

# United States Senate

Washington, DC 20510-1304

December 14, 2015

President Barack Obama  
The White House  
Washington, D.C. 20500

Dear Mr. President:

I write in support of Alton Mills' petition for commutation of his sentence. This is only the second time that I have written to you regarding a clemency request, and I do so because I am convinced that Mr. Mills' case deserves your consideration.

Mr. Mills has served 22 years of a mandatory life sentence for acting as a street-level courier in a crack cocaine conspiracy. The conspiracy's leaders made thousands of dollars per week between 1991 and 1993, while Mr. Mills was paid \$300 per week for his part. At his 1994 sentencing, the federal prosecutor conceded that "the thrust of the evidence against [Mr. Mills] was that [he] did whatever [the drug ring leader] told him to do." Prior to his federal life sentence, Mr. Mills had never spent a day in prison. He received a mandatory life sentence only because the prosecutor filed a notice pursuant to 21 U.S.C. § 851. As a result, Mr. Mills' two prior probation sentences for simple crack possession – involving less than 5 grams on each occasion – led to a mandatory lifetime of imprisonment. This sentence is particularly harsh because every person above Mr. Mills in the drug conspiracy – including multi-kilogram cocaine suppliers and three supervising leaders – will be released from prison by 2020. At the 1994 sentencing, U.S. District Court Judge Marvin Aspen said "if I were free to sentence [Mr. Mills] ... it would be for something other than life." Judge Aspen wrote the attached letter supporting commutation of Mr. Mills' sentence.

If Mr. Mills is released, a number of factors will assist with a successful reentry. Mr. Mills' parents are committed to supporting their son and have offered him space in their home in a safe neighborhood. Mr. Mills will also have the support of his now-adult daughter, Danielle Howell, who will complete her nursing degree in the spring of 2017. In the attached letter supporting her father's commutation petition, Ms. Howell says she wants her father to see her walk across the stage when she graduates from nursing school. She writes, "Even though I grew up without seeing my father, he has always been in my heart and is my biggest motivator."

Mr. Mills is now 46 years old, and studies demonstrate that ex-offenders "age-out" of crime and that recidivism rates decline dramatically with age. He has sought to better himself in prison, taking numerous classes and excelling in a variety of different work placements. In his 22 years of imprisonment, notwithstanding his life sentence, Mr. Mills has been involved in only two disciplinary incidents.

Importantly, Mr. Mills meets all of the factors for priority consideration under the Justice Department's clemency initiative. First, he would likely face a substantially lower sentence if convicted of the same offense today. Under current Justice Department policy, it is unlikely the United States Attorney would file an 851 life enhancement against Mr. Mills. If Mr. Mills had been sentenced under this policy, rather than a mandatory life sentence, he would likely be facing a sentence of 235 to 293 months in prison and would likely have already completed his term of incarceration. Additionally, Mr. Mills is a low-level, nonviolent offender who has no significant ties to large-scale criminal organizations, gangs, or cartels; he has served at least ten years of his prison sentence; he does not have a significant criminal history; he has demonstrated good conduct in prison; and he has no history of violence prior to or during his current term of imprisonment.

The federal criminal code states that a sentence should be sufficient, but not greater than necessary, to comply with the purposes of sentencing – including just punishment, adequate deterrence, protection of the public, and rehabilitation of the defendant. The purposes of Mr. Mills' incarceration have clearly been met.

I respectfully ask you to consider the circumstances of this case, including: the sentencing judge's views; the disproportionately harsh sentence Mr. Mills received compared to the relatively modest and nonviolent nature of his conduct and compared to the sentences imposed on every person above him in the drug conspiracy; the support of Mr. Mills' family; and Mr. Mills' steps toward rehabilitation. I sincerely hope that Mr. Mills will be released in time to see his daughter receive her nursing degree next year.

Thank you for your time and consideration of my request.

Sincerely,



Richard J. Durbin  
United States Senator

cc: The Honorable Sally Q. Yates, Deputy Attorney General, U.S. Department of Justice  
Deborah Leff, Pardon Attorney, U. S. Department of Justice

Attachments