

100-113/91

United States District Court

NORTHERN DISTRICT OF TEXAS
AMARILLO, TEXAS 79189

CHAMBERS OF
JUDGE MARY LOU ROBINSON

December 28, 1990

United States Sentencing Commission
Attn: Communications Director
1331 Pennsylvania Avenue, N.W.
Suite 1400
Washington, DC 20004

Re: Guidelines

Dear Sir/Madam:

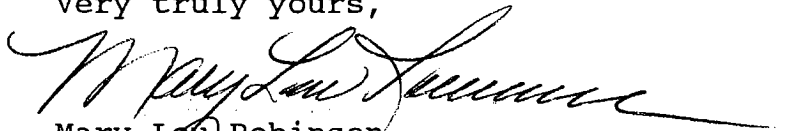
I have received a letter asking for comments on the Guidelines.

The Guidelines have operated generally well in all areas except where drugs are concerned. With regard to drugs, the Guidelines seem to place far greater emphasis on the quantity of drugs involved than on the degree of responsibility of the defendant and the different layers of responsibility in the drug distribution and transportation network.

In some cases, severe penalties are mandated for persons with relatively limited involvement in drug offenses. Further, the Guidelines do not seem to provide sufficient leeway to assess appropriate penalties for persons with different degrees of involvement in the same overall offense. This problem is exacerbated when persons with a high degree of culpability have plea bargained for offenses with statutory maximums below the Guidelines.

With the increasing criminal cases and particularly the increase in drug cases with multiple counts and multiple defendants, it is not practical to reject plea bargains in every case where the plea bargain does not permit just sentences based on the relative responsibility of the individual defendants. The Guidelines themselves need to provide more leeway for the court to set sentences based on relative responsibility where drugs are concerned.

Very truly yours,



Mary Lou Robinson

MLR:sw