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February 14, 1991

United States Sentencing Commission
1331 Pennsylvania Avenue, N.W., Suite 1400
Washington, D.C. 24004

Attention Communications Director

Re: Federal Sentencing Guidelines

Dear Sir or Madam:

It is my understanding that you are accepting comments concerning the Federal Sentencing Guidelines. In that my law practice includes the representation of people in Federal Court in criminal matters, I appreciate the opportunity to be able to give you my feelings on this subject.

My experience has been that the utilization of the Federal Sentencing Guidelines, particularly in conspiracy cases, results in extremely harsh and unrealistic sentences. This is particularly true in cases involving the minor players in a conspiracy charge. I was recently involved in a case which highlights the inequities and harshness of these Guidelines.

In a case in the Northern District of Oklahoma, I represented a defendant in a conspiracy charge in the Summer of 1990. The individual was accused of being a middle-level participant in the conspiracy. He was convicted and received a sentence which would traditionally be considered a very harsh sentence.

However, the individual that received the most unconscionable sentence was a co-defendant named Perry Roberts. Mr. Roberts is a young black man who, by all accounts, had no leadership ability--he was simply the most insignificant of followers. He befriended another individual involved in this conspiracy and allegedly helped this other individual in completing some drug transactions. His involvement appeared to be minimal at best. However, due to the quantities of drugs involved in the overall conspiracy, Perry received a sentence of 292 months. Because of his minimal involvement in this action, this young man is sentenced to Federal prison for over 24 years.

Judge Ellison expressed great displeasure with having to follow the Guidelines on all of the sentences that came out of our case. He made a very good record for us for an appeal. However, the chances of winning these cases on appeal are very slim--the change needs to come from the Sentencing Commission itself. The Federal prisons are quickly filling up with individuals who, because of their involvement, with drugs, have received sentences

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far in excess of anything needed to punish or rehabilitate these individuals. The present Guidelines in cases where large quantities of drugs are present have created sentences which have no justification, particularly in conspiracy cases. These Guidelines desperately need to be revised to bring the punishment level in line with the offense. It is common for sentences in Federal Court to result in a person serving 10 to 20 times the length of incarceration from the same crime prosecuted in State Court.

I hope these comments will be of some benefit, and if I can be of any further assistance, I will be happy to do so.

Yours truly,

A handwritten signature in cursive script, appearing to read "Scott D. Keith". The signature is written in dark ink and is positioned above the printed name.

SCOTT D. KEITH

SDK/jls