

UNITED STATES DISTRICT COURT

WESTERN, NORTHERN AND EASTERN DISTRICTS OF OKLAHOMA

CHAMBERS OF
DAVID L. RUSSELL
JUDGE

October 16, 1990

OKLAHOMA CITY 73102

United States Sentencing Commission
1331 Pennsylvania Avenue, NW
Suite 1400
Washington, D. C. 20004

Attention: Communications Director

To Whom It May Concern:

Judge Wilkins has written inquiring about any suggestions that judges may have about the guidelines.

The biggest problem I have had, as well as the Tenth Circuit, has been what to use as a guideline when you choose to depart upwards. This is particularly acute when you get past a criminal history category six. I suggest that after category six it should be left to the discretion of the judge within the statutory maximum.

Thank you for your inquiry.

Sincerely,

A handwritten signature in dark ink, appearing to read "David L. Russell", written in a cursive style.

DAVID L. RUSSELL
United States District Judge

DLR:ab