

TESTIMONY BY PAUL D. BORMAN, CHIEF FEDERAL DEFENDER, LEGAL AID AND DEFENDER ASSOCIATION OF DETROIT, ON BEHALF OF THE FEDERAL DEFENDERS, TO THE U.S. SENTENCING COMMISSION, MARCH 15, 1990, RE PROPOSED GUIDELINE AMENDMENTS (THE POSITION PAPER IN FINAL FORM WILL BE SUBMITTED BY MARCH 30, 1990).

4. Page 15 -- §2A2.1

We object to this Amendment which significantly raises the Guidelines levels for this offense.

There is no documented information provided that supports this increase, i.e., upward departures, correspondence from judges, and surveys of guideline sentencing for this offense.

STATEMENT OF

SAMUEL J. BUFFONE, CHAIRPERSON
U.S. SENTENCING COMMISSION COMMITTEE
CRIMINAL JUSTICE SECTION

Item 4. This amendment would increase the penalty for attempted murder and assault with intent to commit murder. Because the proposed amendment is not accompanied by a meaningful explanation of the need for this change, the proposal should be rejected.

STATEMENT OF
BENSON WEINTRAUB
ON BEHALF OF THE
NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

4. NACDL opposes inclusion of USSG §2A1.5 as a new guideline. The proposed base offense level, 28, appears arbitrary. Has the Commission considered sufficient empirical data to justify this new guideline and base offense level? The same comment applies to USSG §2A2.1.