

**Minutes of the March 23, 1993,**  
**United States Sentencing Commission Business Meeting**

The meeting was called to order at 10:01 a.m. by Chairman William W. Wilkins, Jr., in the conference room of the Sentencing Commission. The following Commissioners, staff, and guests participated:

William W. Wilkins, Jr., Chairman  
Julie E. Carnes, Commissioner  
Michael S. Gelacak, Commissioner  
A. David Mazzone, Commissioner  
Ilene H. Nagel, Commissioner  
Roger Pauley, Acting Ex Officio Commissioner  
Edward J. Reilly, Ex Officio Commissioner  
Phyllis J. Newton, Staff Director  
Paul K. Martin, Deputy Staff Director  
John R. Steer, General Counsel  
Peter Hoffman, Principal Technical Advisor  
David Axelrod, Practitioners' Advisory Group  
Fred Bennett, Practitioners' Advisory Group  
Barry Boss, Practitioners' Advisory Group  
Francesca Bowman, Probation Officers' Advisory Group  
Jerry Denzlinger, Probation Officers' Advisory Group  
Maggie Jensen, Representative, Probation Division  
Jay Meyer, Probation Officers' Advisory Group  
Vicki Portney, DOJ Representative, Criminal Division  
Nancy Reims, Probation Officers' Advisory Group  
Jill Shellow, Practitioners' Advisory Group  
Thomas Whiteside, Probation Officers' Advisory Group  
Lyle Yurko, Practitioners' Advisory Group

Motion made by Commissioner Carnes to adopt the minutes of the March 9, 1993, meeting. Passed unanimously.

Chairman Wilkins stated that representatives from the Practitioners' Advisory Group and the Probation Officers' Advisory Group would give a presentation on the proposed amendments at today's meeting. The Practitioners' Advisory Group was represented by David Axelrod, Fred Bennett, Barry Boss, Jill Shellow, Justine Thornton, and Lyle Yurko. The Probation Officers' Advisory Group was represented by Francesca Bowman, Jerry Denzlinger, Maggie Jensen, Jay Meyer, Nancy Reims, and Thomas Whiteside.

Fred Bennett commenced the Practitioners' Advisory Group presentation by stating that if an amendment in the interest of justice was needed, it should be adopted. He then proceeded to provide comment on issues such as acquitted conduct, drug trafficking, substantial assistance, and standards for acceptance of plea agreements. Commissioner Nagel requested that Mr. Bennett, if possible, informally work with a few U.S. Attorneys to

draft language related to acceptance of plea agreements that would be acceptable to all. Commissioner Mazzone requested staff to review LSD cases in order to find a solution to the weight of the carrier/medium problem.

Lyle Yurko discussed a modified version of amendment #39, relating to drug trafficking and role in the offense. Barry Boss provided comment on the proposed money laundering amendments. He stated that referencing to the underlying conduct was significant and expressed strong support for passage of the money laundering amendments. Jill Shellow provided comment on the proposed tax amendments, expressing support for the consolidation of the tax guidelines. Finally, David Axelrod provided comment on the proposed amendments relating to fraud, theft, and computer fraud. Commissioner Nagel requested that "reasonably foreseeable" language be added to amendments #6 and 65, relating to amounts of loss in fraud offenses. Chairman Wilkins thanked the Practitioners' Advisory Group for their comments.

Thomas Whiteside commenced the Probation Officers' Advisory Group presentation by stating that the probation system favored the continued improvement of the guideline process through amendments that enhance consistency in guideline application. He reported that his group based their recommendations on a survey of presentence report-writing officers. Jerry Denzlinger provided comment on issues relating to drug trafficking, expressing strong support for clarifying the definition of mitigating role. Francesca Bowman provided comment on issues relating to fraud, expressing support for consolidation of the tax guidelines, uniform definition of loss, and reformulation of the abuse of trust guideline. She also expressed strong support for the money laundering amendments. Nancy Reims provided comment on issues relating to firearms. In response to a question by Commissioner Nagel, she responded that probation officers reported that the robbery guideline was the most appropriate guideline for the new car-jacking offense. Jay Meyer provided comment on issues such as acquitted conduct and consolidation of Chapter Two guidelines. Chairman Wilkins thanked the Probation officers' Advisory Group for their comments.

Chairman Wilkins reminded Commissioners that Commission meetings have been scheduled for April 6 and 20, 1993.

Chairman Wilkins adjourned the meeting at 12:50 p.m.