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February 7, 1994

U.S. Sentencing Commission
One Columbus Circle N.E.
Suite 2-500 South Lobby
Washington D.C. 20002-8002

Re: James Edward Dodd, BOP # 45433-004

Dear Sentencing Commission:

I am writing to you with regard to the pending amendments to the Guidelines and Statutes hearing with regard to older, infirm defendants who do not pose a risk to public safety. I represented James Dodd, a 67-year old gentleman who has extremely severe heart problems and other medical problems. He underwent open heart surgery for valve replacement prior to his arrest. He is now on medication to avoid infection and rejection of the valve, which requires very careful monitoring of his condition. I have attempted to make sure that he receives proper medical attention while in custody. Unfortunately, the Bureau of Prisons is not equipped to provide the high level of specialized care required by an individual such as Mr. Dodd. I enclose a copy of a letter of analysis by his private cardiologist.

I recognize that defendants need to be prosecuted on the basis of their offense conduct. However, the law cannot be blind to the unusual suffering which prison sentences impose on older and infirm defendants. I urge consideration of some alternative to strict incarceration of individuals sentenced on Guideline sentences. Perhaps extended confinement outside of regular prison would be a possible option for monitoring an individual such as Mr. Dodd. Your consideration of some more flexibility in the handling of these unusual cases is appropriate.

Very truly yours,



MEL BLACK

MSB:ga

cc: Ruth Dodd
James Dodd