

# Drug deals costly: 55 years

## U.S. top court refuses to hear Utah's appeal

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WASHINGTON - A Utah record producer will likely have to serve his 55-year sentence on federal weapons and drug charges, after the U.S. Supreme Court refused Monday to hear his case.

Weldon Angelos was convicted of 16 counts of weapons and drug violations after officers arranged three drug buys from him in mid-2002. Angelos carried a gun during the purchases, and later searches turned up more drugs and a weapon.

U.S. District Judge Paul Cassell balked at the length of the mandatory sentence he had to impose, saying "to sentence Mr. Angelos to prison for the rest of his life is unjust, cruel and even irrational." Cassell said he had to abide by Congress' wishes, though he recommended the 55-year sentence be commuted by the president.

The 10th U.S. Circuit Court of Appeals upheld Cassell's sentence, and the Supreme Court declined Monday to review the case.

"We have never claimed that Weldon is a candy striper," said Erik Luna, Angelos' attorney and a professor at the University of Utah. "The question is whether or not acts that he was convicted of merit his spending the rest of his life in prison . . . and it becomes pretty obvious he doesn't deserve it."

Brett Tolman, the U.S. attorney for Utah, said the office prosecuted the case according to the laws passed by Congress.

"I know that Judge Cassell is very animated and excitable on this issue. He's been more engaged on it than some advocates," said Tolman. "But I think the Supreme Court is kind of sending that message again that Congress is the one that is going to determine whether or not the punishment is going to fit such crimes."

Four former U.S. attorneys general and 141 other former U.S. attorneys, state attorneys general, and Justice Department officials filed a brief urging the court to consider Angelos' appeal, saying it is contrary to "standards of decency" and constitutional protections from excessive punishment.

Sen. Orrin Hatch, R-Utah, has challenged the use of mandatory sentences in some cases, but has also sponsored legislation creating new mandatory sentences for certain crimes.

"For many crimes, such [as] violent or sexual offenses, I believe that mandatory minimum sentencing can be an effective law enforcement tool. However, I question some severe mandatory minimum sentencing laws, especially in the context of drug enforcement," Hatch said in a statement. "In the long run, it may be just as important to provide rehabilitation and treatment programs, instead of imposing unreasonably harsh sentences."

Angelos, 27, founded Extravagant Records and has two children. He is serving his sentence at a federal prison in Lompoc, Calif.

The Supreme Court's rejection leaves him with little recourse. He could petition the president to commute his sentence, or file a last-ditch request to have the court order his release.

In 2003, prosecutors offered Angelos a plea deal with a sentence of 15 years, but Angelos refused.

The federal law imposes a five-year minimum sentence for carrying a firearm during a drug sale, and a 25-year minimum for each subsequent conviction. Angelos was convicted of three of the five charges.

Cassell imposed a one-day sentence for the other 13 counts of Angelos' conviction.

In comparison to sentences for other crimes, Luna claims, the prison time imposed on Angelos is clearly excessive.

A criminal would get up to 24 years and 5 months for hijacking an airplane or less than 20 years for blowing up a bomb to try to kill someone. A drug kingpin running a major drug ring in which a death results would be eligible for less than 25 years.

"That is absurd and I think his case heightens the absurdity of having that kind of sentencing law," said Julie Stewart, founder of Families Against Mandatory Minimums. Stewart said her group would lobby Congress to return sentencing discretion to the judge.

"I don't think it's pie-in-the-sky to think that we can actually get that amended," she said.

Luna said politicians see tough minimum sentences as an easy way to score political points.

"No one ever lost a political race by being tough on convicted offenders," he said. "But that says nothing about the justice in the application of these drastic punishments to individual offenders and that's the problem."

Carl Tobias, a professor at the University of Virginia Law School, said there is a movement to reconsider the minimum sentences and "all of this is very much in flux."

"The whole area is being re-examined by the sentencing commission, by the courts and by the Congress," he said. "For a long time, federal judges really have strained at the sentencing guidelines, because they feel [sentencing] is a very, very important part of what it means to be a judge." *gehrke@sltrib.com*

