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Newsroom

Horwitz on Mandatory Minimum Sentences

Prosecutors hope longer prison terms will help deter drug dealers. But Professor Andy Horwitz explains why mandatory minimum sentences don't work.

From WRNI, Rhode Island's NPR: ["Can Murder Charges For Selling Drugs Stop Overdose Deaths?"](#) by

Kristin Gourlay



February 18, 2015: A Providence man has pleaded

not guilty to a murder charge for selling the illicit drug fentanyl - a potent painkiller sometimes laced in heroin - that led to a woman's overdose death. It's the first time Rhode Island prosecutors have brought murder charges in connection with an overdose death. But the trend is taking hold nationwide.

More and more prosecutors across the nation are hoping the prospect of a 20 year prison sentence will be a deterrent to drug dealers. **But according to Roger Williams University law school professor Andy Horwitz, mandatory minimum sentences don't work.**

"They've had very little impact on society in a way that's positive, they've had a lot of impact in a way that's negative," **said Horwitz**, "destroying lots of lives, marginalizing large segments of our population."

Plus, **said Horwitz**, levying this kind of charge sets a bad precedent.

"In a fact pattern in which somebody voluntarily ingests a drug they know to be dangerous, we're sort of ignoring our basic concept of free will," **Horwitz said**. "We're making one person responsible for the behavior of others in a way we don't generally do." [...]