Minutes of the August 24, 2005
United States Sentencing Commission
Public Meeting

Chair Ricardo H. Hinojosa called the meeting to order at 10:15 a.m. in the Commissioner's Conference Room.

The following Commissioners and staff participated in the meeting:
Judge Ricardo H. Hinojosa, Chair
Judge Ruben Castillo, Vice Chair
Judge William K. Sessions, III, Vice Chair
John R. Steer, Vice Chair
Michael Horowitz, Commissioner
Beryl Howell, Commissioner (by telephone)
Deborah Rhodes, Commissioner Ex Officio
Edward F. Reilly, Jr., Commissioner Ex Officio
Judith W. Sheon, Interim Staff Director
Charles Tetzlaff, General Counsel

The Chair asked if there was a motion to adopt the minutes of the April 13, 2005 public meeting. Vice Chair Steer made a motion to that effect, which was seconded by Vice Chair Castillo. The Chair called for a vote, and the minutes were unanimously approved by voice vote.

The Chair gave his report, announcing that the Commission has prepared a new data set for post-Booker sentences and giving a brief description of that data. The Chair reported on the Commission's training efforts and announced that the Commission's 15th Annual National Seminar would take place in Miami, Florida in May 2006. The Chair thanked the staff for their continued efforts to respond to the Booker decision.

In her report, Interim Staff Director Sheon thanked the Chair and the commissioners for the opportunity to serve as staff director and expressed appreciation to the unit directors and staff for their work.

The Chair turned to the notice of final priorities pending before the Commission (see attached Exhibit A), noting that there were three changes proposed to be made to the pending list: item Number Four as written would be changed so that it concluded after the parenthetical language "(Naturalization and Passports).", and the language in Items Seven and Ten would be changed to "review, and possible amendment," so as to conform to the language used in other paragraphs of the priorities list. The Chair asked if there was a motion to adopt the notice of final priorities as changed. Commissioner Howell made a motion to that effect, which was seconded by Vice Chair Castillo. After brief remarks by Vice Chair Castillo, the Chair called for a vote. The motion to adopt the final priorities list as changed was adopted unanimously by voice vote.

The Chair called on General Counsel Tetzlaff to brief the commissioners on the promulgation of commentary amendments pending before the Commission (see attached Exhibit B). General Counsel Tetzlaff explained that the commentary amendments were technical and conforming in nature and indicated that a motion to promulgate these amendments was in order, with an effective date of November 1, 2005, and with staff being authorized to make technical and conforming changes, if necessary. Vice Chair Steer made a motion to that effect, which was seconded by Vice Chair Sessions. There being no discussion on the amendments, the Chair called for a vote. The motion passed unanimously by voice vote.

The Chair welcomed the Commission's new Supreme Court fellow, Regina Stone-Harris, then asked if there was any further business before the Commission. There being no further business, the Chair asked if there was a motion to adjourn the meeting. Vice Chair Castillo made a motion to that effect, which was seconded by Vice Chair Steer. The motion to adjourn passed unanimously by voice vote, and the Chair adjourned the meeting at 10:35 a.m.