

LIFE FOR POT: Why Relief Is Needed For Incarcerated Cannabis Offenders

John Knock, now 72 years old, has been in custody and already served 24 years towards his interminable bit of two life sentences plus twenty years for his first offense and involvement in a non-violent marijuana distribution conspiracy. Those draconian sentences were handed down in the year 2000 by the District Court of the Northern District of Florida. Since those harsh sentences were handed down 33 states have legalized cannabis in some form and 11 have legalized adult-use.

In a recent motion filed by Empire State NORML Executive Director and NLC member, David C. Holland, Esq., relief for Knock is being sought from the federal sentencing District Court under the First Step Act. WEB ADDRESS. This motion was filed after the Warden's untimely rejection of John's request for compassionate release based on his age, deteriorating health, and changes in the enforcement of the federal Controlled Substances Act and modern sentencing trends.

Holland argues that Knock's extreme sentences were the result of the "trial penalty" or sentencing enhancement for having forced the Government to go to trial to prove its jurisdiction over the case and the quality of the co-conspirator/cooperating witness evidence against him. Others charged in the same conspiracy, who pled guilty rather than proceed to trial, were released with sentences as low as 3 years. Knock's motion argues that the sentences were driven by a vindictive government and the inflexibility of the mandatory federal Sentencing Guidelines which militated life sentences. Holland further argues that since that time, the Sentencing Guidelines have become advisory and that federal sentencing policies have become far more lenient due to state based commercial albeit federally illegal marijuana distribution programs. Graphs and charts developed by the U.S. Sentencing Commission readily demonstrate that modern day first time offenders receive average sentences below 10 years – which is nearly 2 ½ times less than Knock has already been behind bars.

The motion also charts out that notorious marijuana dealers involved in other distribution conspiracies, including Howard "Mr. Nice" Marx, faced or actually received moderate sentences of 10 years or less for pleading guilty to charges despite being dubbed "the world's largest distributor" or having engaged in the "world's biggest" conspiracies.

Knock's First Step Act motion argues that the time has come for District Courts to immediately reduce the sentences of lifers like him in order to reverse the 'trial penalty' and to fall into line with modern sentencing trends. In Knock's he seeks to be resentenced to time served. Given the government's modern tolerance of state cannabis programs, more lenient sentencing trends, and empowerment of the federal District Court's to entertain such humanitarian motions after all other post-conviction and administrative remedies has failed should prompt the Northern District of Florida to grant the motion and release John Knock before COVID-19 becomes a serious threat and causes his untimely and unnecessary demise. This motion echoes the words of Michael Kennedy, John's trial counsel: "No one should do life for pot!" Hopefully the District Court will finally hear them.