

"A Letter To Citizens of America: From Federal Prisoner #16047-016 - Damned to a Life Sentenced for Uncharged & Non-convicted Crimes "

Dear Citizens of American,

More than a year ago on CNN, I observed Supreme Court's nominee Brett Kavanaugh being questioned by the Senate Judiciary Committee for a nefarious accusation of sexual assault of Dr. Christine Blasey Ford; dating back 36 years ago when they were adolescences. Notwithstanding, the moot-factor that this heinous allegation is factual or not. I was galvanized by Judge Kavanaugh's vehement declaration of innocence and decry that his "U.S Constitutional Right" of "Due Process" was being violated; and even surprisingly, seeing President Donald Trump on a news segment echoing America's Constitutional Right and its tenet that every American Citizen is presumed with a character of innocence until proven guilty. Thus, Judge Kavanaugh's continued declaration of his right to "Due Process," along with the President's signature on the Criminal Reform Bill that endorsed Congress to enact the "First Step Act of 2018," and amended the "Fair Sentencing Act of 2010" that the Obama era had restricted; making the Act retroactively available to federal prisoners who were damned to "cruel and unusual" lengthy and buried alive life without parole sentences for nonviolent drug conviction, i.e., crack cocaine. This resonated a newfound hope for my plight for freedom ... until recently.

On August 6, 2019, the "First Step/Fair Sentencing Act" petition for my codefendant Eric Hicks and I (Antone White) were denied for a reduced sentence of life without parole for crack cocaine convictions by Chief Judge Beryl Howell of the U.S District Court for the District of Columbia based on the merits of uncharged and non-convicted crimes. (See: cr-93-0097, Chief Judge Beryl Howell's order, August 6, 2019.)

"The greatest dangers to the rule of law of the U.S Constitution are compliant, prosecutor-friendly judges, who wield their power and thwart their oath to uphold the U.S Constitution."

I have authored an article "Secret Courts in America Fuels Mass Incarceration - Not Actual Convictions of Criminals," therein I volume an unconstitutional practice that spanned for nearly 40 years by the courts that dubiously infringed on defendants' right to "due process" and "trial by jury," thus chronicling the resulted danger in not abiding by the rule of law.

In February of 1993, Eric Hicks and I were presented a 26-count superseded indictment as the leaders of the so-called First Street Crew, with 3 other codefendants. I was charged with 10 counts of the indictment:

- Conspiracy to Distribute Crack Cocaine of 50 grams or more.
- Continual Criminal Enterprise Conspiracy to Distribute 1.5 Kilograms of Crack Cocaine.
- Continual Criminal Enterprise Murder (of a police informer)
- First Degree Murder while Armed (same police informer)
- RICO Act
- 4 Unlawful Distribution of Crack Cocaine
- Use of a Firearm during a Crime of Violence and drug trafficking

After a 4-month trial by a jury I was convicted of 5 counts; namely the Conspiracy to Distribute Crack Cocaine of 50 grams or more, RICO Act and 3 Unlawful Distribution of Crack Cocaine. The jury could not reach a concession of the remaining counts and a mistrial was declared. Later, the courts dismissed the remaining 5 counts. However, even with the dismissed charges, the courts amassed an increased sentenced of "Life without Parole," predicated on the non-convicted offenses for murder and firearms counts. Furthermore, for the uncharged crimes not presented on my indictment of, obstruction of justice for the police informer, and a drug quantity of 21 kilograms of Crack Cocaine based on the estimation by the court from witnesses' testimonies, in slang terminology: "Ghost Drugs!" With the absence of these Ghost Drugs and uncharged

crimes being presented in an indictment, the jury was never given the opportunity to define these charges as factual. As a matter of fact, with this absence the trial judge instructed the jury: "that the government need not prove that the defendant distributed any particular numerical amount or weight of crack cocaine, but must prove beyond reasonable doubt for each count that the defendant distributed a detectable or measurable amount of crack."

Nonetheless, the total amount of crack cocaine sold by or seized in accord with my conviction was a few milligrams short of 57 grams.

One would think that to be charged, convicted, and sentenced to a virtual Life without Parole based on conduct for which the government tried, but failed to get a confirmation of guilt from the jury is a contradiction to the U.S Constitutional Protection.

True, the Supreme Court has long held that "elements of offenses that expose a defendant to a punishment greater than a defendant's statutory range must be submitted to a jury and proved beyond a reasonable doubt.

True, the Supreme Court decreed that only a jury, not a judge, may establish facts that increase the maximum penalty.

And, true, Congress has recognized that African and Hispanic Americans have been treated unfairly, and hence, the "First Step Act/Fair Sentencing Act" were structured to an unconstitutional wrong.

As stated by attorney, Ms. Joanna Munson Perales therein "First Step / Fair Sentencing Act" petition for Eric and I, "...it's inconceivable that when congress enacted the law, it intended for courts to infringe upon constitutionally protected liberty, and usurp power constitutionally forbidden it." Which the U.S Constitution, therein the 5th Amendment guarantees to protect, "No person shall be held to ANSWER for an infamous crime unless on a presentment or an

indictment of a Grand Jury...nor be deprived of LIFE, LIBERTY or PROPERTY without due process of law.

Are Ordinary Citizens of America exempt of the U.S Constitution? Eric Hicks and I are serving a life sentence for crimes that we were never found guilty of. Our sentences have been enhanced for crimes that were never presented on our indictment and submitted to a Jury. Consequently, a Jury was never given the opportunity to establish the factual nature of our uncharged crimes, creating a direct violation of the Supreme Court's decree that only a jury, NOT A JUDGE, may establish facts that increase the maximum penalty. To be deprived of our Constitutional rights exhibits a dereliction of duty by our elected leaders who are sworn to an oath to uphold the U.S Constitution.

By

Antone White