

From: gourlay@sysmatrix.net

To: jwilensky@comcast.net

Sent: Monday, August 25, 2014 9:56:22 AM

Subject: Public comment on CSG Sentencing Study Summary of Legislative Recommendations and Draft Legislation

Public Comments for Council of State Government's Recommended Changes from Kathie Gourlay:

14.08.07.MLRC Public Comment Request and CSG Summary.pdf

Sentencing Rules

1.B. Maximum of 2 times the minimum sentence will still result in hugely uncertain sentences, e.g. 10 to 20 years or 15 to 30 years.

1.I. The "Tanner Rule was very useful in my son's sentencing. He had a "crazy" judge who seemed to want to sentence him as high as possible. Possibly the judge was homophobic or trying to impress the Attorney General, who had just campaigned for reelection touting how many sex offenders he was apprehending. The guidelines in my son's case specified 4-7 years. The maximum was 15 years. The charge was multiple counts of CSC III (with a male teenager age 14). My son was 27. The teenager testified over and over that it was what he had wanted. The judge sentenced my son to 10 - 15 years. We were shocked. I feel if the judge could have sentenced higher, there is good reason to believe that he would have done so. So, as bad as my son's sentence was, I am at least grateful for the brake put on that judge by the "Tanner Rule".

As I understand your new system, the judge sets a minimum, supposedly from within the range specified by a cell, then the maximum MUST be 1 1/2 to 2 times as large as this. There is no legislative imposed maximum? You are actually increasing the uncertainty of sentences. Since my son's judge went outside the range, it seems under the new system my son's judge could have imposed any sentence he wanted to.

Sentencing Grids

2.C. Grids that have no more than 100% difference between the top and bottom are not narrow when it gets to the higher cells. Instead of using a percentage, the range should be consistently narrow across all cells, e.g. no more than 12 months between the bottom and top.