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April 5, 1995

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

Re: Proposed Guideline Amendments

Dear Mr. Courlander:

With regard to the Commission's request for public comment, where retroactivity is concerned and with powder cocaine in particular, it is our opinion that any change in the applicable base offense level ought to be available to those previously sentenced. This is in keeping with the legislative history of the Crime Control Act, P.L. 98-473, where, when the Commission reduces the recommended term of imprisonment for a particular category of offense, adjusting existing sentences is appropriate except where there is more than a minor downward adjustment, or where there is a class of persons affected, as opposed to isolated instances. Implementation by mathematical calculation by the Bureau of Prisons would likely effectively prevent any undue burden on the courts. In those instances where qualifying characteristics would warrant the exercise of judicial discretion (e.g. where an inmates pre-sentence report is silent as to minor or minimal role or some other similar factor not objectively ascertainable from the PSR), provision for such could be made by particular reference thereto in §1B1.10.

Thank you for your consideration of this matter.

Very truly yours,
OMNI LAW CHARTERED

By:

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