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## Year later, NY drug law change shows mixed results

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ALBANY -- After 19 years in prison, Amir Amma served his time for two nonviolent drug counts, a stretch as long as some murderers get. Now free and pursuing a college degree, he says, "Crime is not an option."

Carlie Beltran also said he put trouble behind him after a crack cocaine and gun possession conviction sent him to prison for more than seven years, time he spent getting a high-school equivalency diploma, job training and drug counseling. But less than four months after his release, police said they found him carrying a loaded semiautomatic pistol.

Amma and Beltran were snared under New York's harsh Rockefeller drug laws, nicknamed for Gov. Nelson Rockefeller, who signed them into law in the 1970s. The laws required long sentences for possession and sale of even small amounts of narcotics.

The two men are also among the first of nearly 300 to benefit from the landmark easing a year ago of those laws -- a development that drew impassioned supporters and doom-saying opponents like few issues ever to hit Albany.

"The reality of what's happened a year later is not as good as the defense had hoped and not as terrible as the prosecutors had feared," said attorney William Gibney of the Legal Aid Society in New York.

The new law eliminated some mandatory minimum prison terms, let hundreds of nonviolent drug felons request shorter prison sentences and gave judges more latitude to send offenders to treatment programs or county jails.

New York City Special Narcotics Prosecutor Bridget Brennan said 72 inmates and parolees prosecuted by her office applied for resentencing, with judges initially turning down 17 and granting 19 requests; others were still under consideration.

Beltran is among two who have been re-arrested, the other on a drug charge, and a third person was deported, she said.

Advocates of the reforms said relief was needed for the low-level nonviolent people who just got caught up in drugs. But Brennan said many such inmates had already

been released, leaving more problematic resentencing cases for judges to decide.

"As it played out, really, it was only the person with a substantial criminal record, or a horrible disciplinary record while in prison, who ended up being eligible," Brennan said. Her office opposed slightly more than half the requests that were granted.

According to the Department of Correctional Services, 584 felons were resentenced and released after 2004 revisions in the drug laws. By December, 13 were back in prison for new crimes and 27 for parole violations -- a recidivism rate of 7 percent.

The state's overall recidivism rate is much higher -- 41 percent -- according to 2006 through 2008 figures of the Department of Criminal Justice Services. Most returned to prison for parole violations, with 11 percent for a new felony.

Amma, now 42, was convicted in Albany of two felonies for a drug sale and for possession of 2 ounces of cocaine, which he still disputes. He's back in Queens, living in his mother's small apartment with his 20-year-old son. He has another son just graduating from high school in the Atlanta area. Parole restrictions may keep Amma from attending the graduation.

"I was involved in narcotics and stupid stuff," Amma said, who had a prior arrest for selling marijuana. His co-defendants got much shorter sentences. He said he refused to tell police anything, went to trial and got 25 years to life. He has no convictions for violence, but acknowledges a fight in prison and getting disciplined once for smoking a joint, a mixed record that kept him from getting resentenced under the prior changes.

He plans to finish college in social work and criminal justice. For now, he's "chilling" and happy to be out.

Assistant Albany County District Attorney Sean Childs said his office has probably participated in 25 to 35 drug resentencings in the past few months, with three or four denied, and most applications coming directly from inmates. He was not aware of any re-arrests.

"It was quite harsh," Childs said of Amma's original sentence. Prosecutors supported his new sentence.

Beltran, on the other hand, was resentenced over prosecutors' objections. They noted his 2002 conviction, which included carrying an unloaded semiautomatic gun, and a record of write-ups for prison disciplinary infractions including fighting and keeping a sharpened toothbrush under his mattress.

"We argued that this was not the kind of person contemplated" by the drug law changes, Brennan said.

Beltran's lawyer said he was exactly that kind of person: a drug-and-alcohol user since age 10 who had never been convicted of hurting anyone but himself.

"Mr. Beltran has finally come to grips with his drug problem" in prison, attorney Laura Lieberman Cohen wrote in court papers.

Beltran, 29, was paroled shortly before a judge approved his bid to trim his six- to 12-year sentence.

Arrested again in March, Beltran is now being held while facing both state and federal weapons charges because of his prior conviction. He has pleaded not guilty in the state case and hasn't yet entered a plea in the federal case. He told a detective he was returning the gun to a friend, according to a court complaint.

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Peltz reported from New York City.

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