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July 14, 2006

Honorable Ricardo H. Hinojosa
Chair
United States Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500, South Lobby
Washington, D.C. 20002-8002

Re: Request for Sentence Reduction Under 18 U.S.C. §3582(c)(1)(A).

Dear Judge Hinojosa:

The Sentencing Commission has requested comment on sentence reduction motions under 18 U.S.C. § 3582(c)(1)(A). The National Association of Criminal Defense Lawyers fully supports the ABA's proposed language for a policy statement, dated July 12, providing detailed guidance regarding "extraordinary and compelling reasons" under 18 U.S.C. § 3582(c)(1)(A). The criteria and examples set forth by the ABA capture a broad range of changed circumstances that well justify modifications to otherwise final sentences. This guidance for the courts would advance the goals of consistency and fairness, and fulfill the Commission's statutory responsibility. Though the exercise of such authority remains subject to the government's approval, we hope a more detailed policy statement will encourage greater reliance on this valuable authority to achieve justice, avoid undue punishment, and dispense mercy in appropriate cases.

Sincerely,

Carmen D. Hernandez
Vice President & Chair, Federal Sentencing Guidelines Committee