

From: [Elizabeth Branca](#)
To: [Guidelines, Sentencing \(MSGC\)](#)
Subject: It is important to use current guidelines
Date: Tuesday, December 27, 2016 9:21:58 PM

To the Sentencing Guidelines Commission of Minnesota,

I write you to express my **support of using the current sentencing guidelines for calculating criminal history scores, beginning immediately.** More specifically, I am in favor of ensuring that defendants use (and the judiciary is required to use), these current or "new" sentencing guidelines to calculate criminal history scores, **regardless of how prosecutors and police officers wish to calculate criminal history scores based on outdated and discarded methods.** I don't understand as to how or why older, outdated guidelines are being used when the legislature approved newer sentencing guidelines.

I have heard that at the hearing last week that a former police officer, now serving as a representative in the Minnesota House, was pushing for harsher sentences to "make up for" crimes that police officers claim to have happened but can't prove. This is not **how our criminal justice system works, people are innocent until proven guilty.** Just because we believe a person may have committed crimes we can't sentence them based on beliefs of anyone, policeman or not.

When the Minnesota legislature adopted new sentencing guidelines, it intended for the guidelines to be used going forward. **In no other case would we use old law when a new law is in place that was established specifically to address the problems of the old law.** It violates legislative intent to use the old sentencing guidelines. This is also why we have separation of powers, in particular, legislative and judicial so that each can balance each other.

Also, **I understand that in Minnesota, until the new guidelines were approved, sentencing lengths in this state had been dramatically out of step with, and far more punitive than, sentences in other states and at the federal level.** This has led to the build up of mass incarceration in the state, leading to the disparities that have been reported in recent years, including unemployment, home ownership, and poverty.

Thank you for considering my comments and for pressing for the immediate implementation of the current sentencing guidelines.

Sincerely,
Elizabeth Branca


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