

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
PARKER COLEMAN’S PETITION FOR COMMUTATION OF SENTENCE**

**Parker Antron Coleman
Clemency Case File No. C283125**

**BOP Ref: 26110-058
CASE # 3:2010 CR-238**

Parker Coleman, a young African-American man, is currently serving a 60-year federal prison sentence for non-violent marijuana distribution—that is, *de facto* life imprisonment of a person of color for conduct now authorized under state laws across the nation and openly pursued as a business by the multi-billion dollar cannabis industry. Mr. Coleman’s sentence is not only a troubling example of racial and class disparities in federal drug enforcement, it’s excessive compared to the terms imposed in related cases or that would be imposed in state court today. His effective life sentence is also inconsistent with recent reforms in law and policy, as well as a sea change in public opinion, all of which point away from incarcerating people like Mr. Coleman for non-violent drug offenses and toward a non-punitive approach to marijuana. Despite the injustice of his sentence, Mr. Coleman has worked hard on rehabilitation and self-improvement. His successful record while incarcerated, along with a strong support network of family and friends, make Mr. Coleman an ideal candidate for clemency relief from an excessive and unjust sentence.

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Parker Antron Coleman

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SUMMARY

The following reasons compel a commutation of Parker Coleman's sentence:

Non-Violent Marijuana Offenses, Disproportionate Punishment, and Racial Justice. Mr. Coleman's offenses were non-violent and related to marijuana distribution, where no one was harmed—there were no victims of these crimes—and yet his 60-year prison term is an effective life sentence. The disproportionality between crime and punishment is unmistakable. His case is also indicative of the glaring racial and class disparities between those who violate federal law and go to prison (disproportionately men of color like Mr. Coleman) and those who are tolerated by federal law enforcement and make millions of dollars (like the mostly white cannabis industry).

Additional Disparities and Changes in Law and Policy. Mr. Coleman's *de facto* life imprisonment is clearly excessive compared to the sentences for other defendants in his case and in related federal indictments, and as compared to the sentence he would likely receive if prosecuted in state court today. Mr. Coleman's punishment is also inconsistent with changes in law and policy, including reforms to federal sentencing under the First Step Act and limitations on federal marijuana cases through prosecutorial guidelines and legislative spending restrictions. The latter limitations were themselves prompted by the ongoing transformation in state laws in favor of marijuana legalization and against imprisoning people like Mr. Coleman for non-violent drug crimes. Moreover, Mr. Coleman's sentence is in tension with the spirit (though not the letter) of the President's historic general pardon of federal offenses for simple marijuana possession.

Path to Reentry. Mr. Coleman has a clear path to reentry. He has embraced rehabilitation and can rely on a supportive family and others willing to facilitate his transition back into society. With significant job skills, work opportunities, and a developed support network of family and friends, Mr. Coleman is an excellent candidate for a grant of clemency.

CASE BACKGROUND

Parker Coleman is a 37-year-old African-American man currently serving a 60-year federal prison term for marijuana distribution and related offenses. He has been incarcerated since his arrest in 2010, when he was only 25 years old. After being indicted along with 20 other individuals, Mr. Coleman was convicted on the seven charged counts and sentenced to 60 years' imprisonment. Over a series of cases, nearly 70 defendants were charged as part of the same marijuana distribution scheme.

Prior to trial, the prosecution also filed notice that it was seeking a sentencing enhancement based on Mr. Coleman's 2006 state court conviction for marijuana possession. As it then existed, the sentence enhancement would ensure that Mr. Coleman served at least a 20-year federal prison term. The following chart summarizes the relevant charging and sentencing decisions:¹

¹ We do not discount the effect of supervised relief, fines, etc., as potentially arduous punishments—in fact, we hope the President will relieve Mr. Coleman of his sentence's requirement of 10 years of supervised release, which sure seems like piling on—but the focus here is, and must be, Mr. Coleman's imprisonment and the need for his release.

COUNT	FEDERAL CRIME	CODE SECTION	SENTENCE	CONSECUTIVE/ CONCURRENT
1	conspiracy to possess with intent to distribute 1,000 kilograms or more of marijuana	21 U.S.C. §§ 841(a)(1), (b)(1)(A) 21 U.S.C. § 846	360 months (30 years)	consecutive
2	conspiracy to commit money laundering	18 U.S.C. §§ 1956(a)(1)(A)(i), (a)(1)(B)(i) & (h)	240 months (20 years)	concurrent
3	possession with intent to distribute marijuana	21 U.S.C. §§ 841(a)(1), (b)(1)(D) 18 U.S.C. § 2	120 months (10 years)	concurrent
4	using and carrying firearms during and in furtherance of a drug trafficking crime (<i>i.e.</i> , possession with intent to distribute marijuana as charged in Count 3, and aiding and abetting the same)	18 U.S.C. § 924(c) 18 U.S.C. § 2	60 months (5 years)	consecutive
5	possession of a firearm by a convicted felon	18 U.S.C. § 922(g)(1)	120 months (10 years)	concurrent
6	using and carrying firearms during and in furtherance of a drug trafficking crime (<i>i.e.</i> , conspiracy to possess with intent to distribute marijuana as charged in Count 1, and aiding and abetting the same)	18 U.S.C. § 924(c) 18 U.S.C. § 2	300 months (25 years)	consecutive
7	possession of a firearm by a convicted felon	18 U.S.C. § 922(g)(1)	120 months (10 years)	concurrent

SENTENCING ENHANCEMENT	CODE SECTION	MINIMUM SENTENCE
applicable statutory minimum sentence increased for a drug offender previously convicted of a “felony drug offense”	21 U.S.C. §§ 841(b)(1)(A), (D) 21 U.S.C. § 851	20 years

Given the most recent numbers on life expectancy—71.5 years for African-American men who were 35 years old in 2020²—Mr. Coleman is likely to be dead by the time he would be eligible for release on February 21, 2062, when he would be over 76 years old. This doesn’t account for the health complications associated with incarceration,³ making it even less likely that Mr. Coleman would survive imprisonment. As of now, presidential clemency is not only the right thing to do as a matter of law and policy, it’s the only way to ensure Mr. Coleman won’t die serving his 60-year sentence

In the following, **Part I** examines the important changes in law and policy, as well as lingering sentencing problems, which impact Mr. Coleman’s case. **Part II** then discusses various issues of disparity—among cases, across jurisdictions, and along racial and class lines—that are evident in Mr. Coleman’s sentence. Finally, **Part III** reviews Mr. Coleman’s rehabilitative and self-improvement efforts while in prison, and the supportive path to reentry that awaits him upon release.

² See Elizabeth Arias & Jiaquan Xu, *United States Life Tables, 2020*, NAT’L VITAL STAT. REPS., Aug. 8, 2022, at 2 tbl. A [[link](#)].

³ Incarcerated populations show higher rates of mental illness, suicide, and infectious disease, including hepatitis B and C, tuberculosis, and HIV. Many chronic disorders—like hypertension, diabetes, asthma, and arthritis—are more common in prison populations than the general population. See, e.g., Seena Fazel & Jacques Baillargeon, *The Health of Prisoners*, 377 THE LANCET 956 (Mar. 12, 2011).

I. SENTENCING PROBLEMS AND REFORMS

Parker Coleman’s 60-year federal prison sentence for non-violent marijuana-related offenses is in tension with federal law as it currently exists and suffers from a number of problems endemic to federal drug prosecutions. The effective life sentence also flies in the face of changes in state law and public opinion, as well as the federal limits imposed by executive policies and legislative spending restrictions. Together, these changes suggest that Mr. Coleman’s sentence is unjust and warrants an act of presidential clemency.

A. THE FIRST STEP ACT

Much of Mr. Coleman’s sentence was the result an earlier version of 18 U.S.C. § 924(c), a notorious statute carrying harsh mandatory sentences. At the time of Mr. Coleman’s sentencing, § 924(c) provided a mandatory 5-year sentence for possessing a firearm during a drug transaction and a 25-year sentence for each subsequent transaction. Multiple charges could be brought under § 924(c) in one case, and the mandatory sentences each had to be served one after the other (*i.e.*, consecutively) rather than at the same time (*i.e.*, concurrently). In practice, this ruthless sentencing device has had a disproportionate impact on people of color, particularly young Black men like Parker Coleman.⁴

At trial, the prosecution sought a sentencing enhancement under federal law—specifically, a substantive provision (21 U.S.C. § 841(b)(1)(A)(vii)) and a procedural statute (21 U.S.C. § 851), which are herein referred to collectively as “§ 851”—based on his current federal conviction and a previous state conviction. Under § 851 as it then existed, an individual like Mr. Coleman convicted of a federal drug offense requiring at least a decade in prison would have their mandatory minimum sentence doubled to at least 20 years’ imprisonment if they had a prior felony drug conviction.⁵ In Mr. Coleman’s case, the prior conviction was his guilty plea in Mississippi state court to simple possession of more than 5 kilograms of marijuana,⁶ which was classified under state law as a felony and contained no exceptions at the time.

In 2018, the First Step Act amended both § 924(c) and § 851.⁷ The harshest aspect of count-stacking under § 924(c)—the 25-year mandatory sentences for additional § 924(c) violations—was

⁴ See, e.g., U.S. SENT’G COMM’N, QUICK FACTS: 18 U.S.C. § 924(c) FIREARMS OFFENSES, FY 2021 (June 2022) [\[link\]](#) (of those defendants sentenced pursuant to § 924(c) in fiscal year 2021: “51.2% were Black, 24.0% were Hispanic, 21.8% were White, and 3.0% were Other races”; “96.3% of section 924(c) offenders were men”; and “[t]heir average age was 33 years”).

⁵ See 21 U.S.C. § 841(a)(1), (b)(1)(A)(vii) (2010, pre-FSA version); 21 U.S.C. § 802(44) (defining “felony drug offense”).

⁶ In 2018, a district court reviewing Mr. Coleman’s habeas petition considered the claim that he was ineligible for an enhanced sentence because his prior conviction was for simple possession of marijuana and not drug distribution, for instance, or even possession with intent to distribute. The district court rejected this claim:

The Government filed a § 851 notice of intent to seek a sentencing enhancement based on a Mississippi conviction for marijuana possession. The criminal disposition and sentencing orders attached to the § 851 notice reveal that Petitioner pled guilty to “Possession of marijuana (6.7 kilos)” in violation of Mississippi Code § 41-29-139. A violation of § 41-29-139 involving possession of more than five kilograms of marijuana is a felony under Mississippi law. Petitioner was sentenced to 10 years’ imprisonment, one year of which was to be served with credit for time served, the remaining nine years were suspended, and he was placed on five years of probation. Petitioner’s Mississippi drug conviction was therefore punishable by more than one year in prison and supported the sentence enhancement pursuant to §§ 841 and 851.

Coleman v. United States, Nos. 3:10-cr-00238-RJC-DSC-1 & 3:16-cv-00181-RJC, 2018 WL 5315216, at *18 (W.D.N.C. Oct. 26, 2018). In a footnote, the district court acknowledged that “[i]t appears that the conviction was for simple possession rather than possession with intent to sell as stated in the [federal pre-sentencing report]. This apparent error is irrelevant, however, because both offenses are felonies under Mississippi law.” *Id.* at *18 n.12. See also *id.* at *18 (citing Mississippi state cases as holding simple possession of more than 30 grams of marijuana is a felony, so long as the defendant knowingly possessed the drugs).

⁷ Pub. L. No. 115-391, 132 Stat. 5194 (Dec. 21, 2018) (codified as amended in scattered sections of 18, 21, 34, and 42 U.S.C.).

converted into an anti-recidivist provision that now requires a defendant to have a previous § 924(c) conviction in a separate case. If today’s version had been in effect at the time of Mr. Coleman’s sentencing, his second conviction under § 924(c) would have required a 5-year sentence rather than the 25-year sentence he received. Likewise, the First Step Act revised the sentencing enhancement available under § 851. Where the law’s former version could enhance Mr. Coleman’s minimum sentence to at least 20 years’ imprisonment, the current version of § 851 carries a reduced 15-year mandatory sentence for a “serious drug felony.”⁸ If he were convicted and sentenced today, Mr. Coleman would have been exposed to a sentencing enhancement carrying a half-decade less in mandatory punishment.⁹

In addition, the First Step Act amended federal law’s so-called compassionate release provision. Previously, the Bureau of Prisons maintained unreviewable discretion to file (or not file) the compassionate release motions for incarcerated persons¹⁰—a troubling power that was compounded by the Bureau’s narrow understanding and stingy application of the provision. After the First Step Act, however, defendants themselves may initiate a request for compassionate release based on “extraordinary and compelling reasons.”¹¹ Although boundaries have been placed on viable claims,¹² federal courts have granted compassionate release in previously unconsidered cases.¹³ For instance, harsh sentences resulting from count stacking under § 924(c) could present extraordinary and compelling reasons to release an incarcerated individual.¹⁴ This interpretation might implicate Mr. Coleman’s case, where his § 924(c) convictions generated three decades of mandatory imprisonment.

B. LINGERING ISSUES OF FEDERAL SENTENCING

To be clear, we do not claim that these legal changes would require a court to release Mr. Coleman today, given issues such as retroactive application of any reforms, for instance, and the federal sentencing practice of combining (“grouping”) counts when imposing punishment.¹⁵ As compared to

⁸ See 21 U.S.C. § 841(a)(1), (b)(1)(A)(vii) (current, post-FSA version); 18 U.S.C. § 924(e)(2)(A) (defining “serious drug offense”).

⁹ To be clear, the § 851 enhancement in this case may have been superfluous at sentencing, since Mr. Coleman’s mandatory punishment for the charged offenses far exceeded the prison term required by § 851. Although the enhancement may not have been formally required, Mr. Coleman’s prior state marijuana conviction was in fact incorporated into the calculations under the sentencing guidelines, which increased his criminal history score and thereby made him eligible for a higher sentence. Regardless, the § 851 enhancement would be relevant if the sentence for the charged offenses dropped below 20 years’ imprisonment, perhaps due to a reduction in mandatory sentences for Mr. Coleman’s convictions under 18 U.S.C. § 924(c). *Cf. infra* notes 12-15 & accompanying text.

¹⁰ See 18 U.S.C. § 4205(g) (1982) (compassionate release contingent “upon motion of the Bureau of Prisons”).

¹¹ 18 U.S.C. § 3528(c)(1)(A)(i)

¹² See, e.g., CHARLES DOYLE, CONG. RSCH. SERV., R47195, FEDERAL COMPASSIONATE RELEASE AFTER THE FIRST STEP ACT (July 26, 2022) [[link](#)].

¹³ See, e.g., *United States v. Defendant(s) (Yvette Wade)*, No. 2:99-cr-257, 2020 WL 1864906, *8 (C.D. Cal. Apr. 13, 2020) (granting defendant’s motion for compassionate release and reducing 73-year sentence imposed in 1999 to time served with three years of supervised release); *United States v. McPherson*, 454 F. Supp. 3d 1049, (W.D. Wa. 2020) (granting defendant’s motion for compassionate release and reducing nearly 33-year sentence imposed in 1995 to time served). See also *District Courts Using First Step Act Compassionate Release To Remedy Unjust 924(c) Stacking*, DEFENDER SERVICES OFFICE NEWS (Apr. 16, 2020) [[link](#)].

¹⁴ In turn, an incarcerated individual’s susceptibility to COVID-19, coupled with the high risk of contracting the disease in prison, has also served as extraordinary and compelling reasons for compassionate release. See *United States v. Feiling*, 453 F. Supp. 3d 832, 841 (E.D. Va. 2020).

¹⁵ The First Step Act’s reforms to § 924(c) were not retroactive and therefore didn’t apply to Mr. Coleman, at least directly. As for grouping, the presentence investigation report in Mr. Coleman’s case grouped Counts 1, 2, 3, 5 and 7 for purposes of scoring and sentencing under the U.S. Sentencing Guidelines.

the punitive legal scene in which Mr. Coleman was sentenced, however, the reforms under the First Step Act reveal a very different federal landscape for sentencing non-violent drug offenders—one that is not only less draconian but also an indication of where mercy might be needed in the form of executive clemency. The President’s (almost) unfettered power to grant relief can and should take into account these reforms.

Moreover, presidential clemency can and should consider other troubling issues that are apparent in Mr. Coleman’s case, including the following:

- Even after its reform under the First Step Act, 18 U.S.C. § 924(c) remains a sentencing sledgehammer with a stackable 5-year mandatory minimum sentence for each count, which allows the prosecution to slice the actions of a drug dealer into as many transactions as it likes (or wishes to prove) and bring them in a single case carrying the cumulative punishment of separate counts. The charging decisions in Mr. Coleman’s case help demonstrate just how harsh multiple § 924(c) counts can be in terms of the resulting mandatory punishment.
- To trigger the harsh sentences under § 924(c), a firearm does not have to be brandished or used (at least in any meaningful sense), nor does the law require that any violence or injury be caused or threatened.¹⁶ Moreover, under federal criminal law, firearms and drugs may be possessed *constructively* (*i.e.*, without actual physical possession).¹⁷ In Mr. Coleman’s case, there were no allegations that he brandished, displayed, or used a weapon in any of the underlying offenses, and, indeed, all of the weapons charges relied upon a constructive possession theory rather than actual hands-on possession.¹⁸
- In federal drug prosecutions, doctrines such as complicity and conspiracy—which expand liability based on the actions of others (*i.e.*, accomplices and co-conspirators)—can be used to inflate the number of charges and the gravity of the resulting punishment. To be sure, conspiracy and accomplice liability have long existed in Anglo-American jurisprudence, but so have justifiable concerns about the abuse of these doctrines—and perhaps no other area of modern criminal law engenders more such abuses than drug enforcement. Among other things, federal prosecutions may pile on a unique class of crimes (*e.g.*, money laundering) using drug prohibition as the fulcrum. These ancillary crimes frequently accompany drug offenses but do not violate the law standing alone or would not have triggered an arrest or indictment independent of a federal drug offense. In Mr. Coleman’s case, the prosecution relied upon several of these count- and sentence-boosting doctrines—accomplice liability, conspiracy law, and money laundering charges—to achieve an effective life sentence.¹⁹

¹⁶ See, *e.g.*, *United States v. Angelos*, 345 F. Supp. 2d 1227, 1233-35, 1258 (D. Utah 2004) (analyzing and applying 18 U.S.C. § 924(c), including interpretation of the term “use”)

¹⁷ See, *e.g.*, *United States v. Maldonado*, 23 F.3d 4, 6-8 (1st Cir. 1994) (describing forms of “possession”).

¹⁸ The gun recovered from Mr. Coleman’s apartment was purchased by his then-girlfriend and future co-defendant, Stephanie Peppers, who cooperated with law enforcement after her arrest and, as part of a plea deal, received a 54-month sentence. The two firearms located in a hidden compartment of a Porsche were recovered when it was being driven by another co-defendant, Gerren Darty, who received a 188-month sentence following a plea deal. Although Mr. Coleman had been seen driving the vehicle before, he did not own the Porsche and, in fact, co-defendant Darty was driving the car on the day the guns were seized, with subsequent DNA evidence showing no physical connection between the guns and Mr. Coleman. Additionally, there were no allegations that Mr. Coleman brandished, displayed, or used (as the term is commonly understood) a weapon in any of the underlying offenses. Ultimately, the firearms-related charges were founded on constructive possession and the statements of co-defendants, who had their own sentencing-related incentives for identifying Mr. Coleman as the firearms’ owner.

¹⁹ In Mr. Coleman’s case, conspiracy and accomplice liability were critical not only to the gun charges (through the doctrine of constructive possession), but also for the drug charges. Law enforcement only found 0.6 grams of marijuana in Mr. Coleman’s

- As for the § 851 sentencing enhancement, Mr. Coleman’s previous conviction under Mississippi state law might still count under the First Step Act’s new standard—*but just barely*: To be a “serious drug felony,” the underlying conviction must carry a maximum prison term of at least 10 years for which the defendant served at least 12 months.²⁰ In his case, Mr. Coleman formally received a 10-year prison sentence but was actually incarcerated for only 1 year.²¹

C. CHANGES IN STATE LAW AND PUBLIC OPINION

More generally, Mr. Coleman’s punishment stands against the arc of history and federalism with regard to marijuana prohibition versus legalization (or decriminalization). As of today, three-quarters of the states—as well as the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands—have abandoned the federal government’s blanket criminal ban in favor of safe, regulated legal access to marijuana for adults and/or those with qualifying medical conditions.²² Indeed, with a clear majority of Americans in support of legalizing marijuana for medical and/or recreational purposes, the incarceration of marijuana offenders in federal prisons would seem to be a misuse of our nation’s resources—one that is not only unrepresentative of American public opinion but also hypocritical in light of Americans’ acceptance and use of marijuana.²³

The federal government itself has recognized and accepted as much in recent years, through its exercise of prosecutorial discretion and decisions on congressional spending. As the official Justice Department policy from 2013-2018, the so-called “Cole Memo” established a framework for federal prosecution that deferred to state decision-making on marijuana legalization except when necessary to serve specific federal interests or priorities.²⁴ U.S. Attorney General Merrick Garland appears to have reaffirmed this approach in principle, by casting doubt on the use of limited federal resources to

residence. Some 185 kilograms (408 pounds) of marijuana were discovered in a crate that co-defendant (and plea-deal recipient) Gerren Darty had loaded into a U-Haul truck. Another 32 kilograms (70 pounds) of marijuana were found in the personal possession and home of another defendant, Jerry Davis, whose cooperation netted a 48-month prison sentence. But in order to hold Mr. Coleman criminally responsible for more than 1,000 kilograms (2,205 pounds) of marijuana—which would trigger the highest weight bracket for federal sentencing purposes—the prosecution relied upon the testimony of cooperating witnesses and the expansive liability provided by conspiracy doctrine. Mr. Coleman’s case was thus “a textbook example of what’s known among prosecutors and convicts alike as ‘ghost dope,’ with investigators relying on [ordinary] records and testimony from a string of fellow conspirators about actions that allegedly previously occurred.” Brooke Staggs, *What’s Life Like After Life for Weed?*, O.C. REGISTER, July 9, 2021 [[link](#)] (describing phenomenon in the context of Corvain Cooper’s case).

²⁰ See 18 U.S.C. § 924(e)(2).

²¹ See *infra* note 6. Moreover, there is at least the theoretical possibility that Mr. Coleman’s earlier marijuana crime would be no crime at all today. See Miss. Code Ann. § 41-29-139(i) (recently added provision stating that statute under which Mr. Coleman had been prosecuted “does not apply to any of the actions that are lawful under” the state’s new medical marijuana law).

²² See *State Cannabis Laws*, NAT’L CONF. OF STATE LEGISLATORS (Sept. 12, 2022) [[link](#)].

²³ See Jeffrey M. Jones, *Nearly Half of U.S. Adults Have Tried Marijuana*, GALLUP (Aug. 17, 2021) [[link](#)]; Ted Van Green, *Americans Overwhelmingly Say Marijuana Should Be Legal for Recreational or Medical Use*, PEW RSCH. CTR. (Apr. 16, 2021) [[link](#)]; Megan Brenan, *Support for Legal Marijuana Inches Up to New High of 68%*, GALLUP (Nov. 9, 2020) [[link](#)]; CTR. FOR BEHAV. HEALTH STAT. & QUALITY, SAMHSA: SUBSTANCE ABUSE & MENTAL HEALTH SERVS. ADMIN., 2019 NATIONAL SURVEY ON DRUG USE AND HEALTH DETAILED TABLES: TABLE 1.25B (2019) [[link](#)] (survey finding roughly half of all adults admit to using marijuana during their lifetime); MARIST COLL. INST. FOR PUB. OP., YAHOO NEWS & MARIST POLL: WEED AND THE AMERICAN FAMILY 8 (April 17, 2017) [[link](#)] (poll finding a majority of respondents admit trying marijuana and support legalization).

²⁴ Memorandum, James M. Cole, Deputy Att’y Gen., Guidance Regarding Federal Marijuana Enforcement (Aug. 29, 2013) [[link](#)].

prosecute marijuana cases in the face of state legalization, and by emphasizing the importance of focusing federal “attention on violent crimes and other crimes that greatly endanger our society.”²⁵

Since 2014, Congress has expressed a similar sentiment through its annual enactment of spending riders that place fiscal restraints on the federal prosecution of medical marijuana cases.²⁶ Now, Congress appears poised to end federal marijuana prohibition as it considers a series of bills aimed at, *inter alia*, “descheduling” (or rescheduling) marijuana.²⁷ By removing marijuana from its current categorical criminalization within the government’s master drug scheme, the Controlled Substances Act,²⁸ Congress will mark the end of national marijuana prohibition.

Just this past week, President Biden issued a historic general pardon for the federal offense of simple marijuana possession.²⁹ In an accompanying statement, the President urged “all Governors to do the same with regard to state offenses,” and then ordered the Attorney General and Secretary of Health and Human Services “to review expeditiously how marijuana is scheduled under federal law.”³⁰ The President concluded by emphasizing marijuana’s (mis)categorization with heroin and its more severe treatment than methamphetamine and fentanyl, “the drugs that are driving our overdose epidemic.”³¹ Although the pardon did not implicate the offenses in Parker Coleman’s case,³² the President’s actions are in line with a rejection of harsh punishment (including federal incarceration) for non-violent marijuana offenses.³³

These changes regarding marijuana—significant changes in state law, recent and pending changes in federal law and policy, and seismic changes in public opinion and other measures of American sentiment—are not reflected in, and are inconsistent with, the draconian sentence being served by Mr. Coleman.

²⁵ Responses to Questions for the Record to Judge Merrick Garland, Nominee to be United States Attorney General 22-23 (Feb. 28, 2021) [[link](#)]; Rachel M. LaBruyere & Slaters C. Veazey, *Attorney General Garland Reconfirms the DOJ’s Hands-off Approach toward Federal Marijuana Prosecution*, NATIONAL LAW REVIEW (May 2, 2022) [[link](#)].

²⁶ See Consolidated Appropriations Act of 2022, Pub. L. No. 117-103, § 531, 136 Stat. 49 (2022) (most recent reenactment of spending rider). See, e.g., *United States v. Trevino*, 7 F.4th 414, 419-20 (6th Cir. 2021) (describing rider and noting its annual reenactment since 2014).

²⁷ See, e.g., Marijuana Opportunity Reinvestment and Expungement (MORE) Act, H.R. 3617 (117th Cong. 2022) [[link](#)].

²⁸ See 21 U.S.C. §§ 801-904.

²⁹ See Joseph R. Biden Jr., “A Proclamation on Granting Pardon for the Offense of Simple Possession of Marijuana,” THE WHITE HOUSE (Oct. 6, 2022) [[link](#)].

³⁰ Briefing Room, “Statement from President Biden on Marijuana Reform,” THE WHITE HOUSE (Oct. 6, 2022) [[link](#)].

³¹ *Id.*

³² The pardon was explicitly limited to simple marijuana possession in violation of federal law or the D.C. penal code. See 21 U.S.C. § 844 [[link](#)]; D.C. Code § 48-904.01(d)(1) [[link](#)]. The pardon did not cover “any other offenses related to marijuana or other controlled substances,” and its language should not “be construed to pardon any person for any other offense.” Biden, *supra* note 29. See also Office of the Pardon Attorney, U.S. Dep’t of Justice, “Presidential Proclamation on Marijuana Possession” (Oct. 6, 2022) [[link](#)] (addressing questions regarding pardon).

³³ See, e.g., *Democratic Debate Transcript*, NBC NEWS (Nov. 20, 2019) [[link](#)] (“I think we should decriminalize marijuana, period. And I think everyone ... should be let out of jail”). See also Briefing Room, “Remarks by President Biden After Marine One Arrival,” THE WHITE HOUSE (July 16, 2022) [[link](#)].

II. SENTENCING DISPARITIES

A major theme in modern American sentencing has been the prevention and correction of undue disparities in punishment based on considerations of equality, which is deemed fundamental to a just society and duly embedded in the U.S. Constitution.³⁴ Since antiquity,³⁵ equality has been understood as requiring decision-makers to treat like cases alike and, conversely, to treat dissimilar cases differently. A sentencing scheme is unequal, then, if relevantly similar offenders receive disparate sentences or relevantly dissimilar offenders receive analogous sentences.³⁶ Although some variation might be expected due to various complexities, most jurists and scholars recognize that there is a point at which inconsistency becomes a symbol of unfairness and a form of unequal treatment under law.

In the United States, the old saw was that punishment could depend on what the judge had for breakfast.³⁷ Today, a better adage would be that sentencing may depend on what prosecutors ate that morning. They exercise vast discretion in a sequence of decisions—from initial case acceptance or declination, to charging and plea bargaining, to sentencing upon conviction—effectively determining the outcome of a case without much in the way of external review. For Parker Coleman, the result was disproportionate and unjust punishment for non-violent marijuana transactions, which can only be undone by a presidential commutation of Mr. Coleman’s 60-year sentence.

A. INTRA- AND INTER-JURISDICTIONAL DISPARITIES

Sentences may be inconsistent within a given multi-defendant prosecution, for instance, with different sentences meted out for similarly situated offenders. Likewise, sentences may be inconsistent from one jurisdiction to the next, where a given defendant receives a harsher (or dissimilar) punishment from his equally criminal doppelgänger in a neighboring jurisdiction. In Mr. Coleman’s case, intra-jurisdictional disparity was evident in the sentences doled out in his particular multi-defendant indictment and across all related cases (*see table below*).

The overarching investigation, code-named “Operation Goldilocks,” included some 70 defendants charged under a series of separate indictments.³⁸ By a wide margin, Mr. Coleman received the highest sentence of any of the 20 co-defendants charged in his specific case. His prison term was nearly 4 times greater than the next longest co-defendant sentence (Darty) and 7.5 times greater than the third longest co-defendant sentence (Dorsey). Across all cases, Mr. Coleman also has by far the longest remaining sentence of any of the 70 defendants charged in the government operation.

One defendant, Corvain Cooper, did receive a life sentence following trial, but he was granted presidential clemency on January 19, 2021, and released from federal prison after serving 8 years of his life sentence. The cases are substantially alike—if anything, Mr. Cooper’s case was more serious because he had *two* prior felony drug convictions—and yet Mr. Coleman remains behind bars with decades to go while Mr. Cooper is a free man. Today, Corvain Cooper is an advocate and entrepreneur,

³⁴ See U.S. CONST. amend. XIV (Equal Protection Clause).

³⁵ Cf. ARISTOTLE, THE NICHOMACHEAN ETHICS 95-96 (Robert C. Bartlett & Susan D. Collins trans., 2011).

³⁶ Cf. Cassia Spohn, *Sentencing: Disparity*, in 4 ENCYCLOPEDIA OF CRIME & JUSTICE 1423-24 (Joshua Dressler ed., 2nd ed. 2002) (discussing, *inter alia*, the forms sentencing disparity can take).

³⁷ See generally Dan Priel, *Law is What the Judge Had for Breakfast: A Brief History of an Unpalatable Idea*, 68 BUFF. L. REV. 899 (2020).

³⁸ See Press Release, U.S. Dep’t of Justice, “California-Based Marijuana Trafficker Handed Down 20 Year Prison Sentence” (Oct. 27, 2015) [[link](#)].

whose work includes “selling t-shirts to benefit several men serving long sentences for marijuana—including Parker Coleman, who is serving a 60-year sentence for his connection to Cooper’s case.”³⁹

The unfairness of Mr. Coleman’s continued imprisonment is further highlighted by the difference between his sentence and that of Milton Earl Adams, the California-based marijuana supplier with ties to the “Mexican Mafia,” a violent criminal organization stemming from a notorious prison gang.⁴⁰ Mr. Coleman’s term of incarceration was nearly three times longer than the sentence received by Mr. Adams, generating yet another irrational disparity from the government operation: the *violent gang*-connected source of *all* the marijuana (Adams) received a sentence that was 37.5 years *less* than the sentence for the *non-violent* distributor of *some* of the marijuana (Coleman).⁴¹

Sentencing in Operation Goldilocks

Co-Defendants in Same Case	Sentence
Parker Coleman	720 months
Gerren Ezekiel Darty	188 months
Mark Eric Dorsey, II	96 months
Ryann Chancler Lewis	87 months
Glenn O’Neil Carrera	87 months
Leon Edgar Robertson	84 months
Jason Lee Banks	78 months
Wendell Jerrod Robinson	72 months
Davon Clifton Harris	60 months
Stephanie Peppers	54 months
Mark Rene Hunt	46 months
Nolan Robertson	41 months
Megan Amelia Baehr	41 months
Christopher Seaton McKneely	37 months
Shaunda Shenal McAdoo	36 months
William Pierce	36 months
Rico Lamont Grier	36 months
Harold Manigault	30 months
Samantha Jo Schmidlin	27 months
Leah Patience Davis	24 months

Defendants in All Indictments	Sentence
Corvain T. Cooper	life pardoned
Parker Coleman	720 months
Milton Earl Adams	270 months
Jose Delarosa	240 months
Ahmed Daniel Crockett	235 months
Tavarus Shamaco Logie	210 months
Gerren Ezekiel Darty	188 months
Darrick Leon Johnson	120 months

³⁹ Brooke Staggs, *What’s Life Like After Life for Weed?*, O.C. REGISTER, July 9, 2021 [[link](#)].

⁴⁰ See Press Release, U.S. Dep’t of Justice, “California Man Sentenced To 22.5 Years In Prison For Role As Marijuana Supplier To Drug Trafficking Network” (Mar. 18, 2014) [[link](#)]. See also *United States v. Shryock*, 342 F.3d 948, 960-70 (9th Cir. 2003).

⁴¹ Mr. Coleman was punished like he was the marijuana equivalent of Manuel Noriega, the former strongman who turned Panama into a narco-state for massive cocaine trafficking. See *United States v. Noriega*, 117 F.3d 1206, 1210-11 (11th Cir. 1997). Ironically, Noriega received a lower sentence than Mr. Coleman. See *United States v. Noriega*, 40 F. Supp. 2d 1378, 1381 (S.D. Fla. 1999) (reducing sentence 40 to 30 years).

This troubling intra- and inter-case disparity is matched by the grave differences in marijuana sentencing across jurisdictions. While Mr. Coleman received an effective life sentence for his marijuana-related offenses, the other potential jurisdictions for prosecution would have imposed a far lower sentence (if any) for the amount of marijuana recovered by law enforcement. For instance, if Mr. Coleman were charged in North Carolina state court, the relevant state law would require a sentence of between 35-51 months' imprisonment—or about 1/15 of the sentence he received through federal prosecution.⁴² In California, where marijuana is legal for both medicinal and recreational purposes, Mr. Coleman's offenses (if any) would be misdemeanor regulatory violations punishable by at most 6 months' imprisonment.⁴³

B. RACIAL DISPARITY AND ENFORCEMENT HYPOCRISY

When it comes to drug prosecutions, some of the most troubling disparities have involved race or ethnicity. On this important issue, clemency for Mr. Coleman would provide a poignant example of the President's efforts to help resolve long-standing issues of racial fairness and justice in the American systems of crime and punishment. The correction of lingering injustices is always important in and of itself, of course, but in Mr. Coleman's case, a grant of clemency would send a powerful message in response to racial disparities in drug enforcement and, in particular, marijuana prohibition.⁴⁴

As a matter of history, it's unsurprising that the crushing weight of marijuana prohibition has been borne by people of color. Racial prejudice and fear helped spark the drug war, including the criminalization of marijuana.⁴⁵ The threat allegedly posed by marijuana neatly conformed to popular prejudices, which encouraged marijuana criminalization in the states and helped push Congress to enact the basis for federal marijuana prohibition.⁴⁶ Considerations of race and class were also part of the political calculus in launching a new and explicit "war on drugs" in the 1970s.⁴⁷ Racially tinged decision-making on drug crime would continue in subsequent decades, though it was consistently

⁴² See N.C. Gen. Stat. § 90-95(h)(1)(b). See also *infra* note 19 (describing marijuana seized). Moreover, in response to last week's presidential pardon, the Governor and Attorney General of North Carolina called for an end to their state's marijuana ban. See, e.g., Jon Brown, *North Carolina governor pushes to legalize marijuana possession after Biden pardons: 'End this stigma,'* FOX NEWS (Oct. 9, 2022) [[link](#)].

⁴³ See Cal. Health & Safety Code §§ 11357 et seq.

⁴⁴ See, e.g., ACLU, *A TALE OF TWO COUNTRIES: RACIALLY TARGETED ARRESTS IN THE ERA OF MARIJUANA REFORM* (2020) [[link](#)] (report on racial disparities in arrests for marijuana possession). In 2021, as in previous years, the overwhelming majority of those incarcerated for federal drug offenses were Black and Hispanic. See U.S. SENT'G COMM'N, *2021 ANNUAL REPORT AND SOURCEBOOK OF FEDERAL SENTENCING STATISTICS*, at 48 tbl.5 (2022) [[link](#)].

⁴⁵ See, e.g., Richard J. Bonnie & Charles H. Whitebread II, *The Forbidden Fruit and the Tree of Knowledge: An Inquiry into the Legal History of American Marijuana Prohibition*, 56 VA. L. REV. 971, 1011-19, 1021-22, 1035-37, 1055 (1970) [[link](#)]. See also DAVID F. MUSTO, *THE AMERICAN DISEASE: ORIGINS OF NARCOTIC CONTROL* 219-23 (3d ed. 1999).

⁴⁶ See Marijuana Tax Act of 1937, Pub. L. No. 75-238, 50 Stat. 551; Bonnie & Whitebread, *Forbidden Fruit*, *supra*, at 1036-37; *United States v. Sanchez*, 340 U.S. 42 (1950) (describing Marihuana Tax Act's operation and upholding law despite its prohibitive effect). Marijuana prohibition was carried forward under the Controlled Substances Act of 1971, Pub. L. No. 91-513, 84 Stat. 1236, which still provides the basic structure for federal drug law. *But see supra* notes 24-28 and accompanying text.

⁴⁷ See, e.g., Dan Baum, *Legalize It All: How to Win the War on Drugs*, HARPER'S MAG., Apr. 2016, at 22 [[link](#)] (quoting one of President Nixon's top aides as saying the administration's "two enemies" were hippies and black people, and by criminalizing certain drugs including marijuana, "we could disrupt those communities," "arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news").

concealed by acceptable rationales.⁴⁸ Throughout this time, drug prohibition enflames our nation's crises of race and criminal justice.⁴⁹

Against this backdrop, now consider our case in the context of today's approach to marijuana: Mr. Coleman is a young African-American man serving a life sentence for non-violent marijuana distribution, while identical conduct is authorized today under state laws across the nation and pursued as a business by a multi-billion dollar cannabis industry. The trafficking scheme Mr. Coleman was implicated in pales by comparison to the sophisticated corporate structures, almost a half-million employees, and large facilities for the production, processing, and distribution of medical and recreational marijuana, all spread across America and generating retail sales exceeding \$25 billion in 2021 and as much as \$33 billion in 2022.⁵⁰ The companies distribute their marijuana under armed guards who physically possess and overtly display firearms (*see, e.g.*, graphic on next page, "Armed Security at Marijuana Dispensaries") just as dangerous as those constructively "possessed" by Mr. Coleman. Ironically, some armed guards are off-duty law enforcement officers, thus bringing the hypocrisy full circle.

We do not begrudge the booming marijuana industry or the security guards that protect the enterprise. On the contrary, we support America's movement from a criminalized black market to a lawful regulated market. We simply point out a stark reality: neither the drug itself, nor the quantity of marijuana distributed, nor the presence of guns, nor the amount of money involved, make Mr. Coleman's offenses categorically different from the conduct of an entire business sector.⁵¹ After all, there is no *rich-entrepreneur-selling-weed-in-nice-buildings* exception to federal criminal law. Instead, the robust marijuana industry openly violates the exact same provisions of the U.S. Code under which Mr. Coleman was convicted and sentenced.

This painful contradiction exists as part of the aftermath from America's failed war on marijuana. As we await the formal but inevitable end of national marijuana prohibition, the injustice of Mr. Coleman's case can only be undone by an act of presidential clemency. By commuting the sentence of a young African-American man imprisoned for non-violent marijuana-related offenses, the President would not only be doing the right thing as a matter of individual justice, he would also be disavowing the racism that triggered and then fueled the drug war, while signaling his commitment to repair the damage marijuana prohibition has inflicted upon people of color and their communities.

⁴⁸ *See also* David A. Sklansky, *Cocaine, Race, and Equal Protection*, 47 STAN. L. REV. 1283, 1291-96 (1995) (describing the role that race played in enacting the notorious disparity in federal sentencing between crack cocaine and powder cocaine).

⁴⁹ *See, e.g.*, Brian D. Earp et al., *Racial Justice Requires Ending the War on Drugs*, 21 AM. J. BIOETHICS 4 (2021) [[link](#)] (essay by academics marshalling evidence for ending drug prohibition, with an emphasis on racial justice concerns); MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* (2010) (arguing modern criminal justice, especially drug prohibition, operates in a manner similar to segregation).

⁵⁰ *See, e.g.*, *Cannabis Industry Statistics 2022*, FLOWHUB [[link](#)]; Projected US cannabis market size, MJBIZDAILY.COM (June 2022) [[link](#)].

⁵¹ The operation that nabbed Mr. Coleman netted "more than \$1 million of drug proceeds, 600 pounds of marijuana, and 13 firearms." Press Release, *supra* note 38. Though perhaps not paltry, this haul—or, more exactly, Mr. Coleman's contribution to it—hardly seems to justify a life sentence, particularly when compared to the enormous amount of drugs, money, and guns involved in the legal cannabis industry.

Armed Security at Marijuana Dispensaries

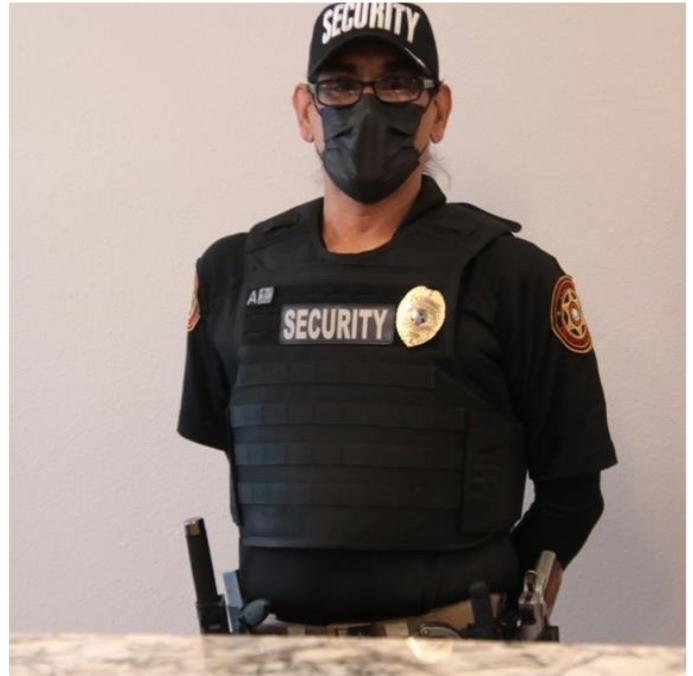
A security guard wears a gun on his belt while working outside Mary Mart, a marijuana dispensary in Tacoma (WA).

<https://www.npr.org/2022/04/20/1093841615/pot-shop-robberies-are-fueling-calls-for-a-u-s-banking-bill>



Armed security at Higher Level of Care, a marijuana dispensary in Hollister (CA).

<https://benitolink.com/cannabis-failing-to-bring-expected-revenue-to-san-benito-county/>



Armed security guard working at the entrance to JARS marijuana dispensary in Phoenix (AZ).

Photo taken by E. Luna (September 18, 2022).



A photo from the Luxury Leaf marijuana dispensary in St. Louis (MO), as part of website advertising to demonstrate "we spare no expense when it comes to security."

<https://www.luxuryleafstl.com/security/>



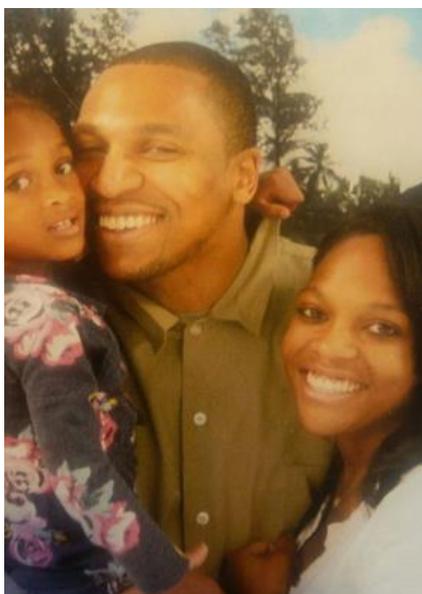
III. PROSOCIAL PROGRESS AND POST-RELEASE SUPPORT

In terms of evidence of success upon release, Mr. Coleman is an ideal candidate for clemency. He had no prior history of violence at the outset, and he has accepted his responsibility to peacefully serve the prison term and to try to make himself a better person. Mr. Coleman's record of progress and the support network that awaits him give us every reason to believe that he will successfully transition into the community and be a major contributor to the well-being of his family, as well as a constructive member of society at large. These circumstances justify the commutation of Mr. Coleman's sentence and the opportunity for a second chance at life.

A. REHABILITATION AND SELF-IMPROVEMENT

Mr. Coleman has not allowed the last twelve years to go to waste and instead has engaged in multiple educational and rehabilitation courses. In 2017, for instance, Mr. Coleman completed the "Challenge Program," which is often described as the hardest and most thorough rehabilitation program in the federal prison system. Lasting a minimum of 9 months, the program uses cognitive-behavioral models in a therapeutic community.⁵² Through his work in the program, Mr. Coleman acquired tools for self-control and problem-solving, engaging in healthy relationships and pro-social behavior, and violence prevention—all of which are key factors in reducing the likelihood of misconduct, substance abuse, and recidivism upon release.

To overcome the limitations of incarceration on access to additional programming, Mr. Coleman has initiated his own program of rehabilitation and improvement, using self-help books, applying the skills he learned in prior programming, and serving as a mentor for other inmates. His pro-social endeavors extend beyond the prison walls as well. Collaborating with the penitentiary's recreation department, Mr. Coleman helped raise money for kids with special needs, contributing his own prison-earned wages to the efforts.



Parker Coleman with his sister and niece.

B. FAMILY AND COMMUNITY SUPPORT

Mr. Coleman has extensive family support from his parents Parker Sr. and Tracey, his sister Ashley, and his niece Sydney. They eagerly await his release and, in fact, they've been preparing for his return, out of both loss and hope, since the day he was incarcerated. The support would be reciprocal: his family providing Mr. Coleman their support in his successfully transitioning from prison to society, and Mr. Coleman providing love and emotional support to his family in times of needs. Despite being relatively young at the time of his incarceration, Mr. Coleman had been an anchor for his family. And to this day, he remains steadfast for his loved ones, doing the best he can to provide emotional support from behind bars. But he plans to do so much more if he is released.

Each day of incarceration, however, is time Mr. Coleman and his family will never get back. Prison sentences consume human life. As a simple but painful example for Mr. Coleman, he missed the family wedding for his sister Ashley, whose most desperate wish was that her brother be by her side.

⁵² See, e.g., "Challenge Program," PHYSICIAN PRESENTENCE REPORT SERVICE [\[link\]](#).

Mr. Coleman and his family struggle valiantly to maintain their connection, but time and distance create barriers. In 2016, Mr. Coleman was transferred to the U.S. Penitentiary in Beaumont, Texas, more than 1,000 miles away from his family. Because of his parents' health problems and related mobility issues, Mr. Coleman's prison transfer effectively ended his parents' chances to see him in person.

Mr. Coleman's continued incarceration can only alienate him from the people he loves and who love him, while preventing him from helping his family in times of need. Upon release, Mr. Coleman will be supported by a family and larger social network that is stable, consistent, and welcoming, and which, in turn, will benefit greatly from his physical, intellectual, and emotional presence and support.



Parker Coleman and his mother.

C. OPPORTUNITIES FOR REENTRY AND REDEMPTION

Mr. Coleman's thorough and extensive plan for reentry is supported by Kyle Kazan, the Chairman and Chief Executive Officer of Glass House Brands, one of the fastest growing cannabis companies in the United States. Since coming into contact with one another, Mr. Kazan has provided stalwart mentorship and encouragement to Mr. Coleman. Their seemingly unlikely relationship further highlights the hypocrisy of Mr. Coleman's sentence and has inspired both men to do more.

Prior to starting Glass House, Mr. Kazan's diverse career included serving as a special education teacher in the Los Angeles Unified School District, a police officer with the Torrance Police Department, and the founder of a real estate investment firm with an international portfolio. Then, in 2016—about the time Parker Coleman was filing his last-ditch federal habeas petition—Mr. Kazan created the marijuana-focused private equity funds that would eventually be rolled into and become Glass House Brands. Today, the company has a large footprint for marijuana cultivation (6,000,000 ft²), with many retail marijuana stores and tradeable stock on the NEO Exchange.

Since its inception, Glass House Brands has had revenues well in excess of \$100 million, which continues to increase annually, for the cultivation, harvesting, transportation, and sale of a vast amount of marijuana, oftentimes with the protection of armed security—and yet no one has served a day in jail for any of it. The juxtaposition of his fortunes and those of Parker Coleman is jarring to Mr. Kazan, who has dedicated his time and resources to redress the absurd incongruities existing today at the twilight of marijuana prohibition. He finds it “maddening”⁵³ that Mr. Coleman's conduct remains the subject of an effective life sentence while the conceptually identical conduct of the cannabis industry is now legally permissible under state law and fostered by a federal policy of non-prosecution.

Mr. Kazan has described fixing this legal discrepancy as “a moral imperative for anybody ... making money in this space, [capitalizing] off of a federally illegal business, to remind themselves that the laws have not changed ... and people are serving hard time” under these laws.⁵⁴ According to Mr. Kazan, this moral imperative applies with full force to Mr. Coleman's sentence:

⁵³ A.J. Herrington, *California Cannabis Executive Petitions Trump to Release Nonviolent Cannabis Offender: Kyle Kazan is Pleading the Case of Parker Coleman, Jr.*, HIGH TIMES, Jan. 13, 2021 [[link](#)].

⁵⁴ “Cannabis and Congress: What Needs to Change,” THE DALES REPORT [[link](#)] (interview of Kyle Kazan).

As the American public strongly supports legalizing, decriminalizing, and expunging marijuana convictions (one of the very few things that the U.S. populace is in significant agreement with), it boggles the mind that Mr. Coleman is serving a 60-year sentence. It is widely recognized [today that federal drug sentencing laws] were draconian and fell extremely hard on communities of color, with Mr. Coleman being a poster child for this injustice. Having already served 10 years of hard time with another five decades to go, while the cannabis industry was the biggest job creator in the booming U.S. economy [and] many states deemed cannabis businesses as “essential,” demonstrates the massive inequity he is living.⁵⁵

Mr. Kazan has reviewed the case file and is well acquainted with Mr. Coleman’s progress in prison and prospects on the outside. In 2021, he penned a letter to the previous administration pleading for Mr. Coleman’s release “as an action in the best interest of society, justice and the American taxpayers.”⁵⁶ Mr. Kazan stays in contact with Mr. Coleman and his family, including taking time this year to visit Mr. Coleman’s parents in South Carolina (*see Twitter message*). Mr. Kazan believes in Mr. Coleman’s rehabilitation and redemption so much that he has assured that Mr. Coleman will have meaningful employment and opportunities to flourish upon release. The guarantee of stable, well-paid employment and thus the means for housing, transportation, etc., will provide a foundation for Mr. Coleman’s success that will be further cemented by Mr. Kazan’s mentorship and guidance.

The path has been laid for Mr. Coleman’s successful transition from an incarcerated individual to a free man and a contributing member of society. All that needs to happen now is for Mr. Coleman to be placed on that path by an act of presidential clemency.



It was a honor to spend the day with Parker Coleman's parents at their home in South Carolina. No one should be in prison for cannabis and we're going to keep working until they're out. More to come from today. #cannabisclemencynow @weldon_angelos @GlassHouseBR



6:00 PM · Jan 31, 2022 · Twitter for iPhone

⁵⁵ Herrington, *supra* note 53.

⁵⁶ “Retired Law Enforcement Officer and Glass House Group CEO Kyle Kazan Urges President Trump to Pardon Parker Coleman,” P.R. NEWSWIRE (Jan. 11, 2001) [[link](#)] (reprinting letter).

CONCLUSION

Clemency for Parker Coleman will be a powerful, tangible step in affirming the President's commitment to ending federal incarceration for non-violent marijuana offenses.⁵⁷ It will also show the President's responsiveness to the requests made by leading members of Congress asking him to "pardon all individuals convicted of non-violent cannabis offenses, whether formerly or currently incarcerated."⁵⁸ In granting clemency to Mr. Coleman and commuting his sentence, the President would thus be fulfilling the Pardon Clause's vital role in our tripartite scheme of government. In a system that produces excessive sentences like Mr. Coleman's, "justice would wear a countenance too sanguinary and cruel," in Alexander Hamilton's words, "without an easy access to exceptions in favor of unfortunate guilt."⁵⁹

As a vehicle to correct injustices, clemency can help make amends for the unequal burden of prohibition shouldered by minority communities and the disproportionate penalties inflicted upon people like Mr. Coleman. On his first day in office, the President acknowledged "the unbearable human costs of systemic racism" in announcing it would be his Administration's policy "that the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality."⁶⁰ Given the drug war's devastating impact on minority communities, particularly by incarcerating young black and brown men, a comprehensive equity policy must include the release of young men of color like Parker Coleman who are federally incarcerated for non-violent drug crimes.

After granting clemency to 78 people in April 2022, the President said the following: "While today's announcement marks important progress, my Administration will continue to review clemency petitions and deliver reforms that advance equity and justice, provide second chances, and enhance the wellbeing and safety of all Americans."⁶¹ In Mr. Coleman's case, only the President can address *today* the injustice of a life sentence for non-violent marijuana-related offenses. Because this injustice is ongoing and relentless, so is the moral obligation to correct it. By granting clemency to Mr. Coleman, the President would further demonstrate his Administration's commitment to equity and justice and his firm belief that America truly is the land of second chances.

⁵⁷ See *supra* note 33.

⁵⁸ See Letter to Pres. Biden from Reps. Bowman, Blumenauer & Lee (Dec. 2, 2021) [[link](#)]; Letter to Pres. Biden, Att'y Gen. Garland & Sec. Becerra, from Sens. Warren, Sanders, Markey, Gillibrand, Wyden & Booker (July 6, 2022) [[link](#)].

⁵⁹ THE FEDERALIST No. 74 (A. Hamilton) [[link](#)].

⁶⁰ Exec. Order No. 13,985, 86 Fed. Reg. 7009 (Jan. 20, 2021) [[link](#)].

⁶¹ Briefing Room, "Statement by President Joe Biden on Clemency and Second Chance Month," THE WHITE HOUSE (Apr. 26, 2022) [[link](#)].