

006-41

UNITED STATES GOVERNMENT
MEMORANDUM

DATE: January 14, 1994

REPLY TO

ATTN OF:

BM Santella
Michael J. Santella, Supervising USPO E/D PA

215-597-8583

SUBJECT: Proposed Sentencing Guideline amendment

TO: U.S. Sentencing Commission

The proposal that follows is an attempt to reduce the inordinately long Sentencing Guidelines that apply to street sellers involved in long-term conspiracies assuming correct application of the Relevant Conduct standard. I believe it has merits above other proposals which seek to cap the defendant's culpability by only considering the amount of drugs distributed within a limited period of time[one week or one month}. This type of limitation ignores the highly aggravating factor that such defendants made a conscious decision each and every day to peddle drugs within the community.

The proposed amendment could also be used in deciding whether mandatory minimum terms apply. A few application notes would be necessary for clarification purposes. I have some thoughts on this as well. If you care to hear them, let me know.

Section 2D1.1 {a} [4]

Where the offense level is established largely through the attribution of drugs distributed by others within a jointly-undertaken conspiracy, and the defendant had no decision-making authority and performed only unskilled or unsophisticated tasks, did not possess a firearm or engage in violent conduct during the offense of conviction and all relevant conduct, reduce the offense level established by aggregating all quantities involved in the offense by 25%.