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MAR 10 2000

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

Dear Judge Murphy:

The Department of Justice submits the following comments regarding the proposed amendments to the federal sentencing guidelines published for comment in the Federal Register in December, 1999, and in January and February, 2000. These comments concern: Amendment 4, offenses relating to methamphetamine; Amendment 6, implementation of the Wireless Telephone Protection Act; Amendment 7, offenses relating to firearms; Amendment 8, circuit conflicts other than the one addressing aberrant behavior; and Amendment 9, the technical amendment package. We submitted written comments on the proposed amendments affecting trademark and copyright infringement, published in response to the No Electronic Theft Act, in January. We plan to address this issue and other amendment topics that are not discussed in the present letter at the public hearing to be held on March 23.

AMENDMENT 4 - OFFENSES RELATING TO METHAMPHETAMINE

The Commission has proposed two options for sentencing methamphetamine offenses. The first would reduce the quantities of methamphetamine-actual to half of what they are currently in guideline § 2D1.1. As a result, the new quantities for methamphetamine-actual would be consistent with the statutory quantities at offense levels pegged to the mandatory minimum prison terms. For example, 50 grams of methamphetamine-actual would result in an offense level of 32 (121-151 months of imprisonment for a first offender), just as 50 grams would trigger a mandatory minimum term of imprisonment of 10 years, 21 U.S.C. § 841(b)(1)(A)(viii). The second option would eliminate the distinction between methamphetamine-actual and methamphetamine-mixture and provide sentences for methamphetamine

offenses on the basis of the weight of pure methamphetamine, including the amount of pure methamphetamine within a mixture. This option would also create a presumptive purity level where purity is not known.

We favor Option 1 since it is consistent with the statutory scheme.¹ It establishes a 10-to-1 quantity ratio of methamphetamine in mixture versus actual form. Under the current guideline scheme the applicable mandatory minimum sentence trumps the guideline sentence for certain offenders with mandatory minimum quantities of methamphetamine-actual and causes dissimilar offenders to be sentenced similarly.

Option 2 is problematic in several respects. It would result in trumping of the guideline sentence by the mandatory minimum penalty, but in low-purity cases. More importantly, it is at odds with the statute's dual sentencing structure for methamphetamine offenses. A great many cases are now sentenced on the basis of methamphetamine-mixture, and the effect of eliminating this sentencing approach in the guidelines is unknown. Such cases involving less than 10 percent purity could result in reduced sentences under Option 2. Cases involving unknown purity would also be a problem. Because of practical difficulties, including the use of State laboratories which do not perform purity analyses in some cases and the existence of delays in obtaining analyses in others, offenses involving unknown purity will continue to be present in the federal system. Under Option 2 a presumed purity level would then apply. This application could result in increased sentences, depending upon the level of purity presumed. Moreover, the amendment would generate a great deal of litigation surrounding this presumption, including challenges to the Commission's authority to provide a presumption on purity at all and attempts to overcome the presumed purity level itself in specific cases.

The Commission has also asked whether it should increase the penalties for chemicals used to manufacture methamphetamine by changing the drug equivalency for phenylacetone /P2P in the drug trafficking guideline, § 2D1.1, and the chemical quantity table, § 2D1.11. Increased guideline penalties for offenses involving

¹ We recognize Option 1 would treat "ice" in the same manner as methamphetamine-actual, as the current guideline does, even though "ice" may be just 80 percent pure, see § 2D1.1, and Notes to Drug Quantity Table, Note (C). However, "ice" was the subject of an earlier statutory directive requiring enhanced penalties. Pub. L. No. 101-647, § 2701.

methamphetamine-related chemicals are needed, and we would be pleased to work with the Commission to try to develop appropriate levels of increase.

AMENDMENT 6 - IMPLEMENTATION OF THE WIRELESS TELEPHONE PROTECTION ACT

Amendment 6 provides two options for amending the fraud guideline, § 2F1.1, to address the Wireless Telephone Protection Act, Pub. L. No. 105-172, and offenses related to cellular cloning. The Act eliminated the element of intent to defraud in connection with using, producing, possessing, or trafficking in telephone cloning equipment. In addition, it directed the Sentencing Commission to "review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate penalty for offenses involving the cloning of wireless telephones" Pub. L. No. 105-172, § 2(e). The Act also set forth particular criteria for the Commission's consideration, including consideration of the extent to which the value of loss caused by the offenses is an adequate measure for establishing penalties under the guidelines.

Amendment of the guidelines is necessary because the currently applicable guideline, § 2F1.1, does not adequately recognize harms associated with many cloning-related offenses. The current guideline is driven to a great extent by loss, which is often difficult to assess in this context.

There are at least three categories of harms not adequately addressed by the guidelines. First, offenses involving the use, production, trafficking, or possession of equipment used to make cloned phones are under-sentenced because there may not be any provable loss associated with these offenses, but the potential loss linked to such equipment and the cloned phones it can produce may be great. Second, offenses that involve the distribution of cloned phones are similarly under-sentenced because there may not be any loss (in terms of unauthorized cellular phone use) associated with the distribution of the phones alone, as distinct from their use. Finally, the use of a cloned phone to facilitate another offense, such as drug trafficking, should be recognized when a defendant is sentenced for the cloning-related conduct. Thus, it is important for the guidelines to address cloning equipment, the distribution of cloned phones, and the use of cloned phones to facilitate other offenses.

At the outset we point out that we prefer Option 2, which is broader in scope than Option 1 and deals with "device-making equipment." That is, our concerns discussed above extend to access devices and device-making equipment, as well as to cloned phones and cloning equipment. While both options published for comment partially address our first two concerns, neither addresses the full range of equipment offenses to which it should apply. Each includes only the use or possession of the equipment in question. By contrast, the statutory provision relevant to cloning equipment covers use, production, trafficking, having custody or control, and possession of such equipment, 18 U.S.C. § 1029(a)(9); the statutory provision relating to device-making equipment covers all but the first of these forms of conduct, 18 U.S.C. § 1029(a)(4). Since an offense may involve production that is interrupted before any equipment is actually possessed or may involve trafficking over the internet where the offender is purely an intermediary who does not use or possess the equipment, we recommend that the full range of offenses be added, including production and trafficking.

As to our second concern, while both options address the harm caused by the distribution of cloned phones, these options provide only a flat increase, such as two levels, that would treat all distribution offenses alike. An offender who distributed 250 cloned phones would receive the same sentence as one who distributed only five, despite the fact that the first would have caused a much greater level of potential loss. The Commission has asked whether a minimum dollar amount should apply in this context. We believe it should and recommend that a minimum dollar amount that reflects the average loss associated with a cloned phone be assigned to each phone involved in an offense and to each electronic serial number/mobile identification number pair. If the Commission adopts the broader formulation in Option 2, a variety of access devices and counterfeit access devices should carry a minimum dollar amount, but not necessarily the same amount for all devices since average loss may vary depending upon the device.

The third concern we mentioned above is that in the case of a defendant convicted of a cloning or access device offense, the guidelines should provide an enhancement for the use of a cloned phone or access device to facilitate another offense. A person who uses a cloned phone or counterfeit access device to facilitate drug trafficking commits a more serious violation than one who uses a cloned phone simply to obtain free cellular service, other things being equal. We believe such an enhancement would be most appropriate in the fraud guideline.

AMENDMENT 7 - OFFENSES RELATING TO FIREARMS

The Commission has proposed several amendments regarding firearms offenses in order to address amendments to the firearms use statute, 18 U.S.C. § 924(c). Among other things, the statutory amendments transformed mandatory fixed sentences into mandatory minimum sentences carrying a maximum of life imprisonment. Pub. L. No. 105-386. Part A of the firearms guideline amendments redefines the term "brandished" in the application instructions of the guidelines, § 1B1.1, Application Note 1(c), generally to conform with the statutory definition. Part B amends guideline § 2K2.4 to provide that the guideline sentence is the minimum term required by statute and to encourage upward departure for various factors. Part C provides an instruction not to apply a weapon enhancement to an underlying offense, including any relevant conduct for which the defendant is accountable. Part D excludes violations of 18 U.S.C. § 924(c) from the career offender guideline for purposes of the instant offense of conviction. Part E contains technical amendments.

Our concerns are with Part D, which addresses the career offender issue. Under §§ 4B1.1 and 4B1.2 a defendant is a career offender if he was at least 18 years old at the time of the instant offense of conviction, such offense was a crime of violence or controlled substance trafficking offense, and the defendant has at least two prior felony convictions for such offenses. By statute, the Commission is required to assure that the guidelines specify a sentence at or near the maximum term authorized for such offenders. 28 U.S.C. § 994(h). Part D would amend the career offender definition, § 4B1.2, to exclude a violation of section 924(c) as an instant offense for purposes of the career offender guideline. Specifically, the amendment provides that if the instant offense of conviction is a conviction under section 924(c) or if it includes convictions of both an underlying offense and section 924(c), the career offender guideline would not apply to the count under section 924(c). Convictions under section 924(c), however, would count as prior offenses for career offender purposes.

We object to the proposed exclusion of section 924(c) violations from the career offender guideline. First, we see no principle by which the offense can be excluded for purposes of the instant offense of conviction if it is included as a prior offense. The statutory directive speaks in terms of a "crime of violence" for both the instant offense and prior offenses and makes no distinction in the treatment of these two categories. Violations of section 924(c) have been included as instant offenses for career offender purposes in the past. See § 4B1.2,

Application Note 1. The amendment of section 924(c) does nothing to reduce the likelihood that a violation of this provision constitutes a crime of violence for purposes of the statutory directive pertaining to career offenders.

The driving force behind the proposed exclusion of a violation of this provision as an instant offense under the career offender guideline may be the fact that section 924(c) was amended to create a statutory maximum term of life imprisonment, instead of the fixed mandatory terms that existed in the past. However, the fact that this provision creates a significant sentencing enhancement under the career offender guideline is not a basis to exclude it as an instant offense. In United States v. LaBonte, 520 U.S. 751 (1997), the Supreme Court struck down the Commission's decision not to use an enhanced statutory maximum penalty for repeat drug offenders sentenced under the career offender guideline as inconsistent with the statutory directive on the subject. Likewise, excluding a section 924(c) offense as an instant offense from the career offender guideline, while including it as a prior offense, has the same effect as simply choosing to ignore the maximum penalty available and is inconsistent with the statutory directive.

Nor do we think the Commission could solve this problem by excluding section 924(c) offenses entirely from the career offender guideline, both as prior and instant offenses, given the statutory directive. Section 924(c) prohibits a crime of violence to which the statutory directive on career offenders necessarily applies. To convict a defendant of an offense under this provision, the government must show that during and in relation to a crime of violence or drug trafficking crime that may be prosecuted in federal court, a person used or carried a firearm, or possessed a firearm in furtherance of such a crime. The term "crime of violence," while not defined in the career offender statute, is defined in section 924(c) to mean a felony offense that:

(A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or

(B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

A similar definition of "crime of violence" applies generally to title 18, United States Code, 18 U.S.C. § 16. Using or carrying

a firearm to commit a crime of violence as defined or a drug trafficking crime, or possessing it in furtherance of such a crime, would certainly meet the second prong of the above definition because of the substantial risk the presence of a firearm creates. Moreover, a violation of section 924(c) establishes the commission of an underlying offense that is a drug-trafficking crime or crime of violence, which also generally qualifies as a predicate for career offender purposes.

It is noteworthy that the statute requiring mandatory life imprisonment for a "three-strikes" convicted felon specifies that firearms possession in violation of section 924(c) and "firearms use" qualify as a "serious violent felony." 18 U.S.C. § 3559(c)(2)(F). It would be anomalous for this conduct to count as a serious violent felony for purposes of a statute mandating life imprisonment for repeat offenders but for it not to count as a predicate offense for purposes of the guidelines provision on career offenders.

Treating a violation of section 924(c) as a career offender predicate (both as a prior and current offense) also makes sense when viewed in light of the statutory changes to this section. When Congress amended the statute, it substantially increased the maximum penalty available for this offense to life imprisonment. Thus, Congress signaled that a life sentence was appropriate for some violators of section 924(c). A career offender is just such a violator because he or she has shown a propensity for committing violent or drug trafficking offenses twice in the past and a willingness to engage in this type of criminal activity again--this time with the aid of a firearm. Of course, a career offender does not have to receive a life sentence, given the applicable range of 30 years to life and the possibility of a reduction of three levels for acceptance of responsibility. Moreover, there is also a possibility of downward departure for appropriate cases. Thus, we believe that treating a section 924(c) offense as a predicate for the career offender guideline strikes the right balance from the standpoint of punishment, deterrence, and protection of the public on the one hand and fairness on the other.

The Commission has asked how to craft an amendment that would count a violation of section 924(c) as an instant offense under the career offender guideline. The starting point is that the Commission must follow all the relevant statutory directives and sentencing requirements of applicable statutes. Section 924(c) requires that, notwithstanding any other provision of law, "no term of imprisonment imposed on a person under this subsection shall run concurrently with any other term of

imprisonment imposed on the person, including any term of imprisonment imposed for the crime of violence or drug trafficking crime during which the firearm was used, carried, or possessed." 18 U.S.C. § 924(c)(1)(D)(ii). The career offender statute requires that the guidelines specify a sentence "at or near the maximum term authorized" for qualifying defendants. In LaBonte the Supreme Court construed the phrase "maximum term authorized" as "requiring the 'highest' or 'greatest' sentence allowed by statute." 520 U.S. at 758. The Court also stated that the phrase "refers to applicable statutes that would affect the district court's calculation of the prison term." Id., fn. 4.

We believe the above requirements are satisfied as long as a career offender convicted of a section 924(c) offense has his or her sentence determined on the basis of the statutory maximum for section 924(c), which is life imprisonment, and as long as the sentence for the section 924(c) offense runs consecutively to the sentence for any other count. We find nothing in section 924(c) that requires the term of imprisonment determined under the career offender statute to apply entirely to the count of conviction under section 924(c). Thus, the Commission would be free to assign part of the career offender sentence to the underlying offense of conviction and part to section 924(c), but the underlying offense should carry the guideline sentence that would apply in the absence of a career offender sentence and both parts of the sentence should meet applicable mandatory minimum requirements.

AMENDMENT 8 - CIRCUIT CONFLICTS

(B) Drug Offenses Occurring Near Protected Locations-Appendix A

Part B concerns a circuit split regarding whether enhanced penalties under guideline § 2D1.2 (Drug Offenses Occurring Near Protected Locations or Involving Underage or Pregnant Individuals) apply only when a defendant is convicted of an offense referenced to this guideline or whether these enhanced penalties apply on the basis of the defendant's relevant conduct. We recommend that the Commission amend the statutory index, Appendix A, to clearly establish that the Appendix controls the selection of the applicable guideline for the offense of conviction and that the sentencing court is not free to choose a guideline other than one listed. In so doing, the Commission would clarify that the enhanced penalties in guideline § 2D1.2 for drug offenses near protected locations or involving underage or pregnant individuals apply only when the defendant is

convicted of an offense referenced to that guideline. Such an amendment of the statutory index would also have the effect of preventing the courts in other contexts from choosing a guideline not listed for the offense of conviction because the court believes that the case is atypical or outside the heartland. See United States v. Smith, 186 F.3d 290 (3d Cir. 1999). Any such allegations should be raised in a motion to depart from the guideline range determined using the referenced offense guideline, not in the initial selection of the guideline. Clarifying the operation of the statutory index in this manner will assure that the current sentencing system remains one built on both the offense of conviction and real-offense sentencing concepts.

We recommend that the first paragraph of the Introduction to Appendix A be amended as follows:

This index specifies the guideline section or sections ~~ordinarily most~~ applicable to the statute of conviction. ~~If only one guideline section is referenced for the particular statute, use that guideline.~~ If more than one guideline section is referenced for the particular statute, use the guideline most appropriate for the nature of the offense conduct charged in the count of which the defendant was convicted. ~~If, in an atypical case, the guideline section indicated for the statute of conviction is inappropriate because of the particular conduct involved, use the guideline section referenced~~ ~~guideline section~~ most applicable to the nature of the offense conduct charged in the count of which the defendant was convicted. ~~Provided, however, in the case of a plea agreement (written or made orally on the record) containing a stipulation that specifically establishes a more serious offense than the offense of conviction, determine the offense guideline section in Chapter Two most applicable to the stipulated offense.~~ (See §1B1.2(a).)

This amendment makes clear that courts must apply the offense guideline referenced for the statute of conviction listed in the Statutory Index (or, if more than one offense guideline is referenced, the most applicable of the referenced offense guidelines) unless the case falls within the limited "stipulation" exception set forth in § 1B1.2(a). The Commission may also want to make conforming amendments to the commentary to guideline § 1B1.2, and we would recommend amending the first

paragraph of Application Note 1 following that section in accordance with the following:

1. This section provides the basic rules for determining the guidelines applicable to the offense conduct under Chapter Two (Offense Conduct). As a general rule, the court is to ~~use~~ use the guideline section from Chapter Two most applicable to the offense of conviction. ~~As set forth in the Statutory Index (Appendix A) The Statutory Index provides a listing to assist in this determination for each of the indexed statutes of the guideline section(s) most applicable to that offense of conviction.~~ When a particular statute proscribes only a single type of criminal conduct, the offense of conviction and the conduct proscribed by the statute will coincide, and there will be only one offense guideline referenced, ~~and the court must apply that guideline section.~~ When a particular statute proscribes a variety of conduct that might constitute the subject of different offense guidelines, ~~there will be more than one offense guideline listed, and the court will must~~ determine which of the listed guideline sections applies based upon the nature of the offense conduct charged in the count of which the defendant was convicted.

(C) Bankruptcy Fraud

Part (C) concerns the fraud guideline enhancement for "violation of any judicial or administrative order, injunction, decree or process" and seeks comment on whether the enhancement should apply in bankruptcy fraud cases. We support a two-level sentencing enhancement in § 2F1.1 of the guidelines for fraudulent conduct that involves falsely completing bankruptcy schedules or forms or otherwise misusing bankruptcy or other judicial proceedings. In a host of different contexts, federal sentencing policy recognizes the additional harm and seriousness of otherwise criminal conduct that misuses or disrupts government functions generally and judicial processes specifically. Whether relating to obstruction of justice directly (see, § 3C1.1, which provides a two-level enhancement for obstructing justice during the investigation, prosecution, or sentencing of an offense), or indirectly in contexts such as stalking (see, § 2A6.2, which provides a two-level enhancement for violating a court order in the course of a stalking offense) or theft (see, § 2B1.3, which provides a minimum offense level for mail theft, because "[t]heft of undelivered mail interferes with a governmental function"), the sentencing guidelines provide appropriate sentencing

enhancements for offenses that may often involve the disruption of government functions.²

The intent of the existing enhancements, as well as the generally applicable departure provision in § 5K2.7 for disruption of a governmental function, is to recognize the need to protect the integrity of executive and judicial branch institutions, programs, and processes. We believe this is as important for the bankruptcy court function as it is for the delivery of the mail or other court or government functions. As the Tenth Circuit stated in United States v. Messner, 107 F.3d 1448, 1457 (10th Cir. 1997), "[b]ankruptcy fraud undermines the whole concept of allowing a debtor to obtain protection from creditors, pay debts in accord with the debtor's ability, and thereby obtain a fresh start. When a debtor frustrates those objectives by concealing the very property which is to be utilized to achieve that purpose, the debtor works a fraud on the entirety of the proceedings."

(D) Post-Conviction Rehabilitation

Part (D) concerns post-conviction rehabilitation and seeks comment on whether it should be grounds for departure from the otherwise applicable guideline range. We support an amendment to the sentencing guidelines which would strongly discourage, if not prohibit, departures from the otherwise applicable guideline range for a defendant's post-conviction rehabilitation.

Department of Justice policy is to encourage and support rehabilitative efforts by federal prisoners, including in-prison and post-release efforts to complete education, vocational training, substance abuse treatment, and mental health treatment programs. However, we strongly believe that to be effective and equitable, the incentives for and benefits of participating in such programs must be highly structured. In title 18 of the United States Code, Congress has provided for such a structure of programs, incentives, and benefits which we believe should preempt departures for post-conviction rehabilitation. Specifically, Congress requires that the Bureau of Prisons provide literacy programs (section 3624(f)), General Educational Development programs (section 3624(b)(3)), and substance abuse treatment programs (section 3621(b)). Together with vocational and mental health treatment programs, the Bureau of Prisons

² Indeed, the Commission has provided a generally applicable invitation to departure when an offense involves the disruption of a governmental function (see, § 5K2.7).

provides many opportunities for rehabilitative efforts. Further, sections 3621 and 3624, together with the rules and regulations of the Bureau of Prisons, provide for structured incentives and benefits for prisoner who successfully participate in such rehabilitative programs. Specifically, a prisoner can get his sentence reduced by one year for participating in a rigorous course of drug treatment and aftercare and by 54 days a year for displaying "exemplary compliance" with prisons rules which includes, by statute, consideration of progress toward earning an educational degree. In addition, a prisoner can serve the last several months of his sentence in a community corrections facility or even home confinement based on a number of factors including whether the prisoner has made rehabilitative efforts.

We think the congressional and Bureau of Prisons structure for addressing post-conviction rehabilitation is the appropriate one and that downward departures significantly interfere with that structure, especially because a prisoner can only receive such a departure if by happenstance he returns to court for re-sentencing. Post-conviction rehabilitation is a factor that has, we believe, already been adequately and properly considered and addressed by Congress, and as such we think it is an inappropriate ground for departure.

As for post-offense, pre-conviction rehabilitative efforts, we believe § 3E1.1 of the guidelines adequately accounts for such efforts (see, note 1). To the extent that the Commission may want to reconsider this issue, we believe it should do so as part of a more comprehensive examination of § 3E1.1.

(E) Upward Departures On The Basis of Dismissed Or Uncharged Conduct

Part (E) concerns the extent to which dismissed or uncharged conduct should be grounds for departure from the otherwise applicable guideline range. We think that the issue is not yet ripe for the promulgation of amendments by the Commission and that it is sufficiently complex that additional study and consideration are warranted before the circuit conflict can be properly resolved. However, if the Commission is inclined to resolve this circuit conflict in this amendment cycle, we think it should be guided by the statutory standard for departures at section 3553(b) of title 18, United States Code,³ and by the

³Section 3553(b) of title 18, United States Code, provides in part, "[t]he court shall impose a sentence of the kind and within the range, referred to in subsection (a)(4) unless the

requirement of section 3661 of title 18, United States Code, that there be no limitation placed on the information the sentencing court may receive and consider for the purpose of imposing an appropriate sentence. While the section 3553 standard for departures certainly requires that this circuit conflict be resolved with reference to the relevant conduct rules at § 1B1.3 of the guidelines, we think it would be inappropriate and a misreading of sections 3553 and 3661 to prohibit departures with respect to all conduct that is not otherwise a part of relevant conduct. There may be some category of conduct outside of the contours of relevant conduct that should, in general, be excluded as a grounds for departure.

Additional Circuit Conflicts

We are aware of several additional circuit conflicts that the Commission has not yet considered and that we urge it to consider in the future. Two affect the tax area and an additional one concerns aggravated assault. We will provide more detail concerning these conflicts when the Commission begins consideration of issues for the next amendment cycle, but we continue to urge the Commission to address circuit conflicts on a regular basis.

AMENDMENT 9 - TECHNICAL AMENDMENTS PACKAGE

We support the proposed technical and conforming amendment package. We believe, however, that in Part (C), additional commentary should be added to the proposed commentary changes in §§ 2D1.11 and 2D1.12 that would indicate that an unlawful discharge, emission, or release into the environment includes, among other things, a discharge into any sewer system. In several recent prosecutions, questions have been raised whether the enhancement for discharging hazardous substances into the environment is triggered when a defendant flushed the hazardous substances into a sewer system. We think the guidelines should reflect the reality that hazardous materials flushed into a sewer system are volatilized into the air, transported with treatment sludge, passed through any treatment plant, and then discharged into water. As such we believe that discharging hazardous materials through a sewer system is discharging into the

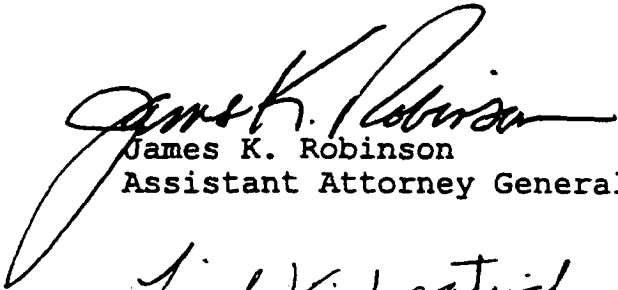
court finds that there exists an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence different from that described."

environment. A conforming amendment to the already existing enhancement in § 2D1.1 would be appropriate as well, we believe.

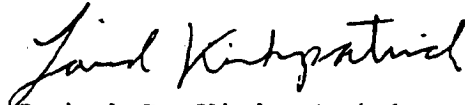
CONCLUSION

We appreciate the opportunity to provide the Commission with our views, comments, and suggestions. We look forward to working further with you and the other commissioners on these and other important matter of sentencing and corrections policy.

Sincerely,



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