

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

312 NORTH SPRING STREET

LOS ANGELES, CALIFORNIA 90012

CHAMBERS OF
MANUEL L. REAL
JUDGE

TELEPHONE:
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March 22, 2001

Office of Public Affairs
United States Sentencing Commission
One Columbus Circle, N.E., Suite 2-500S
Washington, D.C. 20002

Mr. Timothy B. McGrath:

Comments requested in your letter of March 13, 2001.

Section 2L1.2(b)(1)(A) I agree with the removal of the guideline.

Section 2L1.2(b)(1)(A) as amended I have some disagreement.

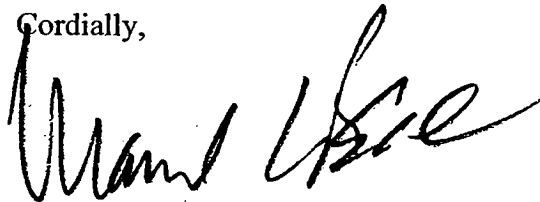
Section 2L1.2(b)(1)(A)(i)(I) causes me some pause because I have experienced many illegal aliens who were "mules" that are caught in the 10 year mandatory minimum. That situation should be distinguished from those who are principals in the drug traffic.

Section 2L1.2(b)(1)(A)(i)(II) causes no problem for me.

Section 2L1.2(b)(1)(A)(ii)(iii)(iv) should also be lowered by (2) levels each and graduated by the degree of culpability in the prior convictions.

Section 2L1.2(b)(1)(B) should be no more than a (2) increase. I believe all other problems would be solved by the criminal history category.

Cordially,



Manuel L. Real
United States District Judge

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