

To the Pardon Attorney:

I am writing to support the commutation application of William E. Piers, C172950. As more fully explained below, I was counsel for Mr. Piers in his 2255 proceeding and have been helping him out since then, all on an entirely pro bono basis. I have never met William, but agreed to offer legal assistance to him because he is the stepson of a family friend. I represented him in court and have been trying, off and on, for almost 15 years to find a way for him to be able to return to his family.

The principal reasons of which I am personally aware that support commutation are (1) his representation at trial was woefully inadequate, almost certainly causing him to be convicted of the most serious crime for which he was charged and as a result he has served more than 20 years in prison, whereas his two co-defendants were sentenced to between 12-13 years; (2) his debt to society has been repaid by his 20 years + in prison and because no one was injured as a result of the failed robbery and all of the money was returned; (3) he has had serious health problems for many years, he had no prior criminal record, and there is no reasonable likelihood that he will commit any criminal acts in the future.

(1). William's family hired a lawyer whom they paid \$10,000. including \$2500 for an investigator who was never hired. William's relationship with his lawyer was very bad almost from the start, so that in the end they were not speaking. Although William tried to discharge him many times, the lawyer refused to make a motion for new counsel until 6 days before trial, when the motion was denied as untimely. His trial performance was unacceptable. Here are some examples: (a) he postponed making an opening statement, but then never made one; (b) his cross-examination on the key issue that produced his lengthy sentence, which involved the identity of the person who fired the machine gun, transformed a police officer's identification from one that pointed to another defendant into one that shifted the blame to William; (c) without consulting William, he conceded William's guilt not only on the basic robbery charge (for which there was strong evidence), but by inference on the machine gun charge which was crucial to his sentence; (d) he had no theory of William's case and never made a coherent argument for why he should be acquitted over any of the charges; and (e) he never suggested to William that he consider a plea bargain, given the evidence against him and the fact that his co-defendants (only one of whom cooperated) received 12-13 year sentences and that there was a mandatory 360 month sentence on the machine gun charge. The inescapable conclusion is that had William been properly represented he would have been a free man many years ago.

(2). William has more than paid back his debt to society. The evidence of his involvement in the robbery was strong, but there is serious doubt that he was the one who fired the machine gun. It was that act that gave him his sentence of 468 months (39 years, less good time credits, 30 years of which was mandatory for the gun charge) and without it, he would have been released by now. In this connection, it is important to note that no one was injured by the machine gun or otherwise, and all of the money was recovered. Even if he was found to be more responsible for the robbery than his co-defendants (which is unlikely because he was younger and because one of the co-defendants was a former employee of the bank that was robbed), he has already served 50% more time than they have.

(3). William was a young man when he was first incarcerated over 20 years ago. He had no prior criminal record, but because of his conviction, he was thrown in with hardened criminals. William has always been a frail person, and his health in prison has suffered. I regret that my efforts to improve his medical care have not been successful. He is still young enough to make something useful out of his life, and there is almost no chance that he will be a recidivist. There is simply no reason for the Government to continue to pay for his confinement and his medical treatment, and every reason to conclude that he has already served more time for his offenses than is warranted.

For all of these reasons, I strongly urge that his sentence be commuted to time served, which could also provide for probation for a modest period of time.

Alan B. Morrison

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