

**Federal Defenders
OF NEW YORK, INC.**

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June 6, 2024

Hon. Lewis A. Kaplan
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

**Re: United States v. Chanette Lewis
21 Cr. 729 (LAK)**

Dear Judge Kaplan,

I am writing on behalf of the defendant Chanette Lewis to ask the Court to instruct the Probation Department to amend the presentence report in this case to reflect the change made to Ms. Lewis's criminal history score. Ms. Lewis has been designated to Hazelton FCI, a medium-security facility and we are concerned that this designation may be based on an incorrect criminal history score.

The presentence report calculated Ms. Lewis's criminal history score as 5, and her Criminal History Category as III, based one 3-point felony plus 2 points for committing the offense while under supervision, pursuant to the former U.S.S.G. 4A1.1(d). The Sentencing Commission amended the Guidelines on November 1, 2023 and repealed the 2-point increase for being under supervision. This was discussed at the first sentencing adjournment on January 31, 2024 (transcript attached), the parties agreed that the change

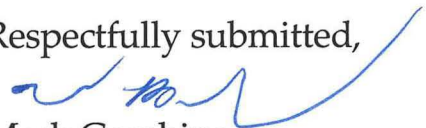
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should be made, and the Court adopted the amended criminal history score "in place of what the presentence report says." The presentence report was amended on March 5, 2024 but the amendments did not include this change. Probation Officer Johnny Kim has advised this office that the criminal history score change was not made because there was no order from the Court ordering that change.

I respectfully request that the Court send an order to the Probation Officer that the presentence report be amended to delete the 2 points for being under supervision and accordingly reduce Ms. Lewis's criminal history score to 3 and her Criminal History Category to II. If this change is effected, the Probation Officer will inform the Bureau of Prisons.

Respectfully submitted,



Mark Gombiner
Attorney for Chanette Lewis

cc: AUSA Michael Neff