



**WORKPLACE CRIMINALISTICS AND DEFENSE
INTERNATIONAL**

P. O. Box 301288
Austin, Texas 78703-0022
(713) 574-6494

Email - legalcriminalist@workplacecriminalistics.org
Website - www.workplacecriminalistics.org

September 1, 2008

SENT BY PRIORITY MAIL

United States Sentencing Commission
Attention: Public Affairs-Priorities Comment
One Columbus Circle, N.E.
Suite 2-500, South Lobby
Washington, DC 20002-8002

Re: Request for Public Comment for the Amendment Cycle
Ending May 1, 2009

Dear Commission:

Having submitted public comment for many years, envisioning public comment to submit for the past two years seemed quite futile without continued research to support any analysis of the fallout from United States v. Booker and subsequent Supreme Court decisions upon the now voluntary federal sentencing guidelines and its Chapter 8, organizational sentencing guidelines. Using the Booker model, organizations who hesitate to accept an upward departure plea bargain from the government would be entitled to a jury trial. However, using the Post-Booker mandatory organizational sentencing guidelines model only leaves the federal sentencing guidelines begging for constitutionality that exhibits slim-to-none chances of ever happening without complete guidelines overhaul by Congress and/or delegation to the United States Sentencing Commission.

As would be expected from organizations following the black letter of the law and not the spirit of the law, many powerful public corporations, of course, headed for the private arena through the normal slash-and-burn leveraged buyout acquisition tactics that line the pockets of the loyal corporate executive who turned a blind eye to corporate compliance, leaving employees without jobs and benefits. Unfortunately, the government provides no bailout monies to those public employers who magically converted to private employers. Even public corporations used "poor me" tactics to give most employees lower-to-no pay raises and reduced benefits.

*Protecting the Workplace for All Employers
and Employees™*

Forward-looking corporate compliance professionals long for a new vision, a vision that incorporates worldwide social consciousness of employees with the need for profits of executives. This **WORLD VISION COMPLIANCESM** rewards those corporations that support worldwide social consciousness of their employees, not through mindless donations to less-than-stellar social causes that piggyback as illegal bribes, but corporations that effectuate **"actual social change programs" to make the world a better place**. How can this **WORLD VISION COMPLIANCESM** transpire into the organizational sentencing guidelines that discourage criminal conduct by organizations? By making "actual social change programs" as the eighth key criteria for establishing an "effective compliance program".

Can the typical corporate executive that drives a Lamborghini relate to what it is like to starve on a daily basis, to live without adequate medical care and to live in fear of dying due to war, poverty and the like. Probably not, but the typical corporate executive of a corporation has the power and influence to make the world a better place however that transpires to its employees through "actual social change programs". This higher plain of social awareness breeds the much-needed INTRINSIC MOTIVATION necessary for employers and employees to rise above ethical and moral calamities that precede criminal activity and, yet, foster the innovation, growth and profits necessary for corporations to flourish and prosper.

Thank you very much for the opportunity to have provided the above Public Comments.

Sincerely,

/s/

L.A. Wright
Legal Criminalist/Consulting Expert

/law

September 5, 2008

In regards to: Priority Policy issues for the amendment cycle ending May 1, 2009

United States Sentencing Commission

One Columbus Circle, NE, Suite 2-500, South Lobby, Washington, DC 20002-8002, Attention Public Affairs-Priorities Comment.

Dear United States Sentencing Commission:

I am writing to assist with feedback you are requesting from the public. I am the wife of a present federal prisoner. Who better to give this kind of feed back? I am not angry at our system but disappointed. My husband was going to serve a mandatory sentence for a non-violent crime. However due to his cooperation with our government this was reduced to a lesser sentence. This doesn't make it any better because his crimes in comparison to other crimes of violent nature are still less time. My husband had a difficult upbringing as a child and young adult. However once he matured into a man he realized that the path he was on was not leading to anything positive. He married had children and made the decision to leave the past behind, repent, and live a righteous life. It happened that at the time he made the choice it was a moment too late. The individuals whom he surrounded himself were not in the same mind set. One of the individuals (my husband acquaintance) found themselves in trouble. I am thinking this person's only option was to be an informant and persuade others to commit crimes so he could relieve himself of prison time. My husband became his opportunity for this and he kept persuading him help him in scoring some drugs. At one point my husband told him that he no longer wanted to be involved that he now had a family but he insisted so my husband told him that a person he knew might be able to help him. In the mean time we moved away from that city to begin a family life. Months later the people he put in contact with this informant and my husband were charged with conspiracy. My husband was released on bail and for the past 6 years he has complied with everything the government has requested of him. He feels great regret and remorse for his past actions and doesn't want the same life for his children. He is an excellent father and husband. His greatest concern now is for his children. His crime was not one of violence. For the past 6 years that he was out on bail he didn't cause any harm or commit any crime that would indicate that he is a threat to our society. If anything he established positive relationships in our community even with the government officials that he had to report to. I have had some contact with some of them after asking how he is doing. Our children miss their father dearly. They all sleep with me now and I have had to become the sole provider in our household. The ones who are suffering the most are our children, our future. We have 13, 10, and 7 year old boys and 4 and 3 year old girls. I have been blessed that I have been able to manage, with the support of my employer, friends and family. It hurts me to see my husband in those conditions knowing that his punishment is too long for the time that has past, his accomplishments, and his crime. Not to mention the fact that for 6 years we dealt with the uncertainty of what was going to be the out come. Every time we had to go to court the fear, the stomach aches the worry for our family. I am not excusing his past behavior but the fact that a lot of these people in our federal prisons are serving severe punishment for non violent crimes and are more productive in our society then in prison. I believe in you do the crime you do the time and I know my husband feels the same. But a fair amount of time. For example it's like a child do I beat my child over something minimal? Or do I find appropriate punishment for what they have done? All I am asking is that we find better ways to be just. I know that in my husband's case the Judge had really no control in his sentence and if he did, it would be too much of a risk to the judge from what I have research. For a judge to go against a mandatory sentence or what a Prosecutor is requesting or dictates. There is just so much I have learned about our sentencing guidelines since my family has had to deal with this. More negative than positive I hate to say. I hope and pray that my husband remains strong and that something chance soon so he may come home to do what is necessary and important. I can report to you proudly that he has made the choice to keep to himself in prison. He is involved in classes, church, and work. So far he is ok but it's not him I am concerned about it's others who are in the system that truly have committed awful crimes and have hurt people. It's sad that even they get rehabilitation help, assistance, early release, Counseling, etc. What about the people involved in drugs. They too have instabilities, emotional issues, etc. but these can also be helped with counseling and assistance. My husband is an

example that these people can be rehabilitated and be productive if given a chance. But sending them away and not helping them and then sending back out to society (because sooner or later they get it) not only with a drug problem but a mental effect of the things that go on in prison. More crime, plus by this time they possibly lost there support group or are forgotten. Life has changed from what they knew it to be like before they went to prison. They will now they have a record. How are they going to get a job? It's frustrating. Please help. If you would like to speak with me or my family I will be more than happy. My phone number (559)210-1654 please feel free to call anytime. Thank you for the opportunity to share this with you.

Respectfully,

A handwritten signature in cursive script, appearing to read "Olivia Hernandez Banuelos". The signature is fluid and stylized, with a large loop at the end.

Olivia Hernandez Banuelos

Dear USSC

We The People...

Families, Friends, and Concerned Citizens of the men and women incarcerated in the United States of America
by submit this letter in an attempt to appeal to your humanity and common sense. A similar letter was sent to Legislators and concerned parties across this nation as a call to action, the first week of July 2008..

The system as it exists is broken. We ask that you begin working together to fix it. More than **one in forty children** in the United States has a parent in prison. The loss of a parent to incarceration means a crisis for that child. Concerned people in all settings are dealing with children of prisoners and their caregivers daily. The situation is only getting worse. We do not even give inmates enough phone time to be able to be active in their children's lives. I wonder how many inmates would LOVE the opportunity to HELP their children with their homework, even if it is over the phone. We are punishing the wrong people. Study after study has shown that when a parent is absent from their children's lives, the children are affected and may fall into the same pattern, as their parent. Children of incarcerated parents often come from poverty level incomes and environments. With out the other parent being able to help, is it any wonder that they (children) often end up with drug problems, lack of social skills, and teenage pregnancies, a history of relying on government programs. The children are the ones that end up with the **THREE STRIKES**.

As the recently released Pew Report shows, there are currently more than 2.3 million Americans imprisoned nationwide. That is an astonishing **1 in 99.1** American adults. According to the US Census Bureau, the population of the US represents 4.6% of the world's total population. Yet the United States accounts for **one full quarter (25%)** of the entire Worlds prison population.

These figures do not even represent those who are on probation or parole, which brings the total to over **7.2 million citizens**. About 3.2% of the U.S. adult population, or **1 in every 31 adults**, were incarcerated or on probation or parole at yearend 2006. That is a staggering and unacceptable amount of our citizens!

America prides itself as being the *Leader of the Free World* yet our Nation has the **highest incarceration rate in the entire world**. It is deplorable! We have become the "**Land of the Free and Home of the Incarcerated**".

We are tired of our tax dollars being diverted out of Education and into prisons. This country currently has a 33% high school dropout rate. This figure will only increase unless we curb the current rate of incarceration.

We, taxpaying and voting citizens, are tired of families being torn apart by a system which does not prevent crime and serves all too often only to prevent those who have committed a crime from ever successfully re-entering society.

We are tired of the endless creation of punitive laws and measures that serve only to further oppress the citizens, and as a side effect, the families of this country. **Mandatory Minimums, the War on Drugs and the 3-Strike Laws, sexual offense laws such as Jessica's Law (which has ensnared many undeserving young men in its trap) and "Conspiracy Laws as they stand, today.** The list goes on and on.

We need to restore Federal Parole. We have many men and woman incarcerated that should be given the chance to be tax paying citizens, once again. Incarcerating somebody in their 20's, convicting them under the mandatory minimums and not releasing them till their 30's or 40's (because there is no parole) hurts everybody. We learn most of our skills that carry us thru life in our 20's and 30's. We equip ourselves for retirement, and a future. We instill what we have learned to our children. We are locking up way to many people for way to long. Communication with family is so hard when one is locked up. How is somebody expected to get a decent job when they are 40 years old because they have been locked up for 10 + years. What future is there for tem or their children?

We ask that before you continue to add new laws to the books, you first look at the ones that are already in place. **They are not working.** The answer is not to "lock 'em up and throw away the key". The answer is restorative measures that allow for rehabilitation and re-entry into society as future tax-paying citizens.

prisons overflow with Americans who are substance addicted; an estimated 60% of all inmates. The majority is also mentally ill, estimated to be an appalling 62%. These people are not being given the treatment they need to become

functioning and productive adults. Rehabilitation and Mental Health programs are the only logical answer. As of now, only **less than 10%** are receiving treatment for their substance abuse problems, and even fewer are receiving proper mental health care.

We need prisons for our most violent and predatory criminals, but that is NOT what the majority of our prisons hold. One-third of all American prisoners are presently incarcerated for non-violent drug-related offenses. Alternatives to prison, such as Drug Courts, must replace incarceration when possible. **The length of prison sentences often far exceeds the severity of the crime committed. Young bodies and minds are wasted and destroyed because of the public's perceived desire for revenge rather than rehabilitation. We submit that this perception is wrong.**

The only sure way to reduce recidivism is through programs that educate, rehabilitate and provide job skills along with the reformation of both sentencing *and* parole. The ultimate goal of imprisonment, in most cases, should be the restoration to society that of a law-abiding, tax-paying citizen. The US Dept. of Justice Bureau reports that 95% of inmates will be released; yet the recidivism rate in some States is as high as 70%. Programs must be instituted to address this.

There are thousands of American citizens that been railroaded into prison by corrupt officials (e.g. the Duke Lacrosse Rape Case.) Many untold thousands more have landed there due to incompetent or inept legal representation assigned to them through their Public Defender's office. Over 95% of convicted felony cases *DO NOT* even go to a jury trial!

Plea deals are made, often times under threats by the Police, District Attorneys and even Judges. **An estimated 30% currently incarcerated are believed innocent of the charges brought against them.** So why take a plea? A person who refuses to plead guilty will receive a penalty as high as 10 times greater than they would have if they take a plea deal. They punish those who exercise their right to a jury trial. When it comes to plea-bargaining, an innocent defendant has nothing to gain and everything to lose. **INNOCENT UNTIL PROVEN GUILTY** must once again become the cornerstone of American justice, not mere hollow words.

Sex Offense laws are completely out of control in America. 316 years after the Salem Witch Trials, we apply many of the same principles to an often wrongly labeled segment of society. Have we learned nothing in three centuries? Separate the *truly deviant* and harmful predators from society. The brush stroke that is being used now is too broad and too severely punitive for lesser offenses.

Our prison systems are at best dysfunctional, at worst inhumane. Prison medical care in America is abysmal. Disease runs rampant throughout the prison system, which has spread to guards who then bring it home to their families. These diseases come back into our neighborhoods, schools and homes when the inmates are released untreated. Healthy young men and women are contracting life threatening diseases while in the custody of the State and they do not receive proper medical attention. Too many are leaving prisons with a terminal illnesses or a permanent disability contracted in the environment they are forced to live in. **These American Citizens were sentenced to loss of FREEDOM, not loss of life.**

The financial burden to taxpayers of today's system of incarceration is enormous. At present, it is estimated at \$49 billion a year and rising. Expenditures for operating the Nation's justice system increased from almost \$36 billion in 1982 to over \$185 billion in 2003, an **increase of 418%**. The cost to date is even higher, and continues to climb.

At yearend 2006, 23 States and the Federal system operated at more than 100% of their highest capacity, with some States operating at **over 200%** capacity. Seventeen States operated at between 90% and 99% of their highest capacity. The Federal prison system was operating at 37% above its rated capacity at year end 2006. **This is no longer acceptable.**

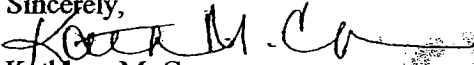
You have been given report after report, study after study, and finding after finding. They detail out what needs to be done to fix the broken and corrupted quagmire your citizens have become engulfed in.

WE IMPORE you to direct all possible effort toward the reformation of our current Judicial and Prison systems. Quit throwing our tax dollars into something that so obviously does not work, and instead use that money to rebuild the lives of your citizens that are in desperate need of repair. Make this Country once again the *Leader of the Free World*, and the *Champion of Human Rights*. A society that destroys its own members at such an alarming rate cannot endure much longer, nor may it properly call itself *civilized*. **THE TIME FOR CHANGE HAS COME!**

YOU can open the doors that have been slammed shut on prison reform, and slam shut the revolving door our prisons have become.

Each time a person stands up for an ideal, or acts to improve the lot of others. . . they send forth a ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance." Robert F. Kennedy

Sincerely,


Kathleen M. Corson

A Concerned United States Citizen and an American Taxpayer



Tyranny Ended in America

Participant

Website:

www.21stcenturyteaparty.us

Email

tea_prisonreform_2008@yahoo.com

From: <LMDuncan@aol.com>
To: <pubaffairs@ussc.gov>
Date: 9/7/2008 2:14:26 PM
Subject: Proposed priorities comment

We appreciate the opportunity to comment. We are highly in favor of reinstating a system of parole for non-violent offenders in the federal system. We know that there are many such inmates who could be earning their living, paying taxes and, in many circumstances, restitution instead of being a drain on an overcrowded and under funded system.

We also favor the proposed legislation that would permit early release for non-violent offenders. We do not believe that mandatory minimum sentencing is a reasonable approach.

Loyd and Ramona Duncan
1211 W 106th St
Bloomington, MN 55431-4151
952-888-7664

*****Psssst...Have you heard the news? There's a new fashion blog, plus the latest fall trends and hair styles at StyleList.com.
(<http://www.stylelist.com/trends?ncid=aolsty00050000000014>)

Bethany Ibarra, MBA
669 Heritage Drive Weston, FL 33326
954-275-0997 bethany_ibarra@hotmail.com

United States Sentencing Commission
One Columbus Circle NE, Suite 2-500, South Lobby
Washington, DC 20002-8002
Attention: Public Affairs Priorities Comment

September 5, 2008

I am writing this letter in response to the sentencing guidelines that are used in this country. There are currently over 200,000 people in federal prison with 1 in 3 people incarcerated or on parole. Therefore, sentencing guidelines is a topic of wide public interest. I am one of those people where the guidelines directly impacted my family and me.

On June 25, 2008, my brother, Thomas Kent, was sentenced to 178 months for conspiracy to distribute marijuana. It was his first offense and the crime was non-violent in nature. Thomas is not the stereo typical criminal, but I have come to learn, that tens of thousands of people serving long mandatory sentences with no hope for parole are not what society thinks of when they might envision someone serving 10 or 20 years of their lives behind prison walls.

Thomas was raising his 2-year-old daughter and working at a cable company at the time of his indictment. He lived in a middle class neighborhood and came home every night and cooked dinner and proceeded with the nighttime routine that parents of young children are very familiar with. Thomas cared for our brother when he was recovering from a stem cell transplant in 2007 after his continued battle with Hodgkin's lymphoma. The federal system rewards individuals that incriminate others and Thomas was a victim of this as other people traded testimony against him in order to lower their own sentences. However, Thomas accepted his responsibility, even if it was exaggerated, and hoped the judge would use his judgment and not strictly go by the sentencing guidelines. It was simply too ridiculous to believe that someone could be sent away for almost 14 years for a first time non-violent offense for an individual that was living a productive life. Sadly, the new judge that had only served 6 months went by the guidelines.

How can a nation that prides itself on being the land of the free throw people away and not even give them a chance for redemption? The financial and moral burden this places on our great nation is insurmountable. The hundreds of thousands of children left without parents will be feeling the affects of these sentencing guidelines for their entire respective lives. It is estimated to cost \$40,000 annually to maintain an inmate and that doesn't include the costs after this individual has served his/her time and finds that most jobs are not an option anymore. Please reconsider the lengthy guidelines for non-violent crimes and

- ✓ Reduce billions in unnecessary spending,
- ✓ Send parents back to children,
- ✓ and align with what the voters want by once again allowing people to rehabilitate and contribute to society.



*Thomas with his daughter Lucy enjoying time together
at a water park*

Sincerely,
Bethany Ibarra

September 3, 2008

U.S. Sentencing Commission
One Columbus Circle NE Suite 2-500
South Lobby
Washington, DC 20002-8002
Attn: Public Affairs-Priorities Comment

I am totally against and want reform with the sex offender laws. For a few tragic cases such as Adam Walsh, Jessica, and Megan—this country's legislators have gone overboard with the new laws and sentences.

If anyone had taken the time to get statistics and reports on this type of offense, they would find that most of the incidents are with family or close friends/teaching types. And most of the incidents do not involve violence. It is more seduction. It is unfortunate that these things happen, but they have been happening for hundreds of years. I myself am a victim of this crime. And I see that if a child was molested a year ago it was about a ten-year sentence, now it is up to 20 years for the same thing. I could see 20 years if it was done with violence. But five to ten years and probation is ample for the average molestation.

With these new laws that have been imposed on one particular crime, we find teenagers going to prison and being labeled for a lifetime for an act that has also been going on for hundreds of years. Just touching a young person can be labeled rape. As far as I am concerned, rape is penetration, not touching. And there should be degrees of rape with sentences to match.

I am against the registration of sex offenders that the general public can access. One group is being picked out and told they can only live certain places, must register their whereabouts, and are on the web so that it is hard to find work and housing. Even some of the parole officers treat them more severely with rules than any other type criminal.

Why is the average sex offender treated worse than a murderer or someone with multiple drunk driving convictions?

Has anyone given a thought to what these laws mean to the family of the sex offender??? The children may have to face a childhood of being pointed at and shunned. The family can suffer having to move often because of the label and public offender search. It is very hard to find housing that meets the criteria they have to follow. Why are they more dangerous to an area than a murderer??? It is often very hard to find good jobs, so the offender has to work two jobs and his wife must also work just to scrape by. This is because they aren't able to get into good paying jobs with the label the family bears.

It is time to revise or toss out these laws that were made up because of a few violent people doing horrible things, and make laws for the average sex offender.

And there are statistics that show the average sex offender does not re-offend. It was a one time huge regrettable mistake. Why do they have to be labeled and pay for their whole lives???

Thank you for allowing me to state my feelings on this subject.

Sandra Ries
1152 Murray Ave.
Ravenna, OH 44266



The World's Largest Newspaper

WITH UTAH DEPT. OF
CORRECTIONS
Can give good
stats on this
Crime

This story is taken from Sacbee / Opinion.

Editorial: Jessica's Law is an expensive failure

Published 12:00 am PDT Tuesday, August 12, 2008

By now, it should be apparent that California voters made a serious mistake when they passed Proposition 83, the 2006 ballot initiative popularly known as Jessica's Law.

The law requires lifetime monitoring of sex offenders – not only those charged with child sexual abuse and rapists whose victims were adults, but also those convicted of consensual sex with a teenager and even misdemeanor indecent exposure. It bars offenders from living within 2,000 feet of a school or park.

By the end of 2007, it was obvious that the law was a failure. Almost no local police agencies in California were enforcing it, partly because it was unenforceable and partly because even trying to enforce it proved prohibitively expensive.

Now the Los Angeles Times has added still more evidence of the law's failure. In addition to its monitoring requirements, Proposition 83 also established a system of mandatory psychological evaluations for sex offenders. Like most other things about this law, that sounds like a good idea in theory.

In practice, as the Times reported, it has led to the state contracting with 79 psychologists and psychiatrists to do the evaluations. Last year, 14 of them billed the state more than a half-million dollars apiece for those services. One billed the state for more than \$1.5 million in 2007.

Such payments to contractors might be worthwhile if the evaluations were producing clear benefits. But they aren't.

The evaluations were supposed to be used to determine if sex offenders should be committed to a mental hospital after serving their sentences. But the Times found that the number of commitments was essentially the same for the 18-month periods before and after voters approved the law.

The mounting evidence that this law is a failure is likely to produce new efforts to amend it. Such efforts are a waste. This law is flawed beyond repair. It's time to acknowledge the failure of good intentions and repeal Jessica's Law.

Go to: Sacbee / Back to story

3714 Nassau Drive
San Diego, California 92115
September 5, 2008

United States Sentencing Commission
Attention: Public Affairs-Priorities Comment
One Columbus Circle NE Suite 2-500
South Lobby
Washington, DC 20002-8002

RE: Public Input

Dear US Sentencing Commission:

I am writing this letter in response to your request for input from the public regarding federal sentencing guidelines. This is a topic very near and dear to me as a voting taxpayer and as the relative of a non-violent federal offender.

The sentencing guidelines are much too restrictive. Although I understand and agree with the spirit of the design, the scope of the sentencing is much too severe and does not fit the crime, especially for non-violent offenders.

For example, a non-violent offender is sentenced to a longer period of incarceration than a state offender for the same or similar crime and in many cases; the time is 2.5 to 3 times the length of time given in the state courts. Violent offenders in the state courts are given shorter sentences for vicious crimes and are back out on the streets hurting people while the non-violent offender remains incarcerated.

I do not feel that a study would be productive at this time. In fact, I think at this point it would be a waste of time and taxpayer dollars since the only data that you could glean is the draconian length of sentence for any given crime. If a study were to be valuable and reliable the endpoints should indicate the difference between shorter sentences reducing recidivism and at this point there is no data to gather for that. In the interim, alternatives to incarceration should be *immediately* implemented for all non-violent offenders.

The prisons are over-crowded and that is due in part to the ridiculously long sentences rendered to non-violent offenders. These inmates are being brutally attacked by the violent offenders that they are forced to be housed with despite being classified as low security or minimal security risk. The ones who are high risk are simply mingled with the low risk inmates who are non-violent. Since the non-violent offender does not instigate assaults and when assaulted can not adequately defend themselves, it is a grossly negligent position to put a non-violent offender in. In other words, our non-violent offenders are being tortured while incarcerated which is not in accordance with a principle of the United States of America.

One alternative would be house arrest. It is very restrictive and carries with it a penalty for incarceration if not strictly adhered to. The cost is approximately \$4.00/day which is a nominal expense to pay for the taxpayers. If you were to *immediately* implement this, the offender would be in their own homes, able to be

parents to their children, able to work to pay for fines, restitution and contribute to the household.

Once a non-violent offender is sent home for house arrest or perhaps time served, then you can begin to collect data such as: cooperation with realistic guidelines, reduction in the rate of recidivism, and integration into society and the workplace. It is essential that the criteria for success be obtainable, measurable and realistic. For example, it is not feasible to expect a person with a felony conviction on their history to obtain work in 2 weeks when it takes a professional with a clean record and no history of drugs, 4 to 7 months to obtain a job. The standard for compliance needs to be more appropriate such as circulation of a resume, continuing education to become marketable in their field, integration into the family, participation in family counseling, etc.

When you release a non-violent offender after 10 or more years of incarceration with no significant job training other than mopping floors or doing laundry, it is unrealistic to expect them to find a job in 2 weeks, and in fact, it is a set up for failure as evidenced by the current rate of recidivism.

For all persons with drug addiction charges, not distribution, or intent to distribute, but for those who are drug addicted, immediately court order inpatient drug rehabilitation. To incarcerate a sick person is a violation of the 8th amendment of the constitution of the United States. Addiction is an illness treated in hospitals. When they commit crimes it is due to a disease and if the disease is not treated, there is no hope.

The recent audit report conducted by the OIG and submitted to congress shows some horrific proof that for whatever reason the BOP is *not* able to handle illness and *not willing to comply* with the policies of the BOP, therefore any ill inmate is in my opinion as a medical practitioner a violation of the 8th amendment. Every day, inmates die while incarcerated for conditions that should never result in death in this day and time such as death due to untreated appendicitis, death due to non treatment of diabetic gangrene.

Sick people should not be in jail. It is a crime in of itself to incarcerate a sick person. It is also a crime to operate as a physician without a license and to hire a physician's assistant, who must work under the license of a physician, is frankly inexcusable. It is a crime and it seems to me that the criminal physician is being paid by my tax dollars to render incompetent medical care to my loved one, and I am appalled at this miscarriage of justice and the misappropriation of my hard earned money.

The lawsuits presented to the BOP for these gross negligence cases and blatant disregard for the health, safety and well being of an inmate is costing the government millions of dollars per year. As a taxpayer, I resent wasting my money on law suits that could have been prevented.

The next issue at hand regarding the sentencing guidelines is that there is enormous pressure on judges to stay within those guidelines even though post Booker, they do not have to strictly adhere to them. This sounds promising to the non-violent offender and their loved ones, but the reality is that the judges are still ruling within the guidelines. The political pressure to be tough on crime puts their reputation and job on the line and since they too want to show that they have done a good job, the sentencing guidelines are being followed even though they do not have to.

The sentencing guidelines are a very bad practice. The decision should be for the judge and not mandated by a piece of paper. It is time to revisit this mistake and correct this error. Now that it has been in place for a number of years, we can see the horrible miscarriage of justice associated with it and we do not need a study to tell us what we already know. We need to step up to the plate and eliminate the sentencing guidelines and we need to do so immediately!

Prisons should be full of criminals, murders, robbers, arson, molesters and folks like that, not a non-violent person who never hurt anyone but himself! These offenders are banished from their families, their homes, their careers, and millions of dollars are being wasted on federal criminal defense for non-violent crimes. The focus and the harsh sentencing should be for the violent criminal only.

I will end with a question. Please ask yourself this: If something came up in your life and you had to go to court but you did not go because you were afraid..... And no one disputes that fact, how long would you like to go to jail for? What do you think is a fair federal sentence for not showing up to something and that is the only crime?

After you think about that, and determine what you think would be fair for your wife, your husband, your son, your mother, your brother, please look up the federal sentencing guidelines for failure to appear and ask yourself, does that sentence fit the crime?

Respectfully submitted,

Linda Sirota, RN, BSN, CCRN, TNCC-P

From: "grt" <grthom@cox.net>
To: <pubaffairs@ussc.gov>
Date: 9/7/2008 12:35:15 AM
Subject: sentencing laws

Gentlemen:

We need common sense in this process of making sentencing laws! Sentencing laws are extremely harsh and TOO long, especially for nonviolent offenses where alternatives to incarceration would better serve society while cutting taxpayer costs.

With over 1 million 5 hundred children affected by having a parent in prison for years, this nation is simply creating a generation of next offenders when a parent or parents are not able to bond, raise, and support their children. Two years in prison at the maximum for a nonviolent offense should be enough to rehabilitate that person and prepare them for re-entry into society. If not, what does that say about the system of "corrections."? Simply "warehousing" is costly and not productive! We need educators in our prisons (not jocks as guards).

Corporate criminals are treated differently and softly. Too often big corporations cheat consumers, damage the environment and abuse power but the penalty imposed on their executives' criminal acts is just a slap on the wrist. The fines imposed are a fraction of the company or CEO's net worth; whereas an ordinary person committing a fraud must pay full restitution.

We don't have equal justice in America. The mandatory sentencing laws meant to equalize sentencing was a huge mistake and was definitely NOT equal! Prosecutors have ALL the power and very often abuse their power to enhance their conviction rate for political gain. Judges have basically been taken out of the sentencing process.

According to the Commission on Human Rights: "It is only if there is willingness to protect the worse and weakest amongst us that all of us can be secure that our own rights will be protected." Sentencing laws MUST take into account those individuals represented by overburdened public defenders while wealthy individuals can hire the best defense money can buy.

Sincerely,
(supported by members of the social justice committee of the Unitarian
Universalist Church of Surprise, AZ
Roma Thomas
20425 133rd Dr.
Sun City West, AZ 85375
623-546-2561

Michael Courlander
Public Affairs Officer
United States Sentencing Commission
One Columbus Circle
NE Suite 2-500 South Lobby,
Washington, DC 20002-8002

RE: Attention: Public Affairs Priorities Comment

Dear Mr. Hinojosa;

I would like to voice my opinion concerning matters of public interest raised during the United States Sentencing Commission's SYMPOSIUM ON ALTERNATIVES TO INCARCERATION.

I would like the Commission to pay special attention to the following priorities:

- Implementation of increased good-time measures
- Alternative sentencing options for low level drug offenders, and
- Prison programs resulting in reduced sentences

In closing, I sincerely hope that the Sentencing Commission takes a forward looking position and use its statutory authority to seek alternatives to incarceration, to relieve the burden placed on the public, and to restore equitable results to our justice system.

Sincerely Yours,

Mrs. Vanessa J. Hosney
336-638-5002

cc: Ricardo H. Hinojosa, Chair
United States Sentencing Commission

Att: Mr. Michael Courlander
Public Affairs Officer
United States Sentencing Commission
One Columbus Circle
NE Suite 2-500 South Lobby
Washington, DC 20002-8002

RE: Comments on possible Priority Policy Issues.

Dear Mr. Hinojosa:

I respectfully urge the Commission to make it a priority in fashioning a remedy for the men and women sentenced during the period of November 1, 1987 and January 12, 2005 when the Guidelines were imposed as mandatory.

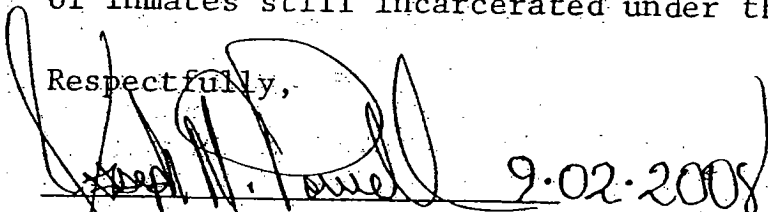
In light of United States v. Booker and subsequent Supreme Court decisions, the retroactive application is non-existent for relief under Booker because Booker does not meet the Watershed Rule addressed as the criteria in Teague v. Lane, 489 U.S. 288 (1989); as interpreted in Tyler v. Cain, 533 U.S. 656 (2001) and further analyzed in Schriro v. Summerlin, 542 U.S. 348 (2004). Consequently, thousands of men and women (predominately minorities), are left with no remedy to correct unjust and excessive sentences and must continue to serve sentences that the law clearly establishes is unconstitutional.

It is requested that remedial Legislation be presented to Congress and that a solution be studied, found, and presented in order to rectify the harm caused as a result of the mandatory application of the Guidelines between the period of November 1, 1987 and January 12, 2005. Public trust would be strengthened if the following legislation be considered as a form of correcting the harm:

1. Implementation of increased Good-Time Measures.
2. Prison Programs resulting in reduced sentences.
3. Reinstating Parole for sentences imposed within time period of November 1, 1987 and January 12, 2005.

In closing, I encourage that this Commission evaluate the impact the Federal Sentencing Guidelines pre-Booker has had on the thousands of inmates still incarcerated under the flawed sentencing regime.

Respectfully,


cc: Ricardo Hinojosa, Chair
United States Sentencing Commission