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Dear Chairman Goodlatte and Ranking Member Conyers:

RE: HR 3713 – Sentencing Reform Act 2015

I am writing regarding the sentencing reform legislation introduced in the House HR 3713, the Sentencing Reform Act of 2015.

I have been a criminal defense lawyer for my entire career, since 1988 when I was first licensed to practice law in the State of Texas. I am the past-president of the Texas Criminal Defense Lawyers Association, the National Association of Criminal Defense Lawyers and the immediate past-chair of the American Bar Association's Criminal Justice Section. I am also on the Criminal Justice Act ("CJA") Panel Committee that evaluates and approves lawyers to practice in federal court, in my jurisdiction.

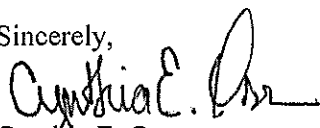
I have read HR 3713 and have the opinion that this important legislation will overall substantially decrease the shameful and costly mass incarceration in the federal system. While the measure increases sentences for persons who traffic in heroin that contains Fentanyl, and this is a concern because of its potential disparate impact on racial minorities (primarily Hispanics) the number of these federal offenders is very low. It also increases penalties for certain weapons offenses.

In contrast to these two problematic provisions, the large number of persons who would benefit from the current safety valve expansion and the creation of a new safety valve will be significant. And, it substantially narrows the number of persons that are denied a safety valve. In addition, it establishes that persons can retroactively obtain a reduction in their sentences under the Fair Sentencing Act. This is very important in order to further eliminate racial disparity in crack cocaine sentencing. Also, the legislation uses serious drug felonies and serious violent felonies to substantially narrow the number of prior offenders who may be sentenced as recidivists to more serious penalties. The existing broad language used to apply recidivist penalties is merely, felony drug offense.

Therefore, it is my opinion and the opinion of those with whom I have discussed this matter, in the organizations where I serve as a leader, that this sentencing reform legislation will reduce mass incarceration, in part because judges will have the discretion to discount overstated criminal histories, and in part because it narrows the types of offenders that would receive recidivist sentencing. In addition, it increases the number of those who can receive a safety valve by creating a new safety valve provision and allows full retroactive application of the Fair Sentencing Act.

In sum, HR 3713 will help substantially to end mass incarceration and is considered critical to reach that objective.

Sincerely,


Cynthia E. Orr
for Goldstein, Goldstein & Hilley