

# A fresh start, questions about mandatory prison time

## Woman's sentence was twice as long as men convicted of same crime

MINNEAPOLIS (AP) — These days, Serena Nunn finds joy in the sight of trees, streets and even convenience stores — anything that reminds her she is no longer behind bars.

After 10 years in prison, Nunn received word in her cell in Phoenix on Friday that President Clinton had taken the rare step of commuting her mandatory sentence on drug charges. Within hours, she was free.

"I can't help but to feel still overwhelmed with joy," Nunn said in a telephone interview Tuesday.

The 30-year-old Nunn is working hard to make up for lost time. She spent Tuesday with her mother and sister, who rushed to meet her when she was released.

She's been moving into a new apartment, filling out financial aid forms and enrolling in courses at Arizona State University, where she will continue coursework toward a business degree that she began in prison. She wants to become a lawyer.

"I'm just trying to be a normal person now," she said.

Nunn was a teen-ager when she became romantically involved with the son of a reputed Minneapolis drug lord, Ralph "Plukey" Duke.

Due to federal sentencing guidelines, she wound up sentenced to 14 years for conspiracy to possess and distribute cocaine — double the sentence of one of the leaders of Duke's ring. Legal experts say if she had been sentenced in state court, she could have received no more than probation.

Nunn might still be in jail if not for her luck finally changing.

The Star Tribune of Minneapolis chronicled her story in a 1997 article that focused on

federal cases in which women who were only peripherally involved in the drug trade were serving longer sentences than male drug dealers. The men often cut their jail time by testifying against others.

The article was noticed by Sam Sheldon, a California attorney who was passing through town.

"It was just one of those fluke things. I needed something to read on the plane," Sheldon said by phone as he helped Nunn move.

Sheldon, working for free, met with Nunn and filed a request for a presidential commutation. Sheldon argued that an error led to her receiving a longer sentence than stipulated and that the sentence imposed under mandatory minimum guidelines was unfair.

He sought out U.S. District Judge David Doty, who, in a career first, wrote a letter to Clinton admitting he made an error in compiling Nunn's sentence and criticizing the law that made him impose the sentence in the first place.

"I've said orally in open court many times, and it's probably what you would hear from most every federal judge, that the mandatory minimums often times are excessive and they take away any discretion that you have with a case like this where a person doesn't deserve quite such harsh treatment," Doty said.

The man who prosecuted Nunn and numerous state politicians, including Gov. Jesse Ventura, also supported freedom for Nunn.

That support helped, Sheldon said, because such requests for commutation can be political battles as much as legal ones.

"Those are people that have nothing to gain politically. If she goes out and commits



Former convict Serena Nunn, 30, dips her feet in the pool of the hotel she's staying in on Tuesday, in Scottsdale, Ariz., as she relocates to the Phoenix area after having the last four years of a 14-year prison sentence commuted by President Clinton. (AP)

another crime, it makes them look bad," he said.

Nunn was pardoned last week along with Louise House, Shawndra Mills and Amy Pofahl, three women who were also sentenced for drug crimes. One man, Alain Orozco, also was ordered freed after serving time on a drug conviction.

"The president felt they had served a disproportionate amount of time," White House spokesman Jake Siewert said of the women. "They received much more severe sentences than their husbands and boyfriends."

The issue of mandatory minimum sentences came before a congressional subcommittee in

of Families Against Mandatory Minimums.

As for Nunn, she doesn't claim innocence of her crimes, just ignorance. Love, she said, clouded her judgment. She feels blessed that her sentence was commuted and said she isn't bitter about the time she spent in jail.

"To me life is too short and you don't have time to be bitter and resent what happened. You just need to move on," she said.

She's thinking instead about her future. Nunn hopes to complete her bachelor's degree. After that, she's aiming for law school — a goal since childhood.

"This whole situation as far as the commutation goes has given me a sense of hope," she said.

"At one time I had given up on thinking about even attending law school. It has just given me motivation."

May. John Roth, a Justice Department official, testified that the guidelines clear up any disparities about sentencing by ensuring everyone gets similar sentences.

The guidelines also have safety valves to allow prosecutors and judges to give lighter sentences when appropriate, he said. One way to get a lighter sentence is to turn over information about other drug dealers, suppliers and users.

However, many first-time or less involved offenders aren't able to escape harsh sentences because they don't have any information to pass along, unlike the big drug kingpins, countered Frances Rosmeyer