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Dear White House Counsel:

On behalf of the National Association of Criminal Defense Lawyers, we advocate for immediate commutation of sentences, compassionate release, and second chances for persons convicted of non-violent marijuana offenses. The continued prosecution of marijuana crimes continues to cause irreparable harm on real people and their families. Men and women languish in federal prisons across this country for conduct today that has been legalized in many states and under statutes that have been rewritten to reflect the evolving landscape in the field of marijuana. We have chosen to highlight just a few clients, out of many, that deserve the President's serious consideration in receiving presidential clemency, and what he has extolled as what every American deserves, and that is, a second chance.

Kerry Lynn Collier, a 53-year-old grandfather, was sentenced to 20 years' incarceration for a non-violent marijuana crime – Conspiracy to Possess with Intent to Distribute Between 1,000 and 3,000 kgs of marijuana, pursuant to 21 U.S.C. § 841(b)(1)(A). He has served eleven years in prison. He was sentenced to an extra decade in prison based on a sentencing enhancement that would not apply to him today, because his simple possession conviction no longer qualifies as a predicate offense. His more culpable co-defendant was released almost three years ago. Mr. Collier was not alleged to be a leader or organizer of the offense; there were no allegations of violence or gang activity; and his criminal history is made up of non-violent drug crimes. Mr. Collier has been a model inmate, working towards his GED and taking twenty-five classes to further his personal and professional development. In his decade of incarceration, he has only received one disciplinary charge for handling a cell phone.

Matthew Stevens pled guilty to one count of aiding and abetting his co-defendants in knowingly possessing with the intent to distribute marijuana in violation of 21 U.S.C. §§ 841(a)(1) and 846, with no guns or violence attached to the offense. He was sentenced to 108 months' incarceration. Mr. Stevens was a hero on the day of the Boston Marathon bombing on April 15, 2013. He not only ran towards the blast but attempted to save a man's life by creating a tourniquet with his own shirt to stop the man's bleeding. He stayed with two gravely injured men until emergency workers arrived and then led women and their children to safety. Mr. Stevens had only three very minor prior convictions, none of them violent – one for a marijuana offense from 2011 and one for driving under the influence (when he was just 21 years old), and one for resisting an officer without violence and possession of drug paraphernalia from 2013 (when he was 23 years old). Mr. Stevens



was released under the CARES Act more than a year ago, but his release from incarceration date is May 17, 2026.

In 2017, David Lopez received a 24-year sentence for a non-violent marijuana conviction. Mr. Lopez was a zero-point offender, in that he received zero criminal history points when he was sentenced. Mr. Lopez has been recognized as a model inmate by BOP staff in that he has provided nine (9) letters of support from BOP officers attesting to his upstanding character. This support by BOP staff is extremely rare and speaks volumes regarding Mr. Lopez and his rehabilitation. Mr. Lopez is one of two inmates responsible for the orientation of new inmates when they come to the facility. Mr. Lopez is 63 years old, and his health has precipitously declined since his incarceration, and he has several serious medical issues that affect his day-to-day life in prison. He has a loving wife and three daughters, and one daughter is a cancer survivor and still being monitored for a return of the cancer.

Levon Williams pled guilty to a non-violent marijuana offense with no guns or other drugs attached to the case. Mr. Williams has been in custody for more than 8 years, and he is now almost 45 years old. Before sentencing, the government filed a notice under 21 U.S.C. § 851, alleging that Mr. Williams had a prior felony drug conviction. The enhancement increased Mr. Williams's statutory sentence from 5 to 40 years to 10 years to Life. Mr. Williams would receive a lower sentence today because pursuant to federal case law he would longer be a career offender if he was sentenced today. Mr. Williams is currently serving an aggregate 292 months, or 24.3-year sentence, based on a then-recommended guidelines range of 292 to 365 months. However, if he were sentenced today Mr. Williams' guidelines range would be 110 to 137 months, and his statutory mandatory minimum sentence would be 120 months.

We hope that you will consider these clients, and the 26 other of our clients who are incarcerated for marijuana offenses and whose clemency petitions are pending before President Biden, in granting them clemency, and a second chance.

Sincerely,

/s/ Lisa M. Wayne
Executive Director

Elizabeth Budnitz
Resource Counsel