

Dear Judge Pryor,

July 29<sup>th</sup> 2018

Greetings,

My reason for this letter is to express my personal opinion about the priorities you are proposing. I was extremely devastated and dissappointed to learn that the Commission will not consider whether to amend the guidelines to reduce sentences for first time offenders.

Judge Pryor,

I am a 42 year old first-time federal offender. I have never before been incarcerated in the federal or state level. I have now been incarcerated since June 3<sup>rd</sup> of 2003 on Marijuana Charges.

I was only 27 years of age at the time of my offense, and yes I have made many mistakes in my life. I truthfully wish I could take all back.

I'm not going to sit here and try to downplay the effects marijuana or any other drugs have on our nation. I clearly now see the cycle of destruction from the addicts, to those losing years of their lives in prison; resulting in Parents being without a son, a wife without a husband, and a child with-out a father.

I know first hand the destruction drugs cause on people, families, and communities.

Nor will I attest that because I didn't kill anyone, commit rape, or a crime against a child, that I should



be in prison for an excessive amount of time.

It would not be an overstatement to view my crime as equivalent, if not more detrimental, than those just stated.

The past 15 years I have greatly matured and most importantly acquired an array of skills and training that will assist me earn a satisfactory income and living outside of prison.

I have never tested positive for drug/alcohol usage or have had any connection with the violence or gang activity that is so prevalent in the prison system. I refuse to conform to the behavior of such an environment.

I have now earned placement at Three Rivers Federal Prison Camp. The Ultimate lowest security the Federal Bureau of Prisons offers. Presently assigned to one of the most prominent work assignments, I am the Commissary Clerk at this Institution.

My conduct which led to my incarceration is not a reflection of the manner I was raised. I continue to have a supportive family, providing attorney fees, money for commissary, visits, and assisting in raising my children. I have now a 90 year Old father, A Mother who is now 85; who are both in dire need of my assistance and more than willing to provide a home where to reside.

Last but Not least, I have means of preventing the youths of my community from falling into the



Many pitfalls that arise growing up.

Every year many inmates are released from prison in the United States. Many of whom, no employable skills, drug/alcohol addictions, no-family support, or a mind set of how they think they can get away with it the next time around, etc. have little to no chance of succeeding on the outside. Many inmates do not succeed simply because they choose not to.

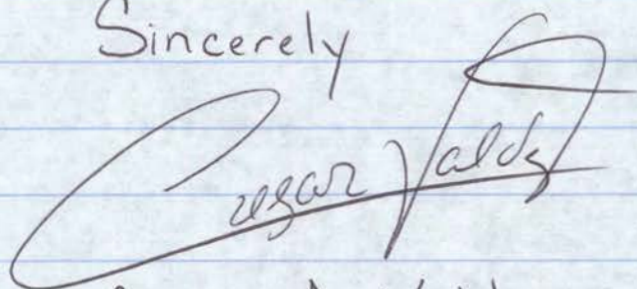
Fortunately, none of these concerns are existent with me.

Judge Pryor,

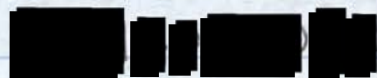
I pray the Commission will reconsider whether to amend the guidelines to reduce sentences for first offenders. Many of whom have earned a second chance at life.

I greatly Thank you for all your time, work and effort considering my opinion.

Sincerely

A handwritten signature in black ink that reads "Cesar Valdez". The signature is stylized with a large, sweeping initial "C" and a long horizontal stroke extending to the right.

Cesar A. Valdez



Honorable William H. Pryor, Jr.

Acting Chair

United States Sentencing Commission

One Columbus Circle, N.E.

Suite 2-500, South Lobby

Washington, D. C. 20002-8002

Attn: Public Affairs ♦ Priorities Comment

[pubaffairs@ussc.gov](mailto:pubaffairs@ussc.gov)

Re: Proposed Priorities for Amendment Cycle ending May 1, 2019

Dear Judge Pryor:

The Commission is tasked by statute with ensuring that the Sentencing Guidelines are ♦ formulated to minimize the likelihood that the Federal prison population will exceed the capacity of the Federal prisons. ♦ 28 U.S.C. 994(g). While the federal prison population has declined in recent years, every federal prison in the nation continues to operate at levels in excess of original design capacity.

Overpopulated prisons are less safe for staff and inmates, make the delivery of medical care and other essential services more difficult, and impede the ability of the Federal Bureau of Prisons to provide meaningful rehabilitation programs to inmates who genuinely want to make a better future for themselves.

I appreciate the Commission ♦s work to amend and improve the guidelines and welcome this opportunity to express my views on a proposed amendment to be added to this amendment cycle ♦s priorities.

In 2014 the Commission adopted, and made retroactive, the Amendment 782 to the guidelines. Commonly known as ♦ drugs minus 2 ♦, this Amendment allowed for thousands of federal prisoners to apply for sentence reductions in a way that has not negatively affected public safety. The federal prison population was substantially reduced and taxpayers have saved billions of dollars as a result of this change. It is time for the Commission to make another similar bold move and pass an amendment acknowledging first offenders and provide them a measure of sentencing relief by way of a reduced guideline range.

The sheer size of the federal prison population remains a significant concern, despite reductions due in part to actions the Commission has taken to lower sentences and make those changes retroactive (Amendment 782 above). At the end of FY 2016, BOP facilities remained overcrowded. Overall, institutions were 16 percent over rated capacity and high security institutions stood at 31 percent over rated capacity. (DOJ Office of the Inspector General). Per the DOJ, the BOP still consumes more than 25 percent of the DOJ ♦s discretionary budget and the administration has requested approximately \$7.2 billion for the BOP in the FY 2018 budget. This request includes \$10 million for ♦ expected population growth ♦. (DOJ, FY 2018 Budget Request, Discretionary Budget Authority 4).

In the interest of furthering the goals of the Sentencing Reform Act of 1984, specifically consistency between offenses and sentence, I urge the Commission to adopt the addition of a criminal history category (CHC) of literal first offenders. As it stands currently, the forceful conflation of those who have no prior convictions (and those without countable criminal history points under 4A1.2 c)) with those who do leads to an imbalance in sentencing; that is, it over-penalizes those who are truly people with no criminal history and those who generally pose the lowest risk of recidivism (per the USSC's 2016 Report on Recidivism).

The Commission has struggled with recognizing first offenders for some years. In 2004 the Commission (through a staff working group) proposed a two-level reduction for defendants with no criminal history points that had not used violence or weapons during the offense. According to the Commission, [t]he significance of this proposal was that it responded to the intent of 28 U.S.C. 994(j) and finessed the need to create a new first offender CHC. (USSC's Commission, Recidivism and the First Offender 3 (May 2004)). This proposal did not advance in 2005, according to the Commission, due to the early commissions lack of recidivism data.

Thanks to the Commission's now robust collection and analysis of sentencing data, today we know that offenders with zero criminal history points (defined as first offender) have the lowest recidivism rates of any sentenced in the federal system. (USSC's Commission, The Past Predicts the Future: Criminal History and Recidivism of Federal Offenders (March 2017)).

The Commission also proposed a first offender amendment during the 2017 and 2018 cycles. During these past two years, the Commission collected a large amount of data, public comment, and public testimony supporting a first offender CHC. While the proposed amendment did not pass in 2017 due to the lack of a quorum, it is unknown to me and hundreds of thousands of others who supported the amendment via their public comments, why the Commission did not pass, vote, or comment on the proposed amendment in April of 2018. I can only assume that there were too many variables proposed for four of the Commissioners to agree upon.

I propose the Commission again prioritizes a first offender amendment, using the resources of the past two years to streamline the proposed amendment to reduce the possible variables.

An amendment creating a new CHC for first offenders that is two levels below the current CHC I, not limited by offense level nor offense, and define first offender as those CHC I defendants with no criminal history whatsoever as well as those with no criminal history points because their prior convictions are not countable, for example under 4A1.2(c)(1) and (2).

Thank you for considering my view on proposed priorities for the 2019 cycle. I look forward to the Commission again proposing, and this year passing, a first offender amendment that when made retroactive will benefit the safety of our federal prisons and again save the taxpayers billions of dollars.

Sincerely,

Laura McMaster \_\_\_\_\_

Laura McMaster  
[REDACTED]