

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
CATHERINE C. BLAKE
UNITED STATES DISTRICT JUDGE

July 31, 2003

U.S. COURTHOUSE
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Honorable William T. Moore, Jr.
United States District Court
Old Federal Building
125 Bull Street
Savannah, GA 31401

Dear Judge Moore:

Thank you for the opportunity to comment in connection with the implementation of the PROTECT Act, specifically with regard to the Sentencing Commission's responsibility to review the grounds for downward departure presently authorized by the Guidelines. It is our firm belief that the present structure permitting downward departures under the Guidelines is appropriate, well-justified, and not in need of any significant change. National statistics demonstrate that in the great majority of district courts downward departures (other than those for substantial assistance to the government) are relatively rare. District judges, guided by their circuits, are exercising discretion responsibly and should continue to be allowed to do so.

Accordingly, we believe the specific questions posed by the Commission should be responded to with a strong statement against elimination of any of the present bases for downward departure. Of particular concern is the area of overrepresentation of the defendant's criminal history. The present point system does not distinguish sufficiently among types, seriousness, and timing of past crimes. It is essential, on occasion and in appropriate cases, to allow the judge to evaluate a defendant's record in context: an individual defendant may have accumulated the same number of points but in fact represent much less of a threat to public safety than the majority of defendants in that same criminal history category.

All of my district judge colleagues join me in support of these comments. We appreciate your consideration of our position.

Sincerely yours,



Catherine C. Blake
United States District Judge

cc: Honorable Diana E. Murphy ✓
All U.S. District Judges
All U.S. Magistrate Judges
Felicia Cannon, Clerk