

July 19, 2023

**Written Statement of Jerome Brough, Sr.**

Dear Honorable Commissioners:

My name is Jerome Brough, Sr. and I would like to start by thanking you for this tremendous opportunity to speak on behalf of so many whose voices you will never hear. I am referring to all the faceless individuals whose lives your decisions affect every day. That being said, this is how my actions led me to sit before you.

On August 19, 1999, I was arrested by federal drug task force officers in Chicago, Illinois. The next day I learned that I had been charged with one count of conspiracy to distribute heroin. Unbeknownst to me, I had been indicted nearly a year earlier on November 5, 1998. At my first court appearance, I tried to acknowledge my guilt and plead guilty. But I was told that I could do that only in the district where the charges originated – in the Eastern District of Wisconsin.

In Milwaukee, I was appointed a federal defender. Unfortunately, I had little contact with my attorney, and as time passed I felt like I had no choice but to go to trial. At my final pre-trial conference, I was blindsided by a superseding indictment that increased the claimed drug quantity in the original charge and added an additional crack cocaine conspiracy charge.

Because of my appointed attorney's admitted lack of representation, Judge Clevert granted my request for a new attorney. He was more engaged and better prepared, but he never told me about any plea offers or negotiations and my case proceeded to trial. There was never any doubt that I participated in the conspiracy, only what my punishment would be, and it was clear to me that the AUSA wanted to make an example out of me. So I proceeded to a bench trial and was ultimately found guilty by Judge Clevert on February 4, 2000.

I appeared before Judge Clevert on June 21, 2000, for sentencing. That is one of a number of days that I will never forget because I was totally shocked. I had the bizarre experience of standing in court listening to three people talk about me, often in glowing terms, as they discussed how I had to spend the rest of my life in prison. First to speak was the AUSA:

It is plain to the Government, clear to the Government, that he is a very articulate and smart man, and the Government is regretful that he didn't spend his energies elsewhere; but under the guidelines and under the law the Government believes that the court has no alternative but to impose a sentence of life imprisonment for his conduct, and the Government would encourage the court to do so.

Next up was my attorney, Mr. Brennan:

In the thirteen years I've practiced law, I don't know that I've represented an individual who was more intelligent, more articulate, more attune to and possessed of the type of skills that one normally associates with very successful

people, and it is beyond my ability to express how big a shame it is that this young man will soon be on the business end of a life sentence.

And last but not least, Judge Clevert:

I share the observations of the government and your counsel. You certainly are a well-spoken, articulate, and intelligent man with almost boundless potential. It is indeed regretful that your potential was not used for the betterment of society; but, more importantly for the betterment of your family.

Each statement recognized that I had changed my life well before I knew an indictment existed. In the months before my arrest, I felt I had turned a corner. I had stopped selling drugs almost a year earlier, had gotten a job as a delivery driver, and was taking care of my children. But none of that mattered at my sentencing. The guidelines left no room for grace. The only option for the judge was to send me away for life.

After receiving two concurrent life sentences, I was swiftly transferred to USP Terre Haute. Prior to my arrival, there had been a clash between inmates from the Chicago area and others from the East Coast, so I had to remain in the SHU for my own safety. After a couple of weeks, I was finally allowed to join the general population. Unfortunately, they were still on lockdown, so I spent almost all my waking hours in my cell. That was my first month in prison.

USP Terre Haute was and still is a very dangerous prison. Death Row was across the hall from the unit where I slept and several men were executed while I was there, including Timothy McVeigh. Inmate violence was commonplace. It seemed like someone was always getting killed, and lockdowns were frequent. Fortunately for me, I spent most of my time in the law library or in a classroom where I could avoid the violence. I was determined not to die in prison, and I was just as determined to use my time productively and help as many people as I could along the way.

So I stayed busy educating myself, studying federal law and sharing as much information as I could with other inmates. I spent so much time in the education department that I became a clerk in the library and an inmate tutor. I eventually became the number one clerk in the library, allowing me to stay abreast of all the changes in the law and read updates from different inmate advocacy organizations.

I took every class I could sign up for like Bookkeeping, Keyboarding, Small Business Management, Business Marketing, and Legal Research. When Microsoft Word, Excel, and PowerPoint were being taught to everyone except lifers, a group of lifers, including myself, made a plea to the warden and the education staff to allow us to participate. They eventually did. And we were some of the best students.

Spending so much time in the education department helped me to surround myself with like-minded individuals who also had what I call a family and freedom philosophy. Here's what I mean by that. In my experience, a lot of inmates have a "survival mentality." They just want to make it through their sentence. But I came to understand that everyone needed a "why," a reason not to go down the regular path of using drugs and alcohol, posturing, and

fighting. If you go down that path, you get the consequences. But if you can think about your family first, and doing everything you can to regain your freedom and reunite with them, to get back to that rightful position of a father, brother, son, and productive member of society, that will keep you focused. So our focus was family first, and then freedom. Family is what motivates you to work to attain your freedom.

Sometimes people who didn't have a life sentence would ask me: How was I not going crazy? How did I keep it together? To me, again, it was simple – family first. Whenever things got heated, I thought about my family and my children, and later when my mother got older, I would think of her. That kept me sane and motivated, and it did the same thing for other lifers I befriended. And I am very proud to say that I am still in communication with at least a dozen formerly incarcerated lifers who have benefitted from some form of retroactive application of the law.

In January of 2008, despite serving a life sentence, I was transferred from USP Terre Haute to FCI Pekin in Illinois. I was happy to reconnect with some of the same people who were at Terre Haute. Although Pekin was medium security it was only slightly less violent than Terre Haute. There were still people dying, there was still plenty of violence and frequent lockdowns. Despite all of this I fell into a familiar rhythm, and before long I was working in the library and taking every single class that I could. Fortunately for me they had far more classes, and I wanted to take them all. I learned about barbering, investing in the stock market and in real estate, and managing money.

Not long after I arrived at Pekin, I met a couple of inmates that were participating in a program called Crossroads. It was run by a pair of counselors, Brian Farlin and Chris Newman, who coordinated a group of a dozen or so inmates who would speak with juvenile offenders from the four surrounding counties. The more I heard about it the more I wanted to be a part of it. To their credit, it was a rigorous vetting process. I had to wait for a few months until someone from the group was released, and only then was I able to join.

The youths were accompanied by their probation officers. All of our interactions were under the supervision of our own counselors and other prison staff. I really enjoyed the program and looked forward to reaching as many of the participants as possible. Unfortunately, in 2010 the BOP decided to end these types of programs for fear that something could happen to the children. Although we all understood, it was a tremendous blow to all of us including the counselors. For those of us in the program, we knew what we had done to end up in prison, and we saw the program as an opportunity to contribute, to undo some of the harm we had inflicted on other people and to show that there was more to us than just our records. So, we were all eager to help. My thinking was that even though I couldn't help my own children, I at least could help someone else's. I think we all saw ourselves in those youth, and we all wished that someone had talked with us when we were their age.

With the BOP digitizing its law libraries and the Crossroads programming shut down, I decided to try my hand at the prison's Unicorn factory. Since I didn't have any welding or metal fabrication skills I started as an entry level grunt worker. That would soon change when a clerk position opened that required Microsoft certification. With my Terre Haute training, I got the

job. To my surprise, another position opened up and I was tapped to become the procurement clerk for the factory supervisor. My job was to prepare a monthly report that reconciled every credit card held by the half dozen factory foremen.

Also, early in 2010 I was contacted by the federal defender's office about the 2007 change in the sentencing guidelines. I honestly didn't believe I could benefit from it, so I never even opened the letter. I just threw it in the trash. Not long afterwards a second letter showed up and just like the first it too went into the garbage unopened. When the third letter arrived, I opened it in frustration and couldn't believe what I was reading. It stated that the federal defender had been in discussions with the U.S. Attorney's Office, and they were unopposed to me receiving a sentence reduction from life to 360 months. I was stunned. I had to sit down and reread the letter. In November 2010, my sentence was reduced from Life to 360 months. It was a bittersweet moment for me because as relieved as I was to no longer have a life sentence, I was still 15 years away from freedom.

By early 2012 I had seen way too much death and violence, so I decided to take advantage of having a shorter sentence and applied for a transfer to FMC Rochester in Minnesota. Unlike my two previous institutions I did not work in the education department but instead took an entry level job in the laundry. That was short lived because I was plucked out of there after about three months to work in the commissary, where I eventually became a manager.

Rochester offered great classes with educators and volunteers from the outside. So naturally I took every class that I could. It was a well-balanced approach including classes on subjects like financial literacy, cognitive thinking, and commercial driving just to name a few. For example, I became a certified peer recovery specialist, trained to help those who were seeking treatment for substance problems. An outside organization came in to teach that class. I also took a forklift class run by the staff at Rochester, earning a forklift license along the way. I felt very fortunate to take those programs.

Then in February of 2019 I received another letter from the federal defender's office. This time I opened it immediately. I had already witnessed several inmates with cases like mine receive sentence reductions, so I had been eagerly awaiting this correspondence. I called the office and spoke with attorney Anderson Gansner who was patient and very helpful. Over the following months we corresponded via e-mail and telephone. In August 2019 he filed a motion on my behalf and the waiting began. Things were silent until I was approached by a staff member on the afternoon of December 19th. I was called into the unit secretary's office and informed of the judge's decision to immediately release me. From that point everything was buzzing and there were three or four people working feverishly to get me out of the institution before the 4:00 p.m. count.

To say that reacclimating into society was a challenge would be a severe understatement. No one in my family had time to prepare for my return, because we didn't know when it might happen. And my family had changed so much. I had five children when I left and came home to five adults and two grandchildren; now I have

three. I had tried to stay connected with them while I was incarcerated, but I had to get used to being a father to adults instead of a father to children.

My mother also died two months before my release. She was 78 and had been in poor health for a year. She also had survived a terrible accident earlier in her life. I talked with her every week, and the last time she was so ill that she couldn't speak. But the hospice staff made sure she could hear me. She died the next day. My mother had always been there for me, so when I came back, a big part of my life was missing.

Every day on the outside was a challenge. I would meet new family members who weren't even born before I went to prison. Or I would run into an old friend or acquaintance who had aged 20 years and was hardly recognizable. I had no idea how to use a smartphone (as I told my kids and friends for the first year after I got out, they "gave a dumbass a smartphone"). Businesses where I had gone bowling or to see movies were gone or completely different. I had to find new places to spend my time.

In some ways, I was lucky. I kept in touch with a few old friends from elementary school, and one of them offered me a place to stay. I still rent a room from him. He's worked for UPS for over thirty years, and is a great friend and role model. And although it took nearly four months to get a driver's license and when I finally did the Covid-19 pandemic shut down the whole world, I was able to find a delivery job that allowed me to earn a paycheck. After a couple of months there I joined a different delivery company where I have been gainfully employed for three years.

I also had an understanding probation officer. During our first meeting I told her, "I'm never going to wear another pair of handcuffs." And I meant it. I tried to do everything right. If she wanted a home visit or a drug test, I made sure I was there. After 17 months, she told me there wasn't any reason why I should still be on supervision. She then reached out to the prosecutor's office and the federal defender and arranged for my supervision to be terminated early.

Since being off supervision, I have tried to keep moving forward. I work as an independent contractor, and I purchased my own larger delivery van. I've incorporated my business as an LLC. My professional goal is to buy and rehab distressed homes, since I know that real estate is a way to build lasting wealth. I learned about home renovation and construction in prison, and also about real estate and investing. So, I'm building up my savings and my credit. I'm proud to say that I have a credit rating of 750. I also spend time with my children and grandchildren. My oldest four kids, the ones I got to parent the most, are all grown and successful. But my youngest son, who was two when I went to prison, unfortunately followed my bad example. He is in prison now. My hope is that when he gets out, he will learn from the new example that I am trying to set.

For years, my release date had been October 10, 2025. Because of retroactivity, the life I dreamed of living came sooner rather than later. But I am not unique. There are many others like me, who want to contribute to the world and are waiting and hoping

for the opportunity to do so. It is my sincerest hope that I can be an example of the good that this Honorable Commission can do for so many others like myself.

Sincerely,

Jerome Brough