

DIMURO, GINSBERG & LIEBERMAN, P.C.

ATTORNEYS AND COUNSELORS AT LAW

921 KING STREET

ALEXANDRIA, VIRGINIA 22314

BERNARD J. DIMURO
NINA J. GINSBERG
MICHAEL S. LIEBERMAN

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TELEPHONE (703) 684-4333
TELECOPIER (703) 548-3181

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

Re: Draft Options for Amending Guideline 3E1.1
Acceptance of Responsibility

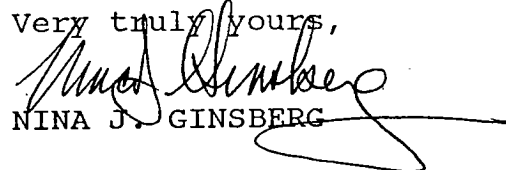
Dear Chairman Wilkins:

I am writing as chair of the Practitioners' Advisory Group subcommittee on Acceptance of Responsibility. This subcommittee has been involved with the Commission's Working Group on Acceptance of Responsibility largely by providing examples of inconsistent applications of the guideline and of defense concerns relating to scope of conduct for which a defendant must accept responsibility.

The subcommittee has reviewed the working group report and draft options for amending Guideline 3E1.1 which were provided last week. It is our opinion that the various draft options represent a significant attempt to address the most serious application problems and that all of the options should be published.

The various options do not contain minor clarifications. They present modifications to the current guideline which contain significant differences from each other and from the guideline as it is now written. In particular, the fifth amendment issues analyzed in the working group report have been vigorously debated in the courts and among counsel. The report accurately reflects the confusion and disagreement surrounding the scope of conduct for which a defendant must accept responsibility. In the face of this controversy, and viewing the evidence of disparate application of the guideline in the various districts, the Practitioners' Advisory Group strongly urges the Commission to solicit public response prior to eliminating any of the proposed options.

Very truly yours,


NINA J. GINSBERG

cc: Commissioners
PAG Members