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To: [Public Affairs](#)
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Evening,

I would like to submit the following comments to the sentencing commission-

The commission should consider amending USSG Section 2G2 guidelines to avoid duplicative and overlapping enhancements for identical conduct.

The commission should consider amending the USSG Section 2B1.1 commentary. The commentary notes provide that the guideline monetary loss enhancement should apply broadly is wholly unfair and contravene basic criminal law and procedure principles such as the rule of lenity. Furthermore, foreseeability applying so broadly is found nowhere else in an applied causation standard in American law. The last place it should apply so broadly is in the realm of criminal sentencing.

The commission should consider amending Section 3E1.1 to afford defendants more than a 2 level adjustment for acceptance of responsibility. Furthermore that the government can withhold an offense level is inconsistent under the 3E1.1 with acceptance principles. The government is certainly free to contest the enhancement but as constructed that it can withhold is inappropriate. It is up to the court to decide whether a person accepted. The two levels even a third level is insufficient in relation to other enhancements which tack on far more offensive levels upward.

The commission should consider applying a stronger more exacting evidentiary standard than preponderance for enhancements resulting in four or more offense levels. As it stands, it's far too easy for the government to prove up enhancements, even those substantially enhancing a guideline range.

Last, the commission needs to re-examine any and all guideline provisions that enhance offense levels on the basis of firearm possession. The *Bruen* holding has substantially called into question possession of a firearm as a basis for state sanction or increased sanction given the strong second amendment rights attaching to firearms.

Chad Pennington

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