



District of Columbia  
Sentencing and Criminal  
*Code Revision Commission*

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441 Fourth Street, NW, Suite 430 South, Washington, D.C. 20001  
(202) 727-8822 – Fax (202) 727-7929

*Hon. Frederick H. Weisberg,  
Chairperson*

*Barbara S. Tombs-Souvey  
Executive Director*

*Donald Braman, Esq.  
Renata Cooper, Esq.  
Hon. Harold L. Cushenberry  
Ronald Gainer, Esq.  
Laura E. Hankins, Esq.  
Cedric Hendricks, Esq.  
William "Billy" Martin, Esq.  
Hon. Robert E. Morin.  
Dave Rosenthal, Esq.  
Julie E. Samuels  
Marvin Turner  
Molly Gill, Esq.  
Paul Butler, Esq.  
Earl J. Silbert, Esq.*

*Non-voting members:  
Maria Amato, Esq.  
Michael Anzallo  
Judi Simon-Garrett, Esq.  
Hon. Kenyan McDuffie  
Stephen J. Husk*

**D.C. Sentencing and Criminal Code Revision Commission Meeting**  
**January 19, 2016**  
**5:00 to 6:30 PM**  
**Room 430S**  
**441 Fourth Street, N.W. (One Judiciary Square)**  
**Washington, DC 20001**

**Agenda**

1. Review and Approval of the Meeting Minutes from November 17, 2015 - Action Item, Judge Weisberg.
2. Introduction of New Staff Members – Informational Item, Barb Tombs-Souvey.
  - a. Robel Maru – Database Manager.
  - b. Matthew Graham – Research Analyst.
3. Posting of Criminal Code Revision Documents – Action Item, Judge Weisberg.
4. Discussion of "Criminal Code Reform Commission Amendment Act of 2015," Informational Item, Judge Weisberg.
5. Discussion and Approval of the Criminal Code Revision Project's Approach to Revising Property Offenses - Action Item, Richard Schmechel.
6. Next Meeting – February 16, 2016.
7. Adjourn



# District of Columbia Sentencing and Criminal Code Revision Commission

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## MINUTES OF FULL COMMISSION MEETING

January 19, 2016

One Judiciary Square, Suite 430S, Washington, DC 20001

### **Voting Members in Attendance:**

Frederick Weisberg  
Paul Butler  
Laura Hankins  
Renata Cooper

Donald Braman  
Julie Samuels  
Molly Gill  
Cedric Hendricks

Marvin Turner  
Dave Rosenthal  
Ronald Gainer

### **Non-Voting Members in Attendance:**

Stephen Husk  
Judi Garrett  
Michael Anzallo

Chanell Autrey (for Kenyan McDuffie)  
Katherine Lampron (for Maria Amato)

### **Staff in Attendance:**

Barbara Tombs-Souvey  
Richard Schmechel  
Robel Maru

Michael Serota  
Linden Fry  
Mia Hebb

LaToya Wesley  
Matthew Graham

- I. The meeting was called to order by Chairman Weisberg at 5:10 p.m.
- II. The minutes from November 17, 2015, meeting were amended and approved.
- III. Introduction of New Staff Members – Informational Item, Barbara Tombs-Souvey
  - a) Robel Maru –Data Management Specialist
  - b) Matthew Graham- Research Analyst

***Introduction of New Staff Members:*** Barbara Tombs-Souvey introduced the agency's new staff members: Data Management Specialist Robel Maru and Research Analyst Matthew Graham to the Commission. Mr. Maru and Mr. Graham proceeded to introduce themselves to the Commission and briefly discussed their educational and professional experiences. Chairman Weisberg and the Commission welcomed them both.

- IV. Posting of Criminal Code Revision Documents – Action Item, Judge Weisberg

***Posting of Criminal Code Revision Documents:*** Chairman Weisberg initiated a discussion with members regarding which Criminal Code Revision Project (CCRP) materials should be posted on the Commission's website. Currently, the only CCRP related materials posted on the website are those contained in the agency's Annual

Reports. Members were asked if the website should contain draft proposals or documents reviewed by the full Commission. Commission Members discussed several concerns regarding the posting of draft proposed legislation. After consideration, the Commission agreed to post only approved final documents on the website.

V. Discussion of the Criminal Code Reform Commission Amendment Act of 2015 - Informational Item, Judge Weisberg

***Criminal Code Reform Commission Amendment Act of 2015:*** Chairman Weisberg reviewed the Criminal Code Reform Commission Amendment Act of 2015, with the Commission. The Act was introduced to the Council on December 1, 2015 by Chairman Mendelson and Councilmember McDuffie. The focus of the bill is to remove responsibility for criminal code reform from the Sentencing and Criminal Code Revision Commission and to create a new independent agency known as the Criminal Code Reform Commission. Chairman Weisberg asked Councilman McDuffie's representative, Chanell Autrey, to provide an overview of the Act on behalf of the Council.

Ms. Autrey distributed a memorandum from Councilman McDuffie to the Commission Members and staff which discussed the bill and interim plan for the Criminal Code Revision Project. Ms. Autrey stated that the existing project should continue as set forth in the project plan while the bill works its way through the legislative process. She relayed that the Council understands that the project plan will not be completed by the expiration of the project's statutory mandate on September 30, 2016.

Ms. Autrey opened the floor for questions or concerns. Commission Members raised several questions and concerns about the bill and the expectations of the Council for the work of the CCRP before the bill is enacted. Ms. Autrey stated that the bill's comment period was extended for another week and she encouraged written comments from the Commission's Membership.

VI. Discussion and Approval of the Criminal Code Project's Approach to Revising Property Offenses – Action Item, Richard Schmechel

***Approval of the Criminal Code Project's Approach to Revising Property Offenses:*** Richard Schmechel gave a brief overview of the key features of the Criminal Code Revision Committee's Draft General Provisions, Element Analysis and four Culpable Mental States. These topics were initially discussed at the Commission's November 2015 meeting.

Mr. Schmechel then gave a step-by-step demonstration of how the key features of the general provisions and elements analysis could apply to property offenses:

Step #1: Identify the offense's circumstances and result elements

- Circumstance
- Result

Step #2: Identify the culpable mental states for each circumstance and result element

- Purposely

- Knowingly
- Recklessly
- Negligently

Step #3: Redraft the Offense to specify circumstance and result elements with their corresponding culpable mental states.

- Rule of Distribution
- Strict Liability

Mr. Schmechel provided an overview of the approach to revising the Property Offenses as set forth in the memorandum. Mr. Schmechel also provided examples of how applying the draft general provisions could improve property offenses. Mr. Schmechel opened the floor to address any concerns or questions.

Commission Action #1: The Commission voted to approve the approach used by the CCR Committee to applying the draft general provisions to the property offenses by 10-0 vote with one abstention.

Meeting Adjourned: 6:45 p.m.

NEXT MEETING:  
February 16, 2016  
One Judiciary Square (441 4<sup>th</sup> St., NW), Room 430S.





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**Agenda**

1. Review and Approval of the Meeting Minutes from January 19, 2016 Meeting - Action Item, Judge Weisberg.
2. Director's Report – Informational Item, Barb Tombs-Souvey.
  - a. Overview of Agency Performance Hearing.
  - b. Status of Agency FY 2017 Budget.
  - c. Annual Report Review Schedule.
3. Sentencing Guideline Evaluation Project Update - Informational Item, LaToya Wesley and Barb Tombs-Souvey.
  - a. Evaluation Study Period.
  - b. Overview of Phase I Findings
4. Discussion and Approval of the revised Project Plan for Criminal Code Revision Project – Action Item, Richard Schmechel.
5. Next Meeting – March 15, 2016.
6. Adjourn