

2540 Chadwick Court
Woodbridge, VA 22192
(703)490-3964

March 2, 1998

Michael Courlander
United States Sentencing Commission
1 Columbus Circle, N.E.
Suite 2-500
Washington, DC 20008

Dear Mr. Courlander:

My name is Robin Spires. I recently became aware of a public hearing before the Sentencing Commission and would like to be granted the opportunity to express my views on the current Federal Guidelines regarding drug offenses.

My brother has recently been sentenced to 10 years in a federal prison based upon these Guidelines. Growing up in a Christian family, we never really paid much attention to such issues, thinking they would never apply to us. Now after living through my brother's ordeal, I realize that a great injustice has been done.

Let me briefly explain the circumstances surrounding my brother's case. He owned an Auto Body Shop/Used Auto Sales business. Unfortunately, this line of work seems to attract deceitful and dishonest characters. My brother, although a decent and honest man, was lured into the world of drugs as a way to make "easy money". Through the investigation of another individual my brother was brought up on charges. As part of a plea agreement, the Federal Prosecutor told my brother and his attorney that \$50,000 and the forfeiture of a \$40,000 truck must be delivered immediately or my brother would spend 20 years in jail. Having obtained my brother's financial records, showing a negative net worth, it was clear that he had no money. It was implied that it didn't really matter where the money came from. No one else in the conspiracy was required to pay any money. How convenient that my family had the means to do this, while none of the others did. My parents paid the money for my brother and felt it was extortion on the part of the government. Upon doing this my brother was given the hope of Substantial Assistance. (Which they paid.) Additionally, my brother wore a wire four times, twice on his own with no police backup. Information gathered eventually led to the arrest and incarceration of a person. My brother continued to contact the Prosecutor's Office asking if there was anything else he could do. Substantial Assistance was dangled in front of my brother like a carrot. Upon sentencing, "all bets were off". Although everyone agreed that my brother had earned Substantial Assistance (i.e. Probation Officer, Federal Drug Task Force Agent), at the whim of a Prosecutor, it was never granted. As the Judge

delivered the sentence, he expressed his absolute dislike for the guidelines. He stated that the sentence was horrific and said that my brother was extremely rehabilitative. Unfortunately due to these Guidelines his hands were tied.

I am certainly not condoning what my brother did. As his sister and as a mother I am appalled at his conduct. I believe that we should be tough on crime. However, allowing 1 individual (i.e. a Federal Prosecutor) to be the prosecution as well as the "Judge" is just as appalling. I thought the idea of appointing or electing a judge to preside over criminal cases was to promote fairness and justice. Allowing an impartial individual not involved in the case, to make a fair and wise decision. These Federal Drug Guidelines do just the opposite. I would hope that when our LawMakers enacted these Guidelines that what happened to my brother was not the intended result. We found that the authority of the Federal Prosecutor's Office was misused and abused.

As I close this letter a sad thought comes to mind. My mother was told by a family acquaintance that after my brother's sentencing he overheard several of the Drug Task Force Agents say that they really got one over on my brother's attorney. It frightens me to think that personal vendetta's and egos motivated my brother's sentence and not justice.

I am requesting that you consider an amendment to the Federal Guidelines to reduce the sentence of individuals who have no previous criminal record and are considered "extremely rehabilitative" by the presiding judge. Additionally, I would like to see the power of the prosecution limited to ensure those personal feelings don't motivate sentencing. If you have any question or would like to speak with me I may be reached at (703)490-3964. Thank you for allowing me this opportunity to share my family's views on this matter.

Sincerely,


Robin A. Spires