

# Michelle West - Double Life plus 50 years



**Name:** Michelle West 17809-039

**Children:** One daughter – Miquelle West

**Grew up:** Detroit, Michigan

**Tried:** Detroit, Michigan

**Will Live:** Los Angeles, California

**Charges:** Count (2) Conspiracy to Distribute Controlled Substances, (3) Aiding & Abetting; Drug Related Murder (5) False Statements to Institution with Deposits Insured by the FDIC (6) Money Laundering

**Exceptional Point:** Murderer was given full immunity in exchange for testimony

**Sentence:** 2 Life Sentences plus 50 years Started Sentence: 5/3/93

**Time Served:** 26 years

**Started Sentence:** 5/3/93

**Priors:** **First Time Offender**

**Prison Conduct:** Staff characterization is “role model inmate.”

**Institution:** FCI Dublin

[African American Mayors Association letter](#) supporting Michelle West’s clemency

Support letter from Candace Christian – [daughter of the victim’s letter to President Trump](#)

[Support letter from Eric Powell June, 2018](#) Major in United States Air Force

**Accomplishments:** Michelle has completed 2498 hours of rehabilitative courses. She has earned 57 credits through Marist College and was recently granted admission to Adam State University Associate of Arts correspondence degree program for spring, 2020.

**Media:** [Revolt TV mini-documentary](#) on Miquelle advocating on behalf of her mother.

The Young Turks featured Michelle and Miquelle West in their [Injustice series](#) released in 2018

Long list of media coverage and accomplishments on her [CAN-DO profile page](#):

## **Release plan:**

Michelle will live with her daughter, Miquelle in Los Angeles. According to Miquelle, Michelle is responsible for her successful career as fashion stylist and Michelle will continue managing her career in addition to working in the entertainment industry.

## **Michelle’s plea for mercy:**

I am respectfully asking that President Trump have mercy on me by using his executive clemency power. I am remorseful for involving myself with the wrong man, who entered my life at a time when my husband had cheated on me for the last time. I’d lost all respect for my then-husband when I met Olee who is my co-defendant in this case. I can’t change the past, it’s useless to dwell on what could have been, but I do recognize I made the worst mistake of my life when I started dating Olee, who unbeknownst to me put a hit out on someone who stole money from him. Still, I am a first time offender with no prior arrests or convictions. The government offered me a plea of 20 years if I would cooperate. I am a mother and had no choice but to go to trial for the sake of my daughter because my cooperation would have put her life in danger. This I could not do. She is

the only thing that keeps my heart beating as I struggle to reunite with her. We have been separated since she was 10 years old. Everything I do is based upon my goal to be reunited with my child. I am convinced the only way this will happen is if President Trump has mercy on my soul.

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# **PETITION FOR** **EXECUTIVE CLEMENCY**

*On behalf of*  
**MICHELLE WEST**



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**Respectfully Submitted to The President of The United States**  
**President Donald J. Trump**

Submitted by CAN-DO Foundation  
On behalf of Michelle West #17809-039  
FCI Dublin  
5701 8th Street  
Dublin, CA 94568

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## **I: INTRODUCTION**

Michelle West is a first-time offender with no prior arrests or convictions. On December 22, 1993, the jury concluded, and she was convicted on four counts and on June 14, 1994, Michelle West was sentenced to 2 life sentences plus 50 years. A term of supervised release ranging from 3 to 5 years was given on each count. The federal system has no parole. Michelle West may die in prison if she is not granted clemency. The life sentence that the judge gave her has virtually resulted in a death sentence.

She spent 20 years of her life at F.C.I. Danbury. Currently, she is incarcerated at the Brooklyn Metropolitan Detention Center after F.C.I. Danbury was converted back to a male facility. Up until now, she has had no hope of ever being released. Her sole motivation, as exemplified by the actions of her daily incarcerated life have been to better herself, help others along the way and to support her daughter in every way possible, even from behind bars.

This petition is about rehabilitation and hope. It is about a mother; a prisoner for over two decades, who found purpose mentoring young people, and helping others while serving a life sentence. It is about the person Michelle has become. It is about the positive impact one woman can have on the lives of others including correctional, staff members.

This petition is about the very nature of clemency and what America offers to its people-- the right to strive, to seek and find purpose, to have hope, to put failure behind in the knowledge that America is a nation which is built on these values and believes in second chances.

This petition is not about reversing the judgment of the courts. This petition is about life, compassion and mercy. Michelle West should not die in prison because she exemplifies the very

essence of why we are a nation of second chances and why clemency is a valuable tool inserted into the fabric of our constitution.

Michelle West [hereinafter referred to as “Michelle” or “West”], is currently 58 years old. She was 32 years old when she was arrested on May 3, 1993 with two other co-defendants, her ex-boyfriend Olee Robinson and Cynthia Horry-Hunter. Cynthia was acquitted of all charges.

Prior to this one and only conviction, Michelle had never received so much as a traffic ticket in her life. She was raised in a strict environment and graduated high school one year early due to her strong work ethics. She completed one year of college and would have completed her higher education if she had been given that opportunity, but due to lack of finances, she went to work at the Bank of The Commonwealth and started building a life for herself.

Michelle is well aware that her case is complex and overshadowed by an element that falls into the category of ‘violence’ even though she has never committed a violent act in her life. Even more compelling is the fact that the person who committed a murder in this case was given full immunity for his testimony against Michelle and her co-defendant, Olee Robinson.

Michelle will provide documentation of outstanding institutional adjustment, and achievements garnered through her work, post conviction efforts, philanthropy, volunteerism, and community service in Section V of this petition. Included in her progress report will be comments from staff of the Bureau of Prisons, who have a culmination of 20 years experience working with Michelle, affording them an opportunity to observe her behavior as an inmate. There will be additional forthcoming letters related to her petition which will be sent separately from individuals in the community and private sector who support her petition.

Through this memorandum and supporting documents, West will provide convincing reasons and evidence as to why a commutation of her sentence would in no way promote disrespect

for the law. West accepts responsibility for her actions and prays that the 26 years she has already completed, together with her achievements while incarcerated will serve as a testament of her character.

West has participated in many rehabilitative programs, referenced therein. She prays that the decisions she made over three decades ago will not define the woman she is now, or will be, if given an opportunity to return to society and her family.

As noted in this petition, Michelle has mentored and raised her daughter, Miquelle West even from the confines of a cell. Both of these women yearn for the day they can embark on a new journey, and celebrate their relationship as mother and daughter, in an atmosphere that genders joy, instead of pain, and laughter, instead of tears. Miquelle West has vowed that she will never marry until her mother is free and can attend her wedding. She is in her mid-thirties is still waiting for her mother to join her in the celebration of life. She too is serving time and has no interest in entering into a serious relationship with a man until her mother is free. This speaks volumes about the bond these two women share that has weathered the worst of storms - one that has lasted over 26 years, and counting. Both of them are looking for a ray of sunshine in the form of grace bestowed upon Michelle West by President Trump in the form of a commutation of her sentence.

## **II. BIOGRAPHICAL PROFILE**

Michelle West was born on April 27, 1961, in Detroit, Michigan. She was the second of four children born to Walter and Charlie Mays. Walter Mays worked at General Motors after serving his country and being honorably discharged from the military. Her mother, Charlie Mays worked at Sinai Hospital, in Detroit Michigan for 35 years, as a supervisor of the supply processing department. Michelle was raised in a very strict household because of her father's military background. The weekly routine was school Monday thru Friday and church all day on Sunday. Both parents instilled values and principles of being a productive member of society by doing the right thing. When Michelle was 16 years old her parents divorced but remarried 20 years later. Both of her parents died from cancer during her incarceration. Walter Mays on August 13, 1999 and Charlie Mays on August 25, 2010. She was not allowed to attend either of her parents' funerals due to the length of her sentence, which she deeply regrets. Michelle feels she let her parents down and possibly broke their hearts, especially her mother as they were extremely close.

Michelle graduated early from Mumford High School in Detroit Michigan, in January 1979. She took night classes at Cass Technical High School in order to achieve her goal to graduate early and go on to college. She attended Rett Electronic Training School for a year and studied computer programming as she wanted to pursue a career in computer technology. After one year, Michelle dropped out of college because she could not afford to attend school, full time. She went to work at the Bank of The Commonwealth and worked weekends at Sinai Hospital in the admitting department. Michelle left Bank of Commonwealth because she was making more money working part time at Sinai than she was working full time at BTC. So Michelle began working as a pharmacist's assistant in addition her position at Sinai Hospital on weekends.

In 1979 Michelle met Jesse West when she was 18 years old. She got pregnant in 1981 and



they married three years later on November 15, 1985. During the next four years, Michelle was a stay at home mother, and caretaker of her mother-in-law who was terminally ill with cancer.

Michelle and Jesse separated in August of 1987, because he was not ready to commit to a monogamous relationship. They divorced in 1989.

Michelle West is the mother of one child, Miquelle West and the center of Michelle's life. Determined to provide Miquelle with the best opportunities for her future, she enrolled her in Detroit Country Day School, a private college preparatory school in Birmingham, Michigan.

In 1987 Michelle started dating Olee Robinson, a man she met when she and Jesse were on the verge of breaking up. More of this chapter in Michelle's life will be discussed in Section

#### IV: Summary of the Case

Michelle has always been a nurturer and an upstanding citizen, as evidenced by a very powerful letter submitted by Eric Powell who credits Michelle as a "definitive source of inspiration that helped me toward a career in public service." Eric is now a commissioned officer and scientist in the United States Air Force with two highly technical degrees. Eric claims it was Michelle who "mentored" him when he was in his teens and provided him with direction that led to his successful career. (See Index 8) This testimonial and letter paints a very different image of Michelle than the one given to the jury.

Post conviction, Michelle did not relinquish her responsibility as a mother to Miquelle. Miquelle West was only 10 years old when her mother was indicted, arrested, and convicted. She has had a successful career working in Los Angeles as in-house stylist for Mr. Sean Combs' cable network REVOLT TV. Miquelle also works as a freelance celebrity stylist with a prestigious clientele. She has collaborated with numerous artists and has assisted on a video shoot with Beyonce and assisted on an editorial shoot for Bazaar magazine, with Madonna, just to name a few of

her many jobs.

Miquelle has always credited her mother as being the driving force behind her becoming the person that she is today. Miquelle has written a letter supporting Michelle's petition and in it, states the following:

"My mother insisted that I follow my dream and forced me to focus on what I wanted to do with my life. When asked, repeatedly by my mother what my passion was, I told her I loved fashion. After that, my mom mapped out a plan for me, even from behind bars, to push me in the direction that would enable me to achieve my dream. She knew in order to have a career in fashion, I should move to New York city. My grandmother, who I lived with, was opposed to it. She wanted me to stay at home, where I would be safe, but I listened to my mother and moved to Manhattan. It wasn't long before I caught the eye of Patricia Field; a costume designer and stylist who was nominated for five Emmy Awards for her work on Sex and the City, with one win, and nominated for six Costume Designers Guild awards, with four wins. Patricia took me under her wing and mentored me. None of this would have happened if my mother had not encouraged me every step of the way. I talked about this in an interview for Linger magazine."

In the interview, Miquelle credits her strong relationship with her mother as one of the sources she draws strength from.

"My mom was and still is a major influence in my life...She's an inspiring woman, and she has supported me since I was a little girl. She's an avid reader and studies the history of fashion, so she can assist me and support my career in fashion from where she is. She has helped me navigate through life. I listen to her suggestions and directives.' ... She instilled values and principles in me at a very young age, I was taught to be a leader at all times. I am my mother's main concern. All of the sacrifices she made were for me. I always want my Mommy to feel proud of me. When I accomplish something great, I know in my heart she sleeps better at night."

Even now, Michelle West assists Miquelle by managing her career via email and telephone calls. But the harsh reality that her mother may not make it out of prison alive is beginning to take a toll on Miquelle. Miquelle has never married or had children because she has vowed to wait until her mother comes home so she can witness the two most important events of her daughter's life.

### **III: SUMMARY OF THE CASE**

Michelle West was found guilty of Conspiracy to Distribute Cocaine; Aiding and Abetting a Drug related Murder and False Statements to an Institution Insured by the FDIC, and Laundering of Monetary Instruments.

#### **BACKSTORY**

Michelle West met her codefendant Olee Robinson during the summer of 1987, when she was 25 years old. She was still married at the time and was referred to him by a friend who said Olee could help Michelle get financing for her car. Michelle and her husband met with him. Olee Robinson, who was 10 years older than Michelle appeared to be very successful, entrepreneurial, and an intelligent business man. He was a very suave and sophisticated man. He had all the trappings of success, lots of money, fancy cars, etc. Michelle's marriage was shaky due to affairs that Michelle's husband's were involved in. Olee was flirtatious and his interest in Michelle gave her the courage to separate from her husband, and she began a relationship with Olee Robinson in September of 1987. It wasn't long before she found herself in a relationship with an overly possessive, and abusive man.

Prior to instant offense, Michelle has never been in the slightest hint of trouble in her entire life. No bad checks, petty arrests, nothing. There is no indication that Michelle ever had any predisposition to break any law, much less murder anyone. Olee Robinson met Sherman Christian through Cynthia Horry. Sherman Christian and Cynthia Horry shared a child together. Sherman and Michelle had been friends for many years and he had asked Michelle to be the Godmother to his daughter, Candace.

Candace is the daughter of the deceased victim, Sherman Christian, who was also a close friend of Michelle West. Even today, Candace continues to be an approved visitor on Michelle

West's FBOP visiting list and has written a letter in support of Michelle's clemency. (see submission) Candace speaks with Michelle's daughter Miquelle regularly, and has always sent Michelle West letters and cards throughout the duration of her incarceration.

#### ABOUT THE CASE

Although Michelle's recollection of the facts presented at trial differ from the testimony of certain co-conspirators, she will not parse the details or allegations that were heard in court, and for which a jury rendered a guilty verdict. It is impossible to unravel the details of a conspiracy case when the evidence is primarily based upon the testimony of co-conspirators who have entered into plea agreements to escape a life sentence. In this case, the bulk of the evidence against Michelle West consisted of testimony by two witnesses. Edward Osborne admitted to murdering Sherman Christian and claims he was hired to do so by Olee Robinson. Osborne received full immunity for his cooperation and substantial assistance. He never served a day in prison.

Michelle West is extremely remorseful that she got involved with a man that appealed to her due to his successful lifestyle and participated in even the slightest wrongdoing, because she was raised to walk the straight and narrow. Even Michelle's mother was suspicious and warned Michelle to be careful of this man with the fancy cars. It was true that Olee Robinson was selling cars to drug dealers who dealt in cash. Although no one talked about it, there was an air of suspiciousness that hovered over certain customers. After Michelle was indicted she could not "cooperate" for fear that something would happen to her daughter, Miquelle, who was and always will be Michelle's main concern.

West's culpability was that once she learned Olee Robinson had been involved in the murder of Sherman Christian she did not report it. While one cannot condone that decision, one can consider why a 28 year old would keep quiet due to concern over potential retaliation. Her appre-

hension came to life when her sister received a call from Olee days after her daughter was moved to Kalamazoo by Michelle's family. This call sent a message that he knew where her daughter was living. Michelle also received a threatening letter from Olee while in the Shiawassee County Jail. There was a hearing about the threatening letter after it was brought to the attention of the prosecutor by the staff at the jail. At the hearing, West chose to lie under oath, committing perjury, by denying that she was being threatened. She chose to do that because Olee Robinson's wife was sitting in the courtroom. Michelle West felt his wife was there to listen and report back to Olee what was being said. There was no other reason for his wife to be there on that day.

Michelle West admits she made poor choices about her associations in her twenties, such as her relationship with Olee Robinson who was involved in a criminal enterprise. She was aware of Olee Robinson's business, but stayed with him anyway. She was a young, single mother at the time with no support from her ex-husband. One can imagine that being helped financially by Olee Robinson was attractive to her. However, West finally left Olee of her own volition. She recognized that his values were not the same as hers; moreover he was a physically abusive man, who at least once beat her so badly that she ended up in the hospital. It is to her credit that she had the courage to ultimately extricate herself from that relationship.

Because Michelle went to trial, she is serving Double Life plus 50 years. In hindsight everyone would like to turn back time and make different decisions. Michelle is remorseful for each and every bad decision she made that landed her in prison. Redemption is important to Michelle and she is determined to make everyone proud of her starting the minute she walks out of prison, if given the chance.

#### **IV. POST CONVICTION REHABILITATION AND ACCOMPLISHMENTS**

Life sentences strip most prisoners of hope and produces a chronic state of apathy and despair. This is not the case with Michelle West. She has never given up hope and has served her time with dignity. She has taken every opportunity to improve and rehabilitate herself from the very first day she went "inside." Rehabilitation is a conscience effort that must be put forth by the individual inmate. It is a sad state of affairs that a meaningful institutional commitment to rehabilitation does not exist in today's prisons. Michelle West has demonstrated a strong desire to afford herself every educational opportunity made available to her. Her post-conviction rehabilitation efforts are extraordinary. The following are some examples of the many programs and initiatives she has undertaken:

1. Michelle earned 57 transferable credits from Marist College with a cumulative GPA of 3.584.

**She received a Marist College Certificate of Achievement in Business Management.**

2. An apprenticeship from the United States Department of Labor as a Career Resource Tech.

3. A Certificate from Naugatuck Community College for Starting Your Own Small Business.

4. Received an extensive training in computer literacy and she has completed over 200-hours of computer training.

Michelle West's most admirable accomplishment has been living a purpose driven life throughout her incarceration. The general consensus is that a prisoner serving a life sentence is branded as someone who will eventually die in prison. Michelle chose a different kind of life for herself. Being of service to others is the center of her. Some examples of her volunteer work are:

1. Participated via Skype in a panel discussion "Real Women...Real Voices..." sponsored by Columbia University.

2. F.C.I. Danbury did not have a mentoring program for younger inmates, so Michelle created her own. Weekly, she met with the girls to discuss any coping issues they might be experiencing with their incarceration.
3. Throughout her incarceration has volunteered her services as a suicide watch companion.
4. At Danbury, she volunteered in the Children's Center during visitation.
5. She volunteered as a photographer for the recreation department.
6. She obtained approval from the Warden to organize fundraisers for FAMM ( Families Against Mandatory Minimums) while at F.C.I. Danbury.
7. Organized the distribution of toys for the Sylent Heart Foundation 2014 Toy Drive for children with incarcerated parents.
8. Supported the Susan G. Komen 5K by donating both her time and limited funds.

Transcript of all Academic programs and activities included in Index 7

Michelle prides herself on being a "model inmate" and has always demanded that standard for herself. Her Progress Report contains comments in the Character Section from staff such as E. Vermette,

“I have dealt with inmate West for the past 11 years and she has always helped out even when she didn't have to. She's always been a 'model inmate' and has always been more than just basically respectful. I wish all of our inmates were like her.”

## **V: INSTITUTIONAL HISTORY**

Michelle West has served time in three Bureau of Prison facilities. Twenty years of her life was spent at F.C.I. Danbury which was converted back to a male facility to accommodate men from the Northeast region. Michelle along with 58 other women was transferred to the Metropolitan Detention Center in Brooklyn, New York. Michelle arrived at MDC Brooklyn on March 17, 2014. Michelle prides herself on being a "model inmate" and has always demanded that standard for herself. Her Progress Report contains comments in the "Character Section" from staff such as E. Vermette:

“I have dealt with inmate West for the past 11 years and she has always helped out even when she didn't have to. She's always been a 'model inmate' and has always been more than just basically respectful. I wish all of our inmates were like her.”

At MDC Brooklyn, Michelle worked for the Associate Warden until she transferred to a position at MDC Philadelphia. A job working for an executive staff member is highly selective and coveted in federal prison and is thus only available to highly regarded inmates. She also volunteers for the Lieutenant's office as an orderly during the evening shift. She taught an Adult Continuing Education Parenting class, titled the Effects of Incarceration on children. Lastly, she was transferred to FCI Dublin, in California where she has spent the last four years.

1. Michelle was accepted into Adams State University to complete my Associate of Arts degree for Spring, 2020.
2. She is taking two college certificate courses with Las Positas College. One for customer service and the other is for Small Business Management which will be completed in May, 2020.
3. She has taken 8 ACE classes. Microsoft Word, Excel, and Power Point 2013.

New progress report will be forthcoming.



## **VI: REASON FOR GRANTING CLEMENCY**

Michelle West is serving a double life sentence, plus 50 years for her first offense. This is a severe punishment for anyone, much less someone who did not commit an act of violence. Michelle would be free, today, if she had accepted the government's plea offer to cooperate in exchange for a 20 year sentence. The question is, has she been punished enough?

Michelle has rehabilitated herself, and continues to give back on many levels to society and to the prison community. She is very sorry and remorseful for the choices and bad decisions she made in her 20's. She wants a second chance in life, instead of remaining in prison until she passes away. Miquelle. Miquelle West may not be an adolescent but she still needs her mother. After the passing of her grandmother, she was left, all alone with nobody to love and care for her, other than the daily phone calls Michelle insisted on to keep them bonded.

It is well known that commutations are extremely rare; however, one of the few reasons to grant a commutation, as distinguished on the Office of the Pardon Attorney website, under Section 9-140.113 Standards for Considering Commutation Petitions, is the following:

“Appropriate grounds for considering commutation have traditionally included disparity or undue severity of sentence...”

A compelling argument can also be made that, in this case, clemency is warranted as a means to rectify the shortcomings of the judicial process, e.g. corrective changes in the legislation that were not made retroactive. In this regard, as Marie Gottschalk states in Charles Ogletree's book *Life Without Parole, America's New Death Penalty?*

“Executive Clemency is an important vehicle to make a statement about the criminal justice system and, more broadly, about what kind of society we want.”

If sentenced today, Michelle would not receive the draconian sentence she is now serving.

With respect to the impact of current law, such as West's case, her sentence was imposed under the mandatory guidelines which were in place at the time of her sentencing in 1994. With the guidelines being advisory, Michelle West most likely would not have received life sentences for either Count II or Count III. The courts and the sentencing commission have recognized that a mandatory life sentence without parole is no longer the best option for a first offender. It was mandatory in Michelle West's case. It no longer is. Determinate life sentences are now usually reserved for the most heinous crimes imaginable in terms of nature and culpability. This is not to say that the murder of Sherman Christian is not a heinous crime. It is. However, we must consider the murder charges were built upon the word of a habitual career criminal who went scot-free and there was no tangible evidence linking her to the murder.

With regard to the drug charges, the Supreme Court in US V. COTTON 535 US 625 (2002) determined, for the first time, that drug amounts required to trigger mandatory minimums of 5 to 40 years, 10 years to life, 20 years to life, and minimum life imprisonment must be charged in the indictment. These must be found by the jury, as an element of the crime, under a 'beyond a reasonable doubt' standard. Before this case in 2002, a type of drug, or a drug amount wasn't even charged.

Aiding and abetting is premised on the PINKERTON V. US 328 US 640 (1946) doctrine which holds that a co-conspirator can be vicariously liable for reasonably foreseeable substantive crimes committed by a co-conspirator. In the 80's, 90's, and 2000's, this theory of guilt was stretched to extremes whereupon even a co-conspirator who days later gets in a shoot out with police trying to arrest him, confers guilt of shooting a cop on all other co-conspirators to the drug crime.

With respect to the impact of current law regarding Michelle West's case, these sentences were imposed under the mandatory guidelines which were in place at the time of her sentencing (1993). With the guidelines now being advisory, Michelle West most likely would not have received life sentences for either Count II or Count III. Clearly the courts and the sentencing commission have recognized that a mandatory life sentence without parole is not a product of reasoned deliberation over equitable worthiness of blame. It was the required course in Michelle West's case. It no longer is. Determinate life sentences are now usually reserved for the most heinous crimes imaginable in terms of nature and culpability. Allowing murderers to go free in exchange for testimony undermines the very fabric of our judicial system. While Michelle accepts responsibility for her participation in a drug conspiracy case, it is disturbing to think she may die in prison for this first offense.

One of the most far and away significant changes in the law that would have impacted Michelle West's sentence is the Apprendi decision. In *Apprendi v New Jersey*, (2000) the United States Supreme Court held that the Federal Constitution requires that any fact (other than a prior conviction) which is necessary to support a sentence exceeding the maximum authorized by fact established by a plea of guilty or jury verdict must be admitted by the defendant or proved to a jury beyond a reasonable doubt.

This did not happen in Michelle West's case. During the sentencing phase the alleged substance amounts from trial testimony used to convict Michelle West went from 8 kilos to an amount of 225.5 in the P.S.I. The bolstered amount came from (302) FBI records. Those records are the result of information given by the two informants, Osborne and Bowling. The judge requested the prosecutor and Michelle West's attorney to file reports with the amount of drugs that should be used at sentencing. It is important to quote the transcript at this point:

... Judge Newblatt:

On the other hand, the amount of drugs impact directly on the period of time of imprisonment, and I have to be sure. I have to be sure as to what it is. The time of--- the time in which the defendant will be deprived of her liberty is significant. I know it's of course, obviously significant to her, but it's also important to me. And I don't want to-- I don't want to make that decision unless-- until you give me a statement in the record as to the justification as to the amount of drugs that you claim she is responsible for, and establish that they are not double counted. How much time do you need?

AUSA Jones: I'd like at least a week, Judge.

West's attorney Goldstein:

Your Honor, I would like to--- I would like to respond to Mr. Jones's statement. I'll take 72 hours from the time I receive it to have a response.

AUSA Jones filed his brief but Michelle West's attorney failed to file a brief to clarify or dispute the amount of drugs. At the sentencing hearing on June 14, 1994, West's attorney stated:

"I'm just going to have to leave it to the discretion of the Court but I just wanted to say like I've said three times before, that the two guys are lying at some point. They have to be. Because you can't tell the Grand Jury I never got more than a half of kilo ever from Michelle West and then tell the Jury in this Courtroom that the least I ever got was a kilo as Anthony Bowling did. I don't know how to deal with that issue, Judge. I mean there's anywhere between a gram and a million kilograms. That's how bad the record is. So I will leave it to the discretion of the Court."

The Judge settled on AUSA Jones's brief of 500 kilos. This amount was never submitted to the jury. At sentencing a 4-point enhancement for a leadership and organizer role was added to this same count. This enhancement was also never submitted to the jury. Furthermore on Count V, a more than minimal planning enhancement was added to the sentence. Both the increase in the amount of drugs and the enhancements, which were never presented to the jury were ruled unconstitutional by the Apprendi decision. Unfortunately the Apprendi decision was not retroactive. For the drug charge, accepting the amount of 500 kilos was accurate, West received a life sentence based on a mandatory sentencing guideline.

In 1995, when the guidelines changed, retroactively, West's new guideline based on the the 500 kilos was 38, which would have given her a sentence of 235 to 293 months. Ironically, the 4 point enhancement brought her back up to a level of 42. Therefore her life sentence was upheld on appeal.

In 2007, “the Supreme Court...restored federal judges to their traditional central role in criminal sentencing.” In this most recent decision in U.S v. Booker, “the court said federal district judges have broad discretion to impose what they think are reasonable sentences, even if federal guidelines call for different sentences.” Both Apprendi and Booker chided federal appeals courts for failing to give judges sufficient leeway. “The guidelines should be the starting point and the initial benchmark,” Justice Stevens said in Gall v. United States, No. 06-7949.

It is now clear that while judges can consult the guidelines, they are only one factor among others and do not carry any special weight, meaning that Michelle could conceivably receive a lesser sentence if convicted today.

## **VII: RELEASE PLAN**

Michelle West prays daily that God will extend mercy to her thru President Obama. If the powers that be find her petition worthy of the President's consideration and she is ultimately set free by the President, she will live with her daughter, Miquelle.

Prior to Michelle's incarceration, she was a successful entrepreneur owner of Who's Who Hair Salon in Southfield, Michigan. As a result of Michelle's accomplishments over the last 26 years, she is both marketable and employable.

Her future career goals are twofold:

First she wants to complete her Associate's Degree immediately. She has only one class remaining (unfortunately the contract with Marist College at Danbury was not renewed due to lack of funds before she could take that one class).

Long term, Michelle would like to earn her Bachelor's Degree in Business Management and more importantly, use her expertise to create a management company specializing in working with young, up and coming entrepreneurs. She has always stayed current with what is happening in the world she no longer resides in, by reading books, magazines and through her voracious appetite of current affairs on the news.

## **VII: CONCLUSION**

As Rachel E. Barkow and Mark Osler wrote:

“When the Framers spoke of the pardon power, they noted it was necessary because the criminal code would be too severe. They did not reserve it for retroactive adjustments, nor did they think all errors could be identified in advance to correct. They set up a mechanism to ensure that justice could be done in every federal case.”

As indicated in the introduction, and as reiterated throughout this petition, this is not an attempt to reverse the judgment of the Court. This Petition is about mercy, rehabilitation, and a second chance. Michelle West is seeking mercy because an injustice has been done--- whether one wants to consider it an injustice or correction, an injustice of sentence received, or injustice of timing, an injustice has been done.

In closing, to quote U.S. Supreme Court Justice Anthony Kennedy,

“A people confident in its laws and institutions should not be ashamed of mercy... A decent and free society, founded in respect for the individual, ought not run a system with a sign at the entrance for incarcerated people saying, ‘Abandon Hope, All Ye Who Enter Here’.”

Michelle West has been living on hope for the last 26 years for this opportunity, that now rests with the President of the United States.

This PETITION ends the way it began, seeking MERCY for Michelle West.

June 22, 2018

President Donald J. Trump  
The White House  
1600 Pennsylvania Ave. NW  
Washington D.C. 20500

RE: Clemency for Michelle West #17809-039

Dear Mr. President,

My name is Candace Christian. I am the daughter of Sherman Christian and Cynthia Horry-Hunter. I am writing on behalf of my Godmother, Michelle West, who is serving 2 life sentences plus 50 years in federal prison. I was 6 years old when my Godmother was sent to prison. When this happened my life was affected because prior to this happening my Godmother would pick me up, take me to breakfast and then take me to school. I would sit in the car while she combed my hair and then off to class, I went. These memories will forever be etched in my mind.

I am writing you because I feel you need to know that I do not hold my Godmother responsible for what happen to my father, who is the victim in the case she was tried for. My Godmother has always been a wonderful influence in my life. I love her. I have stayed in touch with her throughout her entire time spent incarcerated. I send her cards for Mother's day and recently sent her pictures of my 1 year old daughter. My Godsister is Michelle's daughter, Miquelle, and we are very close. Miquelle was 10 years old when her mother was sent to prison and she has suffered tremendously because they are very close. Please have mercy on Michelle and set her free so she can come home to her daughter and help me continue to navigate through life. I know she will be a tremendous help for me and my daughter because she's always been a very positive influence in my life.

I have struggled with the thought of my Godmother spending the rest of her life in prison. I wrote President Obama and thought he would release her because he was focusing on people serving life sentences and her daughter was invited to the White House for a clemency summit. It was shocking that she was passed over, much like the case of Alice Johnson, who you recently set free. I cannot emphasize how much it would mean to me if you would free my Godmother so she can come home to those who have never stopped loving her. She is a first offender and deserves a second chance. Please have mercy on her and all her impacted family members.

Respectfully,

*Candace Christian*

Candace Christian  
cc. Jared Kushner