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Michael Courlander,  
Public Information Specialist  
U.S. Sentencing Commission  
One Columbus Circle, N.E., Ste. 2-500  
Washington, D.C. 20002-8002

Re: MARIJUANA AMENDMENT

Dear Mr. Courlander:

I am writing to express my support for the "Marijuana Amendment" which would establish a 100 gram per plant equivalency for 50 or more plants. I believe that an amendment to the Guidelines is necessary so that punishment of offenders is based upon the actual weight of the plants cultivated, rather than upon an arbitrarily assigned weight equivalent.

I am an attorney in a small firm with a general practice including the defense of persons charged with criminal offenses in both state and federal courts. Over the last few years, I have represented many offenders whose sentences have been calculated under the new Guidelines. While I applaud the Commission's attempt to equalize sentencing across the country, I believe that the Commission's guidelines for marijuana cultivators fly in the face of that attempt.

In Indiana, marijuana is defined by statute as including any part of the cannabis plant, growing or not, except the mature stalks. Possession is punished by reference to the total weight of the plant matter and without reference to the number of growing plants. This seems to be a less arbitrary mechanism than the Guidelines' practice of assessing punishment based upon the number of plants. Under the Guidelines' mechanism, an individual with more than 50 small plants could be punished more harshly than an individual with 40 large plants even if the latter possessed more of the drug being controlled.

For these reasons, I urge the Commission to adopt the Marijuana Amendment and to make that amendment retroactive so that it may be applied in a manner so as to equalize sentences already imposed upon offenders.

Very truly yours,

Jessie A. Cook

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