

Charles R. Butler, Jr
Southern District of Alabama

I look at that, at a young man that is twenty-five years old and it does give me cause to pause and consider the consequences of a sentence of this length.¹

Appointed by: President Reagan, 1988.

Law School: University of Alabama, LL.B. 1966.

Military Experience: First Lieutenant, Army, 1962-64.

Prior Legal Experience: Hamilton, Butler, Riddick, & Latour, 1966-69; Butler & Sullivan, 1975-84; Hamilton, Butler, Riddick, Tarlton & Sullivan, 1984-88.

Government Service: Assistant Public Defender, 1969-70; District Attorney, 1971-75.

Background and Reputation in the Legal Community

Judge Butler had a long career in private law as well as short stints as an assistant public defender, and later, as District Attorney for Mobile County, Alabama, before being appointed to the bench. His private clients included a title insurance company and several independent oil and gas producers and developers. As a partner in a general practice firm, he had wide exposure to a variety of civil matters.

His broad experience has served him well on the bench. Most lawyers believe that Judge Butler has exceptional legal skills. Comments included, “a good combination of raw intelligence and experience.” “You cant’ pull the wool over his eyes.” He is also considered to have a good judicial temperament and excellent trial management skills. Civil lawyers on both sides consider him fair and impartial.

Criminal defense lawyers say that he is fair, “despite his prosecution background.” Another said similarly, “He has some compassion for defendants, and he makes sure they receive a fair trial.” Nevertheless, once convicted, lawyers in his district consider Judge Butler a tough sentencer. For example, one noted that “He usually sentences within the guidelines more toward the upward end.”

Judge Butler has served on several judicial committees including the Executive Committee of the Judicial Conference.

Michael Wayne Wright

Charge: Conspiracy to Possess with Intent to Distribute Crack Cocaine; Possession with Intent to Distribute Crack Cocaine.

Sentence: 360 months.

Projected Release Date: March 24, 2021.

In 1994, Michael Wright was importing crack cocaine from California to Mobile, Alabama. A confidential informant was able to make a purchase of one ounce directly from Michael on

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Sentencing Transcript at 353, *United States v. Michael Wayne Wright*, Cr.-94-00173 (S.D. Ala. Aug. 11, 1995).

August 26, 1994. A week later, Michael arranged a second purchase of an ounce from his codefendant, Jerrod Grissom. Additional crack cocaine was found on him during a traffic stop and a search warrant of his home revealed a handgun which he acknowledged was his. Michael was arrested on a fugitive warrant in New Orleans carrying \$16,000 in cash. Michael went to trial and was convicted. One witness testified that Michael sold him ounce quantities three times and that Michael had teenagers selling crack for him in Mobile.²



At sentencing, the judge found that the case involved between 500 grams and 1.5 kilograms of crack. The judge increased his Offense Level by two for his leadership role for an adjusted Offense Level of 38.3 Michael also had two prior drug convictions in California when he was seventeen and nineteen years old for which he had served a total of three years.⁴ His Criminal History Category was initially III, but because he had two prior drug felony convictions, the Career Criminal Guideline required that his Criminal History Category be raised to VI.⁵ This raised his sentencing range from 292 - 365 to a range of 360 months - life.

At sentencing, the government asked for a sentence higher than the minimum 360 months. The prosecutor argued that a longer sentence was required because Michael had probably distributed much more crack than was attributed to him by the PSI and that he used children and provided them with guns. Judge Butler disagreed, stating

I look at that, at a young man that is twenty-five years old and it does give me cause to pause and consider the consequences of a sentence of this length. This is a defendant who has been in the face of the law twice before and apparently thumbed his nose at it. But he has now been caught in a conspiracy, convicted of it, and faces some dire consequences, really for the first time in his life. A thirty year sentence does in my judgment provide a substantial harsh measure of punishment for someone who will loose [sic] the balance of his young life. And even with good conduct not get out until he is fifty something years old. I think that is an appropriate sentence.⁶

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Michael reports that he went to trial on the advice of his attorney who led him to believe he could beat the case. He says that if he was offered a deal below thirty years, he likely would have taken it.

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The PSI recommended a two point increase in his Offense Level for possession of a firearm for the gun found at his home. The Judge declined to make this adjustment because there was not much evidence that the gun was connected to the drugs. In any event, the sentencing range at both Offense Level 38 and 40 were the same so ultimately the court chose not to resolve this issue. Sent. Tr. at 349.

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On the first conviction, he served 180 days in the county jail and was placed on probation of the rest of the sentence. After the second conviction, his probation was revoked and he served the remainder of the first sentence, concurrent with a second, three year sentence. Based on these two prior felony drug convictions, he probably could have filed an information required a mandatory life sentence under the statute. See 21 U.S.C. §841(b)(1)(A)

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See U.S.S.G. §4B1.1.

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In 1999, Michael wrote to Judge Butler and told that he now understood that he had been wasting his life and hurting his children. While noting that his own father had been in jail when he was young, he claimed responsibility for his crimes as “mine and mine alone.” He apprised Judge Butler of the many classes he had completed and his religious conversion and asked for a lesser sentence. Judge Butler wrote back that he was precluded from modifying the sentence by law.

When asked how much time he feels would have been necessary to get him to stop dealing, Michael writes first that in the state system in California, where he had served his prior sentences, there was no rehabilitation or education afforded to inmates. He feels that the state system was a set up for someone like him, a ghetto kid with no education or skills, to fail.⁷ He said simply he returned to doing the only thing he knew to support his children.⁸ But, he claims that his federal prison experience has been different because of the opportunities presented for self-improvement. But, he then adds that the eleven and a half years he has served has been enough for him to be able to function in society, stating that “I don’t think I can, I know I can make it.”⁹

Based on his record, Michael clearly seems to have made tremendous progress even though he is not even halfway through his sentence. In addition to taking many educational classes, he is now also achieved certification as an appliance technician and as minister. He credits his faith in God for his turn around.¹⁰ In addition to his efforts to maintain his ties to his children, he teaches a voluntary bible class called “Men of Integrity,” which tries to give his fellow inmates “a vision that they can change their life if they so chose. I try to help them see that there is an alternative to crime.”¹¹

While taking responsibility for his actions, Michael is still critical of the criminal justice system that handed him a thirty year sentence. He writes that “It has always intrigued me as to how we as Americans, as intellectual as we are, can be intoxicated by a system that would allow a rapist or murder[er] to be sent before a parole board and released within 3 to 7 years simply because they have to. But at the same time you have a non-violent drug offender who

Sent. Tr. at 353.

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Michael dropped out of high school in the 11th grade but received his G.E.D. while serving a sentence in the California prison system. His mother died when he was young and his father was a nightclub owner who was not home much and did not provide much supervision.

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Michael attended Educorp Career College for six months where he studied plumbing. He worked as a plumbing contractor and on his own for some of the time he lived in Alabama and California. In other periods, he was unemployed. His girlfriend at the time he was arrested stated that she had provided some support for him during the three years they were involved.

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Id.

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He writes “It is God that gives me the drive and ability to educate myself. It is God that gives me the drive to be a better father, . . . to want to become an asset and not a liability to society.” July 7, 2005 letter to the author at 2 (on file with author).

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Id. at 3.

would be sentenced to 30 years with no possibility of parole or not chance at early release at all because of Mandatory Minimums.”¹²

Lastly, he says that his main concern is the impact of his incarceration on his children. His sixteen year old son has already had a run-in with the law and his fifteen year old daughter has been in foster care for eight years. His other three children were so young when he left that they only know him through letters and pictures.

Compiled from sentencing transcript, PSI, PACER docket sheet, and inmate letters.

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Jan. 30, 2003 letter to the author at 1 (on file with author).