
Hughes Hubbard & Reed

HHR Wins Early Release for Drug Offender Serving Life

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February 16, 2021 – Hughes Hubbard secured a victory in a First Step Act motion before a Virginia federal court, resulting in the immediate release of a federal inmate serving a life sentence for drug offenses.

Our client was sentenced to life in prison in 1992 after he was found guilty of (i) one count of conspiracy to distribute and possession with intent to distribute powder and crack cocaine and (ii) one count of distribution of crack cocaine. At sentencing, the client received several enhancements, including for leadership of the drug conspiracy, possession of a firearm and obstruction of justice.

On Dec. 18, 2020, U.S. District Judge Rebecca Beach Smith granted our client's motion for a reduced sentence under Section 404 of the First Step Act and reduced his sentence from life to 360 months followed by five years of supervised release. Accounting for the accumulation of good time, our client was released immediately from prison and was able to spend the holiday season with his family for the first time in 28 years.

Section 404 of the First Step Act of 2018 permits a court to impose a reduced sentence by retroactively applying the sentencing revisions of the Fair Sentencing Act of 2010 to certain covered offenses. The Fair Sentencing Act was passed in an attempt to reduce the sentencing disparities between powder cocaine and crack cocaine offenses that disproportionately affected defendants from marginalized communities. Once a defendant is deemed eligible under Section 404 of the First Step Act, courts have discretion to determine whether a reduced sentence should be granted.

In our client's motion for a reduced sentence filed in August 2020 and the subsequent reply filed in October 2020, HHR emphasized his remarkable post-sentencing rehabilitation--including his educational achievements, his mentorship work in prison and strong ties to his family and community. Despite strong opposition to the client's motion from the government, Judge Smith held that he was both eligible for, and deserving of, a reduced sentence.

Judge Smith acknowledged the seriousness of our client's offenses, but noted that he had displayed "commendable post-sentencing conduct and rehabilitation." In reducing his sentence, Judge Smith cited the numerous letters of support provided by prison employees testifying that he was a "model inmate"; she also highlighted the fact that he earned his GED and expressed remorse for his actions.

Laura Perkins, Tamara Kraljic, Samuel Salyer, Laura Vittet-Adamson and Katherine Taylor represented the client, with assistance from paralegal Maggie Feighery.

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