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Newsroom

Zlotnick on Mandatory Sentencing

Professor David Zlotnick on the plight of inmates sentenced to life without parole for non-violent crimes under mandatory sentencing, pre-Booker.

From the HUFFINGTON POST: "[Sentenced To Life In Prison For A Nonviolent Crime](#)" by Saki Knafo

- For a Jan. 13 article on mandatory sentencing, also featuring Professor Zlotnick, click [here](#).



Jan. 22, 2014: ... [In] the landmark case *United States v. Booker* in 2005 [...] the Supreme Court struck down the provision of the sentencing law requiring judges to follow the guidelines. It's hard to know exactly how many federal inmates besides Walker are still serving life sentences issued under the original law. A spokesman for the federal Bureau of Prisons said the agency didn't have the answer.

Marc Mauer, director of the Sentencing Project, a group that fights for prison reform, says he believes that most of the 4,000 federal inmates who are serving life without parole fall into that category. "We have 18 years from the time the sentencing guidelines went into effect in 1987 until *Booker*, and then nine years of post-*Booker* sentencing," he pointed out. "I think it suggests that a substantial proportion of the 4,000 cases were sentenced under the more rigid sentencing structure."



Advocates for prisoners say they find it hard to imagine that either Congress or the Supreme Court, as they are currently composed, will require the government to apply the *Booker* decision retroactively. "No politician wants to sign a law that sets 3,000 drug dealers out of prison," said **David Zlotnick, a former assistant U.S. attorney and an expert on drug sentencing policy at Roger Williams University School of Law.** According to Zlotnick, the best hope for this generation of prisoners rests with the president, who recently commuted the sentences of eight drug offenders, six of whom had been sentenced to life. Advocates hope he'll commute many more by the end of his presidency. "If Obama shows some leadership here," said Zlotnick, "perhaps some people in Congress would feel that they could take some steps toward the systemic change that would help more of these people."

Walker is especially worthy of a second chance, **says Zlotnick**. “He would not have gotten this sentence today if he had been charged with the exact same crime,” he said, “and he has, in my view, rehabilitated himself.”

A former federal prosecutor, Zlotnick first learned about Walker’s case in 2002 [...]

For full story, click [here](#).