

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
40 FOLEY SQUARE
NEW YORK, NEW YORK 10007

CHAMBERS OF
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

TEL. (212) 805-0417

March 27, 2001

BY TELECOPIER
AND REGULAR MAIL

Timothy B. McGrath
Staff Director
United States Sentencing Commission
One Columbus Circle, NE
Suite 2-500, South Lobby
Washington, DC 20002-8002

Dear Mr. McGrath:

Thank you for your March 13, 2001 letter inviting comment in connection with the Commission's review of the guideline for unlawfully entering or remaining in the United States, USSG § 2K1.2.

I commend and endorse the Commission's proposal in Option 1 to consider time previously served and the nature of the felony in determining whether the 16-level enhancement is warranted, and to provide for graduated levels of enhancement depending on the time previously served. I would also think it appropriate to factor in the length of time elapsed from the commission of the aggravated felony, and whether the defendant has committed other crimes in the intervening period.

Thank you for the opportunity to provide these comments.

Sincerely yours,



Laura Taylor Swain