

Court of Appeals
United States Court Of Appeals
For The Third Circuit

Chambers of
Edward R. Becker
United States Circuit Judge

19613 United States Courthouse
Independence Mall West
Philadelphia, Pa. 19106-1782

April 4, 1988

Honorable William W. Wilkins, Jr.
Chairman
United States Sentencing Commission
Suite 1400
1331 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Judge Wilkins:

I appreciated the opportunity to testify before the Commission on March 22, 1988, and would now like to follow up on several matters in my testimony.

To a great extent, correct use of the guidelines will depend on the effective presentation of the guidelines by the Sentencing Commission. In my testimony, I recommended that, to assist in dealing with ex post facto concerns, the amendment history (if any) and effective date of each guideline should appear immediately after the guideline and that the full text of the guideline, prior to amendment, be readily available. I have been informed that you discussed this proposal at your public Commission meeting on March 30, 1988, and that, although there was support for the general idea, there was concern that addition of the amendment history following each guideline would require reprinting the guidelines rather than just issuing replacement pages. Concern was also voiced that probation officers, judges and other interested parties would resist using new copies of the guidelines. I have discussed this with the Probation Division, and we strongly recommend that the "field" would be far more accepting of a new copy of the guidelines that provided amendment history than replacement pages which require time and trouble for filing and are subject to loss and misfiling.

I was also informed that you debated elimination of the guidelines for petty offense and considered a proposal to retain guidelines for petty offenses in some limited circumstances. Again, for efficient administration, I urge you to eliminate all guidelines for petty offenses. In my opinion, it would add a new layer of confusion to retain petty offense guidelines with the proviso that they be used only in special circumstances.

Honorable William W. Wilkins, Jr.

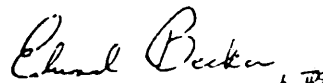
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Whenever the statutory maximum term of imprisonment is 6 months or less for an offense, whether in combination with another offense or alone, I think we can rely on the courts to impose an appropriate sentence.

Again, thank you for the opportunity to participate in the guideline development process. Please call on me if you would like to discuss these matters further.

Sincerely,

Handwritten signature of Edward R. Becker in cursive script.

Edward R. Becker

cc: Sentencing Commissioners
Sid Moore✓