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RASKIN & RASKIN, P. A.

ATTORNEYS AT LAW

MARTIN R. RASKIN
JANE SERENE RASKIN

GROVE FOREST PLAZA - SUITE 206
COCONUT GROVE
2937 SOUTHWEST 27TH AVENUE
MIAMI, FLORIDA 33133-3703

TELEPHONE
(305) 444-3400
FAX
(305) 445-0268

ROBERT J. BECERRA

February 17, 1994

Mr. Michael Courlander
Public Information Specialist
United States Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500, South Lobby
Washington, D.C. 2002-8002

Dear Mr. Courlander:

For the past twelve years I have been a federal criminal defense practitioner in Miami, Florida. Before entering private practice I was Chief of the Criminal Division of the U.S. Attorney's Office for the Southern District of Florida. I also served as a Special Attorney with U.S. Justice Department, Organized Crime and Racketeering Section and as an Assistant United States Attorney for the District of New Jersey.

I am writing in response to the United States Sentencing Commission's request for public comment upon the proposed amendments to the Sentencing Guidelines published in the December 21, 1993 edition of the Federal Register (Vol. 58, No. 243, Part V). The purpose of this letter is to comment on proposed amendment number 11, which would amend and consolidate U.S.S.G. §§ 2S1.1 and 2S1.2 governing money laundering offenses.

I strongly recommend adoption of proposed amendment number 11 with the modifications suggested below. The proposal would tie the base offense levels for money laundering violations more closely to the underlying conduct that was the source of the illegal proceeds.

I know that you have received many letters from members of the Bar detailing the problems and abuses that have occurred with the current money laundering guidelines. I will not take your time by rehashing those problems other than to say that they are substantial. I believe that relating money laundering offense levels more closely to the offense level of the underlying offense from which the funds were derived will produce much more uniform and fair sentences. The following modifications will help ensure this result:

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First, where the defendant committed the underlying offense and the offense level can be determined, the base offense level for the underlying offense should be applied in all cases, not just in those cases where the base offense level would exceed the base offense level then would be increased by any specific offense characteristics under proposed § 2S1.1(b). To achieve this result, I would suggest deleting from the instruction in § 2S1.1(a) "(Apply the greatest)" and suggest inserting the term "otherwise" after subparagraph (3).

Second, I would strongly urge the Commission to make the base offense level in proposed § 2S1.1(a)(3) the same as the base offense level for fraud and deceit (§ 2F1.1). Therefore, I would suggest changing proposed § 2S1.1(a)(3) to a base offense level of 6 plus the number of offense levels from the table in § 2F1.1.

I strongly support the Commission's effort to make the sentencing guidelines uniform and fair.

Very truly yours,



MARTIN R. RASKIN

MRR/mr