Aplicacion No.6, but MDMA was increase to 1:500 from 1:35 in 2001 and the only outcome was increase the amount of prisoners with severe sentences and the cost of the prison system, the consumption did not decrease until 2009. D.E.A has the power and unlimited time to study a drug, the drug Ethylone is wrongly compare to MDMA with a ratio of 1:500 in 7 years D.E.A. has no produce a complete study about Ethylone and many injustice, many unfair sentences had taken place over and over, this is a clear example of sentencing disparities, some courts goes with the ratio of 1:200 and others for the same drug Ethylone goes with 1:500 following D.E.A guideline and outdated studies, most of 1:200 court ratio, are defendant with privates attorneys, mostly 1:500 is for defendant with public defenders. There are some others factors like history and current pattern of use? (Very few percent of drug user try Ethylone less than 0.001%), The scope, duration and significance of the abuse ?( very minimal death or emergency room overdoses) What risk to the public health ?( very minimum).

Some countries with less percent of people in prison like Spain are not looking for more severe sentences, some countries in Central America like El Salvador are looking to reduce the prison population up to 58%, our prison system is based in punishment not in rehabilitation, prison system are not making our society more safe, prison system including probation, pre-sentencing reports, halfway houses, FBOP court system etc. expend 210 billion per year, the costs for prisoners is \$30,000 per year, there are more than 2 million people in prison, enormous costs solving too little. It was ashamed yesterday to see a woman in prime time TV showing statistic where USA has the higher ratio of incarceration in the world, leading Iran, Russia, North Korea, Cuba etc., There are many ways to reduce this large amount of prisoners, Prisology is proposing a new table reducing 2 point to thousands of prisoners, with the only condition is no death, no permanent injuries and no minor involved in the crime case and the prisoner must be working or studying, taking prison courses showing a positive and good behavior. This easy and simple approach will shave 1 or 2 years for existing sentences, in 2014 and experiment like this work very well. FAMM propose that after reaching half of the sentences prisoners should be evaluate to others way of detention, in their house with labor to do instead prison system. Prisoners need some hope, some goals, some motivation a high percent will do better with some help. Society will benefit from different approach. Millions of dollars wasted every year with no good results.

The ratios should be for Ethylone 1:100, anything over this ratio is unfair. It is time to fix the existing wrong ratios. None of the synthetic cathinones should be over 1:200.

The nations cannot go backward; nations should go forward, facing society problems with new way, new approach, the judicial system had been repeated the same mistakes over and over, believe breathtaking sentences is the solution is a failed argument with enormous costs and too little results.

Hopefully you make all this correct ratios a new law and make this change effective immediately and retroactive. Thanks for your help to solve this important society issue.

  
Cristina Galindo 

To whom it may concern:

Please consider this comment *\*against\** new NPS sentencing guidelines that would institute class-based sentencing for cathinones, cannabinoids, and fentanyls.

We need scientifically-based research and community support rather than blanket sentencing for these substances.

Thank you,  
Mike Maturo  
San Francisco, CA 94110

March 6, 2018

To the Honorable Judge Pryor  
and the United States Sentencing Commission

RE: Public Comment on Synthetic Cathinones

Dear Judge Pryor,

The Commission has received testimony from various experts in regards to the structure, pharmacology and clinical effects of synthetic cathinones. I'd like to provide another perspective that I hope may also be considered as you work toward your decisions.

### Behind Synthetic Drug Sales

In 2010, when "spice" (synthetic cannabinoid) was very new in the US, I was a local distributor. One of my closest friends, Jason [REDACTED], learned of the product and pursued it as a business venture. I'm profoundly aware of these suppliers' motivations, as well as the enormous impact the Sentencing Guidelines can have on their lives, as my own friend found out.

It's nothing new for people to turn to substances- whether cigarettes, alcohol or any other drug- for their rewarding effects. If most substance options are illegal, people will readily buy into something else that can provide the feel-good effects without punishment. The demand for spice was incredible and we made significant profits. As the DEA began to classify various substances within these cannabinoids, Jason and his business partners discovered substitutes and reformulated the products over and over to avoid criminal charges.

Later, Jason discovered methylone ("bath salts"), and made a living purchasing the product online and selling to local buyers. In May of 2012, after the DEA had banned methylone, Jason made the mistake of fulfilling an order requested by a former customer, who was acting as an informant after being arrested herself.

Under the 2012 Drug Quantity Table, the 2,718 grams of methylone his customer requested was most closely associated with MDMA and therefore equivalent to 1,359 kg marijuana. That is a Base Offense Level 32. Jason was sentenced to 14 years (168 months) in federal prison for that sale, even though he was unarmed, non-violent and has no prior criminal history (not even drug use).

### Synthetic Cathinones as a Class

It seems agreed upon that synthetic cathinones are generally alike in structure and that grouping them into a single class would be simple and understandable. **I agree that by adopting a separate class for synthetic cathinones the USSC is enabling a more proactive approach to address these similar substances, which tend to be reformulated to circumvent criminal charges.**

### Sentencing for Synthetic Cathinones



Considering how little is definitively known about these substances and how many variations exist (difference in purity, presence of other chemicals), I understand the complexity in your goal to set sentencing guidelines that are uniform and fair. The following factors are in question. To identify which factor is best used to determine a sentence, I'd suggest ascertaining which can be consistently measurable.

Should synthetic cathinones be sentenced based on:

1. Class?
2. Potential for harm?
3. Actual harm done?

1. CLASS APPROACH- If given a separate class, it would be simple to assign one sentencing standard to it. As Dr. Dudley suggested, by sentencing cathinone relative to methcathinone, it provides a logical and consistent approach based on an easily identifiable chemical structure.

**A class-based approach to sentencing could provide standards that are simplistic, but consistent. Equivalency of 1:380 relative to methcathinone.**

2. POTENTIAL FOR HARM- It's my understanding that in attempting to identify the severity of damage that synthetic cathinones can produce in comparison to other substances, the Commission hopes to provide a measurable basis to determine the potential for harm.

As indicated by experts, synthetic cathinones can have a wide range of effects, and toxicity at different doses isn't established. It's suggested that potency is generally between that of cocaine and methamphetamine, which carry ratios of 1:200 and 1:2,000, respectively.

**I find this approach to be presumptive and not supported by measurable facts.**

To explain: In the case of Jason [REDACTED], his sentence was based on quantity, which was 2,718 grams of methylone. It's presumed in the Guidelines that methylone is potentially as harmful as MDMA, or 1,032,840 grams (1,032.84 grams) of marijuana. **Although none of his buyers claimed any harm from substances they purchased, and there's no clear evidence to indicate that methylone and MDMA are equally potent, Jason was sentenced based on the assumptions that these might have been risks involved.**

3. ACTUAL HARM- Without years of data, and with substances being altered on a continual basis, it can only be guessed as to how dangerous any particular container of bath salts might be to any number of different individuals in different situations. Therefore, if the Commission aims to provide penalties in relation to severity of harm caused to others, the only way to do so fairly and factually is to identify a victim that received injury as a direct result of a synthetic cathinone and trace it to the person responsible for the sale. It's a course being implemented at the local level here in Florida in an effort to trace opioid sales back to doctors and pharmaceuticals to hold them accountable. It may be a difficult process, but maybe a fair one, considering that 10 or 20 years of a person's life is at stake.

**Before handing down harsh sentences, effort should be made to determine harm caused by the sale of synthetic cathinones.**

**Also, the drug offenses should be more closely aligned to other offense types in terms of severity.**

For example, the Sentencing Guidelines are far less severe in the case of Involuntary Manslaughter, which has a Base Offense Level of 12.

**§2A1.4. Involuntary Manslaughter**

(a) Base Offense Level:

(1) **12**, if the offense involved criminally negligent conduct

Considering that Involuntary Manslaughter indicates that death did occur due to the defendant's actions, it's hard to understand how the Guidelines suggest a sentence of 10-16 months, while the sale of a synthetic cathinone to a willing buyer that resulted in no harm carries a sentence of 121-151 months.

**Term of Sentence**

I realize the Commission's intent is to use sentencing guidelines as a deterrent to prevent the sale of synthetic cathinones in the first place. However, those that would be deterred by a 12-year sentence would also be deterred by a sentence half as long. And those who won't be deterred by a 12-year sentence would still try to beat the system if the guideline was twice as long.

I see the impact that such a sentence has on a person's life. My friend is cut off from his family and his church, his girlfriend gotten married and by the time Jason is released in his 50's, he'll have missed the chance to have a family. He'll be starting over in the workforce and will have no retirement saved. It has effectively destroyed his life.

I hope the Commission can find a sentencing solution that will help to deter the sale of these substances while not being so harshly punitive as to cause such detriment to a first-time offender. I eagerly await your decisions.

Sincerely,

Cheryl Michel  
Lutz, Florida

I believe that synthetic drugs should carry the same penalty as their real counterparts. The reason I feel this way is that far too many young lives are being destroyed by these synthetic drugs which are often far stronger than the real drugs.

Hello,

My name is Kathryn Villaverde. I am a student at Binghamton University preparing to graduate with my second bachelors degree in nursing. Prior to nursing school I worked extensively in the field of harm reduction for drug users providing street based syringe exchange, naloxone distribution and first aid at festivals providing health services and support to young people. During 7 years of doing this work I met many people who regularly and recreationally use various illegal substances. Of the things that surprised me most is the sheer diversity of the way people use these substances and the diverse effect they have.

I was recently informed about that proposed amendments to the federal sentencing guidelines for cathinones, cannabinoids and fentanyl. It seems clear at this point that these substances have created extensive harm to drug user communities. Often at festivals people who think they are purchasing MDMA (a rather safe drug if taken in its pure form and in moderate doses) end up with cathinones (a more intense drug with a lower overdose threshold). There is a simple test that can be done on these chemicals to distinguish the difference but these tests are usually banned at festivals as they suggest drug use is happening. Similarly, heroin tainted with fentanyl has dangerous or devastating effects to the unsuspecting user. So, it's understandable why increasing the sentencing for these substances is being proposed.

However, I sincerely do not believe it is going to improve drug users lives to change the laws (presuming the point of the laws is to protect citizens). In fact, I think it's completely futile. More often than not, these substances are marketed as something they are not very far back in the distribution line (maybe even before they enter the United States). Therefore, United States citizens who end up possessing them and would be punishable for that possession often do not even know they have the wrong drug. In addition, as mentioned above, the diversity of effects from these substances is extreme. To paint them all in a broad stroke of "very bad" is unrealistic based on our current level of research (virtually none). Personally, I would rather know that my tax dollars are going toward scientific research to better understand these substances and their effect so that proper education can be distributed

Please, before making laws based on so little information, consider delaying the ruling and opting for better research. It is better for the health of the community at large.

Best,  
Kathryn Villaverde