

# KYNES, MARKMAN & FELMAN, P.A.

ATTORNEYS AT LAW

JAMES H. KYNES  
(1953-1993)

JAMES E. FELMAN  
jfelman@kmf-law.com

STUART C. MARKMAN\*  
smarkman@kmf-law.com

KRISTIN A. NORSE  
knorse@kmf-law.com

KATHERINE EARLE YANES  
kyanes@kmf-law.com

ROBERT W. RITSCH\*  
OF COUNSEL

\*ALSO ADMITTED IN NORTH CAROLINA

SUITE 1300  
100 SOUTH ASHLEY DRIVE  
TAMPA, FLORIDA 33602

TELEPHONE (813) 229-1118  
FAX (813) 221-6750  
kmf@kmf-law.com

PLEASE REPLY TO:  
POST OFFICE BOX 3396  
TAMPA, FL 33601-3396

Representative Bob Goodlatte  
Chair, House Committee on the Judiciary  
2309 Rayburn HOB  
Washington, D.C. 20515

Representative John Conyers  
Ranking Member, House Committee on the  
Judiciary  
2426 Rayburn HOB  
Washington, DC 20515

Re: Sentencing Reform Act of 2015

Dear Chair Goodlatte and Representative Conyers:

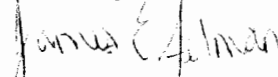
I am writing to express my support for H.R. 3713, the Sentencing Reform Act of 2015. I am an attorney who has been engaged in the private practice of federal criminal defense law with a small firm in Tampa, Florida since 1988. I am the immediate past Chair of the Criminal Justice Section of the American Bar Association, as well as the Criminal Justice Section's Liaison to the United States Sentencing Commission. I am also a former Co-Chair of the Sentencing Commission's Practitioners' Advisory Group.

I have carefully reviewed H.R. 3713. I view this legislation as a tremendous step in the right direction toward curbing the epidemic of mass incarceration. In particular, this legislation reserves the harshest recidivist mandatory minimums to those who have been convicted of serious drug felonies or serious violent felonies, and reduces the length of those mandatory sentences. This is in contrast to current law, under which a person who has been convicted two state drug offenses that resulted in probation sentences, including convictions for simple possession, may on a third federal conviction be sentenced to life in prison without the possibility of parole. The legislation also eliminates the unfair practice of "stacking" convictions under 18 U.S.C. Section 924(c), which under current law can result in a first time offender receiving multiple, lengthy consecutive mandatory minimum sentences. The legislation makes both of these important charges retroactive, which will provide significant relief to thousands of prisoners who are currently serving excessive mandatory minimum sentences. It is also significant that H.R. 3713 will expand the "safety valve," along with proving new judicial discretion in its application.

While the bill creates a sentencing enhancement in drug trafficking cases involving the dangerous combination of heroin and fentanyl, such cases are rare. Moreover, this enhancement is not a typical mandatory minimum, in that the sentencing judge has discretion to impose up to a 5-year additional sentence, but also has the discretion to add as little as a single day to the term of incarceration. Likewise, while the bill narrowly expands eligibility for an increased recidivist penalty under Section 924(c), that expansion is limited to defendants who have previously committed violent offenses in which a firearm was carried, brandished, or used. Although I am on principle opposed to increasing mandatory penalties of any type, given the narrow application of these enhancements, and the tremendous and wide-ranging relief this bill as a whole provides, these features do not undermine my support for H.R. 3713.

In short, I support H.R. 3713 because I believe it will reduce mass incarceration. I believe this bill should be enacted.

Sincerely,



James E. Felman

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