

Public Affairs - mandatory minimum sentences

From: James & Stacey Grugan [REDACTED]
To: <pubaffairs@ussc.gov>
Date: 7/6/2012 3:47 PM
Subject: mandatory minimum sentences

Honorable Saris,

I am writing in regards to the mandatory minimum sentencing guidelines on behalf of [REDACTED]
[REDACTED]

I strongly oppose mandatory minimum sentencing laws and support proposals to repeal and reform the law. Please consider the legislation to make it more difficult for judges to disagree with the guidelines, which are now completely advisory.

I know every family has a story to tell, I will be brief. [REDACTED] age 24 is being held on a 924C charge along with violation of the Hobbs Act. This is the first offense for [REDACTED], he made a terrible decision and has since admitted his wrongdoings and is using his time to rehabilitate himself. In the 7 months he has been incarcerated he has completed a substance abuse program, a grief/resentment counseling program, anger management and a positive thinking course. As others [REDACTED] has a great upbringing and was raised by my parents in a loving home. My father was a Philadelphia Police Officer for 38 years and died suddenly as an active officer, 10 months later my mother passed away from Colon Cancer. [REDACTED] was 15 years old when we lost both of my parents and did not know how to handle grief. He did however graduate high school, enrolled in college, had a full time job and was also involved in his community. He was running mentally from facing these tragic situations that happened suddenly, he made a bad choice got mixed up with the wrong crowd and starting using drugs. He has matured immensely in these past months and admitted his faults, he is continuing to better himself mentally, emotionally, and physically. He is a very smart, articulate, and compassionate young man, who was recently asked to conduct a class to other inmates because he is such a good example of a rehabilitated person. As a family we have come to terms that he was wrong in his choices however we do not feel as though he should get a hefty sentence. The men and women who have learned their lessons do deserve a second chance at life. Please find it in your power to help change the laws.

Thank you for your time,

Sincerely,

Stacey (Hall) Grugan
[REDACTED]
[REDACTED]

From: Christine C [REDACTED]
To: <pubaffairs@ussc.gov>
Date: 7/8/2012 6:43 PM
Subject: 924c

Dear Judge Saris and Members of the Commission,

I, Christine Cunningham, strongly encourage the Commission to pursue it's stated top priority of continuing to work with Congress on the statutory mandatory minimum penalties that were previously outlined in the 2011 report to Congress titled
Mandatory Minimum Penalties in the Criminal Justice System.

Specifically, I would ask that the Commission focus on eliminating the "stacking" provision of section 924 (c) and then upon ensuring that any subsequent amendment be made to apply retroactively.

Thank You For Your Consideration,

Christine Cunningham
[REDACTED]
[REDACTED]
[REDACTED]

Public Affairs - Fwd: Proposed Priorities for this year

From: [REDACTED]
To: <pubaffairs@ussc.gov>
Date: 7/19/2012 8:56 PM
Subject: Fwd: Proposed Priorities for this year

Please read, 2nd attempt

From: [REDACTED]
To: pubaffairs@usso.gov
Sent: 7/19/2012 8:34:39 P.M. Eastern Daylight Time
Subj: Proposed Priorities for this year

I am writing as [REDACTED] that has been in prison for the past 10 years. I request that the United States Sentencing Commission give priority review of the 924c guidelines and how it has disparately impacted many first time offenders because of the courts different interpretations of the guidelines. In fact, a bank robber in another State in the same situation as [REDACTED] did not get the 924c applied to him. We are in the State of Florida.

[REDACTED] was a first time offender, yet, was given 37 years for bank robbery and banished a gun. My interpretations of the guidelines for this type of crime was that he should have been given a total of 12 years for the acts. However, the Federal Prosecutor added the 924c enhancement. [REDACTED] nor I understood the reason for the enhancement, nor did we know what 924c was until after the sentencing. After 911, [REDACTED] was laid off from his job and could not find employment and as a result of deep depression and desperation he did the unthinkable, he robbed a bank. The Detective that arrested [REDACTED] said that he was a suicide by cop candidate. Even today, he does not know why he robbed the bank. Even thought many letters were submitted by the community of his character and his community involvement over the years, the enhancement was applied.

[REDACTED] I am 66 years old and I would like to have [REDACTED] home before I close my eyes for good.

Therefore, I highly support the Commission with priorities item 6 and item 7 and encourage that the Commission to look into the 924c enhancement applied to first time offenders. I don't believe that it was the intent of our Congress to apply the 924c to first time offenders. The courts are justifying using the enhancement by sentencing the two (2) acts as two convictions under one sentencing. This is inherently wrong.

Thank you for taking the time to read my email letter.

Jacqueline Barr
 [REDACTED]

From: "Saundra King" [REDACTED]
To: <pubaffairs@ussc.gov>
Date: 7/19/2012 11:45 AM
Subject: 924(c) Priority #1

Dear Judge Saris:

I strongly oppose the federal mandate requiring mandatory minimum sentencing laws and I advise that the following amendments be added to override the stacking of 924(c) violations:

1. The 5, 25, 25 years, etc. be deleted and authority given to the Judge to have the discretion to sentence according to the crime.
2. Crimes committed within a 24 hour period should be lumped together as a crime spree and have a singular sentencing.

These amendments should immediately be made retroactive in order to ameliorate the huge sentences that have been unfortunately, mandated for past convictions.

These huge sentences are not only grievous for the convicted prisoners and their families, but are also deplorable for the public to have to "foot the bill" for incarceration of prisoners far beyond what seems to be fair and reasonable.

Sincerely,
Saundra King
[REDACTED]

Matthias Doolittle
[REDACTED]
[REDACTED]

July 16, 2012

United States Sentencing Commission
One Columbus Circle, NE, Suite 2-500, South Lobby
Washington, D.C. 20002-8002
ATTN: Public Affairs-Priorities Comment

Dear Judge Saris and Members of the Sentencing Commission:

This letter is to share my strong support for the Commission's top stated priority of working with Congress to reform the mandatory minimum sentence statutes with respect to drug and firearms offenses based on the findings of your October 2011 Report, *Mandatory Minimum Penalties in the Federal Criminal Justice System*. I believe that it is crucial that the statutory mandatory minimum sentencing provisions for drug offenses under Title 21 and firearms offenses under 18 U.S.C. § 924(c) be amended because, as you noted in your Report, these statutes "apply too broadly, are set too high, or both, to warrant the prescribed minimum penalty for the full range of offenders who could be prosecuted under the particular criminal statute."

Additionally, I respectfully submit that the U.S. Sentencing Guidelines prescribe a sentencing scheme that is completely sufficient to ensure adequate punishment for defendants convicted of drug offenses *and* the guidelines allow federal courts discretion to impose a sentence appropriate to the individual facts of each criminal case. Viewed in this light, the mandatory minimums seem unnecessary while having costs to society that are higher than the benefits. Considering this, it would be irrational for Congress not to amend the sentencing provisions in Title 21 and 18 U.S.C. § 924(c).

I urge the Commission to work with Congress to ensure that all amendments be applied retroactively. There are too many Americans in the United States federal prison system serving time under mandatory minimum sentences for drug crimes and this has not reduced the supply of illegal narcotics nor the demand. Our Nation and our families cannot afford the cost of these statutes any longer.

Very Truly Yours,


Matthias Doolittle

July 11, 2012
United States Sentencing Commission
One Columbus Circle, NE, Suite 2-500, South Lobby
Washington, D.C. 20002-8002
ATTN: Public Affairs-Priorities Comment

Dear Judge Saris and Members of the Sentencing Commission:

I, Julietta Eisenberg, am writing to you to share my strong support of the 2012 Proposed Priorities and Request for Public Comment. In particular, I fully support the Commission's top stated priority of working with Congress to reform the mandatory minimum sentence statutes with respect to drug and firearms offenses based on the findings of your October 2011 Report, *Mandatory Minimum Penalties in the Federal Criminal Justice System*.

I believe that it is crucial that the statutory mandatory minimum sentencing provisions for drug offenses under Title 21 and firearms offenses under 18 U.S.C. § 924(c) be amended because, as you noted in your report, these statutes "apply too broadly, are set too high, or both, to warrant the prescribed minimum penalty for the full range of offenders who could be prosecuted under the particular criminal statute." I also agree with your conclusion that the "current mandatory minimum penalties for drug offenses . . . apply more broadly than originally intended by Congress." I ask that you also urge Congress to ensure that all amendments apply retroactively.

Our Nation and our families cannot afford the cost of these statutes any longer.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Hillman". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

July 14, 2012

Hon. Patti B. Saris, Chair
United States Sentencing Commission
One Columbus Circle, N. E., Suite 2-500
Washington, D. C. 20002-8002

Attn: Public Affairs, Priorities Comment

Subject: 924(C) Issues to the U.S.S.C.

Dear Patti Saris,

In the past year, bills have been introduced in Congress to amend or clarify the United States Code in regards to the 924(C) statute. The current code is being misapplied in the District Courts. The stacking of the 924(C) charges were reserved for repeat offenders, meaning an offender would have had to serve time for a 924(C) charge, been released, and committed another 924(C) offense that would trigger the 25-year mandatory minimum for the second 924(C) charge and any additional. It is my request that U.S.S.C. clarify this statute as described in past bills such as H.R. 2398 and 2933.

Thank you for your time and attention in this very important matter.

Sincerely,

A handwritten signature in black ink that reads "Keith Cadwell". The signature is written in a cursive, flowing style.

Keith Cadwell

July 15, 2012
United States Sentencing Commission
Attn: Public Affairs – Priorities Comment
One Columbus Ave. NE
Suite 2-500, South Lobby
Washington, DC 20002-8002

Dear Judge Saris,

This letter is in regard to the Sentencing Commission's review of mandatory minimums and recommendations. It affects me very deeply as [REDACTED] is serving a 32-year mandatory minimum sentence at FCI El Reno, OK. He has been incarcerated since April 2007. He has two 924C charges which resulted in 7 years + 25 years although he was a first-time offender with no prior convictions. The gun was not discharged. I feel he certainly earned 7+7 years resulting in 14 years for his crime, but 32 years is more than [REDACTED] can comprehend.

I found out how long even 5 years can be. [REDACTED] was so close to his nephew that can no longer remember his uncle being a free man. [REDACTED] used to pick him up every day for me just to spend time with him and to help me out. He was almost 4 when [REDACTED] was arrested. Now [REDACTED] has learned to read, play ball, play the piano, swim – all things [REDACTED] has never witnessed and may never have a chance to observe. He now has 3 nieces and another nephew. He met 2 of them once as babies, but their father does not feel comfortable taking them to visit prison any more. There is a niece he has never met and the other niece he sees once a year. [REDACTED] visits with me regularly but it is frustrating for him. I personally deeply feel his absence at holidays especially. He will probably never see my father, his grandfather, who does not feel physically and emotionally able to visit.

It has had a staggering impact on our family that is difficult to withstand at times. I am fortunate in that I can drive every few weeks to visit him as he is only a little over 2 hours away. Sitting in plastic chairs avoiding physical contact is not exactly the best scenario. It does cost around \$60 each trip with gas and tolls. But I feel so much sorrow when I see families visiting their inmates from afar. It is so sad to see them parting and others can't afford the trip. I hear so many stories from [REDACTED] about other inmates and the heartbreaks they endure along with their families for their mistakes. Many families have lost a father or mother and a breadwinner creating emotional and economical hardships. Children without fathers or mothers pay the consequences now and later. Second chances should be given to those who deserve them.

[REDACTED]'s first mistake was becoming addicted to painkillers. He was thrilled to fulfill his life-long dream of becoming a Marine. The fact that we were in the middle of war made no difference to him. He wanted to defend his country. An injury in training resulted in several knee operations. I remember how devastated he was

when I visited him in San Diego, but by the time he returned home, he had this great attitude and was amazingly happy.

What I didn't know, was that the painkillers were giving him this false sense of well-being. The VA kept the pills coming by the 100's through the mail. When this stopped, [REDACTED] literally went off the deep end. He tried to rob a pharmacy, which failed, and went back the next morning and tried it again. He was arrested when he left. The crazy thing is that [REDACTED] said at the time he didn't care if he got caught because he would go to jail for a few years and get off the drugs. So in his drug-warped mind, it was a win-win situation, get more pills or go to jail!

I was in a complete state of shock when he called me later that day and had to admit what he had done. That shock was only matched when he was sentenced to 32 years. It is just unfathomable when I see murderers and child molesters get shorter sentences. Judge [REDACTED] said himself at sentencing that it was too harsh but out of his hands.

Please consider the consequences of these mandatory sentences. They don't just affect the inmate, they affect so many family and friends. I'm afraid [REDACTED] won't even know how to be a citizen after 32 years in prison. He was a young man going into prison, but will be older than I am coming out if something doesn't change. It is an economical burden on our country with trillions of dollars of debt. It is estimated that it will cost over \$800,000 to keep [REDACTED] incarcerated for 32 years.

[REDACTED] has stayed productive in prison, working at Unicore, cultivating a video prison ministry, and keeping fit with exercise and sports. But he wants to come home and that is where we want him to be when he has served a reasonable sentence. He will have a very strong support system when he does get out.

In closing, I am obviously a proponent of the Commission Priority #1. I am praying God will lead the Commission to an understanding of the devastation mandatory minimums have had on prisoners, families, and our economy. Thank you for your time in considering this matter.

Sincerely,

Michelle Gamino

Michelle Gamino

[REDACTED]
[REDACTED]
[REDACTED]

MARK PRYOR
ARKANSAS
COMMITTEES:
APPROPRIATIONS
COMMERCE, SCIENCE, AND
TRANSPORTATION
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
SMALL BUSINESS AND
ENTREPRENEURSHIP
RULES AND ADMINISTRATION
SELECT COMMITTEE ON ETHICS

255 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-2353

United States Senate
WASHINGTON, DC 20510

500 PRESIDENT CLINTON AVENUE
SUITE 401
LITTLE ROCK, AR 72201
(501) 324-6336
TOLL FREE: (877) 259-9602
<http://pryor.senate.gov>

July 23, 2012

**United States Sentencing Commission
One Columbus Circle, NE, Suite 2-500
Washington, DC 20002-8002**

Dear Commissioners:

I have enclosed concerns I have received from several Arkansas constituents regarding the United States Sentencing Commission's request for public comment on sentencing issues and federal sentencing guidelines. As you consider these proposals, I urge you to keep in mind the points my constituents raise on these topics.

I understand the need for the Commission to provide certainty and fairness in sentencing to provide justice, deterrence, and a chance for rehabilitation among offenders. However, I believe the Commission should provide sufficient judicial flexibility to take into account all relevant factors. The Commission has the responsibility for evaluating the effects of the sentencing guidelines on the criminal justice system. On behalf of these constituents, I appreciate your thoughtful consideration and attention on this matter.

Sincerely,



Senator Mark Pryor

July 12, 2012

To Whom It May Concern:

It is with extreme conviction that we write this letter to the Senate and the United States Sentencing Commission concerning a proposed amendment to the Federal Sentencing Guidelines regarding the Mandatory Minimum Penalties and urge both to seriously examine and reconsider Mandatory Minimum Penalties in the Federal Criminal Justice System. We like many citizens of this country were completely unaware and uneducated regarding federal sentencing until it became a primary concern following [REDACTED] federal indictment and sentencing on under the Mandatory Minimum Penalties. We ask the Senate and the United States Sentencing Commission to evaluate the effect of Mandatory Minimum Penalties with respect to unjust sentencing discrepancies, to evaluate the impact of criminal history on the obtaining relief from Mandatory Minimum Penalties through the Safety Valve, and to evaluate the effect of Mandatory Minimum Penalties on plea agreements.

We are [REDACTED] Allen and Jaime Eans. [REDACTED] Allen works for [REDACTED] in Beebe, Arkansas, and I teach at [REDACTED] in Des Arc, Arkansas. Please allow us to provide the following background information prior to addressing our concerns.

[REDACTED] possesses a wonderful sense of humor and a strong sense of adventure. His is very outgoing and competitive in any sport. [REDACTED] is a hard worker. He is driven and determined to complete any task he attempts. He is a big man, but he has a heart that matches his outward appearance.

Shortly after graduating high school, [REDACTED] went to work in the oil and gas industry, first at [REDACTED] followed by [REDACTED] and later [REDACTED]. He quickly grasped the basics of the industry and was very good at his job. [REDACTED] was promoted to supervisor at the age of twenty for [REDACTED]. The hours were long and the work was hard, but [REDACTED] excelled. [REDACTED] was responsible for the set up of the biggest gas "frack" in *any* state when he was twenty. The frack, known as [REDACTED], was successful. At this time, [REDACTED] and his crew were number one in three states, Texas, Arkansas, and Oklahoma. Unfortunately the terribly long hours and the extremely hard work led [REDACTED] to begin using meth regularly. His attitude slipped, and his work ethic declined. Realizing he had a problem, [REDACTED] sought help from [REDACTED] a local nurse practitioner, on two separate occasions. Both failed, and he slipped deeper into the drug until he eventually lost his job and was arrested at the age of twenty-two.

Following his arrest, [REDACTED] made a courageous effort to do exactly as Judge [REDACTED] instructed. He went to drug counseling; he passed his drug tests; he began looking for employment.

[REDACTED] was very determined to go back to the oil and gas industry. He applied at [REDACTED] making the trip to Searcy two or three times weekly seeking employment. [REDACTED] eventually hired him in May 2010. Because of his previous experience, his knowledge in the industry, and his charismatic natural-born leadership abilities, [REDACTED] was quickly promoted to supervisor over a crew in water transfer. Several months later, [REDACTED] was promoted again to supervisor over the entire water transfer side of [REDACTED] at the age of twenty-three leading approximately sixty men. He remained in this position until shortly before his plea day in August 2011.

During the seventeen month period following his arrest, [REDACTED] married his beautiful wife, [REDACTED], in September of 2010. They made a home in Searcy, Arkansas and had a beautiful baby boy, [REDACTED], on Father's Day June 19, 2011. Before his plea day, [REDACTED] was determined to move [REDACTED] and [REDACTED] back to their home neighborhood in Griffithville, Arkansas. They bought a mobile home, moved it to its present location, and managed to move in one week before his plea day.

In the period following his arrest, [REDACTED] showed amazing determination, acceptance of responsibility, incredible leadership, extreme perseverance, and a hard-earned maturity. Cooperation with all guidelines and appointments has been accompanied by a relentless positive attitude. Always a hard worker, [REDACTED] rarely missed work.

In April 2011 our community experienced severe flooding. [REDACTED] came home from Searcy through major flooding to aid our community in the prevention of further damage and in the preservation of what we could in the flooding. He waded water late into the night on several occasions to reach residents and offer assistance. He provided a great deal of muscle along with his unique organizational abilities and his ever present smile. In late July 2011 we discovered [REDACTED] had developed a serious staph infection from these efforts but continued to work seeing his doctor early morning or late evening so he did not miss work.

Throughout this period of probation, his plea day, and months in a county jail and Federal Correctional Institution, [REDACTED] has repeatedly expressed regret concerning his drug use and the life style he led during that time. He developed an addiction to meth, made some serious errors in judgment, and broke the law in order to supply his addiction. He never profited in any monetary way nor was he a key player in the conspiracy. In March of 2010, [REDACTED] was a young man with a serious addiction. Today, [REDACTED] is a much more mature young man who has a responsibility to provide for his family, a promising career in the oil and gas industry, and a strong desire to be a productive member of society.

On March 29, 2011, [REDACTED] was sentenced under Mandatory Minimum Penalties to 60 months in a Federal Correctional Institution. He was lucky enough to be assigned to FCI Texarkana in Texarkana, Texas where his wife, young son, and we can visit regularly.

Throughout [REDACTED]'s indictment and sentencing, we researched and studied the Federal Sentencing Guidelines and other relevant information. We also read the report to Congress entitled Mandatory Minimum Penalties in the Federal Justice System. Our research indicates that many drug offenses carry Mandatory Minimum Penalties and that Congress intends the focus of Mandatory Minimum Penalties to apply to major drug offenders who warrant that type of sentence; however, many other offenders are sentenced under the Mandatory Minimum Penalties due to the type and quantity of drugs involved in the offence. This is the case with [REDACTED] who is a non-violent, first time offender. Indicted during Operation [REDACTED] which began in 2003 when he was a sophomore in high school, [REDACTED] was lumped in with thirty other people many of whom had prior drug convictions. Mandatory Minimum Penalties prevented the Honorable Judge [REDACTED] from considering individual circumstances including the length and depth of [REDACTED]'s involvement, his conduct throughout his probation period prior to sentencing, and the fact that [REDACTED] is a non-violent, first time offender. In [REDACTED]'s case, his sentence under the Mandatory Minimum Penalties does not sufficiently demonstrate the information and circumstances of his involvement in this large conspiracy. We strongly urge the Senate and the United States Sentencing Commission to limit the use of Mandatory Minimum Penalties in order to avoid unjust sentencing discrepancies especially in reference to first time, non-violent offenders.

The Safety Valve, entitled "Limitation on Applicability of Mandatory Minimum Penalties in Certain Cases," is unavailable to [REDACTED]. He is ineligible for relief under the Safety Valve as a result of his criminal history as calculated according to the 2011 Federal Sentencing Guidelines. [REDACTED] has three misdemeanors which are considered under the Federal Sentencing Guidelines as three points for "any prior sentence not otherwise counted." His criminal history is grossly exaggerated when one considers the rules that assign offenders to a criminal history category, two of which under the Guidelines refer to "prior sentence of imprisonment." As we live in a very small community, we are aware of almost all the other offenders' sentences in this conspiracy. How does one offender in this conspiracy who has three felonies on a single day score better than [REDACTED] with three misdemeanors and avoid a sentence under Mandatory Minimum Penalties? How are other offenders named in Operation [REDACTED] with prior imprisonment sentenced to less time and how did they avoid sentencing under the Mandatory Minimum Penalties? We fervently encourage the Senate and the United States Sentencing Commission to expand the Safety Valve to include two or three criminal history points in determining eligibility for relief for non-violent, first time offenders provided the other four elements of the Safety Valve are met. An additional approach is to reevaluate the method for calculating criminal history in the Federal Sentencing Guidelines to provide more equality between misdemeanors counted and "prior sentence of imprisonment." Please note that [REDACTED] is not eligible for relief through substantial assistance because he was unable to provide valuable information as determined by the prosecutor and investigators.

The prosecutor in Operation [REDACTED] had a profound effect on [REDACTED]'s plea of guilty. He was informed of his right to a jury trial but was assured by the prosecutor if he went to trial and was found guilty that he would receive the maximum penalty for his offense and for not accepting the prosecution's terms. That was terrifying to a young man of twenty-three. The threat effectively convinced [REDACTED] to give up his constitutional right to a jury trial and plead guilty. Imagine our frustration, anger, and helplessness when we learned one week prior to sentencing that [REDACTED]'s signed plea agreement gave the prosecutor not the judge the power to determine his sentence without consideration being given to [REDACTED]'s information and circumstances. Prosecutors do not have unbiased, impartial opinions as do judges. Their position puts them in opposition to offenders while a judge has the appropriate education and experience and is completely impartial. We are convinced this power of the prosecution seriously undermines our judicial system and all it stands for.

We, as a family, have witnessed [REDACTED]'s struggle with drug addiction and his courage in facing that addiction while dealing with a federal drug conspiracy charge and conviction. We completely support his efforts to create a life that is drug free. This young husband and father deserved a break, and we fully believe that he has earned it. We understand that our letter will not result in [REDACTED]'s sentence being changed, but we hope it will prevent further sentencing discrepancies and injustice. We respectfully ask that the Senate and United States Sentencing Commission carefully consider the proposed amendment to the Federal Sentencing Guidelines regarding the Mandatory Minimum Penalties. Please consider the Mandatory Minimum Penalties with respect to unjust sentencing discrepancies, the determination of the criminal history category and its effect on the Safety Valve for non-violent, first time offenders, and the effect of Mandatory Minimum Penalties on plea agreements. We appreciate you taking the time to consider our request and earnestly believe that [REDACTED] will continue in the path he has chosen when his sentence is served.

Sincerely,

Jaime and Allen Eans

July 16, 2012

To whom it may concern:

As a youth, each day, we stood with our hands over our hearts and recited the Pledge of Allegiance to our country. That pledge ends with " ...and justice for all". I am writing you today to address a failure in our justice system that has denied that universal application that only you can correct.

I am Jim F. Gilliam, Pastor of the Antioch-Harmony United Methodist Churches in White County, Arkansas .I served as Agricultural Education Instructor at Des Arc High School from 1995 until my retirement in 2010. During those 15 years, I was [REDACTED] instructor as well as his sponsor in the Future Farmers of America chapter at Des Arc. I also served as pastor of the church in the community his family resided in. I have known [REDACTED] and his family for seventeen years.

It is my understanding that you are considering amending the Federal Sentencing Guidelines dealing with Mandatory Minimum Penalties. Young citizens such as [REDACTED] and their families have been directly and adversely affected by these guidelines. They have been, in my opinion, denied the justice that our country guarantees all of its citizens. Responsibility and authority needs to be placed in the hands of an unbiased judge whose desire is the equitable treatment under the law of all who appear before him, not that of a prosecuting attorney actively seeking the conviction of the accused. Justice must be fair and disinterested or it is not justice at all.

[REDACTED] was a student when this investigation began-a minor enrolled as a sophomore at Des Arc High School. He was never a key player in this conspiracy. [REDACTED], upon his arrest and initial hearing before Judge [REDACTED], did all that the judge counseled him to do. [REDACTED] secured gainful employment with an employer who came to trust him and promote him. [REDACTED] submitted to drug tests which he passed successfully. He enrolled in and attended drug counseling. [REDACTED] was a non-violent first time offender.

[REDACTED] was sentenced under the Mandatory Minimum Penalties rather than the Federal Sentencing Guidelines. The judge-the guarantor of fair treatment before the law- could do nothing despite the mitigating circumstances of the case. [REDACTED] was denied Substantial Assistance in the case as he had no valuable information to give the investigators. Again, he was never a key player and had no such information. The Safety Valve was denied him because he was able to meet only four of five components of the requirements. Three misdemeanors, not felonies, cost him that opportunity due to his "criminal history". The prosecutor threatened [REDACTED] with a maximum sentence if he did not accept the sentence and actually went to trial and lost.

In the name of fairness, consider changing the Safety Valve rules to properly consider non-violent first time offenders with only misdemeanors on their record. Please consider the alteration of the rules considering who-prosecutors or judges- determine the application of Mandatory Minimum Penalties. Lives and families are being destroyed by those seeking their own interests and advancement rather

than truth and justice and fairness. Unless all are provided true justice under the law, no one is assured of that right. Our country prides itself on providing justice to all of its citizens, regardless of race, creed, income, status or political affiliation. As the lawmakers of our country, you are the best and last defense of the people in assuring that we do indeed have "justice for all".

Thank you very much for your time and attention in this matter. I am confident of your serious consideration in a matter that affects so many.

Sincerely,

Jim F. Gilliam

To Whom it may concern :

I am writing this request for consideration on behalf of [REDACTED] who was recently incarcerated under the Mandatory Minimum Sentencing Guidelines that are currently in place. I have deep concerns that misapplication of this law has taken all due consideration for the accused from the Judiciary level of our legal system and placed full sentencing authority for non-violent offenders under the prosecutor's office .By allowing this to continue we totally take any consideration due the accused out of the hands of the individuals that are placed in positions of power to pass judgment.

It is my request that consideration be given to amending the current sentencing guidelines under the Mandatory Minimum Penalties section so as to allow these guidelines to only being used when proof positive is given by the prosecution that the individual involved meets the set requirements to be charged as a Key Player or King Pin. These penalties are being broadly applied to first time felons solely based on the type and the amount of certain illegal substances and are not being applied as Congress intended them to be applied which was to be used only on those that were truly Key Players not youthful offenders

Under the current sentencing guidelines an individual must meet all Five elements under the Safety Valve portion for consideration of reduced sentencing. I believe a more just imposition of the law would allow the Judiciary to consider reduced sentencing for Nonviolent first time offenders whose criminal history score is a two or a three as long as the other Four elements are meet. Currently all charges are being used ,including any misdemeanor charges, to determine a criminal history points. A persons point total that includes non-violent misdemeanors should not be calculated the same as an individual that commits three felonies in one day. In [REDACTED]'s case he meet four of the five elements for reduced sentencing but failed on criminal history score on the bases of three prior misdemeanors. These current guidelines as currently being applied do not allow for unbiased sentencing for those not considered a King Pin in a conspiracy case.

It is my hope that legislation or amendments to legislation can be introduced to disallow the prosecution the ability to charge an individual under the MMP and place this authority under the direction of the judiciary. These men and women have been placed in the places of authority to pass judgment on those found guilty. The current guidelines are being applied broadly, not as our congressional leaders intended them to be applied.

Thank you for your consideration in this matter.

Chuck Tucker

[REDACTED]

[REDACTED]

[REDACTED]

July 11, 2012

United States Sentencing Commission
One Columbus Circle, NE, Suite 2-500, South Lobby
Washington, D.C. 20002-8002
ATTN: Public Affairs-Priorities Comment

Dear Judge Saris and Members of the Sentencing Commission:

I, *Shane Cassidy*, am writing to you to share my strong support of the 2012 Proposed Priorities and Request for Public Comment. In particular, I fully support the Commission's top stated priority of working with Congress to reform the mandatory minimum sentence statutes with respect to drug and firearms offenses based on the findings of your October 2011 Report, *Mandatory Minimum Penalties in the Federal Criminal Justice System*.

I believe that it is crucial that the statutory mandatory minimum sentencing provisions for drug offenses under Title 21 and firearms offenses under 18 U.S.C. § 924(c) be amended because, as you noted in your Report, these statutes "apply too broadly, are set too high, or both, to warrant the prescribed minimum penalty for the full range of offenders who could be prosecuted under the particular criminal statute." I also agree with your conclusion that the "current mandatory minimum penalties for drug offenses . . . apply more broadly than originally intended by Congress." I ask that you also urge Congress to ensure that all amendments apply retroactively.

Our Nation and our families cannot afford the cost of these statutes any longer.

Sincerely,

