

MEMORANDUM

DATE: August 15, 1990 *[Signature]*
 FROM: Leslyn Amthor Spinelli, USPO
 SUBJECT: Comment on Sentencing Guidelines
 TO: Jack R. Verhagen, CUSPO

In response to Phyllis Newton's request for comments on the Sentencing Guidelines, I would offer the following:

The career offender guidelines appear to be needlessly harsh, I believe because the **career offender offense levels are tied to statutory maxima**. In the case of Dave Belanger, for example, although the underlying offense level was only 16, his career offender offense level was bumped all the way up to 34 because the statutory maximum was 30 years. He was also placed into the career offender status because of two prior drug felonies, each of which yielded only one criminal history point. I would suggest that the career offender provisions be modified and tied to the underlying offense level. The statutory maximum in a drug case is often sky-high but unrealistic. I would suggest, for example, someone with career offender status could be subject to a sentence 50% higher, or X number of levels higher, than that dictated by the underlying guideline offense level. This would accomplish the purpose of incapacitating career offenders for longer periods of time while keeping the individual case in mind.

9/14/90
Phyllis: This represents the consensus
 group. Also, the career offender
 guideline is too severe for certain
 felonies previously committed qualifying
 for this status. You might want to
 review this re: case of David Belanger
[Signature]
 tel 618-264-5545

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September 21, 1990

Mr. Jack R. Verhagen
Chief U.S. Probation Officer
140 U.S. Courthouse
120 N. Henry Street
Madison, WI 53703

Dear Jack:

On behalf of the Commission, I thank you for your office's recent comments on proposed areas of study for the next guideline amendment cycle. Your submission has been copied and distributed to the Chairman, Commissioners, and members of the legal and drafting staffs.

We appreciate your interest in our work and look forward to your continued assistance as we strive to further improve the guidelines.

Regards,

A handwritten signature in black ink, appearing to read "P. K. Martin".

Paul K. Martin
Communications Director