

## Ex-Drug Kingpin Wins Reduction in Sentence

**By Tim Willert**

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SANTA ANA - A former Orange County drug kingpin who challenged his life sentence following a landmark Supreme Court ruling has won a reduction in his term.

John Ward, 34, who ran one of the county's largest known methamphetamine rings, was sentenced by U.S. District Judge Gary L. Taylor to 23 years in prison plus a lifetime of supervised release.

Prosecutor Carmen Luege, who represented the U.S. attorney's office at Monday's sentencing hearing, said Taylor explained that, when he first sentenced Ward in 2002, the sentencing guidelines were mandatory and he was obligated to send the defendant to prison for life.

"Because of *Booker*, the sentencing guidelines became advisory, and the court could consider other sentencing factors and impose a sentence that was not the sentence recommended," Luege said, referring to *U.S. v. Booker*, a U.S. Supreme Court ruling in January that made advisory the formerly mandatory sentencing guidelines.

Ward has been detained since his 1998 arrest. He is being held in the Santa Ana jail, and could be re-designated to a different prison, his attorney, Ronald Richards, said Tuesday.

Ward was convicted in 2001 by a federal jury in Santa Ana and sentenced to life in prison for running an operation that netted between \$2 million and \$3 million annually from 1996 to 1999, according to the U.S. attorney's office. The sentence was thrown out in April by the 9th U.S. Circuit Court of Appeals, which cited *Booker*.

In *Booker*, the Supreme Court held that making guidelines mandatory violated a defendant's Sixth Amendment right to a jury trial because they call for judges, rather than juries, to make factual decisions that could add to prison time, such as the amount of drugs involved in a crime.

Richards had argued that Taylor, not the jury, determined the quantity of drugs at issue in the case as well as several other enhancement factors that resulted in the life sentence.

Richards appealed the conviction to the 9th Circuit based on *Blakely v. Washington*, a June 2004 Supreme Court decision that found that maximum sentences must be based on facts found by juries or admitted to by defendants. Richards filed a motion for immediate remand based on *Blakely*, which the 9th Circuit rejected. Ward's case was pending appeal when *Booker* was issued.

The 9th Circuit granted a second motion for immediate remand based on *Booker* and returned the case to District Court for re-sentencing.

"I think our strategy of keeping the case on direct appeal proved successful," Richards said. "It reinforces my belief that no idea or argument is a bad one and that a defense attorney must always assert timely objections and advance arguments on behalf of their clients."

Luege said the life sentence recommended by the government was justified, given Ward's "violent tendencies" and the "massive" amount of methamphetamine he conspired to distribute.

Since *Blakely* came down one year ago, it has been the source of constant buzz in the federal bar. Under the federal sentencing guidelines, judges in most cases decide the enhancements that lengthen sentences.

Several U.S. district judges have held the guidelines unconstitutional or inapplicable to their cases, while other judges have given defendants minimum sentences based solely on the facts determined by a jury or specified in guilty pleas. On Tuesday, Attorney General Alberto Gonzales called for requiring federal judges to adhere to guidelines that set mandatory minimum prison sentences. Gonzales cited evidence of growing disparity in jail terms since the Supreme

Court ruling in January that downgraded mandatory sentencing rules to advisory guidelines. ( *See story, Page One.* ) Gonzales, speaking to a conference of the National Center for Victims of Crime, also said judges should retain their discretion in imposing harsher prison terms than set out in sentencing guidelines.

*The Associated Press contributed to this report.*

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