

Sharon Lovelace Blackburn
Northern District of Alabama

It's a tragic day for him and it's a tragic day for his family and his friends now... I really wish we had a crystal ball and could see what would happen if he could get out but that wouldn't really make a difference because its not within my power.¹

Appointed by: President George H.W. Bush, 1991.

Law School: Cumberland School of Law, J.D. 1977.

Prior Legal Experience: Birmingham Area Legal Services, 1979.

Government Service: Assistant U.S. Attorney, 1979-1991.

Background and Reputation in the Legal Community

After completing law school, Judge Blackburn was a clerk for the Alabama Supreme Court and for U.S. District Court Judge Robert Varner. Her primary practice experience was as an Assistant U.S. Attorney where she served for twelve years before becoming a federal judge. She was active in her local and state bar associations as well as community groups involving children.

As a judge, lawyers are very positive about Judge Blackburn. Her intelligence and diligence are particularly praised. She is also considered courteous and even tempered in court. Plaintiff's lawyers say she is neutral to defense oriented in civil cases. Criminal defense lawyers believe she is prosecution oriented and that she is tough on defendants at trial and at sentencing. One commented, "she will be creative in imposing tough sentences."

As an Assistant U.S. Attorney, Judge Blackburn played a major role in the 1990 prosecutions of the USX Corp. and the United Steel Workers of America for improprieties during labor negotiations. The case resulted in a multi-million dollar fine against the company and jail sentences for two union officials.

Leander Lewis Sandifer

Charge: Possession with Intent to Distribute Crack Cocaine.

Sentence: 188 months.

Projected Release Date: January 18, 2010.

In 1996 at the age of twenty seven, Leander was sentenced to 188 months for possession with intent to distribute crack. Leander was the manager and owner of the Flatjoint Lounge in Triana, Alabama and was apparently selling small amounts of cocaine from that location and around town. A cooperating witness observed him make several twenty dollar sales and a confidential informant made three purchases from him totaling less than a gram. During the investigation, Leander was also able to obtain about an ounce (20



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¹ Sentencing Transcript at 10-11, United States v. Leander Lewis Sandifer, Cr.-96-B-0052 (N.D. Ala. July 23, 1996).

grams) of crack for the cooperating witness and the police recovered another 5.5 grams pursuant to a search warrant for the club. Essentially, the police investigation suggested that Leander was a small-time, retail dealer, but that he could find a source for slightly larger amounts on request.

After he was arrested, the police claim that Leander allegedly admitted to selling between 12 to 18 ounces of crack a week. The government called the cooperating witness at trial who testified that she had bought an ounce from him three times and one half an ounce about once a month for three months prior. At the suppression hearing and after trial, Leander denied making these statements to the police and denied making additional ounce sales to the cooperating witness. Nevertheless, under the relevant conduct provisions, the probation officer ascribed 155 ounces of crack to the defendant, substantially more than the transactions listed in the indictment.

Leander was assigned to Criminal History Category I, although he had been arrested (but not convicted) for selling drugs before. At sentencing, Leander candidly admitted that he hadn't stopped selling drugs before this arrest because he had been getting away with it and therefore hadn't learned any lessons. He told the judge that if he got another chance, that he rather get a job "at Burger King than sit behind prison bars for 15 or 20 years."²

At sentencing, Leander's pastor spoke on his behalf. He said that he felt that Leander's problem was that he had fallen in with the wrong people and that if given a second chance, he would make a model citizen. Judge Blackburn explained to the Reverend that while Leander might have a good side, there was clearly also a Leander who felt no remorse about selling crack to addicts. She also noted at this point that Leander had not helped himself at any point in the process. He had not cooperated with the government and then lied during the suppression hearing. Even in his letter to her, she felt he had not really come clean about his past activities. Despite all these negative facts, she did feel compelled to tell the pastor that she was not the person who

made the guidelines that apply to Mr. Sandifer's case. . . . And Congress, or this Sentencing Commission, has decided to punish crack cocaine sellers at a very high level. . . . I wasn't the one that came up with the range of sentence. It's my job to follow the law and impose a sentence that I think that has been dictated by the Sentencing Commission for me to impose. . . . I would probably agree with you that if I could give him five years or three years or four he might also, he might have a chance to do right, too.³

Judge Blackburn also had to consider whether to enhance Leander's offense level by two points for obstruction of justice, based on his testimony at the suppression hearing concerning whether he was given his Miranda warnings. Although she believed that Leander had perjured himself on this point, and had condoned the perjury of his defense witness at

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Sent. Tr. at 21.

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Sent. Tr. at 8-9. But the judge made clear that if she could let him out that day, she was convinced that he would go right back to selling drugs because "[t]here's too much money involved. Its too easy." She also explained that if the full extent of his dealing were known, he might be looking at life without parole.

trial, she was willing to forgo this enhancement because the sentence was already very severe. But because the government insisted, the judge followed the law and included this two point enhancement in her Guideline calculation.

After the legal issues were resolved, Judge Blackburn and Leander engaged in an extended dialogue about a number of issues, including his testimony at the suppression hearing, the relevant conduct calculations, and his previous decisions that landed him in this predicament. Judge Blackburn informed him that although she continued not believe most of his claims about these events, she was still not happy with the amount of time she had to impose. Thus, at the end of the dialogue, after again explaining how the Guidelines worked and how Leander's own choices led him to this result, she said

There's really nothing else for us to talk about anymore. I don't mean to stop you from talking to me, I am giving you the lowest sentence I can give you. It is a very lengthy sentence. Its not something I take pleasure in giving to you. I am not unaware of how – I mean, 15 years is a lifetime. It's not a lifetime but it's close to it. It is horrendous but that is the lowest sentence I can give you and that's what I'm giving you. I mean, there's just not really much else you can say and your family has said to me and I know they love you, I mean it's a tragic situation we're in today.⁴

Leander was one of ten siblings raised by both his parents in rural Madison County. All of his siblings are employed and seven of them still live in Alabama. He graduated from high school and briefly attended a vocational school for electronics. He has one daughter who is now ten years old. At the time of his arrest he listed his parents address as his home, although he sometimes also lived with his girlfriend.

Compiled from Sentencing Transcript, PSI, inmate letters, PACER docket sheet.