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CRIME & COURTS

After 30 years, have 3 NC crack gang members repaid their debt? A judge to decide.

BY MICHAEL GORDON

MAY 12, 2021 06:00 AM, UPDATED MAY 12, 2021 05:58 PM



Ashley Jackson of Charlotte says her father, Orrin, is seeking to be released from prison after serving 30 years of a 90-year drug sentence. ELIZABETH RANATZA



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When discussing the value of lost time, Ashley Jackson shares a story from her father, Orrin — how when Ashley was 6 months old, he kissed her on the forehead and said he'd be right back.

Orrin Jackson never returned. That was in 1990. He's been behind bars ever since.

On Wednesday — and with Ashley watching — Orrin Jackson's attorney attempted to convince a federal judge in Charlotte that father and daughter have been separated long enough, and that the prison sentences handed down to Orrin Jackson and two members of his family for long-ago drug and gun violence convictions are excessive and unfair.

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A written decision likely will come within a week or so, a courtroom observer said.

Broadly speaking, the hearing before U.S. District Judge Max Cogburn was expected to focus on racial disparities in sentencing, a key element in the ongoing debate over how Black people and other minorities are treated by the criminal justice system.

It could also address a legal and mathematical question: In meting out prison time for a serious crime, how long is too long?

Ashley Jackson says that despite their separation, her father has always been a loving and attentive mentor and friend, that she wouldn't be the woman she is today without his guidance — even if that guidance came during quarterly visits to Butner federal prison or from short calls from an inmate phone.

Yet, court documents show that Orrin Jackson, as a younger man, had a different persona on the streets of Charlotte. Those filings describe Jackson as a key leader of the notorious "Mustang Gang" of the late 1980s, which sent crack dealers fanning out

across parts of west Charlotte and frequently relied on an arsenal of high-powered firearms to bloody rivals and protect their turf.

Cecil Jackson, Orrin's older brother by a year, ran the drug operation, according to testimony from his trial, and Orrin served as his enforcer. A cousin, Eric Whitener, was also a gang leader.

"They terrorized most of west Charlotte," says retired Charlotte-Mecklenburg deputy police chief Eddie Levins, who was a member of the newly formed Violent Crime Task Force that investigated the Mustang Gang at the time.

"Shootings were rising and the drugs were running through the most-challenged neighborhoods in the city. The residents feared walking on their own streets."

On the day Orrin Jackson never came home, according to his daughter, he thought he was turning himself in to police to face a misdemeanor.

Instead, Orrin, Cecil, Whitener and seven other reputed members of the gang — named for the Ford sports cars they drove — had become the targets of one of the city's first drug-conspiracy crackdowns.

All were charged with drug trafficking and a series of violent crimes involving firearms, none of them fatal. Under the far more onerous sentencing laws at the time, Orrin Jackson, who was 21, received up to 90 years in prison. Cecil Jackson, who was 22, and Whitener, 20, essentially got life.

Orrin, now 52, has seen his terms reduced, but only incrementally. If he lives long enough, he will be 90 before he's scheduled to be released in 2059.

On Wednesday, their first time back in the Charlotte federal courthouse since their 1990 trial, the three asked Cogburn to set them free on the grounds that under current reforms in place they've already served long enough.

Ashley Jackson agrees.

"I know that I'm speaking as a daughter and a niece and a cousin ... but they are amazing men," says Jackson, a criminal justice reform advocate. "In prison, they've mentored other men, and it's an understatement to say they've taken advantage of the (educational) programs at Butner."

She says she's aware of the long-ago criminal conduct involving her family.

"I wasn't old enough to experience any of that, so my truth is completely different," she says. "I only know them as loving, on who they are now, and what they are looking to become in the community. They've absolutely repaid their debts."

The U.S. attorney's office, which is fighting the three former gang members' release, argues differently.

Many of the recent court reforms involve the release of nonviolent drug traffickers. But in their filings to Cogburn, federal prosecutors described the Jacksons' gang as a

violent and highly disciplined operation that meted out addictive drugs and excessive violence.

Cecil Jackson alone, they say, was connected to at least seven shootings. Whitener once put a gun to a woman's head to force her to allow the gang to sell crack from her apartment.

All three defendants participated in an "extraordinarily violent conspiracy," prosecutors say. Citing the need to deter future gang activity and protect the public, they should remain in prison.

WAR ON CRIME

Many of the sentencing laws on drugs and firearms now being scrutinized were passed during the heyday of the crack explosion, when Charlotte set records for homicides that still stand, and so-called "War on Crime" initiatives called for harsher punishments of inner-city crack dealers as compared to white traffickers of powdered cocaine.

"The whole thing with crack and those prison sentences was to get Black people off the streets, and the 13th Amendment effectively allows slavery for criminals," says Duke law professor Jim Coleman, a Charlotte native, former defense attorney, and a frequent critic of a criminal justice system that he accuses of dehumanizing defendants.

"What it really boils down to is that a lot of judges don't view the people before them as human. They're just abstractions. It doesn't bother them to keep someone in prison forever because it's just somebody you don't have to think about. It's like a curtain we pull over them, and they become invisible to the rest of us."

Three decades ago, the Mustang Gang was considered to be "big, big drug dealers. They had several people in that gang that were among the worst of the worst," says Charlotte attorney Claire Rauscher, a former head of the public defender's office in the Western District of North Carolina.

"But when you look at these sentences today, you say, 'Seriously?' Back in the early '80s to mid-90s, though, especially with crack cocaine, these mandatory minimums were being given out all over the country."

Now those sentences are under increasingly skeptical court review. In their filings, attorneys for the Jacksons and Whitener say their clients' prison terms would not be possible under current sentencing laws. In fact, according to documents in the case, Orrin Jackson would have long completed any contemporary sentence for his crimes.

A recent court opinion by the Fourth Circuit Court of Appeals, which handles cases from the Carolinas, Virginia, West Virginia and Maryland, has widened the path for defendants like the Jacksons and Whitener to get their cases back in a courtroom to seek what is known as "compassionate release."

A three-judge appellate panel, which included Judge Albert Diaz of Charlotte, ruled in 2020 that excessive prison sentences qualify as the "extraordinary and

compelling” grounds necessary to seek release under the Trump Administration’s “First Step Act” of 2018. The panel’s opinion came in a bank robbery case in which the defendants received sentences at least 30 years longer than what they would have gotten today.

Orrin Jackson’s attorney, Matthew Pruden of Charlotte, says his client has suffered a similar disparity.

“Charlotte was a much smaller city at the time (of the gang activity) so this was a pretty big deal,” says Pruden, a Charlotte native.

“The courts wanted to make examples of these guys who were selling drugs and carrying guns. In Charlotte, they were really going to go after you, and you were going away for a long time.”

Coleman, the Duke law professor, says prisoners often earn a second chance on the outside.

“We need empathy for the individual, not for what they were doing,” he says. “You caught them. You convicted them. Now, what have they done since?”

“It’s not that they shouldn’t have been taken off the street. But for how long?”

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Michael Gordon has been the Observer’s legal affairs writer since 2013. He has been an editor and reporter at the paper since 1992, occasionally writing about schools, religion, politics and sports. He spent two summers as “Bikin Mike,” filing stories as he pedaled across the Carolinas.

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