

024-9

February 28, 1994

Judge William Wilkins, Jr.
U.S. Sentencing Commission
One Columbus Circle, NE
Suite 2-500
Washington, D.C. 20002-8002
ATTN: PUBLIC INFORMATION

Dear Judge Wilkins,

I understand the US Sentencing Commission is considering a change in the Sentencing Guidelines regarding the cultivation of marijuana plants.

THE CURRENT SCHEDULE ASSIGNING A WEIGHT OF 1000 GRAMS (1KILOGRAM) TO EVERY PLANT OVER A COUNT OF FIFTY IS ARBITRARY AND IRRATIONAL AND SHOULD BE CHANGED. FURTHERMORE, THE NUMBER OF PLANTS REQUIRED TO TRIGGER THE FIVE YEAR MANDATORY MINIMUM AND TEN YEAR MANDATORY MINIMUM, RESPECTIVELY, SHOULD BE ADJUSTED TO REFLECT THIS CHANGE IN ASSIGNED WEIGHT PER PLANT.

Dr. Mahmoud A. Elsohly, Research Professor and Program Coordinator of the Drug Abuse Research program at the University of Mississippi, has been researching factors involving the production of marijuana since 1976 and is, in fact, the only person licensed by the federal government to grow marijuana for research. He has written over 100 research papers and testified at over 60 criminal trials related to drugs of abuse, particularly marijuana. DR. ELSOHLY HAS TESTIFIED THAT THE CURRENT SENTENCING GUIDELINE BASED ON 1000 GRAMS, OR 1 KILOGRAM, PER PLANT IS EXTREMELY IRRATIONAL AND UNREASONABLE, BUT A SENTENCING SCHEME BASED ON 100 GRAMS PER PLANT WOULD BE REALISTIC AND REASONABLE.

The Sentencing Guidelines currently assign a five year mandatory minimum for possessing 100 kilograms of marijuana of 100 marijuana plants, and a ten year minimum for possessing 1000 kilograms or 1000 plants. The segment of this guideline requiring mandatory minimums for 100 and 1000 kilograms, respectively, is justified; HOWEVER, THE SEGMENT RELATING TO 100 AND 1000 PLANTS IS NOT JUSTIFIED, PRIMARILY BECAUSE 100 PLANTS CANNOT PRODUCE 100 KILOGRAMS OF MARIJUANA, AND 1000 PLANTS CANNOT PRODUCE 1000 KILOGRAMS OF MARIJUANA.

Based on Dr. Elsohly's research, and based on the underlying premise of parity inherent in the Sentencing Guidelines, I urge the Sentencing Commission to do three things:

1. CHANGE THE CURRENT GUIDELINE AND ASSIGN A WEIGHT OF 100 GRAMS PER PLANT REGARDLESS OF NUMBER OF PLANTS INVOLVED
2. REFLECT THIS CHANGE IN THE GUIDELINES BY ADJUSTING THE NUMBER OF PLANTS REQUIRED TO TRIGGER THE FIVE YEAR AND TEN YEAR MANDATORY MINIMUMS
3. MAKE THESE CHANGES RETROACTIVE.

Thank you for your time and interest in this matter.

Sincerely,

J. Sylvia Melocke