

Clyde Roger Vinson
Northern District of Florida

*So your total sentence, Mr. Prikakis, is five hundred fifty-eight months . . . its sickening for me to have to do this. I find this to be a revolting situation, and I cannot do anything about it.*¹

Appointed by: President Ronald Reagan, 1983.

Military Experience: US Navy, Lieutenant, 1962-1968.

Law School: Vanderbilt University, J.D., 1971.

Prior Legal Experience: Beggs & Lane, 1971-83.

Reputation in the Legal Community

Judge Vinson graduated from the United States Naval Academy and served as an aviator with the Navy for six years before attending law school. He practiced with a Pensacola law firm for twelve years before he was appointed to the federal bench.

Lawyers gave Judge Vinson favorable marks for legal ability and demeanor. One typical comment in a survey of lawyers was, “He is a fine person and a good judge.” A majority of civil lawyers interviewed felt the judge has a slight defense bias. Criminal defense lawyers interviewed said Vinson is fair. One noted that he is “prosecution oriented because the system is prosecution oriented.” Criminal defense lawyers said he tended to sentence within the Guidelines, but on the moderate to heavy side of the defendant’s range. Several noted, however, that this district had a reputation for heavy sentencing, especially for drugs, but that Judge Vinson sentenced “to punish, not to make an example.” Others remarked that he was willing to listen to arguments to depart and will “if he thinks justice requires it.”

Judge Vinson on Sentencing Policy

When Judge Vinson appeared before the Senate Judiciary Committee in 1983, he stated that drugs were “the most serious overall crime problem facing this country,” and therefore he “would favor maximum sentences in those cases.” More recently, he wrote that the Sentencing Guidelines, despite some minor problems, were a “significant improvement in sentencing.”² He added that he had tried experimenting with developing his own guidelines before 1987 because he found it difficult to be consistent “among the similarly situated defendants in cases from month to month and year to year.”³ On the other hand, he has had a number of cases, including two discussed below, in which it was “*not* the Sentencing Guidelines that created the injustice – it [was] the statutory mandatory sentences set by Congress.”⁴

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Sentencing Transcript at 19, *United States v. Michael Prikakis*, No. 91-03099 (N.D. Fla. February 5, 1992).

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January 28, 2004 letter from Judge Roger Vinson to author at 1 (on file with author).

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Id.

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Stephanie Yvette George

Offense: Conspiracy to Possess with Intent to Distribute Crack Cocaine.
Sentence: Life without Parole.
Projected Release Date: None.

Stephanie George dated crack dealers, including her co-defendant in this case, Michael (“Dickey Doo”) Dickey. In 1996, a raid on her home resulted in the arrest of Stephanie and Dickey, and the discovery of \$14,000 in cash, a half a kilo of powder cocaine, and equipment for cooking crack cocaine. Dickey told police that the money and drugs were his but that he paid Stephanie, who was no longer his girlfriend, to let him use the house for his drug business.⁵ Stephanie decided to go to trial and she was convicted. In addition to the cocaine seized in her house, several cooperating defendants testified about other episodes in which she assisted Dickey and her previous boyfriends.⁶



In computing the drug amount, the probation officer arrived at a total of 1.5 kilograms of crack cocaine. He began with the half a kilo of powder seized from her room but counted it as crack because Dickey told the police that they had planned to convert it to crack. Another half a kilo of crack was added based upon Dickey’s statement that they had actually purchased a full kilogram and had already sold the first half as crack. Another fourteen and a half “cookies” of crack, or about 290 grams, were included based upon the cooperators’ historical testimony.

This quantity of crack converted to a Base Offense Level of 36. Two offense points were added for obstruction of justice, because Stephanie testified at trial that she had no knowledge of drugs in her home. Stephanie also had three prior state drug convictions, all of which arose during a three month period in 1993. On October 26, 1993, she was found to be in possession of crack cocaine located in her bra. For that offense, she received probation with nine months to be served from the county jail with work release. On November 10th and 15th of that same year, she sold small amounts of crack cocaine to an undercover officer and a confidential informant.⁷ She pled guilty to these charges but she received no additional time on these cases.⁸

Id.

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Dickey’s assertion that he was in charge was born out by the evidence. A lock box containing half a kilo of powder cocaine and \$13,710 was found in Stephanie’s bedroom during the raid. But Dickey, who was also present at the house at the time, had the key to the box along with another \$797 on his person.

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Four cooperating witnesses who testified at Stephanie’s trial placed her with Pensacola drug dealers since the late 1980s including Marcus Johnson, Calvin Brooks, and Charles Jordan. All four testified that they had seen Stephanie assist these men carrying money and drugs for them at various points.

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One sale involved \$120 worth of crack.

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Under the Guidelines, without any enhancements, these three convictions would have put her in Criminal History Category III. At Level 38, this would have presented Judge Vinson with a sentencing range of 324-405 months.⁹ However, because she had at least two prior drug felony convictions, the prosecutor was able to invoke the statutory enhancement provision which required a life sentence without parole.

This seemed unduly harsh to Judge Vinson who told Stephanie at sentencing, “Even though you have been involved in drugs and drug dealing for a number of years . . . your role has basically been as a girlfriend and a bag holder and money holder. So certainly, in my judgment, it doesn’t warrant a life sentence.”¹⁰

Stephanie’s misfortune was to have been born, lived, and gotten involved with drugs in Pensacola. Drug cases prosecuted by the United States Attorney’s Office in the Pensacola, according to one study in 1996, resulted in the harshest drug sentences in the country.¹¹ The average drug sentence in that district that year was 120 months, higher than Los Angeles, Chicago, or New York, and twice as high as Miami in the same period. Thus, Judge Vinson told the federal prosecutor in the case, “There’s no question Ms. George deserves to be punished, the only question is whether it should be a mandatory life sentence. And . . . I wish I had another alternative.”¹²

Dickey, who was the leader of the enterprise, was initially sentenced to 320 months. However, because he cooperated with the government in other cases, he received a post-sentencing motion to reduce from the government. Upon resentencing, Dickey received 150 months.

Three of the cooperators who testified against Stephanie were also rewarded with significant sentence reductions.¹³ Savory McCuff, who was originally sentenced to 180 months later had his sentence reduced to 106 months. Alonzo Knight started with 204 months which was

Stephanie reports that all three cases were pled out on the same day and her PSI reflects that her sentence on the second and third convictions were to run concurrent with the first sentence. March 24, 2007 letter to author at 1 (on file with author).

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Her prior drug convictions also had Guidelines consequences. Under the Career Offender provisions, her Criminal History Category was raised to VI, with a sentencing range of 360-life. However, as noted above, given the statutory life sentence, the Guideline calculations were essentially irrelevant in her case.

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William Greider, *Mandatory Minimums: A National Disgrace*, Rolling Stone Magazine, April 16, 1998 at 42.

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Id.

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Judge Vinson remembers this and the next case well. While he says it is impossible now to determine what sentence he would have given Ms. George, he believes he probably would have sentenced her within the calculated guideline range. January 28, 2004 letter from Judge Vinson to author at 1 (on file with author).

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One of the cooperators, Donald Hale, received 240 months but does not appear to have gotten a cooperation motion from the government despite his testimony in Stephanie’s trial.

reduced to 162 months. Zachary Butler also initially received a life sentence but that was reduced to 144 months after the government's cooperation motion was granted. On the other hand, Stephanie, who had never served a day in a state prison before this case is serving her life sentence without parole.¹⁴

Although Stephanie's parents separated when she was six, she reports that she maintained a good relationship with both her parents and that she graduated from high school. After high school she moved out on her own and worked a series of jobs at fast food restaurants, housekeeping at a hotel, and as a patient assistant at two nursing homes. She also worked as a beautician, first with her mother and then on her own.

When asked why she got involved with these men and drugs, she write that it was the money. She admits that she was spoiled and she had the "attitude with mens, if they couldn't give me what I wanted then I didn't want to be bothered."¹⁵ However, she claims to have used her time in prison wisely. She reports that she has completed a B.A. degree in business and over thirty certificates of skills she has learned. She feels that she has served enough time "to learn from her mistakes to know if ever given a chance I will handle my life . . . better than I did before."¹⁶

Stephanie has three children who were nine, six, and four when she was sentenced.¹⁷ The children are with her family but as they have gotten older, they "want answers about me being away."¹⁸ She wrote in 2003 that she still did not want to tell them that she "might not be coming home for awhile."¹⁹

Compiled from PSI, inmate letters, PACER docket sheet, judge letter, Rolling Stone article 4/16/98 (containing judge's comments at sentencing).

Michael Prikakis

Offense: Possession with Intent to Distribute Cocaine; Possession of a Firearm During a Drug Trafficking Offense.
Sentence: 18 months (drugs) + 540 months (gun counts) = 558 months.
Release Date: June 13, 2002 (under treaty allowing him to serve the remainder of his sentence in Greece).

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Stephanie claims that she was not aware of any plea offer and that she was not offered a chance to cooperate by the government. March 24, 2007 letter to author at 1 (on file with author).

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Id at 1-2.

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Id. at 2.

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She wrote in 2007 that her daughters are doing O.K. but that her son didn't want to go to school. Her family brings her children to visit when they can. *Id.*

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December 14, 2003 letter to author at 1 (on file with author).

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Id.

Michael Prikakis was born on a farm in the village of Korfes on the island of Crete, Greece. His father grew olives and had a vineyard. The nearest city was Iraklion where Michael spent his formative years. At age eighteen, he left Iraklion for the town of Hersonisos to be the co-owner and co-operator of a friend's Chinese restaurant. While working there, he met his future wife, a staff sergeant in the U.S. Air Force. They married in Greece in 1985 and emigrated to the United States in 1988 where they had two children. In the United States, he worked as a commercial painter while following his wife from base to base. Though both Michael and his wife were working in 1991, they had more than \$5,000 in credit card debts and liens against their cars and they briefly separated around that time.

Perhaps in response to his financial woes, although Michael had no criminal record, he began selling cocaine on the side. A confidential informant tipped off the Walton County police who set up a sting. Over a seven day period in September 1991, Michael arranged to sell a total of 86 grams of powder cocaine to a team of undercover officers – approximately \$5,000 worth of drugs.²⁰ Under the Guidelines, the sentence for this amount of powder cocaine was 15 - 21 months.²¹ However, the undercover agents reported that Michael had a pistol with him in the car during two of the sales and the same gun was recovered from the trunk of his car after the aborted third sale.²² Because of the presence of the gun, the prosecutor elected to charge Michael with three counts of selling cocaine and three separate counts of possession of a firearm during a drug trafficking offense under 18 U.S.C. §924(c). Michael admitted to selling the cocaine and pled guilty to the drug charges, but he contested the gun counts. At trial, however, he was convicted on all three counts under 924(c).

Under the prevailing statute and case law, each gun charge carried a consecutive and escalating mandatory minimum – five years for the first count and twenty years for each subsequent count – thereby adding forty-five years to the initial 15 - 21 month sentencing range for the drugs. It made no difference that it was the same gun each time or that it was legally registered.²³ Because of the “stacked” gun counts, the final minimum sentence was 558 months.

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Two of the sales were completed. Michael was arrested at the rendezvous point for the third sale at a picnic table and the drugs were recovered from a nearby cardboard beer twelve pack.

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Michael was assigned a Base Offense Level of 16 for 86 grams of powder cocaine. As noted above, he had no criminal history. He did receive a two point offense level reduction for acceptance of responsibility because he admitted that he had been “fronted” the cocaine by an undisclosed source and would have netted some profit from the sales. Technically, because he contested the gun counts, he could have been denied this adjustment to the Guidelines' portion of his sentence but no one seemed concerned about this issue given the lengthy statutory terms on the gun counts.

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Michael was accused of holding the gun during the first sale and making threats to the informant and undercover officer. During the second sale, the officers alleged the gun was simply present on the armrest of the car door. Michael contends the gun was unloaded and in a case in his trunk during the third transaction and he was seated at a picnic table, some distance from his car. Despite these mitigating facts, the jury still convicted him on the third gun count. Undated letter from Michael Prikakis to FAMM at 1 (copy on file with author).

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There is some indication that the gun in his trunk that was seized was legally registered to him. *Id.* at 2.

Judge Vinson thought this case was “[t]he most absurd situation I’ve ever seen, and to me it constitutes an abuse of the prosecutorial discretion, . . . to do this, to impose a forty-five year mandatory minimum consecutive sentence for this offense.”²⁴ It was, as Judge Vinson put it, essentially “one drug bust” and there was “no evidence to connect him with any kind of a [distribution] ring.”²⁵ Judge Vinson also expressed his concern that because the case involved controlled buys, the government had complete and unfettered discretion to continue to increase the defendant’s mandatory time by prolonging the investigation and making more buys. “[I]t leaves entirely in the discretion of the law enforcement and the prosecutorial arm to determine the sentence of the defendant, knowing that you’ve got this [924(c)] statute.”²⁶ He said the prosecutor was “essentially bypassing the judge’s discretion” by charging the defendant in this way.²⁷

Judge Vinson also thought that the jury that convicted Mr. Prikakis would be shocked to learn of the sentence – “I think they would rise up in indignation, as anybody else would, if they know about how this law is being applied and construed in circumstances such as this, which is essentially one underlying offense.”²⁸ The judge then compared this case to reports of the penalties imposed in other countries, saying,

In the near past we have all been amazed and astounded at some of the penalties imposed in other countries, Turkey for example, or Greece or Iran about penalties imposed for drug convictions that we consider to be cruel and unusual and outlandish; and this probably is more outlandish than anything I’ve ever heard of.²⁹

He then added,

And I don’t think this court can be silent as I impose a sentence that clearly to me is totally unwarranted, is certainly cruel and unusual, constitutes to me a violation of due process by the way it was brought about, and in every respect cannot be viewed as being something that the people of this country are going to have faith in. If this is the kind of punishments that have to be meted out without any discretion of the courts, if I’m here simply as a machine to impose a sentence in accordance with some statutory mandate, then our system has gone far awry. . . . I find this violates my conscience to tell you the truth.³⁰

Judge Vinson went on to criticize mandatory minimums, stating

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Prikakis Sent. Tr. at 15.

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Id. at 56.

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Id. at 49.

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Id. at 46.

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Id. at 17.

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Id. at 15.

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Id. at 16.

. . . I don't think any judge will agree that mandatory sentences are a good idea; and, in fact, anybody who studies criminology, I think, has to reach the conclusion that these mandatory sentences run counter to the intent and purpose of the guideline sentencing procedure itself. Clearly, you can't have guidelines if they're all trumped by mandatory sentences. Clearly, you end up with disproportionate sentences for different people. In other words, it completely obliterates the sentencing goal of taking into account the individual, which is suppose to be the function of the guideline sentencing to try to end up with similar sentences for similarly situated offenders under similar offenses.³¹

On June 13, 2002, Michael was transferred to a prison facility in Athens, Greece to complete his sentence, pursuant to a foreign treaty agreement. He remains in confinement there.³²

Compiled from Sentencing Transcript, PSI, inmate letter, PACER docket sheet, and letter from judge.

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Id. at 16.

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My source for this information is Judge Vinson who had the Probation office check the case file. January 28, 2004 letter at 1 (on file with author).