

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

RANER C. COLLINS
United States District Judge



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April 4, 2001

Office of Public Affairs
United States Sentencing Commission
One Columbus Cr. N.E.
Washington, D.C. 20002-8002

Thank you for the opportunity to comment on proposed amendments to 2L 1.2., unlawfully entering or remaining in the United States. 8 USC1326 (a)(b) 2.

As you may recall, when the sentencing commission was in Arizona, in September, 2000, this was an issue of much discussion among the judges. I am only responding for Judges, Roll, Zapata and myself. We are the active District Ciyrt Judges in Tucson.

In viewing the proposed changes, I am struck by the fact that the number of levels that the punishment is increased will be determined by how much time one has already done in prison. In other words, the more time one has already done in prison, the more time one gets for this particular offense.

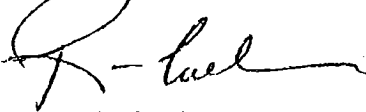
I do not believe this is the appropriate way to deal with aggravated felony re-entry. I think the matter should be handled in such a way to allow judges to look at the actual nature of the offense that is the underlying aggravated felony as U.S. vs. Sanchez-Rodriguez 161 F3rd 556 (9th Cir, 1998) allows courts now to do with regard to underlying drug felonies.

It has not been my experience since I have been on the bench for a little over 2 ½ years, that we find very many people who have spent ten years or more in prison and then are found illegally re-entering the country. That may change as more and more people are released from prison in the near future. But to tie the punishment to something such as how much time someone got in prison, I think would be a very unwise way to handle the situation. It is also difficult to determine just how much time was actually spent in prison. I think you should allow the judges the ability to look at the nature of felony that was committed, how much time has passed since the felony was committed, what the person has done since the felony was committed, did he live a law abiding life since his last arrest, has he worked several years since being deported, and family considerations.

Another thing to be considered is why he came to this country. I think these are important questions a judge should be able to consider in determining what type of sentence should be imposed on aggravated felony re-entry.

Thank you for this opportunity to give our input.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Collins", with a stylized flourish at the end.

Raner C. Collins
United States District Court

RCC:tdrh