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## Newsroom: Zlotnick on Sentencing for Crack Cocaine Convictions

Roger Williams University School of Law

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# Newsroom

## Zlotnick on Sentencing for Crack Cocaine Convictions

Professor David Zlotnick says a new 1st Circuit ruling highlights a collision between harsh federal sentencing guidelines and judges who disagree with them.

Professor David Zlotnick is quoted in the June 7, 2010, edition of [Rhode Island Lawyers Weekly](#), in an article titled, "Panel allows resentencing for crack cocaine convictions":

BOSTON, June 3, 2010: U.S. District Court judges could resentence two defendants based on a retroactive 2007 adjustment to the crack cocaine guidelines, the 1st U.S. Circuit Court of Appeals has ruled. [...]

The case exemplifies a collision of two issues: harsh federal sentencing guidelines and judges who disagree with the guidelines, said David Zlotnick, a law professor and associate dean of academic affairs at Roger Williams University School of Law in Bristol.

“The bottom line here is that many judges across the political spectrum believe federal sentences are too high, particularly for certain non-violent crimes,” Zlotnick said. “The two areas in which this shows up the most are crack cocaine offenses and these career offender guidelines.”

While federal sentencing guidelines for crack offenses have become more lenient, the guidelines for career offenders have not.

“Really minor felonies count as strikes. If you’re a drug addict and you sell a little to keep up with your habit, you get three strikes pretty quickly,” Zlotnick said. “Some judges don’t like this rule either.”

So they opt for the lesser of two sentences and use the crack guideline, rather than the career offender guideline, to punish a defendant, Zlotnick said.

“In this case, both of these defendants are facing crack cocaine offenses and qualify as career offenders,” he said. “But these judges want to make these crack cases, not career offender cases. They want to be less draconian and treat these guys under the crack guidelines and not the career offender guidelines.

“This case could have gone either way,” he said. “These cases are word puzzles. They puzzled their way through it to make it a crack case.”

**For full story:** <http://rilawyersweekly.com/blog/2010/06/03/panel-allows-resentencing-for...>