

Thomas R. Brett
Judge

United States District Court
Northern District of Oklahoma
333 West Fourth, Room 4-508
United States Courthouse
Tulsa, Oklahoma 74103

February 11, 1992

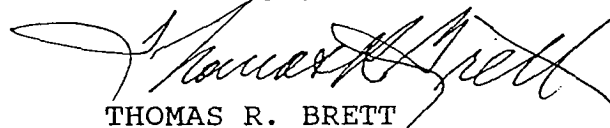
The Honorable William W. Wilkins, Jr.
Chairman, United States Sentencing Commission
1331 Pennsylvania Avenue, NW, Suite 1400
Washington, D.C. 20004

Dear Chairman Judge Wilkins:

Thank you for your prompt response of February 7, 1992, to my letter of January 30, 1992. Three amendments I suggest to the Sentencing Guidelines, if repeal across the board is not possible, are as follows:

- (1) Within the trial court's discretion, any first felony offense having a value of less than \$100,000.00 may be eligible for probation if the facts and circumstances, including restitution, justify such a sentence;
- (2) The old Fed.R.Crim.P. 35 permitting a court to alter a sentence within 120 days should be reinstituted; and
- (3) A 5K1.1 reduction or departure by the court, due to defendant's cooperation, should be within the court's discretion for good cause stated and not be limited to the prosecutor's recommendation.

Sincerely yours,


THOMAS R. BRETT