

'First Step' toward freedom for R.I. drug offenders

By Katie Mulvaney
Journal Staff Writer

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So far, 14 Rhode Islanders convicted under stiff mandatory-sentencing laws have gained early release under the newly enacted federal law called the First Step Act, the result of a bipartisan effort to reduce unnecessary incarceration and remedy racial disparities in cocaine sentencing.

PROVIDENCE — Authorities dubbed Joel Francisco the crown prince of the Almighty Latin Kings gang in 2005, after a judge sentenced him to life in prison for trafficking crack cocaine — the stiffest sentence ever handed down in Rhode Island for a drug crime.

Tiante Greene dealt crack to an undercover officer in public housing projects in Newport, landing him 17-plus years behind bars as a career offender in 2007.

Both men were sentenced under stiff mandatory-sentencing laws enacted to stamp out the crack epidemic and the violence it brought to poor communities. And in the last few weeks, both men were freed as beneficiaries of the First Step Act, a federal law passed in late December that extends sentencing relief to people convicted of crack-cocaine offenses. The law, hailed on both sides of the political aisle as much-needed criminal justice reform, allows Francisco, Greene and other crack-cocaine offenders convicted before 2010 to petition the court to have their sentences reduced.

Greene, who was freed on Jan. 25, learned of his release when prison staff in Danbury, Connecticut, asked him whether he'd be taking a bus or getting a ride back to his home in Newport.

"It felt good to be back in society," he said. "I felt that it should have happened a lot earlier."

While imprisoned, he and other inmates had eagerly followed the progress of the First Step Act through Congress.

"It's helping out a lot of guys waiting for it to happen," said Greene, who had not been slated for release until 2023.

The first thing he did was track down his 13-year-old son, Tiante Jr., who was only 2 months old at the time of his father's arrest.

"He was actually so happy he couldn't even breathe," Greene said.

Greene is now working part-time as a laborer while looking for a full-time job. He's living with his longtime girlfriend, Tanya Walmsley. He celebrated his 39th birthday on Valentine's Day surrounded by family and friends. He set up a Facebook account.

"I'm really anxious to start on this new journey, this crime-free journey," Greene said.

His plans? To enjoy life.

"I'm a totally different person now, realizing what's more important," Greene said.

His brother, Terrence, was also released but declined to be interviewed.

So far, 14 drug offenders have been freed in Rhode Island due to the proactive, hands-on approach taken by U.S. District Chief Judge William E. Smith.

Following passage of the act, Smith contacted the U.S. Sentencing Commission to generate a list of prisoners sentenced in the district who might be eligible for relief. The court asked Assistant U.S. Attorney Donald C. Lockhart and Olin Thompson, of the federal public defender's office, to identify people who they believed had completed their sentences under the new law. The U.S. Probation Office compiled reports examining the inmates' conduct in prison and participation in programs.

Thompson and Lockhart drafted stipulations agreeing to modify sentences. Smith or Judge John J. McConnell Jr. approved those agreements, leading to the men's release after more than a decade behind bars.

"If people have already served their sentences under the Fair Sentencing Act, they deserve to be released," Smith said, adding, "We're trying to be very inclusive."

Thompson said he believes he's found another 10 who are eligible, including one whom prosecutors oppose due to a differing interpretation of the law. Judges, too, ultimately retain discretion if an offender is viewed as a public-safety threat.

"Our judges have been at the forefront of trying to reduce these unjust sentences," Thompson said.

In 2010, Congress passed the Fair Sentencing Act, which reduced the disparity between sentencing for crack and powder cocaine for people sentenced after the law's passage. The new act addresses those sentenced prior to 2010 on crack offenses. It's estimated that about 2,700 offenders are eligible for immediate relief.

According to the Congressional Budget Office, 53,000 of the 181,000 inmates now in federal prison will be affected by the First Step Act over the coming decade.

“The focus is exactly on the sentencing for crack cocaine,” said U.S. Sen. Sheldon Whitehouse, a proponent of the act, which includes other reforms.

The act’s bipartisan support signals a widespread acknowledgement of unfair lengthy mandatory crack-cocaine sentencing policies that led to mass incarceration, largely of people of color, said Kara Gotsch, director of strategic initiatives at The Sentencing Project, a Washington, D.C.-based advocacy group that works to reduce incarceration and address racial disparities in the criminal-justice system.

“There was an appreciation for how unjust and racist these laws were,” Gotsch said. “These poor folks who have been in prison are finally being released.”

Francisco went by the nickname “Joe Crack” at the time of his arrest in 2004 as part of an investigation aimed at toppling an entrenched drug-trafficking network led by the Latin Kings, one of the nation’s most notorious gangs. Authorities identified Francisco as its leader in Providence — or the Supreme Crown — who ran the gang through “violence and intimidation.”

He had twice been convicted of felony drug crimes, requiring a mandatory life term in prison under drug-sentencing laws at the time. Francisco had also previously admitted to assault with intent to murder in a shooting.

Francisco wrote the court requesting his freedom 10 days after President Donald Trump signed the First Step Act on Dec. 21. He professed to have accepted responsibility for his actions and to have separated himself from the “proverbial herd” by committing himself to a law-abiding life with his wife and children.

A one-time college student, Francisco submitted a list of the 20-plus programs he’d completed during his more than 14 years behind bars, including culinary arts, personal growth, conflict management, coaching and brain fitness.

On Feb. 5, Judge McConnell approved an agreement reached by federal prosecutors and Thompson, the public defender, to release Francisco on time served. That same day, Francisco walked out of a high-security prison in Atwater, California, U.S. Bureau of Prisons records show.

Francisco declined comment through a cousin acting as a family spokesman as he continues to “decompress.”

“Joel does believe that the First Step Act is a step in the right direction toward broader criminal justice reform that is needed,” Anthony Francisco said. “Much more needs to be done.”

He urged taxpayers to contact their senators and representatives to push for further reforms.

“The sentences that men and women have been exposed to are too long, and it’s incumbent that fairness is restored to the system.” Anthony Francisco said. His cousin remains fearful of “people who are not content” with the First Step Act, he said.

Francisco’s release and return to Rhode Island gave pause to Providence police Cmdr. Thomas Verdi, who pursued him for years leading up to his trafficking arrest in 2004.

“I hope that he’s been rehabilitated. However, I have serious doubts, having known him the way I did all those years,” said Verdi, a supporter of the First Step Act. “He had a propensity for violence. ... His nickname is Joe Crack, and they ran their operation through the use of violence.”

Stephen Dambruch, the U.S. Attorney who prosecuted Francisco’s case, raised his eyebrows when he heard that Francisco had been released.

“These are the people Joel Francisco would be preying on,” Dambruch, now chief of the Criminal Division for Attorney General Peter Neronha, said of people swept up in the opioid epidemic.

Judge McConnell declined to comment on the specifics of the case, but he noted that both U.S. Attorney Aaron Weisman’s office and Thompson, Francisco’s federal public defender, had agreed to release terms.

“Congress and most of the country has recognized, on a bipartisan basis, that excessively long sentences are not the answer to problems in society or crime,” he said.

Francisco is a great example of the offenders Congress was targeting when it passed crack-sentencing reforms in 2010 and the First Step Act’s retroactive provisions, Thompson said.

“The judge at his original sentencing was forced to impose a life sentence, despite finding that a 15-year sentence was appropriate,” Thompson said. “Even after this reduction, he still ended up serving nearly 15 years for his non-violent drug offenses. The First Step Act merely extended to him and many others the benefits of reforms to our drug laws to make them fairer, more sensible, and less racially disparate.”

The act’s passage could lead to the speedy release of thousands of prisoners across the nation. Typically, there would be a transition period readying them for reentry through the U.S. Bureau of Prisons.

In Rhode Island, the federal probation office vetted the release plans for each of the men who were freed, ensuring that they have stable housing and adequate supports in place. It intends to assist them with landing a job, getting their driver’s license reinstated and securing needed mental-health or substance-abuse treatment. Probation staff guide them toward organizations such as Amos House and OpenDoors that provide services and advocacy to people with criminal records.

“Everybody who gets out we’re going to supervise closely initially to ensure they successfully reintegrate into the community,” Chief U.S. Probation Officer John G. Marshall said.

All are serving at least five years of supervised release, meaning they will remain under oversight.

“You’re looking at life in prison and you get your life back. That’s a pretty big swing. Hopefully, everybody is going to be successful,” Marshall said. “That’s the goal.”

U.S. Attorney Weisman credited Lockhart for working hard to get the men relief they were entitled to under the law. He expressed optimism given the offenders’ ages and decade-plus behind bars.

“The hope is they live law-abiding and productive lives,” Weisman said.

— *kmulvane@providencejournal.com*

(401) 277-7417

On Twitter: [@kmulvane](#)