

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).

#67, Pages 71 et seq. -- Specific Offender Characteristics

We believe that the Commission should recommend to Congress that it amend 28 U.S.C. §994(e) to permit the Guidelines, in appropriate cases, to take into account family ties and responsibilities, and community ties of the defendant.

We believe that these factors are highly relevant to a humane sentence.

We object to the proposed Amendment to §5H1.1 that limits the relevance of age to the disabled. No data is provided in support of this change.

We object to the Amendment to §5H1.4 on Page 72 that suggests home confinement. The sentencing judge can develop a proper "other than imprisonment" sentence.

We object to the proposed new paragraphs to §§5H1.5 and 5H1.6 because of our previously-stated belief that this information should be relevant with regard to both the sentence and to a sentence within the range.