

Holder softens stance on certain federal drug prosecutions

Written by Australian Business

September 28, 2013 /**24-7PressRelease**/ -- In recent times, public attitudes about certain drug offenses, particularly the use and possession of marijuana, have softened. Although twenty or thirty years ago the drug was considered to be dangerous and a "gateway drug" that led to the use of more serious types of drugs like cocaine or heroin, this is no longer considered the case in the public's eye.

In response to this change in public opinion, two states have legalized the recreational use of marijuana. Several others have passed laws legalizing the medical use of the drug. Despite such state action, the use and possession of marijuana remains illegal under federal law. As a result, many users of the drug have found themselves facing federal drug charges despite the fact that the drug is legal in their state.

However, recent actions by U.S. Attorney General Eric Holder seem indicate that the federal government is also softening its stance on marijuana use and certain other [drug offenses](#) . Holder recently announced that he had directed federal prosecutors across the nation to focus their efforts on prosecuting large-scale drug trafficking and drug cartels rather than low-level or nonviolent drug offenders that have no ties to organized crime. Holder said that the policy change would affect suspects in drug cases that have been charged but not tried as well as those who have been convicted but not sentenced.

In implementing the federal government's changed stance on these drug offenses, Holder has directed prosecutors to charge suspects in low-level cases in a way that would allow the suspects to avoid steep mandatory minimum sentences. Specifically, prosecutors have been directed to omit the amount of drugs involved in the case from the charges. In doing this, Holder hopes that low-level or nonviolent drug offenders would not face long prison sentences if convicted.

As a result of mandatory minimum sentences on the books, even low-level or first-time drug offenders can find themselves with long prison sentences. Because, of these laws, which were enacted during the "War on Drugs" during the 1980s and 1990s, the number of prison inmates has swollen considerably. Currently, about half of federal inmates are serving time for drug offenses and federal prisons are about 40 percent above capacity.

By allowing low-level offenders to avoid such mandatory minimum sentences, Holder hopes that it will save the federal prison system billions in incarceration costs. In addition, it is hoped that this move will free up federal prosecutors to focus their efforts on more serious drug crimes that involved violence or [weapons offenses](#) .

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Despite this change in prosecution procedure, drug crimes such as the possession of marijuana remain illegal under federal law. Those arrested for offenses still can face federal drug charges that include prison sentences as punishment (although not as long as before). As a result, if you have been charged with a drug crime, it is important to present a strong defense. An experienced criminal defense attorney can advise you of your rights and prepare an effective defense to the charges on your behalf.

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