From left, Cody Jackson, Samantha Rincon, Randal McDonald, Emily Harrison, Martin Hutchins and Eric Lewis smiling moments after Keith Harrison found out he will be released from his prison sentence on Nov. 16. *Courtesy Of Reclaim Your Future*

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Prop 207 frees Phoenix man after serving 28 years of life sentence

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Arizona Republic

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After 28 years in prison for an outdated law, a Phoenix man walked out a free man, with the help of Arizona's Proposition 207.

Prop. 207, which legalized recreational marijuana use, also enables people with past marijuana convictions to get those charges expunged. It also clears the way for those who have had prison sentences increased by those marijuana convictions get out of prison sooner.

Keith Harrison, a 58-year-old Black man, went to prison when he was 30 in 1994 to serve a life sentence for an aggravated assault charge.

He had been convicted for being the driver of an attempted robbery in Tempe. Two men jumped into the back of a pickup truck and pointed guns at the driver and the passengers, while Harrison drove alongside the car, according to court records. Everyone being held at gunpoint escaped after the driver parked at a gas station. Police later picked up Harrison and the two armed men.

The sentencing for aggravated assault should have been set to around 11 years in prison, but in 1994, an Arizona law made life sentences mandatory for anyone convicted of a felony while on parole. The law was later repealed several years later, too late for Harrison.

So a life sentence fell on Harrison since he was on parole for a felony marijuana possession charge.

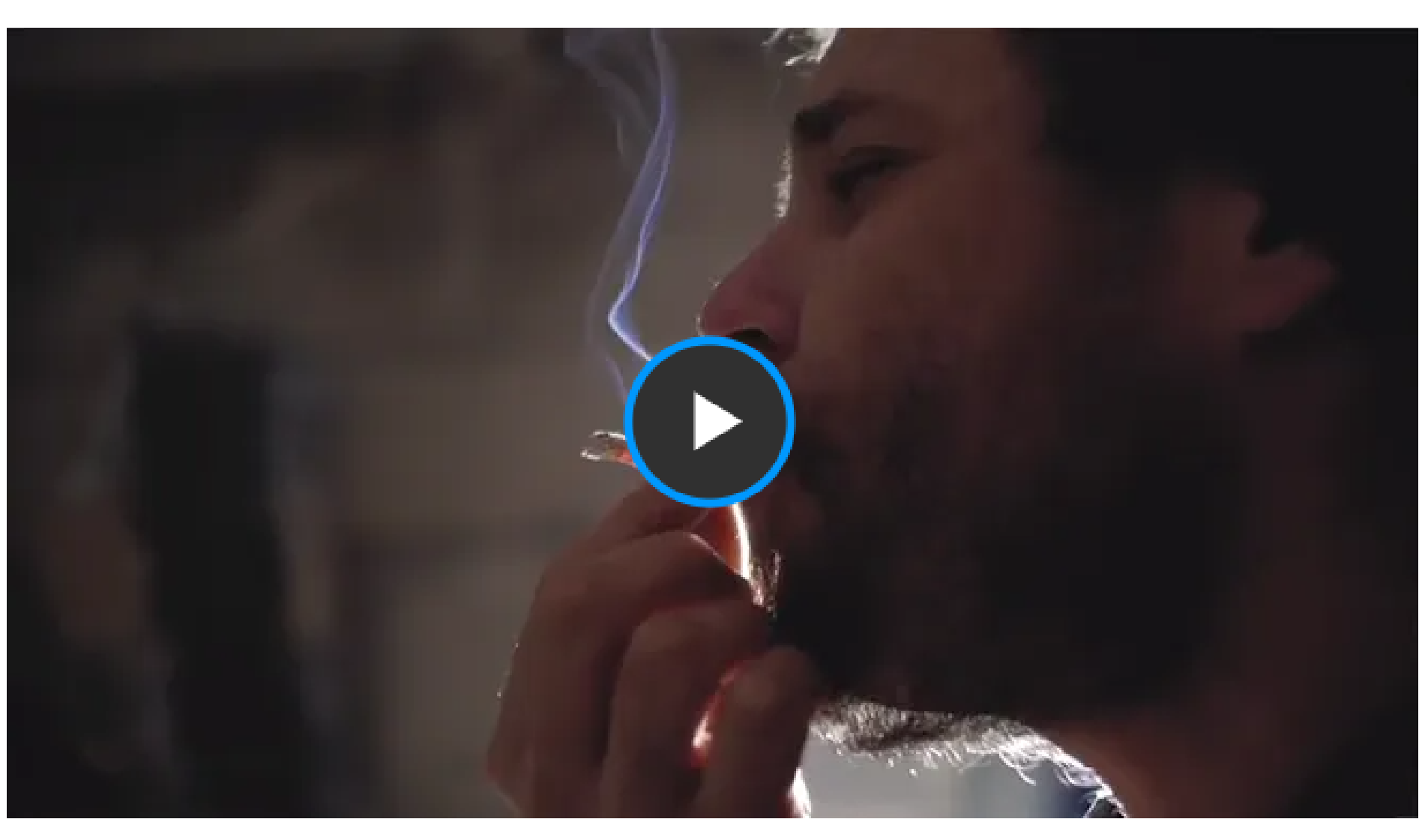
“I thought it was a joke at first, I thought it was something that was going to be corrected later on,” Harrison said when he found out.

He immediately appealed the sentencing and spent years trying to challenge the conviction.

“Year after year after year, it never went away so you know, no matter what I did or what I said no matter how many motions I filed,” he said.

And even though the law was deemed unconstitutional in 2001 when the Arizona Court of Appeals decided that a trial court should not decide a defendants release status, he remained in prison.

“I didn't feel like it was going to be something that was going to go my way, he said, “I pretty much just gave in, you know, gave up.”



Prop. 207 would legalize marijuana, but it does a lot more

Recreational marijuana should be legal, columnist Robert Robb says. But Proposition 207 does a lot more that should trouble even its supporters. *Arizona Republic*

Randy McDonald, supervising attorney at Arizona State University's post-conviction clinic, explained that after a first appeal, most people in prison cannot afford a lawyer and don’t have a legal right to a lawyer provided by the state, so challenging a conviction becomes impossible.

“And so it does not surprise me to hear that people like Keith would have given up hope, because our system is not one in which hope springs eternal,” McDonald said.

In 2022 Harrison was up for parole when an attorney in the Maricopa County Attorney's Office recognized that the case could benefit from expungement and reached out to the clinic, according to McDonald.

The justice clinic works with Reclaim Your Future, a campaign funded through a state expungement outreach grant, which received $4 million over three years to ease expungements across Arizona. The campaign took on Harrison's cause.

“This was a situation in which all of the parties agreed that there was an injustice and worked together to correct it,” McDonald said. “This was I think, an example of our legal system getting it right.”

There have been 15,000 petitions filed out of a state estimated 192,000 possible cases since the summer of 2021 when the law went into effect, according to Martin Hutchins, program manager for the Reclaim Your Future.

His group has helped 400 people in Arizona get their expungements. Out of those, three had been released from prison early as a result of expungement, according to Hutchins.

Most expungements are simple enough that they can be done through legal clinics but don’t require hiring a lawyer.

The process is more complicated for people in prison, where expungement is just one part of the process.

Read more: How south Phoenix groups want to use state marijuana dollars for 'justice reinvestment'

Finding out about the law had been a relief for Harrison and his sister Emily Harrison.

“After all those years, you never would have thought something like this would happen,” Emily said.

After Harrison’s case had been expunged, he had to file a motion to convince the court that his sentence should be reduced since the marijuana conviction that landed him a life sentence no longer existed.

“It's the second part of what happened in Keith's case, that is difficult,” said McDonald.

When McDonald first started doing this work, they noticed that there were people in prison who were trying to do all this on their own, and the courts were skeptical about these new motions coming from prisoners, “almost universally the courts were rejecting their petitions,” McDonald said.

“It wasn't until we got involved. And we pointed to, you know, some Arizona case law that suggested that the court should be granting these motions for re-sentencing that the court started to actually do what we were asking them to do,” McDonald said.

“The system is all screwed up,” Emily said. “It’s always been prejudiced.”

According to a 2020 American Civil Liberties Union report, “Black people are 3.64 times more likely than white people to be arrested for marijuana possession.”

“It's just a big disgrace to society when it comes to people of color, male or female, incarcerated or out. This is stuff that people got to deal with on the regular, so to have something like this happen, it's just, I have no words for it,” Emily said.

Harrison missed out on watching his children grow up, being there for his parents while they were sick and pursuing the plans he had hoped for his future.

Being back out, he is trying to reclaim some of those relationships and dreams, but it’s difficult for someone 28 years removed from the outside world.

“Right now, I don't quite know how to even deal with society,” he said, “I just want to work, save money and buy my own place.” Harrison said.

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