

Remarks of Circuit Judge William H. Pryor, Jr.,  
Acting Chair of the United States Sentencing Commission  
February 8, 2018  
Public Hearing

Welcome to the United States Sentencing Commission's public hearing on some of the proposed amendments for the current amendment cycle. The Commission's hearing today focuses on three topics impacted by our recently proposed amendments—including the Bipartisan Budget Act of 2015, tribal issues, and the guideline that relates to acceptance of responsibility by defendants. The Commission appreciates the attendance of those joining us here as well as those watching our livestream broadcast on the Commission's website. As always, we appreciate the significant public interest in the work of the Commission, particularly this year as we tackle the important and emerging issue of synthetic drugs.

I would like to start by introducing the other members of the Commission. First, I'll introduce Rachel Barkow. Commissioner Barkow is the Segal Family Professor of Regulatory Law and Policy at the New York University School of Law, and serves as the faculty director of the Center on the Administration of Criminal Law at the law school.

Joining us today by phone, Judge Charles Breyer is a Senior District Judge for the Northern District of California and has served as a United States District Judge since 1998.

Judge Danny Reeves is a District Court Judge for the Eastern District of Kentucky and has served in that position since 2001.

Next, Zachary Bolitho is the *ex officio* Commissioner from the Department of Justice. Commissioner Bolitho serves as Deputy Chief of Staff and Associate Deputy Attorney General to the Deputy Attorney General of the United States.

Finally, J. Patricia Wilson Smoot, the designated *ex officio* member of the Commission representing the United States Parole Commission. Commissioner Smoot has served on the Parole Commission since 2010 and was designated as Chair in 2015.

As we get started on today's hearing, I would like to make a brief comment about the Bipartisan Budget Act of 2015. The Commission appreciates the constructive comment it received from the Senate Committee on Finance, the House Ways and Means Committee and the House Judiciary Committee regarding the Bipartisan Budget Act and values their past and current interest in this topic.

Through this hearing, we look forward to hearing from our expert witnesses on the three proposed amendments on the agenda today. At the end of each panel's testimony, the Commissioners may ask questions. We look forward to a thoughtful and engaging discussion.

Our first panel focuses on the Bipartisan Budget Act of 2015. Our panelists are Mr. Trent Shores, Mr. Michael Caruso, and Mr. Ronald Levine.

Mr. Shores was sworn in as the United States Attorney for the Northern District of Oklahoma in September 2017. Before his appointment, he served as an Assistant United States Attorney in that district from 2007 through 2017. Mr. Shores previously served as the Deputy Director of the Department of Justice's Office of Tribal Justice in Washington, D.C., and has also represented the United States at the United Nations and Organization of American States. Mr. Shores graduated with a political science degree from Vanderbilt University and received his J.D. from the University of Oklahoma.

Mr. Caruso has been the Federal Public Defender for the Southern District of Florida since 2012. He joined the office in 1997 as an Assistant Federal Public Defender and later became the First Assistant Federal Public Defender. After graduating from the University of Florida College of Law in 1995, Mr. Caruso served as a law clerk to the Honorable William J. Zloch, United States District Judge for the Southern District of Florida. Mr. Caruso recently became the Chair of the Federal Defender Sentencing Guideline Committee.

Mr. Levine has served on the PAG since 2012 and as the Chair since 2016. He is currently the Chair of Post & Schell's White Collar Defense, Corporate Compliance and Risk Management Practice Group in Philadelphia. Before entering private practice, Mr. Levine spent 17 years as an Assistant United States Attorney in the Eastern District of Pennsylvania, the last four as Chief of the Criminal Division.

Our second panel focuses on tribal issues. Our panelists include Judge Ralph Erickson, Mr. Trent Shores, who was introduced during the last panel, and Mr. Neil Fulton.

Judge Erickson is currently the chair of the standing Tribal Issues Advisory Group (TIAG) and previously served as the chair of the ad hoc Tribal Issues Advisory Group. Judge Erickson was appointed to the Eighth Circuit Court of Appeals in 2017. Prior to that appointment, he was a U.S. District Judge for the District of North Dakota beginning in 2003. His judicial service also includes 10 years on the state court bench in North Dakota. Judge Erickson earned a B.A. from Jamestown College in 1980 and a J.D. from University of North Dakota in 1984.

Due to travel difficulties, Neil Fulton has been unable to join us today. Jon Sands has graciously agreed to testify on behalf of the Federal Public Defenders in his place. Mr. Sands has been the Federal Public Defender in the District of Arizona since 2004. He joined that district as an Assistant Federal Public Defender in 1987. He is the former Chair of the Federal Defender Sentencing Guidelines Committee and currently serves as one of its members. He also served as Special Counsel to the United States Sentencing Commission in 1993. Mr. Sands graduated magna cum laude from Yale University in 1978, and he received his law degree from the University of California Davis School of Law in 1984.

Our third panel continues our discussion regarding tribal issues. Our panelists are Mr. Ronald Levine, who was introduced during our first panel, Mr. John Bendzunas, and Mr. Michael Andrews.

Mr. Bendzunas is the Second Circuit Representative and Vice Chair of the Probation Officers Advisory Group. Mr. Bendzunas began his professional career as a United States Probation Officer in the District of Vermont in 2000. In 2008, he was promoted to a Sentencing Guidelines Specialist and subsequently promoted to a Supervisory United States Probation Officer in 2014. Mr. Bendzunas holds a Bachelor of Arts degree from Marywood University and a Master of Arts degree from the State University of New York at Albany.

Mr. Andrews is the chair of the Victims Advisory Group. He currently serves on the Board of Directors for the D.C. Crime Victims Resource Center as well as the Advisory Board for the Maryland Crime Victims Resource Center, Inc. He has over 15 years' experience in victims' rights advocacy. He has a law degree from Roger Williams University School of Law and an LLM from George Washington University School of Law.

Our final two panels will focus on the guideline that relates to acceptance of responsibility by defendants. Our panelists include Mr. Trent Shores from our first panel and Mr. Thomas Patton.

Mr. Patton became the Federal Public Defender for the Central District of Illinois in January 2015. Prior to becoming the Federal Public Defender, he served as an Assistant Federal Public Defender for 18 years in the Central District of Illinois and the Western District of Pennsylvania. Mr. Patton also served as a law clerk for the Honorable Richard Mills. Mr. Patton graduated from the Southern Illinois University School of Law in 1993.

Our final panel continues our discussion regarding acceptance of responsibility. Our panelists include Mr. John Bendzunas, Mr. Ronald Levine, and Mr. Michael Andrews, who have all been previously introduced.

As we wrap up, I would like to mention an upcoming event, the Commission's National Seminar on the Federal Sentencing Guidelines in San Antonio, Texas, on May 30th through June 1st. These trainings provide specialized instruction to probation officers, prosecutors, and defense attorneys on the guidelines. Registration for this event is open on a first come, first served basis and many have already registered. The Commission website has all the details regarding the event and registration.

Finally, the Commission will have several publications released in March as well as another public hearing on other proposed amendments relating to synthetic drugs – including fentanyl—and alternatives to incarceration on March 14<sup>th</sup>. Prior to the hearing, I encourage all of you to review the data presentation on synthetic drugs that is posted on the Commission website. We appreciate the broad interest in the Commission's work and look forward to our next public hearing.