

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA  
DES MOINES, IOWA 50309

November 6, 1990

CHAMBERS OF  
WILLIAM C. STUART  
Senior Judge

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

In Re: Sentencing Guidelines

Gentlemen:

I assume that U.S. v. Streeter, 907 F.2d 781 (8th Cir. 1990), has been called to your attention.

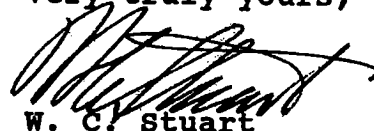
In that case the Eighth Circuit Court of Appeals held "that the Drug Quantity Table as it existed at the time that Collins was sentenced, is invalid to the extent that it automatically equates one marijuana plant with 100 grams in cases involving fewer than 50 plants."

In U.S. v. Prine, 909 F.2d 1109 (8th Cir. 1990), the Court stated: "Because Streeter requires that the actual weight of the plants must be used to determine the offense category when less than 50 plants are involved, this Court will vacate the sentence of both defendants."

In the Prine case, the original weight of the marijuana plants included stocks, stems and dirt on the roots. There is no way that the weight of the marijuana can be actually ascertained.

This holding also places the law enforcement officers in a dilemma. Should they seize a marijuana crop when it is young or wait until it matures? I hope the Commission will work on a more practical guideline.

Very truly yours,



W. C. Stuart

WCS:bc