

PCR-47/91

Alex C. Howard, Jr.
Chief Judge

United States District Court
Southern District of Alabama
United States Courthouse
113 St. Joseph Street
Mobile, Alabama 36602-3695

October 4, 1990

United States Sentencing Commission
1331 Pennsylvania Avenue, N.W., Suite 1400
Washington, D.C. 20004
ATTN: Communications Director

Re: Comments Regarding Suggested Guideline Changes

Dear Sir:

This letter is in response to the letter of Chairman William W. Wilkins, Jr., of the United States Sentencing Commission dated September 21, 1990, requesting my thoughts on guideline changes. The following is submitted for the Commission's consideration:

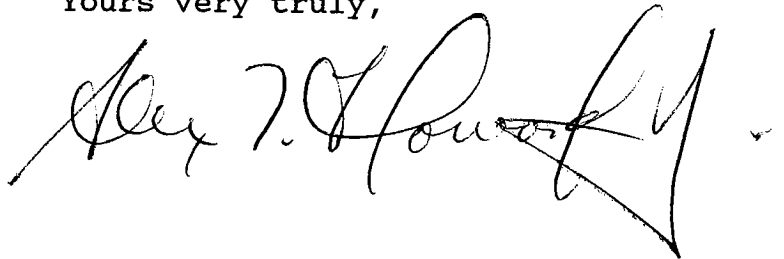
1) When defendants have demonstrated a violent nature, such as, the use of threat or force made by the defendant utilizing knives, firearms, or the mere physical threat of the defendant themselves, the sentence should be enhanced to a greater degree than is presently the case. It is felt that an adjustment for violence be made a CHAPTER III ADJUSTMENT, which could then be applied to any offense, whether or not it was a Specific Offense Characteristic. In the same regard, the Criminal History Section (Chapter IV), should carry additional point increases for convictions involving crimes of violence. I feel that defendants who have shown themselves to be of a violent nature should face substantially greater penalties.

2) In regard to Relevant Conduct (Section 1B1.3), I disagree with the practice of holding defendants accountable for information contained in counts for which they have been acquitted. I also object to holding defendants accountable for information contained in dismissed charges.

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3) I am aware that the guidelines do not limit the Court upon revocation of probation or supervised release. This limitation is by statute. I disagree with the limitation made on revocations, however, especially the restriction on probation revocations, in that the Court is only authorized to impose the sentence that was available at the time of the initial sentence. At the time of the initial sentence, the Court feels the guidelines have been satisfied by the sentence imposed. When a violation occurs, the Court should be free to impose any sentence it feels appropriate, within reason, up to the statutory maximum.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Alex J. Howland". The signature is fluid and cursive, with a large, sweeping "A" and "H".

ATHjr/cac