

PCRT-1991

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PROBATION OFFICE

FRED C. PIERCE

CHIEF PROBATION OFFICER

SUITE 500, PHOENIX BUILDING
330 SOUTH THIRD STREET
LAS VEGAS, NEVADA 89101-6032
702-388-6428
FTS 598-6428

September 24, 1990

Ms. Phyllis J. Newton, Staff Director
U. S. Sentencing Commission
1331 Pennsylvania Ave., N.W.
Suite 1400
Washington, DC 20004

ATTN: Communications Director

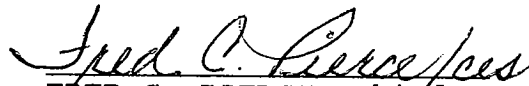
RE: YOUR REQUEST FOR COMMENTS
PER YOUR LETTER OF 8/9/90

Dear Ms. Newton:

Per your request of August 9, 1990, attached are the comments received from our District's Sentencing Guideline Trainers. If we may be of any further assistance, please contact our office.

Thank you.

Sincerely,


FRED C. PIERCE, Chief
U. S. Probation Officer

FCP:ces

Attachments

memorandum

DATE: September 24, 1990

REPLY TO
ATTN OF: STEPHEN E. WARD, Supervising USPO

SUBJECT: SENTENCING COMMISSION COMMENTS

TO: FRED C. PIERCE, Chief USPO

After reviewing the Sentencing Commission's memo of 8/9/90, it appears that the work groups and priorities outlined address current needs. The area of training, particularly additional formalized programs, might be helpful. As the body of case law develops, this could potentially be an area where more attention might be necessary.


SEW:ces

UNITED STATES GOVERNMENT
memorandum

DATE: September 11, 1990
REPLY TO: Wayne L. Momerak
ATTN OF: U.S. Probation Officer
SUBJECT: SENTENCING COMMISSION COMMENTS

TO: Fred C. Pierce, Chief
U.S. Probation Officer

In response to your memo of August 17, 1990. We wish to address the following issues:

1. Acceptance of Responsibility: 3E1.1

We believe that much conflict over this section could be avoided by complete elimination of this adjustment. Consideration of cooperation could be addressed while determining the sentence within the appropriate guideline range.

2. In many instances attorneys, both Government and defense, are still using charge bargaining as a way to welcome plea agreements that may avoid "real offenses." For example; under 4B1.1 (career offender) attorneys have "date charged" to avoid overlap on conspiracy cases. The USPO sometimes remains in a quandry as to relevant conduct activities. This is particularly true with Rule 11 e, A, B and C binding agreements.

3. Computer programs are next to useless if not brought up to date more than once a year.

WLM:ebb

UNITED STATES SENTENCING COMMISSION
1331 PENNSYLVANIA AVENUE, NW
SUITE 1400
WASHINGTON, D.C. 20004
(202) 626-8500
FAX (202) 662-7631

William W. Wilkins, Jr. Chairman
Julie F. Carnes
Helen G. Corrothers
Michael S. Gelacak
George E. MacKinnon
A. David Mazzone
Ilene H. Nagel
Benjamin F. Baer (ex officio)
Paul L. Maloney (ex officio)



October 4, 1990

Mr. Fred C. Pierce
Chief U.S. Probation Officer
Suite 500, Phoenix Building
330 S. Third Street
Las Vegas, NV 89101-6032

Dear Chief Pierce:

On behalf of the Commission, I thank you for your 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 you taking the time to write and share your insightful comments.

Regards,

A handwritten signature in dark ink, appearing to be "PKM", written over a large, stylized "P" that also serves as the first letter of the name.

Paul K. Martin
Communications Director