

D'Marria Monday's Testimony
For US Sentencing Commission 3-12-25

My name is D'Marria Monday and I am a survivor of mass incarceration. Thank you for the opportunity to share my testimony about the impact of incarceration on myself and my family. I share my story in hope that it will make a difference when amending the guidelines to lower penalties.

I was sentenced to serve 120 months under 21 USC 841(b), a mandatory minimum sentence for conspiracy to distribute 50 grams or more of "crack", cocaine base. There were 24 people in my case and I was number 19. If we were classified in numerical terms based upon hierarchy, I was low on the totem pole. I only knew a handful of people in our case. Yet, I was held responsible for everyone's actions.

The mandatory minimum sentence did not take into consideration that at the time of sentencing, my firstborn child was 4 months old. I was his primary source of nutrients. He did not take a bottle. There's a program offered to incarcerated mothers, MINT, mothers and infants together. In order to qualify, you can not have longer than 30 months on your sentence. Therefore, that was not applicable to myself. I was sentenced in the Western District of Texas, however I was sent to serve my sentence thousands of miles away in Tallahassee, FL. My breasts were still full of milk. There was not any medical equipment to help me deal with the discomfort and there weren't any accommodations to help me pump, store, and ship milk in effort to continue to provide nourishment for my son. I was so afraid that my child would not remember who I was. My mother brought him to visit me when he was 9 months old. He assured me that he remembered me by patting my chest as if searching for his milk supply. Prison visitation rooms aren't accommodating to families and nursing mothers. It's such a sterile and harsh environment that I was afraid of punishment if I tried. It was a financial burden for my family to make the trek from Texas to Florida. I advised my mother not to visit me again until I was closer to home. I was not transferred for another 18 months. This means that I did not see my child again until he was 2 years old.

The cost of living inside of prison isn't free. Incarcerated people earn cents per hour. The cost of phone calls is astronomically expensive. Oftentimes, I had to make the choice of going without purchasing something needed in order to have money for a phone call home. Parenting behind bars is almost non-existent.

My pathway to prison wasn't a one time occurrence. Prior to being a mother, I was a survivor of every form of abuse; sexual, emotional, and physical. A recent study found that 86% of women who have spent time in jail report that they had been sexually assaulted at some point. I am one of many. In fact, this phenomenon is so common that Sen. Cory Booker coined the phrase, "A survivor of sexual trauma to prisoner pipeline." I began running away from home at the young age of 12 years old to escape the violence and chaos at home. I would be absent from school for days and months at a time. No one questioned when I wore long sleeved shirts to school in the heat to hide the bruises on my arms, no one bothered to identify why I was so angry when I

was at school, no one cared enough to identify what the real problem was. I could not gain legal employment at that young age. I learned to shoplift as a means of survival. I started selling drugs because of the illusion of easy and fast money. I dated drug dealers and was pulled deeper into it. This lifestyle was normalized where I came from. These ideologies robbed me of my dreams of becoming a veterinarian. I had a string of petty crimes on my record and was in and out of juvenile detention, then jail, and finally prison. The system failed me and punished me severely for surviving without the resources needed.

I exhausted my legal remedies for relief during my incarceration. I petitioned the court to request relief under mitigating factors. My low level role in the conspiracy and my history of abuse were the arguments presented. It did not take 10 years for me to make the necessary changes to be a better version of myself. Unfortunately, those are years that I can never get back the time lost with my son.

Today, I advocate for alternatives to incarceration that keep families together, dignity for incarcerated women, community led solutions, and transformative justice. A process where the people harmed the most are given the opportunity to repair the harm.

I humbly urge the Commission to adopt the amendments which will allow for option number 3 to set the highest base level at a 30. Lowering penalties in Section 2D1.1 addresses the need for consistency in applying the minor role adjustment to reflect the individual's role. Make the changes to hold people accountable to the roles they played. These changes will bring fairness to justice. Make justice fair. Thank you for your time and consideration.