

May 16, 2008

The Honorable Richard W. Roberts
United States District Judge
333 Constitution Avenue, NW
Washington, DC 20001

Dear Judge Roberts:

I write because I recently saw a press release from the US Attorney's Office which states that Gregory Bell and Joseph Jones were sentenced to 16 years and 15 years, respectively, "for their roles in this case". It also states that Antwan Ball, Desmond Thurston, and David Wilson "each face up to 40 years imprisonment for the narcotics crimes for which they were convicted."

Can this be true? We as a jury found these individuals guilty of somewhere around 20 instances of selling drugs, but as I remember it, most of these were very small amounts. And this was over a period of nearly 10 years. Now I'm not a lawyer, but after 30 years of living in the District, I believe people selling small amounts of crack on the street usually end up with probation or only a year or two in prison if they have a previous offense.

The District Attorney's press release states that "The government presented evidence that [these individuals] were members of a crew that had engaged in a series of crimes, including crack cocaine dealing, armed robbery, attempted murder, and murder...for over a decade". I don't feel that statement is accurate. There was really no evidence presented at all that these individuals operated as a "crew" which is why we, the jury, found them not guilty of the conspiracy and racketeering charges. Sure, they knew one another but most people do who grow up in the same community. Every government witness without exception spoke of how contested a market it was and how the defendants often competed vigorously with one another for sales. And in the end, we have six defendants guilty of about 20 drug charges over a 10-year period. Ten years.

As you remember, Judge Roberts, we spent 8 months listening to the evidence, filling countless court-supplied notebooks, making summaries of those notes, and even creating card catalogues to keep track of all the witnesses and their statements. We deliberated for over 2 months, 4 days a week, 8 hours a day. We went over everything in detail. If any of our fellow jurors had a doubt, a question, an idea, or just wanted something repeated, we all stopped and made time. Conspiracy? A crew? With the evidence the prosecutor presented, not one among us could see it. Racketeering? We dismissed that even more quickly. No conspiracy shown but more importantly, where was the money? No big bank accounts. Mostly old cars. Small apartments or living with relatives.

It seems to me a tragedy that one is asked to serve on a jury, serves, but then finds their work may not be given the credit it deserves. We, the jury, all took our charge seriously. We virtually gave up our private lives to devote our time to the cause of justice, and it is a very noble cause as you know, sir. We looked across the table at one another in respect and in sympathy. We listened, we thought, we argued, we got mad and left the room, we broke, we rested that charge until tomorrow, we went on. Eventually, through every hour-long tape of a single drug sale, hundreds of pages of transcripts, ballistics evidence, and photos, we delivered to you our verdicts.

What does it say to our contribution as jurors when we see our verdicts, in my personal view, not given their proper weight. It appears to me that these defendants are being sentenced not on the charges for which they have been found guilty but on the charges for which the District Attorney's office would have liked them to have been found guilty. Had they shown us hard evidence, that might have been the outcome, but that was not the case. That is how you instructed your jury in this case to perform and for good reason.

So now these individuals who were found guilty of selling drugs face a total of 151 years in prison. At \$23,000 per year (Office of US Courts estimate) the total cost to taxpayers is just under \$3.5 million. And that is on top of the \$1 million the trial cost (my rough estimate). What do we as taxpayers get for that?

I'm sure we all agree that these men sold drugs and did so from a very early age. But they are older now, almost middle-aged. Many people testifying on their behalf noted most had real jobs, families of their own, and had left the drug trade. One had moved to North Carolina with his family and worked in a steel mill two years before he was even arrested. Another is involved in community service to encourage District youth to stop selling drugs and find jobs and he has received widespread recognition for doing so.

At \$23,000 a year for each of them, I would think we could find some better way to keep these people from again

selling drugs and let them return to their community and become a force for change. I hope you can find a way to make that happen, Judge Roberts. Please feel free to share this with anyone who might assist you in this process. I will share this information with my fellow jurors in case they would like to offer their own opinions.

My best wishes to you and your staff over the upcoming summer, and thank you.

Sincerely,

(Juror #6),