

NY Post - Just 67 inmates still doing time under Rockefeller drug laws

By Bob Fredericks

New York state has been successful in springing nonviolent drug offenders, with just 67 people still locked up under the harsh Rockefeller laws, officials said Thursday.

Passed in 1973, the laws initially mandated minimum sentences of 15 years for the sale or possession of even small amounts of marijuana, cocaine and heroin.

Pot was excluded in 1979, and reforms in 2005 and 2009 eliminated mandatory minimum sentences in most cases, expanded treatment and gave judges more discretion in deciding punishment.

After the reforms, 1,697 inmates applied to be resentenced, and 1,630 were released, said Linda Foglia, the state Department of Corrections spokeswoman.

Of those still locked up, many also had convictions on weapons or other serious charges, she said.

“What usually goes hand-in-hand with drugs? Guns,” Foglia said.

But one nonviolent offender still in the Attica maximum-security prison upstate is Junior Gumbs, 58, of New York City, who was convicted of two counts of selling cocaine and one of conspiracy and sentenced in 1994 to 33¹/₃ years to life.

Gumbs applied to be resentenced after the 2005 reforms but was turned down despite supporters describing him as a model inmate.

“He’s not a violent guy. His mother’s dying of cancer,” said Randy Credico, former director of the William Moses Kunstler Fund for Racial Justice, which worked on his case.

“Would I have hung out with him in 1990? Probably not. But he’s a trustee on the honor block who works in the leather shop. His record is spotless. Killers have done less time than he has.”

Foglia said Gumbs is up for release in September and will likely be deported to his native Dominican Republic.