

# The Star-Ledger

## **Cutting sentences for non-violent drug crimes on hold after judge objects. N.J. fighting decision.**

By Blake Nelson

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A coalition of prosecutors and public defenders are trying to revive a plan to reduce sentences for hundreds of people currently in New Jersey prisons, part of a years-long effort to ease racial disparities behind bars.

Over the summer, a New Jersey judge partially objected to a plan to speed up when some prisoners convicted of non-violent drug crimes are eligible for parole.

Superior Court Judge Susan J. Steele wrote that she “lauds” efforts to eliminate certain mandatory minimum sentences, but the judge said New Jersey’s attorney general overstepped earlier this year when he unilaterally moved to speed up parole eligibility.

The state attorney general’s and public defender’s offices appealed that decision this month.

Blocking officials from retroactively easing sentences “creates deep harm – disproportionately for New Jerseyans of color – without advancing public safety,” Alexander Shalom and Jeanne LoCicero, attorneys for the American Civil Liberties Union of New Jersey, wrote in a supporting brief.

The Garden State imprisons Black residents at more than 12 times the rate it locks up whites, according to reports from the Washington D.C.-based nonprofit The Sentencing Project.

Many experts partially blame that disparity on laws requiring longer terms for certain crimes, and state leaders announced a plan two years ago to eliminate many mandatory minimums.

While manufacturing drugs and selling them to kids would remain illegal, judges statewide would no longer have their hands tied when considering how long people should be incarcerated for those and other non-violent offenses, according to the proposal.

Lawmakers did pass that bill — but only after expanding it to also eliminate mandatory minimums for corrupt politicians.

Gov. Phil Murphy said that went too far and vetoed the legislation in April.

At the same time, then-Attorney General Gurbir Grewal tried to accomplish the same goal through different means.

Grewal issued a directive ordering prosecutors to stop pursuing mandatory minimums for many non-violent drug cases going forward. It also asked judges reconsider similar sentences for people already behind bars.

Grewal's office estimated the order would lead to "hundreds of inmates becoming immediately eligible for parole, with hundreds more reaching eligibility in the subsequent months."

In early August, a prosecutor and public defender jointly took up the case of Diego Arroyo-Nunez, who previously pleaded guilty to distributing cocaine, according to court records. He was sentenced to 11 years and told he wouldn't be eligible for parole for at least two.

Lawyers asked that Arroyo-Nunez be considered for parole earlier, because his crime would not carry the same two-year minimum if he were sentenced today.

Steele, the judge, disagreed. Current law doesn't allow sentences like Arroyo-Nunez' to be revised, Steele wrote Aug. 24 in Union County. (Her ruling does not apply to future cases.)

Arroyo-Nunez has since hit the two-year mark and was paroled in August, according to prison records. Yet because the ruling could affect others incarcerated for similar crimes, state officials asked a higher court to reverse Steele's decision.

It was not immediately clear when the Appellate Court might consider the case.

Steele was brought out of retirement near the start of the lockdown in March of last year and is in charge of reviewing all mandatory minimum reconsiderations, according to court records.