

FAMMMGram

Working for fair and proportionate sentencing laws

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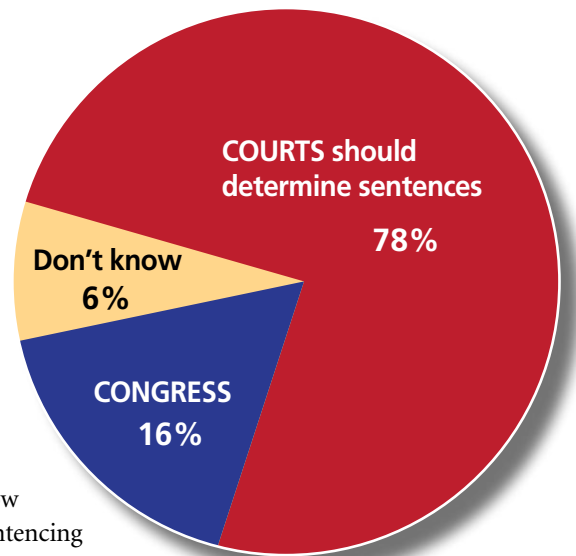
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POLL: Americans oppose mandatory minimums, will vote for candidates who feel the same

More than three-quarters of Americans (78 percent) feel the court, not Congress is best qualified to determine sentences, according to a new poll commissioned by FAMM and conducted by Strategy One, a national polling firm.



FAMM has said for years that judges, who know the circumstances of the case, should make sentencing decisions. Our poll indicates the overwhelming majority of Americans agree with us, and that opposition to mandatory minimums is not limited to one party. Both Democrats (81 percent) and Republicans (78 percent) feel the courts should decide prison sentences.

Source: National poll conducted for FAMM, Strategy One, 2008

According to the poll, nearly 6 in 10 Americans – 59 percent – said they oppose mandatory minimums for some nonviolent crimes. Another clear majority – 57 percent – said they would be more likely to support a candidate who wants to end mandatory minimums for nonviolent crimes.



For decades, politicians have voted for mandatory minimum sentences so they could appear “tough on crime” to their constituents. But the new poll results show the kind of bipartisan public support that should encourage members of Congress to reach across the aisle next year and work together to reform mandatory minimums.

Sentencing reform is not a Democratic or Republican issue, but an issue about fairness and justice that transcends party lines.

The complete poll results are available at www.famm.org.

IT'S EASY TO LOSE your perspective after working on an issue for a long time. Either you begin to believe that everyone sees the issue as you do, or you believe that no one does. That's why I decided to conduct a poll on public attitudes about sentencing – to find out what people *really* think.

We chose an independent polling firm and worded the questions neutrally. I was thrilled when the results were tallied and we learned that over three-quarters of the public believe that courts, not Congress, should determine an individual's prison sentence! It's the common sense argument we've been making for nearly two decades, and it is reassuring to know the public shares our common sense perspective (see page 1).



Julie Stewart

The poll also contained other exciting findings. For instance, the public is ahead of the politicians when it comes to getting rid of mandatory minimum sentences for nonviolent offenders. Nearly 60 percent said they oppose mandatory minimum sentences for some nonviolent crimes. And I was excited to learn that more than half of Americans would vote for a candidate who would end mandatory prison sentences for nonviolent crimes!

These numbers are very significant. At a time when the American people are closely divided on so many important issues, getting 60 percent to agree on anything – not to mention criminal justice reform – is truly astonishing. Now it's our job - and yours – to take these results to our legislators and make

sure they understand that public sentiment supports ending mandatory minimum sentences for nonviolent crimes.

FAMM is also releasing a report I've wanted to publish for over a decade called *Correcting Course, Lessons from the 1970 Repeal of Mandatory Minimums*. It is the story of how Congress repealed mandatory minimum drug sentences in 1970 and the sky didn't fall. Unfortunately, Congress failed to learn from history and reintroduced drug mandatory minimums in 1986, but our report tells Congress how it can "correct course" and get rid of these terrible drug sentences (see page 3).

In this issue, we also celebrate the anniversaries of our victories in Michigan in 1998 and 2003, which resulted in sweeping changes to state mandatory minimum drug laws and affected thousands of lives. Again, the sky didn't fall (see page 4).

We head into the end of this year armed with our history and with the opinion of Americans, the majority of whom agree with you and me. I'm counting on you to help us make our case to the new president, Congress and state legislators across the nation – the time for sentencing reform is NOW! And now is the time to make a donation during our matching grant campaign. Your dollars will go twice as far toward sentencing reform victory!

Staff changes



Deborah Fleischaker

joins FAMM as director of state legislative affairs.

Deborah was the director of the American Bar Association's Death Penalty Moratorium Implementation Project from 2001 to 2008. Her work on death penalty issues included three years as an adjunct professor at the University of Maryland School of Law in Baltimore.

Deborah's experience also includes managing a Congressional campaign and working as an associate at the law firm of Brown, Goldstein & Levy LLP. Welcome Deborah!

FAMM also bids farewell to **Samuel Withers**, an intern at our D.C. office this summer. We appreciate his contributions to our federal legislative program.



Since 1991

Mission: FAMM is the national voice for fair and proportionate sentencing laws. We shine a light on the human face of sentencing, advocate for state and federal sentencing reform, and mobilize thousands of individuals and families whose lives are adversely affected by unjust sentences.

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Vice president and general counsel

Jennifer Seltzer Stitt
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Deborah Fleischaker
State legislative affairs director

Angelyn Frazer
Deputy director of state legislative affairs

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Massachusetts project director

Laura Sager
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Joseph J. Greer
New Jersey project director

Andrea Strong
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New FAMM report shows mandatory minimum reform is possible

DID YOU KNOW that in 1970, Congress enacted a bipartisan repeal of all but one of the mandatory minimum drug sentences created by the Boggs Act of 1951 and the Narcotics Control Act of 1956? Or that every member of Congress who voted for the repeal was reelected, except one who lost for a different reason?

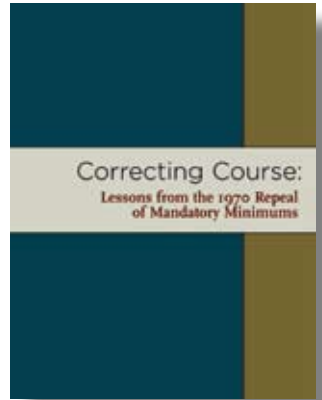
These fascinating historical lessons make FAMM's important new report, *Correcting Course: Lessons from the 1970 Repeal of Mandatory Minimums*, essential reading for members of Congress and anyone interested in effective sentencing policy.

Written by Molly Gill, FAMM's staff attorney and special projects director, *Correcting Course* details how Congress created mandatory prison sentences for drug offenders by passing the Boggs Act in 1951. These sentences were on the books for 20 years, but failed to stop drug abuse, addiction, and trafficking. In 1970, Congress issued a bipartisan repeal of the mandatory sentences because they didn't work.

In the 1980s, the emergence of crack cocaine and a media frenzy around the drug-related deaths of several prominent athletes, including basketball star Len Bias, led Congress to pass new mandatory minimum drug sentences.

Correcting Course describes how these mandatory minimums have failed just as badly as the laws passed in the 1950s – drug trafficking and drug abuse continue, and mandatory minimums have created soaring prison costs, devastating racial disparities and immeasurable hardship for prisoners and their families.

Repealing the current mandatory minimums is possible – Congress did it in 1970 and can do it again. The report concludes with recommendations on how Congress can correct course and reform mandatory sentencing laws once and for all.



Read the full report at www.famm.org.



COMMUNICATING WITH FAMM



FAMM switched to a new telephone system on September 17, and some staff members' numbers have changed. Here's how to reach us by telephone:

FAMM headquarters and staff in D.C.:

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Andrea Strong, director of member services:

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Barbara Dougan, Massachusetts project director:

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Joseph Greer, New Jersey project director:

(609) 716-7706

FAMM's offices do not accept collect calls.

Writing FAMM. Business correspondence, profile forms and general information inquiries should be sent to FAMM's office in Washington, D.C. Andrea Strong, FAMM's member services director, answers emails sent to famm@famm.org.

Donations. All donations should be sent to FAMM's office in Washington, D.C. Secure online donations can be made at www.famm.org.

Consider becoming a monthly donor! Your secure donation will be automatically charged to your credit card each month – and you'll find it an easy way to support FAMM. Monthly giving also saves us time, banking fees, paper and postage by cutting down on future mailings and reminders we send our supporters. Sign up at www.famm.org, mail us your donation information, or call the FAMM office today to set up your recurring gift plan. Donations to FAMM Foundation are tax deductible.

Legal cases. We cannot offer you legal representation or advice. Please do not send us your legal work unless we request it.

Profiles. FAMM collects information on people serving mandatory minimum sentences for public education purposes. See the case summary form on pages 17–18.

Contact us!

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MICHIGAN VICTORIES IMPACT THO



KAREN SHOOK

- **Sentenced to 20 to 40 years for one count each of conspiracy to deliver and delivery of 50-224 grams of cocaine**
- **Served over 10 years**
- **Released in 2003 thanks to FAMM-sponsored reforms**

In 1994, Karen was a paralegal in her prison library when she read the *FAMMGram*. "As soon as I read about FAMM I sent my case in," she says. "I realized I wasn't going anywhere under the current law." Karen's family attended FAMM lobby days and spoke to the media about Karen's story.

When Karen learned that the sentencing reforms were enacted, she was "flabbergasted." "I wouldn't believe it was true until I got the paperwork saying I could go home."

Since her release in 2003, Karen has married and become a grandmother. Karen, who successfully overcame drug addiction, now joins the FAMM effort to help others left behind. She asks lawmakers to divert money to rehabilitation rather than incarceration: "Programs help people reenter society. People go back and use [drugs] because they don't have the support systems or programs they need."

IN 1996, FAMM launched an ambitious legislative reform effort targeting Michigan's mandatory minimum drug laws, then the harshest in the nation. Led by Laura Sager, FAMM's Michigan project director and a team of dedicated volunteers and family members, this effort resulted in some of FAMM's greatest sentencing victories. Sweeping reforms of Michigan's mandatory minimum drug penalty structure were enacted in 1998 and 2003. Thousands of lives were affected – hundreds of prisoners became eligible for earlier parole.

Now after 12 years of progress in Michigan, we take a look at how we won the reforms and our continuing work for sentencing justice. We also highlight the stories of some of the people who are leading productive lives outside prison as a result of FAMM's work.

1998: 650 lifer law reform

Michigan's "650 lifer law" required life without parole for delivery and conspiracy of offenses involving over 650 grams of heroin or cocaine. More than 200 individuals had been sentenced under the draconian law with no hope of ever leaving prison.



JEDONNA YOUNG

- **Sentenced to life without parole**
- **Served over 21 years**
- **Paroled in 1999 thanks to FAMM-sponsored reforms**

JeDonna, a young mother with no prior convictions, was one of the first to be sentenced to life without parole under Michigan's notorious "650 lifer law." JeDonna did not despair – she concentrated on earning her bachelor's degree and became one of the best known "Faces of FAMM" illustrating the need for reform.

When JeDonna heard the 1998 reforms had passed the legislature, she couldn't believe it. "I had been fighting this for so long and gotten my hopes up so many times," she explains. "I thought, when I get to the other side of the fence I'll know it's happened." The day JeDonna walked out of prison she was interviewed by Dan Rather for 60 Minutes II.

Released almost a decade ago, JeDonna has earned her Master's degree in social work, devoting herself to at-risk school children. She did not forget those left behind, working first as FAMM's Midwest Coordinator and currently as FAMM's Detroit coordinator.

"Mandatory minimum drug laws have a devastating impact on society," JeDonna says. "When women and men go to prison, their families, their children are affected for a very long time. The effects of long prison sentences just don't go away."

FAMM chipped away at the resistance to mandatory sentencing reform, built a broad-based coalition and generated bipartisan support among lawmakers. William Milliken, the former Republican governor who signed the drug laws in 1978, played a critical role by supporting the reform movement.

Our incarcerated members helped FAMM humanize the sentencing issue by letting us share their stories with lawmakers and the media. Family members worked tirelessly on behalf of their loved ones by lobbying, writing and calling lawmakers.

The FAMM-supported lifer law reforms passed overwhelmingly, with huge majorities on both sides of the aisle voting to change one of the oldest and toughest mandatory minimums in the nation. We won both parole eligibility for 650 lifers sentenced before 1998 and eliminated the mandatory life without parole penalty, giving judges more discretion.

In January 1999, FAMM celebrated this historic victory when JeDonna Young, one of the first people convicted under the 650 lifer law in 1978, became the first person paroled under the new law.

USANDS OF LIVES



**JIM
DIVIETRI**

- Sentenced to 20 to 30 years for delivery of 225-649 grams of cocaine
- Served over 11½ years
- Paroled in 2003 thanks to FAMM-sponsored reforms

Bert DiVetri refused to believe his son Jim, a first-time offender, would spend 20 years behind bars, so the father-son team began fighting for justice.

"I coordinated things on the inside and my father made them happen on the outside,"

Jim says. In addition to earning his Bachelor's

degree, Jim wrote letters to his four sons every week. Bert was one of FAMM's most active members, lobbying, writing letters and speaking out on his son's behalf. Now Jim joins others in advocating for continuing reforms. "In Michigan," Jim told a huge crowd at FAMM's 2003 victory party, prisoners spell hope "F-A-M-M."

Jim now has a successful career as a mortgage broker, but his biggest joy is family. Jim's sons, who were seven, five, two and six months old when he was incarcerated, are now young men. Jim is also caring for his biggest advocate, Bert, who has leukemia.



**ANGELITA
ABLE**

- Sentenced to 20 to 60 years on one count each of delivery and conspiracy to deliver 225-629 grams of cocaine
- Served over 10 years
- 2003 reforms led to resentencing

Angelita and other women incarcerated for drug offenses wrote lawmakers about reform and also arranged for FAMM volunteers to meet with their group in prison. Although she did not immediately benefit from the 2003 reforms, Angelita wrote the court and explained that her case should be reconsidered. The court agreed, and she was resentenced to 6 to 30 years and paroled in 2007.

Angelita is now home with her three daughters, working as an office manager and pursuing a Master's degree in engineering. She has met with Michigan lawmakers about violence prevention in Detroit and continues to speak about her prison experience, encouraging lawmakers to make sentencing more nuanced. Says Angelita, "Don't just look at the crime. Look at why the crime happened and...how it could be prevented. Give people a second chance."

2003: More sweeping sentencing changes

FAMM then took aim at Michigan's entire mandatory minimum drug sentencing structure. Over 1,200 people were serving decades under mandatory sentences for offenses involving under 650 grams of heroin or cocaine. Possession or delivery charges were routinely paired with conspiracy charges, doubling already harsh sentences. In addition, the lowest-level drug offenders were sentenced to serve lifetime probation.

FAMM brought together a broad coalition to support comprehensive sentencing reform, including the Prosecuting Attorneys Association of Michigan, the Michigan Association of Drug Court Professionals, treatment providers, civil rights groups, civic groups, the Criminal Defense Attorneys of Michigan and other legal and professional organizations.

Bill sponsors and cosponsors convinced their colleagues to support the bills. Once again our members in prison shared their stories. Fam-

lies wrote, called, and lobbied their legislators throughout the campaign.

In December 2002, the legislature passed and Republican Governor John Engler signed legislation that repealed almost all of the drug mandatory minimums, changed lifetime probation to a five-year probationary period, reformed mandatory consecutive sentencing laws and implemented new sentencing guidelines. The *Detroit Free Press* estimated that the reforms would save Michigan \$41 million.

Hundreds of individuals were immediately paroled. Many became eligible for parole decades sooner, including Karen Shook, who was one of the first to go home early.

2008: The work continues

In 2008, FAMM is working to repeal the remaining drug mandatory minimums, address technical language issues, remove some barriers to parole for 650 lifers, and provide additional early parole eligibility for those still serving harsh sentences after the 2003 reforms. FAMM will again be urging family members to lobby their lawmakers this fall. **fg**

Thanks to the team

We owe an immense debt of gratitude to Tom Burkert and volunteer legal advisors Martin Reisig, Barbara Levine and Margaret Raben and to lobbyists Jean Doss, Noah Smith, and Larry Julian. Many hundreds of others contributed their time and support. We especially thank our bill sponsors and former Governors John Engler and William Milliken.



Election countdown

THIS YEAR, A NEW president is being elected, and either John McCain or Barack Obama will help shape the next four to eight years of sentencing policy. FAMM can't tell you how to vote – by law we must stay out of political campaigns – but we can encourage you to exercise your right to vote (if you have it) and get to the polls on Tuesday, November 4.

Learning about the candidates' views on mandatory sentencing laws and other issues will help you decide who to support. Read about the candidates' positions on their websites and in the media, call or write their campaigns for informa-



What do John McCain (top) and Barack Obama think about mandatory minimum sentences?

New legislation addresses unwarranted disparity in the criminal justice system

FOUR SENATE HEAVYWEIGHTS are championing new legislation to study and remedy racial and ethnic disparities in the federal criminal justice system. Senator Joseph R. Biden, Jr. (D-Del.), chairman of the Senate Judiciary Subcommittee on Crime and Drugs, together with Senators Arlen Specter (R-Penn.), Benjamin L. Cardin (D-Md.) and John F. Kerry (D-Mass.) introduced the Justice Integrity Act (S. 3245) on July 10. Rep. Steve Cohen (D-Tenn.) introduced companion legislation in the House.

The legislation would require the Attorney General to establish a pilot program in 10 U.S. districts to gather racial and ethnic data on investigations and prosecu-

tion or ask the candidate a question about sentencing reform during a town hall meeting.

Platforms provide a clue on priorities

You can also learn what to expect from each candidate if elected by looking at the candidate's national party platform. As part of the national convention process, Democratic and Republican parties adopt party platforms, documents that lay out their priorities and vision on various social, political and economic issues. Platforms are a way of telling voters what they can reasonably expect should one party take power.

The Democratic national platform is largely silent on mandatory minimums, but the Republican national platform explicitly calls for limits on judicial discretion. The platform places an emphasis on mandatory sentencing provisions for gang conspiracy crimes, violent or sexual offenses against children, and rape and assaults resulting in bodily injury.

Both the Democratic and Republican parties address drug addiction and abuse, calling for strengthened drug education and prevention programs to avoid addiction. The Republican platform endorses state and local initiatives to curb drug abuse and divert first-time offenders to rehabilitation. The Democratic platform calls for expanded use of drug courts and rehabilitation programs for first-time, nonviolent drug offenders.

tions and study the extent to which perception of bias affects confidence in the criminal justice system. The findings of the program will be used to create recommendations to reduce unwarranted disparities and increase confidence in the criminal justice system.

In a statement introducing the legislation, Biden said, "Nowhere is the guarantee of equal protection more important than in our criminal justice system. The reality is that despite the best efforts and intentions of policymakers, racial and ethnic disparities continue to plague our justice system. We need to step up our efforts in order to root these disparities out."

For more information on the Justice Integrity Act, visit www.famm.org.

Webb chairs hearing on drug policy

AS PART OF HIS EFFORT to address what he perceives to be a broken drug policy and the mass incarceration that it has spawned, freshman Senator Jim Webb (D-Va.) convened on June 1 a Joint Economic Committee hearing that addressed overincarceration. The hearing, “Illegal Drugs: Economic Impact, Societal Costs, Policy Responses,” coincided with the 22nd anniversary of Len Bias’ death, which was a catalyst for the enactment of federal mandatory minimum drug laws in 1986.

In his opening statement, Webb questioned the efficacy of our nation’s reliance on incarceration, noting, “When you have [the largest] percentage of the world’s prison population, you have to come to one of two conclusions. Either we have the most evil people in the world, or we are doing something wrong with the way that we handle our criminal justice system. And I choose to believe the latter.” According to Webb, drug policy is to blame for failing to curb illegal drug use while devastating minority communities and extracting enormous economic and social costs.

Rep. Bobby Scott (D-Va.) echoed Webb’s criticism, saying, “[Congress] can do what has been proven to reduce crime, utilizing cost-effective programs that prevent crime, or we can play Washington politics and pursue the emotional approach – mandatory minimum sentences, three strikes and you’re out, life without parole, more death penalties and cut out the appeals.”

Also attending the hearing were Rep. Maurice Hinchey (D-N.Y.) and Sen. Amy Klobuchar (D-Minn.). The committee heard testimony from four experts: Anne Swern, First Assistant District Attorney, Kings County, Brooklyn, NY; Norma Fernandes, Community Coordinator, Kings County District Attorney; Peter Reuter, Dept. of Criminology, University of Maryland; and John Walsh, Senior Associate, Washington Office on Latin America.

FAMM is working with Sen. Webb’s office to make sure mandatory minimum sentencing reform is high on his list of topics to explore as he considers the problem of overincarceration.



Sen. Jim Webb (D-Va.)

To read more from the hearing, visit the Joint Economic Committee website (www.jec.senate.gov).

Crack retroactivity takes effect

ON MARCH 3, federal prisoners could officially seek the retroactive application of sentencing guideline amendments for crack cocaine. (See *FAMM Gram*, Winter 2007.) The United States Sentencing Commission estimated that approximately 19,500 people would be eligible to seek the reduction, which was expected to average 27 months. The Sentencing Commission has released figures showing the impact of retroactivity during the first five months.

Number of petitions for retroactivity: 10,707

- Granted: 8,147 (76.1 percent)
- Denied: 2,560 (23.9 percent)

Geographical distribution

- Most cases: Fourth Circuit, with 2,548 (1,912 granted, 636 denied)
- Fewest cases: D.C. Circuit, with 128 cases (120 granted, 8 denied), followed closely by the Ninth Circuit, with 248 cases (222 granted, 26 denied)

Years covered: Every year from 1989 (23 grants, 3 denials) to 2008 (56 granted, 66 denials)

Degree of decrease:

- Average decrease: 17.3 percent or 23 months (from 133 months to 110 months)

Reasons for denial include, among others:

- Case did not involve crack cocaine: 294 cases or 10.5 percent of all denials
- Defendant sentenced to mandatory minimum: 717 or 25.6 percent of all denials
- Career offender or armed career criminal: 567 or 20.2 percent
- Protection of the public: 72 or 2.6 percent

The Sentencing Commission stresses that these relatively early figures may be misleading, especially regarding denials, because different districts are handling contested motions for sentence reduction in different ways. In some courts, contested motions had not been decided.

110th Congress comes to an end

Following a month-long summer recess, Congress returned to work in early September. They set a target adjournment date of September 26, but may return for a lame duck session after the November elections.

Many positive sentencing reform bills are unlikely to become law before the end of the year. Those bills that do not pass Congress and are not signed into law by the President must be re-introduced and receive a new bill number, in order to be considered by the new 111th Congress when it begins in January 2009. FAMM will follow developments closely and report on the status of the bills we have followed this Congress on our website and in the next *FAMM Gram*.

U.S. Sentencing Commission may prioritize alternatives to incarceration, new mandatory minimum study

THE U.S. SENTENCING COMMISSION has shown new interest in alternatives to incarceration. The Commission's proposed priorities for the 2009 sentencing guidelines include consideration of alternative punishments, continuation of work on crack cocaine sentencing laws, and, at FAMM's urging, a possible study on federal mandatory minimum penalties.

Each year, FAMM submits recommendations to the Sentencing Commission, asking them to address the most pressing sentencing guideline issues of the time. This time we requested that the Commission update

its 1991 report on mandatory minimum sentencing; expand the safety valve; reform the relevant conduct standard; expand the sentencing table zones, and apply the 2007 guideline adjustment for crack cocaine to all substance-based offenses. FAMM will also continue to push for those issues that were not adopted by USSC in 2008. To read FAMM's letter to the Commission and public comment on the 2009 guideline priorities, please visit www.famm.org.

Visit www.usc.gov to read about the 2009 guideline priorities.

To see the full report, visit www.usc.gov.



Commission sponsors alternatives symposium

THE 2009 GUIDELINE PRIORITIES were announced following a major symposium on alternatives to incarceration hosted by the Sentencing Commission on July 14 and 15. "The Symposium on Crime and Punishment: Alternatives to Incarceration"

focused on various sentencing options available within the federal and state systems, including the use of sentencing alternatives in combination with and/or in lieu of imprisonment. Panels also looked at reentry, and the collateral consequences of a conviction.

Presenters included federal judges, key congressional staff, professors, corrections and alternative sentencing practitioners, federal prosecutors, public defenders,

and prison officials. The Commission is expected to publish papers from the proceedings on its website, www.usc.gov, in the near future.

FAMM is continuing to urge the Commission to consider alternatives to incarceration that are consistent with the Sentencing Reform Act of 1994 (SRA). The SRA instructed the Commission to "insure that the guidelines reflect the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant is a first offender who has not been convicted of a crime of violence or otherwise serious offense..."

Sadly, many such people receive guideline sentences whose length is grossly out of proportion to their culpability. Adopting alternatives to incarceration can not only bring sentences more in line with the SRA's mandate, it can begin to change the very culture of the federal sentencing guidelines. **FG**

Massachusetts

A first step toward mandatory minimum reform

Massachusetts lawmakers took a step toward meaningful sentencing reform on July 23, when the joint Judiciary Committee filed H. 5004, a major criminal justice bill that included limited reform of mandatory minimum drug sentencing laws. While no action was taken on the bill before the legislative session ended on July 31, FAMM is already building on new opportunities for reform provided by the bill's introduction.

H.5004 would have made important changes to the state's drug-free school zone law by reducing the size of a school zone from 1,000 feet to 100 feet. For first-time school zone offenders, the bill would have eliminated the mandatory minimum sentence and reduced the maximum penalty from 15 years to two years. In addition, H. 5004 offered relief for prisoners who are currently serving mandatory drug sentences, making them eligible for work release programs.

During the 2007-2008 session, FAMM also supported Sen. Cynthia Creem's bill, S. 884, which would have allowed prisoners serving mandatory minimum drug sentences to apply for parole after serving two-thirds of their sentence.

While H. 5004 cannot be carried over to the 2009-2010 legislative session, it is significant that school zone reform was offered this year. Massachusetts FAMM is already proposing and building support for legislation for the next session that includes school zone and mandatory minimum reforms.

New report shows harm caused by Massachusetts' school zone law

Massachusetts' drug-free school zone law not only fails to live up to its promise of protecting children, it lengthens by years the sentences of people who live in urban areas, according to a newly released study.

The Prison Policy Initiative released *The Geography of Punishment: How Huge Sentencing Enhancement Zones Harm Communities, Fail to Protect Children*, on July 31. The report analyzed the impact of the state's school zone law, which imposes a two-year mandatory minimum

sentence for drug sales within 1,000 feet of a school or daycare center. A series of creative photos illustrates the absurdity of 1,000 foot buffers, graphically supporting the report's finding that the 1,000 foot drug-free zones are so large and difficult to identify that drug offenders do not realize they are within them. As a result, the zones do not drive drug activity away from children.

Instead, the law creates an "urban effect" where city dwellers are punished more harshly than suburban or rural residents who commit the same offense. The report found that people of color and the poor are more likely to live in cities and are more frequently charged with school zone violations and incarcerated for longer periods of time than white drug defendants.

FAMM worked with the report's authors to distribute it to key lawmakers, drug policy activists and civic organizations. For a copy of *The Geography of Punishment*, go to www.prisonpolicy.org/zones.

FAMM members speak out at governor's town hall meetings

During the summer, Governor Deval Patrick held a series of town hall meetings across Massachusetts to hear from the public on issues of concern. Massachusetts FAMM director Barb Dougan contacted members to tell them about the opportunity to help them prepare for the events. FAMM members responded, going to the meetings to state their views on mandatory sentencing reform.

At the Holyoke meeting, Elena Acevedo told Governor Patrick about her son's 10-year sentence for a first time nonviolent drug offense, noting, "He was treated like a kingpin even though he couldn't afford a lawyer." The governor agreed that mandatory minimums do not work as intended. At the Rehoboth meeting, Susan Dickens asked the governor about more cost-effective ways to deal with nonviolent drug crimes, given current incarceration costs of over \$48,000 a year. Governor Patrick said he favored more focus on treatment and rehabilitation.

FAMM thanks our members for helping to educate both the public and the Patrick Administration about mandatory minimum drug sentences.



Gov. Deval Patrick

For more information on the Massachusetts FAMM campaign, contact Barbara Dougan at (617) 543-0878, bdougan@famm.org, or write P.O. Box 57, Newton, MA 02468.

New Jersey

Drug-free school zone reform bill passes Assembly



Rep. Bonnie Watson Coleman, sponsor of the drug-free school zone reform bill, with some of her youngest constituents.

On June 23, the New Jersey Assembly overwhelmingly approved a bill that would give courts discretion to waive the mandatory minimum when sentencing drug-free school zone defendants. The bill's passage is the latest signal that the New Jersey legislature is serious about reforming the costly and ineffective drug-free school zone mandatory minimums.

A-2762, sponsored by Assembly Majority Leader Bonnie Watson Coleman (D-Mercer) and Assemblyman Gordon M. Johnson (D-Bergen), passed by a vote of 50 to 26, with three abstentions.

A-2762 would allow courts to consider whether to waive or impose the mandatory minimum sentence on drug-free school zone defendants, based on the extent and seriousness of the defendant's criminal record, the location of the offense in relation to school property and the possibility of exposing children to drug activity. (See *FAMMGram*, Summer 2008 for more information on the bill or visit www.famm.org.)

Member calls, emails made a difference

FAMM and its members were instrumental in convincing the Assembly to pass A-2762. FAMM members supported the effort by telephoning and sending emails to their Assembly members urging the bill's passage. Joseph Greer, NJ FAMM campaign director, also testified in support of A-2762 on May 22 before the Assembly Law and Public Safety Committee. Greer told lawmakers that, "Allowing the courts to exercise discretion when sentencing defendants under the drug-free school zone statute could save the state millions in corrections costs and reduce the human and fiscal waste of mandatory minimum drug sentences."

On to the Senate

The New Jersey Senate is expected to consider the companion bill to A-2762, S-1886, in the fall. We are confident that with your help, the New Jersey Senate will join the Assembly in passing this legislation and send it to Governor Jon Corzine for his approval.

For more information on the New Jersey FAMM campaign, contact Joseph Greer at (609) 577-9520; email jgreer@famm.org or write P.O. Box 699, Plainsboro, N.J., 08536.

California

California voters can speak on November 4 to support drug treatment

California voters will decide whether to support an expansion of the state's successful drug treatment diversion program on November 4. The Nonviolent Offender Rehabilitation Act of 2008 (NORA), would provide drug treatment diversion for adults; prison system and parole reforms and investment in youth programs. In addition, NORA earmarks \$385 million annually for treatment and probation supervision for nonviolent drug offenders.

Further information about NORA is available from the Campaign for New Drug Policies on their website, www.NORAYes.com, or by calling (213) 382-6400 or emailing nora@drugpolicy.org.



Florida

Homeless group shelters justice agenda

Florida's newly established Alternatives to Incarceration Council (ATIC) is a project of the Coalition to End Homelessness. ATIC has a broad reform agenda that includes, among other things, eliminating harsh mandatory minimum sentences for drug offenses. Deborah Fleischaker, FAMM's new state legislative affairs director and Angelyn Frazer, FAMM's deputy director of state legislative affairs attended a meeting hosted by ATIC.

A number of FAMM members also attended the meeting at the urging of long-time FAMM member, Ruth Kelly. For more information on ATIC, visit their website, www.help4homeless.org or call (954) 792-4000.



(Clockwise from l to r): Angelyn Frazer, Lois DeBuono, Ruth Kelly, Fran Arnold, Barbara De Reuil and Deborah Fleischaker meet in Florida.

Iowa

State takes step to address racial disparity

Iowa passed racial impact study legislation this spring, becoming the first state in the nation to do so. Sponsored by Rep. Wayne Ford and signed by Governor Chet Culver, the legislation aims to develop steps to curtail Iowa's racial disparity in prison. According to the Sentencing Project, Iowa incarcerates black people at a rate 13 times higher than it incarcerates white people. This disparity is more than double the national average.

Other states and Congress are following Iowa's lead. Wisconsin Governor Jim Doyle issued an executive order in May supporting the creation of a Racial Disparities Oversight Commission, and Governor M. Jodi Rell of Connecticut signed legislation in June requiring examination of the racial and ethnic impact of new criminal sentencing laws prior to passage.

In July, Senator Joseph R. Biden, Jr. (D-Del.), chairman of the Senate Judiciary Subcommittee on Crime and Drugs, and Senators Arlen Specter (R-Penn.), Benjamin L. Cardin (D-Md.) and John F. Kerry (D-Mass.) introduced the Justice Integrity Act (S. 3245), which seeks to establish a pilot program in 10 federal court districts to study the degree to which race and ethnicity influence justice. (Read more about the Justice Integrity Act on p. 6).

Oregon

Mandatory minimums on ballot again

Oregon voters will confront two new sentencing measures on the ballot this fall. Kevin Mannix, a former gubernatorial candidate and long-time supporter of mandatory sentencing laws, is sponsoring Measure 61 to create mandatory minimum terms for drug and property crimes. If passed, it would restrict the court's ability to sentence low-level offenders to drug treatment or other punishment. Taxpayers would also foot the bill for building an estimated three to four new prisons needed to house 4,000 to 6,400 new prisoners by 2011.

The Oregon legislature introduced Measure 57, a separate ballot measure in an attempt to avoid the worst mandatory minimum provisions in the Mannix

measure. Although the legislature's ballot measure does not include new mandatory minimums and emphasizes the need to expand access to drug treatment, it does include sentencing enhancements and long prison sentences for people who are convicted of dealing or manufacturing large quantities of drugs.

The Partnership for Safety and Justice has been leading the charge to inform Oregon residents about both measures. The Partnership can be contacted at (503) 335-8449 or www.safetyandjustice.org.

Rhode Island

Governor vetoes sentencing reform a second time

Legislation that would repeal mandatory minimum sentences for nonviolent drug offenses in Rhode Island was vetoed for the second year in a row by Governor Donald Carcieri (R).

Current state controlled substances laws impose mandatory minimum sentences of 10 years for individuals convicted of possession, sale, or manufacture of one to five kilograms of marijuana or one ounce to one kilogram of cocaine or heroin. A 20-year mandatory minimum sentence is required for individuals convicted of possession, sale, or manufacture of more than five kilograms of marijuana or more than one kilogram of cocaine or heroin.

Governor Carcieri vetoed the legislation only a few days before the legislature left for the summer and no immediate efforts to override the veto were initiated, despite the best efforts of advocates like Direct Action for Rights and Equality (DARE). It is possible that the legislature still could attempt to override the veto sometime after the primary elections on September 9 and before the 2009 legislative session begins on January 6. DARE intends to keep pressure on the legislature to reform Rhode Island's unjust mandatory sentencing laws. For more information or to become involved, contact DARE at DARE@ids.net or (401) 351-6960. **FG**



Gov. Carcieri opposes mandatory sentencing reform in Rhode Island.

Steps for filing your commutation petition

In our last issue we told you how to find outside advocates to support your commutation effort. Now we explain how to begin publicizing and getting media attention for your case – even before you file your commutation application.

FIRST STEP TELL YOUR STORY

Create a “publicity tool” to inform others about your effort. It could be a flyer, website, blog, MySpace or Facebook page, pamphlet, or business cards supporters can hand out. It should include your outside advocates’ contact information, a color photo of you, and a brief description of you, your case, and why you deserve a commutation.

SECOND STEP PREPARE A MEDIA STRATEGY

Before reaching out to the media, make sure you know how to tell your story simply, clearly, and honestly (reporters will check the facts and find out if you were dishonest).

DECIDE HOW TO “PITCH” OR SHARE YOUR STORY. Be ready to give the media an interesting explanation of your case that shows why your case is:

- Unusual, sympathetic, or compelling (is your sentence extraordinarily long? Have you shown extraordinary rehabilitation?)
- Meaningful to this community (are you the small-town athlete who made the mistake of getting involved in drugs? Have you or your family served your community?)
- Newsworthy (how does your story relate to what is going on right now in the news?)

START WITH WHO YOU KNOW. Does anyone you know have contacts with reporters? They can help you pitch your story.

GO LOCAL. It’s hard to get large media outlets like the New York Times or CBS News interested, so start with local media (i.e., your community newspaper, church newsletter, local high school newspapers, local radio shows.)

SUBMIT A PROFILE FORM TO FAMM (available online at www.famm.org/Repository/Files/case%20summary.pdf).

THIRD STEP TELLING YOUR STORY

SEND YOUR PUBLICITY TOOL to members of the media that you and your outside advocates know in your area. Follow up with phone calls. If a member of the media is interested in your case, try to set up a meeting between your outside advocate and the person writing or producing the story.

AT THE MEETING, ASK QUESTIONS:

- What is their “angle” – what do they want to accomplish by telling your story?
- Who is their audience?
- How long or in-depth will the story be?
- Who will they interview?
- Do they have concerns or reservations about you? For example, do they find you sympathetic or think that you got what you deserved?
- What kinds of documents will they need (PSR, sentencing transcripts, etc.)?
- When will the story will be aired or published?

RESPOND QUICKLY TO REQUESTS FOR INFORMATION. Most reporters are under tight deadlines.

PREPARE OUTSIDE ADVOCATES TO SPEAK ON YOUR BEHALF. Reporters might not be allowed into prison to interview you or might not be able to arrange an interview before their deadlines.

FOURTH STEP WHAT TO EXPECT

Media attention has pros and cons. Be prepared for the possibility that:

- Your case may not receive any coverage. The news is always changing, so your story may get pushed aside because a bigger story comes up.
- Coverage you do get could be negative.

This article is the second in a four-part series on how to apply and raise support for a clemency petition. Look for part three in the winter *FAMMGram*.

Case challenges good-time calculations

A NEW CASE IN THE NINTH CIRCUIT, *Tablada v. Thomas*, 533 F.3d 800 (2008), is yet another example of the creativity of the Oregon Federal Public Defender office in its ongoing work to challenge the way the federal Bureau of Prisons (BOP) calculates good time credit.

Under 18 U.S.C. § 3624(b), prisoners are entitled to a reduction of up to 54 days per year of their “term of imprisonment” for good behavior. To implement this law, the BOP created 28 C.F.R. § 523.20 and Program Statement 5880.28, rules which allow prisoners to receive good time only for time actually served in prison rather than based on the entire sentence the court imposed. These rules have the effect of reducing the maximum amount of good time prisoners should receive by seven days each year.

Ismael Tablada argued to the district court of Oregon that one of the BOP’s federal rules violated the Administrative Procedures Act (APA), which requires government agencies to articulate a rational basis for the regulations they make. The district court found that earlier circuit decisions prevented it from considering the APA challenge because they determined that the BOP’s method of calculating good time was reasonable.

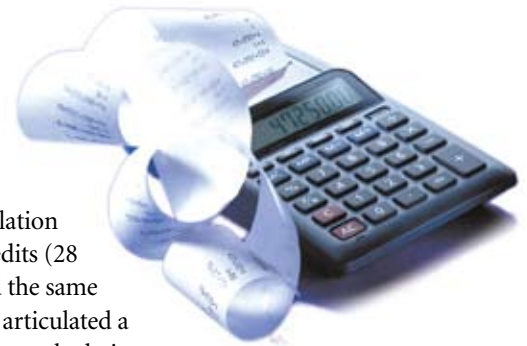
Tablada then appealed to the Ninth Circuit Court of Appeals. While the case was pending, the court ruled on *Arrington v. Daniels*, 516 F.3d 1106 (2008). That case addressed a different challenged regulation, the one that categorically excludes prisoners who participate in the Residential Drug Abuse Program (RDAP) from receiving a sentence reduction if their conviction involved a firearm. (See *FAMM Gram*, Summer 2008, p. 10.) The Ninth Circuit had ruled in *Arrington* that the challenged RDAP regulation was invalid because the BOP had not articulated a reason for the exclusion.

Following that decision, the BOP conceded that the adoption of federal regulation governing good time credits (28 C.F.R. § 523.20) suffered the same defect: the BOP had not articulated a rationale for the good time calculation.

The Ninth Circuit then took the unusual move of fashioning a remedy that neither party had raised. The court ruled that a BOP Program Statement, 5880.28 (which is virtually identical to the C.F.R. regulation and was created years earlier) was still valid under the APA. BOP Program Statements are “interpretative rules” that can be created without any notice to or comment from the public. Program statements are valid as long as they are “reasonable and persuasive.”

The Ninth Circuit Court of Appeals found that PS 5880.28 passed this test. The court held that it’s method of calculating good time was a reasonable reading of the good time statute. This calculation method is the one the BOP has been using consistently since 1987, said the court, and “[t]o change course now would have an extremely disruptive effect on the BOP’s administration of the release of federal prisoners.”

As of this writing, the lawyer who brought the case, federal public defender Steve Sady, has filed a request for a rehearing *en banc* by the entire Ninth Circuit Court of Appeals. It asks the larger court of appeals to review the decision of the three judge panel that ruled in the case. FAMM will have updates on our website as the case continues.



New U.S. Supreme Court term begins

ON OCTOBER 1, 2008, the 2008-2009 term of the U.S. Supreme Court begins. The highest court in the land will begin deciding which cases it will hear and decide over the next nine months. Important criminal law and sentencing cases are sure to be on the agenda. Check www.famm.org for updates as the term unfolds.

The following federal and state cases represent FAMM's "profiles of injustice." As you read, ask yourself if justice is being served by the sentences these individuals received.

Melvina Smith

JURISDICTION: Michigan

OFFENSE: Possession with intent to deliver 650 or more grams of cocaine; Conspiracy to deliver over 650 grams; Possession with intent to deliver marijuana and conspiracy to deliver marijuana

PRIORS: None

YEAR OF BIRTH: 1943

YEAR OF SENTENCING: 1993



Melvina Smith (second from right) and members of her family on visiting day.

MELVINA WAS BORN in a small Mississippi town into a large family. At age 13, she was sexually assaulted, became pregnant, and dropped out of high school. Two years later, Melvina and her child moved to Michigan, where she married a man she later divorced due to physical abuse. Prior to her arrest, Melvina held a steady job at the now defunct Checker Motors factory, where she had been employed for 20 years.

In January of 1993, Melvina agreed to drive two friends, one of whom was transporting cocaine, from Florida back to Michigan. They were driving through Kalamazoo when an officer pulled Melvina's car over, citing no license plate light and weaving within the lane. After a series of questions, the officer began searching Melvina's vehicle while the three women

waited in the back of his patrol car. Melvina's friend pulled out some of the drugs that were taped to her body and attempted to pass them to Melvina, who panicked and threw the drugs under the patrol car seat. The officer found the drugs, as well as 1,248.82 grams of crack and 400 grams of marijuana taped to the friend's body. Melvina immediately admitted that she knew her friend was carrying drugs and that she was taking her to a motel room to meet with someone who would sell the drugs in Michigan. The three women were arrested and taken to jail.

Since her incarceration, Melvina has completed a variety of courses, including applied health sciences, where she learned to care for AIDS patients. She earned her GED and completed substance abuse programs. Melvina has also been certified as an audio-visual technician and has received exemplary work reports from her supervisors, who value her as an "excellent worker, highly respected by staff and peers." Unfortunately, Melvina is in her mid-sixties and her health is declining quickly. She currently suffers from heart disease and spinal disc degeneration. Melvina has already served 15 years in prison.

What sentence do you think Melvina should have received?

Melvina was held accountable for all of the crack cocaine and marijuana found on her friend and was sentenced to two consecutive mandatory life sentences. Her friend, who had over a kilogram of cocaine and just less than a pound of marijuana taped to her body, has already been released from prison. The second passenger was not charged in this incident.

Marty Sax

OFFENSE: Conspiracy to distribute marijuana; two counts of money laundering

PRIORS: None

YEAR OF BIRTH: 1949

YEAR OF SENTENCING: 1993

AFTER GRADUATING from high school in Illinois, Marty served in the Vietnam War where he earned a Purple Heart Medal, among many other honors, for his brave and selfless acts. Marty was first introduced to marijuana in the high-stress atmosphere of Vietnam. Although Marty completed his military service successfully, he left the war with a rapidly growing addiction to marijuana.

In the early 1980s, Marty became a middleman in a marijuana distribution ring. He received money for storing marijuana in a home he owned in Arizona from Illinois distributors who would pick the drugs up. Marty was involved in the conspiracy until 1984, when he withdrew from its activities and focused on building his real estate business. In 1992, Marty was charged and convicted for his previous actions and sent to prison, leaving behind his wife and one-year old son.

While in prison, Marty has overcome his substance abuse issues and completed many courses and programs, including the Residential Drug Abuse Program. Among other accomplishments, Marty has organized a parenting class where incarcerated fathers can maintain connections with their children, participated in a program where he spoke to at-risk youth about the realities of prison, and volunteered as a companion to prisoners on suicide watch. Marty has also maintained an exemplary discipline record during the entirety of his incarceration.



Marty and his son.

What sentence do you think Marty should have received?

Marty was sentenced to 22 years in prison. Marty's sentencing judge stated that, had he been given the discretion to do so, he would have given Marty 10-12 years as sufficient punishment for his offense. Marty was also fined \$250,000, which he has paid to the government in full. Upon his release, Marty will return home to take care of his teenage son and ill father, and plans to resume work as a real estate and land developer. **FG**

Take FAMM's Arrington survey

The *Arrington* decision from the Ninth Circuit struck down the Bureau of Prison's categorical refusal to give the Residential Drug Abuse Program (RDAP) sentence reduction to those who were convicted of § 841 and § 922(g) offenses and had a gun (or gun enhancement) involved in their offense. *Arrington* is binding only in the Ninth Circuit.

FAMM is interested in how many of our members in federal prisons in *other* circuits (1) have been convicted of an offense under § 841 or § 922(g), (2) had a gun or gun enhancement involved in their case, and (3) have completed the RDAP but been denied a sentence reduction because they had a gun or a gun enhancement. If you're a federal prisoner meeting all of those criteria, take our survey:

1. In which circuit are you currently incarcerated? _____
2. Do you qualify to participate in the RDAP? (yes or no)
 - a. If so, have you completed it? (yes or no)
Date of completion: _____

- b. Have you been denied a sentence reduction? (yes or no)
 - c. If you were denied a reduction, was it because you had a gun or a gun enhancement? (yes or no)
4. If you've been denied a reduction for completing the RDAP because you had a gun or a gun enhancement,
 - a. Have you filed a cop-out to challenge that denial? (yes or no)
 - b. If yes, were you still denied a sentence reduction? (yes or no)
 - c. If yes, have you filed an action in court to get a sentence reduction for completing the RDAP? (yes or no)
Date filed: _____

Please note: FAMM cannot help you get a sentence reduction or find a lawyer. We will not answer responses to this survey with letters. Send your responses to: Molly Gill, FAMM Staff Attorney, 1612 K Street, N.W., Suite 700, Washington, D.C. 20006.

FAMM needs your story to advocate for change!

FAMM USES THE STORIES of people serving mandatory minimum sentences to show lawmakers, the public and the media how unjust these laws are. We call them our “profiles of injustice.”

FAMM is constantly seeking stories that can help us do that and often receives questions about how we select profiles of injustice. Here are some answers to frequently asked questions.



What is a “profile form” and what happens when I send it to FAMM?

A profile form is a two-page document (see pp. 17 and 18) that asks basic questions about a prisoner’s personal background, conviction and sentence. When a profile form is sent to FAMM, we read it and then contact people whose stories most clearly show the injustices of mandatory minimum sentencing laws. Before we can decide whether to use your story, FAMM will request from you copies of your key court documents and additional background information. Please be aware that FAMM is a small organization with a specific mission and we cannot create a profile of injustice for everyone.*

How long does it take to review my profile form?

We receive hundreds of profile forms each year, so it could take up to six months for yours to be read and reviewed. Please be patient if you have not heard from us. We will contact you, even if we cannot use your story, and return any original documents.

If I submit a profile form, will FAMM act as my attorney?

No, FAMM does not have lawyers on staff to represent individual cases.

Do I need to be innocent of the charges?

No, FAMM does not focus on cases of wrongful conviction. Above all, FAMM values honesty and asks that you please be upfront about the facts of your case.

What information is contained in a finished “profile of injustice”?

It typically includes information on the conviction, prior criminal record, biographical facts, sentence calculation, and a photo of the prisoner with their family. We review finished profiles of injustice with the prisoner, who must approve it before it is used publicly. For examples of how we use profiles of injustice, see pp. 14-15.

What is FAMM looking for?

FAMM is currently seeking the stories of people who are:

- Serving mandatory minimum sentences for nonviolent drug offenses or federal gun possession offenses under federal laws 18 U.S.C. 924(c), 924(e) or ACCA.
- Serving mandatory minimum sentences for nonviolent drug offenses and/or “school zone” offenses in these states: Florida, Massachusetts, New Jersey and Pennsylvania.
- First-time or low-level offenders who had a minor role in the offense.
- People with no more than one or two minor prior convictions (no violent offenses).
- Not claiming innocence – the person accepts responsibility for their role in the offense.

Help us put a face on sentencing injustice

If you or someone you love is serving a mandatory minimum for any of the nonviolent offenses listed above, please complete and return a profile form to FAMM. As our thanks, we will add you to our mailing list and send you the *FAMMGram*, our quarterly newsletter.

**FAMM cannot guarantee media coverage nor can we use every profile form we receive. This does not mean that we don’t value your information. Our needs for stories change from time to time and we may be able to use yours in the future. FG*



FAMM PROFILE FORM

DISCLAIMER: Families Against Mandatory Minimums (FAMM) does not provide legal representation, research, referrals, or advice. We cannot help you get a sentence reduction. What we can do is tell the stories of people affected by unjust sentencing laws. This form gives us information about your story so we can consider it for a potential FAMM profile. FAMM profiles are used to educate lawmakers, the media and the general public about the injustice of mandatory sentencing. Filling out this form does not mean that FAMM will profile your case or that you will receive media attention. Please answer all questions honestly. Write "don't know" if you do not know an answer.

We are currently seeking people who fit most or all of the following criteria:

- Current conviction is for a state or federal nonviolent drug offense, or a gun possession offense under federal laws 18 U.S.C. § 924(c) or § 924(e) (ACCA).
- No or few (one or two) prior convictions, none of which involved crimes of violence (e.g., assault, murder, robbery, rape, sex offenses).
- Nonviolent drug offenders and/or those convicted of a school zone or other drug free/protected zone offense, especially those from the following states: Massachusetts, New Jersey, Florida, Virginia and Pennsylvania.
- Those who accept responsibility/admit guilt for their drug, gun or zone offense (we cannot profile prisoners who claim innocence).

PLEASE NOTE: We receive many profile forms. It could take up to six months to respond to you.

CONTACT INFORMATION

Name _____ Date of birth _____
 Prison ID# _____ Prison _____ Federal prison _____ State prison _____
 Address _____
 City _____ State _____ ZIP _____
 Email _____
 Citizenship: U.S.citizen Naturalized citizen Green card holder Visa holder Other
 Country of citizenship, if not U.S. _____

INFORMATION ABOUT CURRENT CONVICTION

List all charges you are currently incarcerated for _____
 Court _____ County (if known) _____
 Date sentenced _____ Length of sentence (in years) _____
 Estimated release date _____ Did you receive a mandatory minimum? yes no
 Do you have an appeal/post-conviction motion pending in court? yes no
 Were you convicted for a school zone or other drug free/protected zone offense? yes no
 Type(s) of drug(s) involved _____ Weapons involved _____
 Your role in the offense (check all that apply) Mule/courier Driver Importer Exporter Supplier
 Cook/manufacturer/grower Street-level seller/dealer Provided safe house/drug storage facility User
 Leader/Organizer Managed/supervised others Sold drugs to supply drug habit
 Other _____
 Was a confidential informant involved? yes no At time of your arrest, were drugs found? yes no
 Did your codefendants/coconspirators get shorter sentences than you? yes no

SENTENCING FOR CURRENT CONVICTION

At sentencing, did the judge say he/she wished he/she didn't have to give you such a long sentence? yes no _____
 If yes, summarize the statement _____

Did the judge give you a shorter sentence than the one required by law and/or the sentencing guidelines? ___ yes ___ no

Do you know why? _____

INFORMATION ABOUT PRIOR CONVICTIONS

Number of priors you have ___ 1-2 ___ 3-4 ___ 5 or more ___ Zero; this is my first conviction.

Prior offenses (list all, including dates they occurred) _____

Are you sentenced as an habitual/three strikes offender? ___ yes ___ no

PERSONAL INFORMATION

Number of children _____ Ages _____

Distance from prisoner, in miles _____ Who supports the family? _____

Who cares for children? _____ List any health problems _____

Did you have a substance abuse problem at the time of your offense? ___yes ___no Have you received treatment in prison? ___yes ___no

List classes/degrees you have completed in prison _____

I feel my current conviction was the result of my relationship with a drug user/dealer ___yes ___no

If yes, nature of that relationship _____

OUTSIDE CONTACTS

Lawyer/Public Defender _____

Phone _____

Email _____

When is the last time you communicated with your lawyer? _____

Other outside contact _____

May we contact them to learn more about your case? ___yes ___no

Relation to prisoner _____

Address _____

City, State, ZIP _____

Phone _____

Fax _____

Email _____

CHECK IF DOCUMENTS ARE AVAILABLE:

___ Presentence report (PSR or PSI)

___ Sentencing transcripts

___ Photo

___ Complaint/indictment

___ Criminal history report

___ Police reports

___ News clippings

PERSONAL STATEMENT On a separate sheet, please write a 1-2 page account of what happened to you, along with any other information you'd like us to know about you or consider.

RELEASE FORM

By signing below, I hereby release Families Against Mandatory Minimums, Families Against Mandatory Minimums Foundation, its employees, officers, and agents, and any and all third parties from any liability whatsoever, from any cause and for any reason, in connection with the release, dissemination, use, and publication of statements and information about me and the crimes for which I have been charged or convicted.

Signature _____ Date _____



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Conferences raise sentencing awareness

SEVERAL CONFERENCES this summer provided FAMM staff members with important opportunities to raise awareness about mandatory sentencing laws and FAMM's reform efforts.

The 99th Annual NAACP convention, Cincinnati, Ohio. In July, **Angelyn Frazer** participated in a workshop attended by over 200 people. The workshop explored various aspects of incarceration and reentry. Many people expressed interest in working with FAMM on a local level to bring attention to mandatory minimums.

The National Organization of Women (NOW) conference, Bethesda, Md. **Karen Garrison**, **Angelyn Frazer** and **Jasmine Tyler**, deputy director of National Affairs for the Drug Policy Alliance, spoke at a NOW workshop in July, providing perspectives on how incarceration affects women.



Karen Garrison, Angelyn Frazer and Jasmine Tyler speak at NOW conference.

The 35th Annual National Association of Blacks in Criminal Justice conference, Orlando, Fla. **Karen Garrison** gave a presentation on capitalizing on crack cocaine sentencing reform successes and showed videos featuring three federal prisoners, including **Karen's** twin sons, **Lawrence** and **Lamont Garrison** and **Hamedah Hasan**, who are all serving harsh mandatory minimum sentences for drug conspiracies. The audience also contributed personal stories, prison encounters, and questions.

Breaking the Chains conference, Baltimore, Maryland. In June, **Karen Garrison** and **Angelyn Frazer** joined activists, lawyers, and law enforcement professionals to discuss drug treatment and harm reduction, education, employment, family stabilization and public safety.

Immigrant Advocacy meeting, Miami, Florida.

In August, **Angelyn Frazer** participated in a gathering cosponsored by the Applied Research Center and the Florida Immigrant Advocacy Center (FIAC), a Miami-based nonprofit legal assistance organization for immigrants. The meeting was held to explore organizing and advocacy work and was attended by organizers, lawyers, researchers and public officials who work on the issues of deportation and detention, incarceration, and child welfare.



Angelyn Frazer (front) with attendees from the Immigrant Advocacy meeting in Miami.

Other outreach opportunities

- **Joseph Greer** attended the launch of the Second Chance Campaign of New Jersey at Rutgers Law School in Newark, New Jersey on June 18. The New Jersey Institute for Social Justice (NJISJ) sponsored this event to kick off its campaign to promote the successful reintegration of formerly incarcerated people into communities upon their release.
- **Angelyn Frazer** and **Molly Gill** gave a presentation on mandatory minimum sentences to students at Cesar Chavez Charter School in Washington D.C. in July.
- **Barbara Dougan** was a keynote panelist for the annual meeting banquet dinner of the New England Area Conference of the NAACP, held in Bedford, Massachusetts on September 27.

Are you interested in having a FAMM speaker address an organization you are involved in, or do you want to become active in FAMM? Contact **Andrea Strong**, FAMM member services director, at (859) 586-6863 or famm@famm.org for more information.

Now through December your donations are worth twice as much!

Thanks to you, FAMM received a record number of donations during last year's matching fundraising drive. This year we're setting the bar even higher with the goal of raising \$225,000 from our members from October 1st through December 31st – all of which will be matched by two very supportive FAMM donors.

FAMM achieved remarkable sentencing reform victories in 2008 because of your help. The new year promises to bring incredible new opportunities for legislative change. We are excited about our work in Congress and the states to finally turn the tide on mandatory minimum sentences.

We can't do it without your help, so please give as generously as you can between now and the end of the year. Please encourage your family and friends to also contribute during our 2008 matching quarter.

Every gift will be matched dollar for dollar!

Please send your donation in the enclosed envelope or give securely online at www.famm.org. Thank you for your continued support.



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email famm@famm.org ■ www.famm.org

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