



**Testimony of Serena Nunn
Before the
Subcommittee on Crime, Terrorism, and Homeland Security
of the
Committee on the Judiciary
Chairman Robert C Scott
on
Mandatory Minimum Sentencing Laws - The Issues
June 26, 2007**

I was raised by a single parent in the inner city of Minneapolis, and I had a good childhood. I did well in high school, writing for the yearbook and school newspaper while juggling cheerleader duties, and was elected Homecoming Queen. In 1987, I graduated from high school. After graduation, I attended Morris Brown College in the fall of 1987, and I became the first person in my family to attend college.

My mother had planned on subsidizing my college costs but was unable to do so due to personal and financial problems. Unable to support myself at school, I returned to the inner-city environment that I had tried so hard to leave. My plan was to work, save money and return to Morris Brown, but that never happened.

After returning to Minneapolis, I began dating a young man named Monty, who seemed to do well for himself. After moving in with him, it became evident that he was dealing drugs. Stupidity, naivete and love kept me in the relationship.

On May 17, 1989, Monty and several others were arrested for attempting to purchase twenty kilograms of cocaine from a government informant. Within a month of his arrest, at age nineteen, I was indicted on three federal felony counts involving the distribution of cocaine. While living with Monty, my voice was recorded through wiretaps, answering our phone and passing messages between him and his drug associates.

I was convicted of the three charges against me at a trial that included twenty-four co-defendants. The judge wanted to give me a lenient sentence due to my age, limited role in the conspiracy and the fact that I had no prior criminal record. But the federal mandatory-minimum sentencing laws forced the judge to sentence me to fifteen years and eight months.

In December 1997, after eight years in prison, The *Minneapolis Star Tribune* featured me in an article about mandatory-minimums. Soon after, I received a letter from a young attorney whom only a week earlier had been sworn to practice law. He reviewed my case on a *pro bono* basis and determined that my only hope of an early release was if President Clinton commuted my sentence. At the time, President Clinton had commuted fewer than five sentences. My attorney devoted a great deal of time to my case, and in March 2000, he submitted my clemency petition. On July 7, 2000, President Clinton commuted my sentence and I was released that day.

A decade in prison taught me many invaluable lessons about life. Shock was my immediate reaction to daily confinement. I could not fathom living the next fifteen years without privacy, and constantly being told when to wake, eat and sleep. I ultimately survived the mental tribulations by refusing to lose sight of my future, telling myself that my early dreams of earning a college degree were not quashed, just postponed. I also realized that my actions in Monty's conspiracy contributed to my community's degradation and punishment was warranted. However, a fifteen year eight month sentence seemed extremely unfair considering I was a first-time, nonviolent offender.

After five years in prison, I had laid the foundation for my future by completing several college and self-improvement courses. Eight years into my sentence, however, I began to feel depressed as a result of spending most of my twenties in prison, and I still had several more years left, which would stretch into my thirties. I survived depression through prayer, the support of my family and friends, by hardening my determination, and telling myself that despite bleak circumstances, nothing could prevent me from reaching my goals.

After my release I attended college full-time at Arizona State University ("ASU") and worked twenty-hours a week in the political science department. While working on my bachelors degree at ASU, I devoted a significant amount of time to traveling the country, speaking with members of Congress, law students, undergraduate students and special interest groups about the impact of federal mandatory-minimum sentencing laws. In 2002, I graduated from ASU with a degree in Political Science. In 2003, I began attending the University of Michigan Law School. During law school, I worked at the Public Defenders Service in Washington, D.C. In 2006, I graduated from the University of Michigan Law School.

Currently, I work as a law clerk for a criminal defense attorney in Detroit, Michigan. Additionally, I co-host

a Public Affairs Program on one of Detroit's radio stations.

Mandatory-minimums negatively affected my life in many ways. They stole many of my productive years in life because I went to prison at age 20 and was not due for release until age 34. Fortunately, I received a Presidential Commutation so I had the opportunity to redeem myself. However, there are hundreds of women, and men, serving lengthy sentences under mandatory-minimums who will not receive a Presidential Commutation and will serve each day of their sentence.

Mandatory-minimums placed a severe strain on my family members. After my incarceration my immediate family fell apart. My mother fell into a deeper depression. My sister, with whom I share a very close relationship, moved away to another state, and my younger brother, who was 13-years old, felt alone and hopeless. Approximately six years into my incarceration, my younger brother was convicted of murder. My grandmother, who was a pillar of strength in my life, developed health problems during my incarceration. Unfortunately, ten years into my incarceration she passed away.

As a result of the mandatory-minimum sentence I received, I was removed from society for almost eleven years. Once I was released, technology was a major obstacle in my life. I did not know how to operate items that are a part of everyday use. For instance, I did not know how to properly operate a computer, use a debit card at the grocery store or gas station, or know that public bathrooms had self-flushing toilets. Technology continues to evolve and when a person is removed from society for such a long period in life it makes the transition back into society extremely difficult.

After many years of my incarceration, I felt that I was a different person, mentally and spiritually. All I wanted was a second chance to try again in life, to show everyone that I could be a productive citizen, and that I did not need fifteen years of incarceration to become a better person. However, as the years droned on it became harder to believe that my future would be successful because I felt as though I was ready to be released, yet I was still incarcerated wasting away. If I did not receive a commutation, then mandatory-minimums would have robbed me of my hope that I would get another chance in life.

Simply put, mandatory-minimums should be abolished to allow judges to regain their sentencing discretion.