



## After 19 Years, Released From Prison Under the Rockefeller Drug-Law Reforms

By Maria Scarvalone

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NEW YORK, NY March 23, 2010 —Last year, New York State overhauled what many saw as the overly severe Rockefeller drug laws. The changes eliminated mandatory minimum sentences for most drug offenses, expanded drug treatment alternatives, and reduced some penalties. But what about the people still in prison under the old sentences?

Reporter Maria Scarvalone met with one prisoner who has spent almost two decades behind bars.

On a cold February afternoon, guards eye Amir Varick Amma as he walks into the crowded visitor room at Eastern Correctional Facility, a maximum-security prison in Ulster County. Doors buzz and keys rattle over the din of conversation. For Amma, this is routine. He's spent the last 19 years in prison as one of tens of thousands of men and women who, under the Rockefeller drug laws, received long sentences for dealing drugs.



L. Amir A. Varick Amma (Photo by Maria Scarvalone)

Amma, a tall man from Queens with a confident smile and firm handshake, was arrested in 1991 in a drug investigation in Albany when he was 23 years old. Police claimed he was selling cocaine, though Amma denies it. Because he wouldn't testify against others, Amma turned down a plea bargain that would have given him a maximum six-year sentence. It was a gamble he lost. At trial, he was convicted of two drug felonies--the most serious for possessing two ounces of cocaine--and was sentenced to 25 years to life in prison.

"When I got that 25 to life, I just couldn't believe it. Today I still can't believe it," Amma says. "I feel real, for lack of a better word, stupid. And I hate to tell people my time because individuals look at me like, 'Yo, you got 25 to life?' I copped out to two bodies. I got ten to life!' The Son of Sam

killer, he received 25-to-life. So, okay, society put me equal with these individuals, 25-to-life?" he marvels. "So, like I said, I can't really say what a just sentence would be, but I know 25-to-life, that's not just."

David Soares, Albany's District Attorney, agrees. "It's a travesty of justice, really," Soares says. He has long championed reform of the drug laws, signed into effect in 1973 by then-Gov. Nelson Rockefeller, who ushered them through the legislature.

“What characterized the drug laws and what made these laws very unique was that the sentences were very severe, placing mandatory minimums for very small amounts of drugs,” Soares explains. “For the same crime in Albany County, if everything was the same in 2010 as they were in 1991, Mr. Amma would receive about seven years.”



**Amir Varick Amma was convicted in 1992 of two drug felonies, the worst of which was possession of two ounces of cocaine, and sentenced to 25 years to life in prison. He says he's a new man, and changed his name in prison this year to prove it, from Anthony Williams to L. Amir A. Varick Amma.**

At dawn on a recent morning in Harlem, prison-reform activists get ready to board two buses. They're headed to Albany along with hundreds of others to lobby legislators. It is the efforts of dogged activists like these that have led to reforms in the past six years.

But Robert Gangi, head of the Correctional Association, says the reforms have not gone far enough.

“There were significant reforms enacted to the Rockefeller drug laws last year. The problem is that the reform enacted did not represent full repeal, so there are still mandatory sentencing provisions on the books in New York State that will cause the incarceration of thousands of low-level drug offenders each year,” Gangi explains.

Nazimova Varick, Amma's mother, is one of dozens of family members continuing to fight for reform.

“I gave my word so I have to come, but my heart is heavy, real heavy. But I'm here,” Varick says.

She feels she's done her own time, waiting for her son's release. Back at her Queens home, a pair of shoes sits near the front door. For her, the shoes are a symbol of hope, one she's kept these many years of waiting while battling her own cancer and heart problems.

“I took my son's shoes everywhere I went, because I believed this was symbolic of my son walking out of prison. He will put these shoes on to fulfill my prayers, and then he can throw them away,” Varick says through tears.

While his mother waits, Amma has tried to move his own life forward. He has taken college courses, tutored other inmates, and graduated from the prison ministry program. He says he's a new man, and even changed his name to prove it--from Anthony Williams to L. Amir A. Varick Amma. Changes, though, that weren't enough to get him out of prison.

After the first reforms in 2004, Amma's request for re-sentencing was denied. Seven years earlier, he'd been caught smoking pot in the prison courtyard, making him ineligible under the strict reform law rules. Ironically, the way the reform laws were written, he would have been eligible if he'd been convicted of a worse drug felony in 1992.

“That really crushed me--I think that crushed me more than actually being sentenced for the original 25 to life,” Amma says.

Two years later, his petition for merit time early release was denied, for the same reason. Then when he applied for clemency, that too was denied. But in January, his luck finally changed. He applied for re-sentencing under the latest reform law, and the judge reduced his sentence enough to be paroled.

Assistant District Attorney Sean Childs says that this time, there was no legal reason to oppose the re-sentencing. “He’s been incarcerated for 20 years so we were just trying to make sure that justice was done that day,” Childs explains.

After the hearing, Amma rose and extended his hand to Childs and to the judge. “That was a first time experience. I’ve never had a defendant shake my hand,” Childs says. Sitting in prison only days from his release, Amma explains why he acted so unpredictably. “That was the first step: to surprise the judge and everybody else,” Amma says. “I’m not a monster. I’m just a human being that made a stupid mistake when I was young. That was my first step to prove it, not only to them, but to myself.”

Then, Amma turned to his lawyer, who asked him for his mother’s phone number to notify her of the news. “That was the first time that I cried,” Amma remembers. In disbelief at his re-sentencing, he was unable to speak. “He asked me again, what’s your number?” Amma recounts. Overcome with emotion, Amma sat speechless for ten minutes until he finally motioned for a pen and wrote the number down. “I still don’t believe it right now,” Amma says about the ruling.

Amma is a lucky man. Fewer than a thousand drug felons have been re-sentenced so far--out of the more than 10,000 incarcerated in New York prisons.

Today, March 23, Amma will be released. But he knows he is about to face a series of new challenges: trying to reconnect with his two sons--one he has never met--and making a living in a tough job market, especially difficult for an ex-felon who has never used a cell phone or the internet.

Still, Amma is trying to stay positive.

“What this time did for me, it made me realize that I have the power to have perseverance in the face of adversity. Anything that comes my way, I know that I can handle it,” he says.

For Amma’s mother, her son’s coming home is an answered prayer, but she cannot relax until she sees him a free man.

“Lord, don’t let me die while my child’s in prison, and don’t let my child die in prison.” Varick says. “Until he walks out of the door, until I see my child and I embrace him, the fear is still there. It’s still there. It hasn’t gone away. It’s even worse now, because it’s so close,” she continues, choking back tears. “You know, you say ‘Gee, I came so far--will I make it to the finish line?’”

For Amma, it’s just the beginning--of a new life without bars. According to a recent Legal Aid study, he stands a good chance of never returning to prison. Since the first drug law reforms, the recidivism rate for people re-sentenced and released early from prison has been less than 10 percent.

[Click here to see a slideshow of Amma's release from prison.](#)