

May 16, 2018

Governor Bill Haslam  
1<sup>st</sup> Floor, State Capitol  
Nashville, TN 37243

Dear Governor Haslam:

We write today to urge you to consider granting executive clemency to people serving prison sentences that are clearly unjust. Among those people who may merit consideration are those convicted of a drug-free school zone violation. While we believe that drug traffickers should be held accountable, and prison time may certainly be appropriate, the lengthy mandatory sentences imposed on some drug-free school zone offenders are often unjust, ineffective, expensive, and counterproductive. The clemency power gives you the authority to recognize and remedy unjust punishments or reward the extraordinary rehabilitation of people. Some of those sentenced under Tennessee's drug-free school zone laws merit that relief.

Tennessee's drug-free school zone law is so broad that it regularly produces unjust punishments. The law requires an enhanced mandatory minimum sentence for drug offenses committed within 1,000 feet of a school, library, park, recreational center, or day care center. In January 2018, reporters from *Reason Magazine* used GIS data from the Tennessee Bureau of Investigation to analyze the coverage of Tennessee's drug-free zones. The data revealed that drug-free zones cover roughly 26.5 percent of areas within city limits in Tennessee. The percentage is even larger for Tennessee's major urban areas. Nashville is 27 percent covered, Memphis is 38 percent covered, and East Knoxville is 58 percent covered.<sup>1</sup> These far-reaching zones have resulted in lengthy mandatory prison terms for many low-level drug offenders simply because their days were inadvertently and unknowingly spent almost entirely within school zones.

The law's harsh sentences have been misapplied to individuals who had no direct or indirect contact with children during the course of their offense, or who committed their crimes while driving through school zones, in the privacy of their own homes, or outside of school hours. This runs counter to the law's stated intent of protecting children from drugs.

Calvin Bryant, for example, received significant local and national media attention when 12 Nashville city councilmembers wrote in support of his attempt to seek resentencing from the courts in late 2017. Mr. Bryant, a well-liked, smart, promising, athletically gifted young man, was arrested in 2008 for selling ecstasy out of his home in the Edgehill Projects to a family friend turned confidential informant. Calvin repeatedly brushed off the confidential informant's requests for drugs but ultimately acquiesced to help the informant find money to support his family. Because Calvin's home was within 1,000 feet of a school, he received a 17-year mandatory minimum sentence, while the confidential informant received \$1,000 in taxpayer money for his cooperation. This was Calvin's first offense. The confidential informant used in the arrest had over 30 prior convictions. Perhaps a 17-year sentence could be appropriate for individuals who knowingly engage students in the drug trade on school property, but it certainly

---

<sup>1</sup> C.J. Ciaramella & Lauren Krisai, *The Myth of the Playground Pusher*, REASON MAGAZINE (Jan. 2018), <https://reason.com/archives/2017/12/18/the-myth-of-the-playground-pus>.

Governor Bill Haslam  
May 9, 2018  
Page 2

is not appropriate for a young man who made a foolish decision in his own home, not knowing it was within 1,000 feet of a school.

Calvin Bryant's case, as the *Reason Magazine* article shows and many Tennessee attorneys can attest, is not an exception. Over the last year, a number of families whose loved ones are serving absurd sentences have come forward. One is Sara Moore, who received a mandatory eight-year sentence for selling just over two grams of methamphetamine to a confidential informant in her home, which happened to be within a school zone. Another is Terrance Davis, whose apartment was located on the side of his building that fell within the outer limits of a drug-free school zone. Had he been in a different unit in the building, his 22-year sentence would not have applied. In all these cases, no children bought or sold drugs or were present during the offense.

Tennessee currently spends \$10.9 million a year to incarcerate over 430 drug-free school zone offenders, some as young as 16, for average sentences of nine years. Of these drug-free school zone offenders, just under one-third are first-time, nonviolent offenders. And given the relatively low weight thresholds that trigger class B drug felonies in Tennessee, many are not the drug kingpins their lengthy mandatory sentences would suggest.

You have stated that you want to address criminal justice reform. Your constitutional power to reconsider and adjust unjust and unnecessary sentences allows you to add criminal justice reform to your strong, eight-year legacy as governor of Tennessee. We urge you to use your clemency power to remedy unjust sentences, including those of deserving drug-free school zone offenders, in your final year in office.

We thank you for your time, and we are happy to meet with you and discuss this process should you choose to move forward.

Sincerely,

Kevin A. Ring, President  
Families Against Mandatory Minimums

Meaghan Ybos, Executive Director  
People for the Enforcement of Rape Laws

Hedy Weinberg, Executive Director  
ACLU of Tennessee