



District of Columbia

Advisory Commission on Sentencing

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FULL COMMISSION MEETING MINUTES

Wednesday, June 23, 2004
 500 Indiana Ave., N.W., Room 1500
 Washington, DC

Attending	F. Weisberg	K. Hunt	P. Riley
	H. Cushenberry	J. Cronin	B. Weinsheimer
	P. Quander	A. Flaum	C. Chanhatastilpa
	R. McPhatter	J. Stewart	D. Rosenthal
	B. Baldwin-White	N. Joyce	S. Vance

- I. Call to order at 5:05 p.m.
- II. Minutes from May 19 meeting were approved pending changes sent to K. Hunt. Steve Vance, the recently hired staff attorney was introduced. P. Riley suggested S. Vance should begin working on identifying crimes in MD and VA that correspond to crimes in DC. F. Weisberg noted that Charles Wellford has resigned from the Commission. The Chief Judge will be naming a replacement.
- III. Manual Update. The practice manual has been finalized. Now the manual needs to be disseminated to attorneys. The USAO and the PDS will make copies available for their respective staffs. B. Ballister will be contacted regarding manual distribution to all CJA attorneys practicing in the District. **[Note: Steve Vance should follow up with Ms. Ballister.]** The manual is available on the Sentencing Commission website. F. Weisberg suggested an ad for the Bar Magazine and Legal Times directing attorneys to the manual on the Sentencing Commission web site. P. Quander will notify the CSOSA staff to direct attorneys to the web site. After a discussion of problems with attorneys returning CSO phone calls, F. Weisberg noted that Criminal Division judges should direct both prosecutors and defense counsels to make every effort to return CSO calls.
- IV. Guidelines Monitoring System. F. Weisberg presented the form to the commission members and asked for their input. Modifications to the form were suggested by J. Stewart and P. Riley. The hard copy form is to be used until an online form is available. Cross Current is currently working on the online system, the Sentencing Guidelines Web and it will be ready in October. Cross Current will meet with CSOSA to ensure the will interface with CSOSA's SMART system. F. Weisberg suggested adding an project with Cross Current. The project is a program that would allow attorneys to enter their client's criminal record and current offense and based on these two factors the program

will produce the sentence range. Cross Current will provide an estimate for this additional work and the Superior Court will look for money to fund this additional program.

- V. Sub-grant Application. July 12th is the deadline for the Byrne grant. The grant will be used to subsidize the money paid to Cross Current.
- VI. F. Weisberg mentioned that he feels concurrent/consecutive rules are currently very complicated and will need to be reexamined continually. A particular sticking point is the definition of the number of events. Commission members agreed. B. Weinsheimer noted that events are not bargainable, in much the same manner that criminal history is not. However, the plea offer can often place the defendant in the judicial discretion portion of the rule. **[Note: the Commission will want to track consecutive-concurrent issues in multi-count cases to monitor application of our rules.]**
- VII. An Executive Session was called at 5:50pm.

NEXT FULL COMMISSION MEETING:

Wednesday July 7, 2004 ?

500 Indiana Ave., N.W., Room 1500

Washington, DC