



PACDL

POST OFFICE BOX 189
LIMA, PA 19037
(215) 566-8250
FAX (215) 566-8592

Pennsylvania Association of Criminal Defense Lawyers

NACDL Affiliate

Officers:

President
Joshua D. Look
President Elect
J. Richard Gray
Vice Presidents
Western District
Thomas Ceraso
Middle District
Charles P. Gelso
Eastern District
Robert J. Donatoni
Secretary
Joel P. Trigiani
Treasurer
Carol A. Shelly
Immediate Past President
Stanton D. Levenson
Past President
Arthur T. Donato, Jr.

Executive Director

Jeanne M. Ginsburg

Board of Directors:

Allegheny County
Stanton D. Levenson
Lester G. Nauhaus
Caroline M. Roberto
Gary B. Zimmerman
Berks County
David R. Eshelman
Bradford County
Gerald Kinchy
Bucks County
John J. Kerrigan
Carol A. Shelly
Sara Webster
Butler County
Richard E. Goldinger
Centre County
Roy K. Lisko
Chester County
Robert J. Donatoni
Joseph P. Green, Jr.
S. Lee Ruslander, II
Juan R. Sanchez
Cumberland County
Taylor P. Andrews
Dauphin County
Joshua D. Look
John B. Mancke
Robert N. Tarman
Delaware County
Arthur T. Donato, Jr.
William A. Jacobs
Erie County
Leonard G. Ambrose, III
Lancaster County
J. Richard Gray
Vincent J. Guinan
Luzerne County
Charles P. Gelso
Lycoming County
Peter T. Campana
Montgomery County
William Honig
Philadelphia County
Dennis J. Cogan
Charles A. Cunningham
Anne M. Dixon
Marilyn J. Gelb
David M. McGlaughlin
John W. Morris
Robert R. Moser
John W. Peckel
A. Charles Perute
Maureen K. Rowley
Bernard L. Siegel
Joel P. Trigiani
Westmoreland County
Thomas Ceraso
York County
Richard K. Renn

Committees/Chairs:

Amicus
Robert J. Donatoni
Brief Bank
Carol A. Shelly
Continuing Legal Education
Sara Webster
Death Penalty
Lester Nauhaus
Bernard L. Siegel
Hotline Panel of Experts
Peter T. Campana
Lawyers Assistance Strike Force
Arthur T. Donato, Jr.
Thomas Ceraso
Legislation
Robert N. Tarman
Long Range Planning
Arthur T. Donato, Jr.
George H. Newman
Membership
Joseph P. Green, Jr.
Newsletter
Jeanne M. Ginsburg
Public Relations
David M. McGlaughlin
Sentencing Committee
Caroline M. Roberto
Strategic Litigation
S. Lee Ruslander, II
Women and Minorities
Marilyn J. Gelb

March 12, 1993

Honorable William Wilkins, Jr.
Federal Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500
South Lobby
Washington, DC 20002-8002

**In Re: Proposed Amendments By The
Practitioners Advisory Group**

Dear Judge Wilkins:

The Board of Directors of the Pennsylvania Association of Criminal Defense Lawyers wishes to express our approval of the proposed amendments to the Federal Sentencing Guidelines as submitted by the Practitioners Advisory Group. As practitioners, we experience first-hand the impact of the Guidelines not only on our clients but on the entire judicial system.

In stating our support, we draw particular attention to the following:

Proposed Amendment 35. Treatment of acquitted conduct under §1B1.3 Relevant Conduct. PACDL prefers Option 1 yet recognizes that the majority of conduct deemed relevant conduct for sentencing purposes is generally not included in acquitted counts but is most often "uncharged conduct". Further, we believe that any conduct used for sentencing should meet the beyond a reasonable doubt standard and should be submitted to the trier of fact during trial.



Proposed Amendment 36. Rule 11 procedure. PACDL supports the recommendation in this comments. It should also be noted that the Federal Court section of the Allegheny County Bar Association is recommending that the local rules for the Western District of Pennsylvania be amended to require a pretrial conference including the Government prosecutor, the defendant and the probation officer in order to disclose the facts and circumstances of the offense and the offender characteristics applicable to the Sentencing Guideline range.

Honorable Williams Wilkins, Jr.
March 12, 1993
Page Two

Proposed Amendment 39. Reduction of offense level for drug quantity. PACDL supports the overall scheme of this proposed amendment and believes that a maximum offense level of 36 achieves the purpose of the Sentencing Guidelines system.

The proposed amendments by the Practitioners Advisory Group are a definite improvement upon the Federal Sentencing Guidelines as they presently exist. The input of attorneys who work with the Guidelines on "the front line" must always be given high priority. PACDL supports the efforts of the Advisory Group.

Very sincerely,

A handwritten signature in black ink, reading "Caroline M. Roberto". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Caroline M. Roberto
Board Member and Chair of the
Sentencing Committee

CMR:abs