

UNITED STATES COURT OF APPEALS

For the Third Circuit

Chambers of
MORTON I. GREENBERG
Circuit Judge

United States Courthouse
402 East State Street
Trenton, New Jersey 08608

September 25, 1990

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

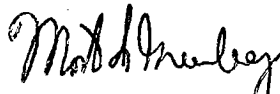
Dear Judge Wilkins:

I am in receipt of your letter of September 12, 1990, regarding the sentencing guidelines. In your letter you ask that I give the benefits of my thoughts on the top three guideline section or policy statements needing review, amendment or clarification.

As it happens I have had occasion to write a number of guideline opinions which have been published. But I cannot recall seeing any section that I thought should be changed. When I was sworn in as a circuit judge in June 1987 and became aware of the guidelines in a more particularized way than I had been previously, I thought that their implementation would cause great difficulties. I predicated this in part on my experience as a judge on the Appellate Division of the Superior Court of New Jersey. On that court I regularly heard sentencing appeals as New Jersey allows appeals as of right in any case from sentences and at least when I was on that bench there were very many appeals.

But insofar as I can see the guidelines have worked very well and have not led to the mass of appeals I expected. I thought there would be numerous arguments over the basic range calculations but this seems not to have happened. I attribute this in large part to the fact that the guidelines are quite clear, particularly for a pioneering effort, and the presentence reports have been excellent. Thus, I have no recommendations to make. But you are to be congratulated on the fine job on them. Perhaps other judges will be of more help to you.

Sincerely yours,



Morton I. Greenberg,
United States Circuit Judge