

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA  
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CHAMBERS OF  
**MARK W. BENNETT**  
U.S. District Court Judge

“The arc of the moral universe is long but  
it bends towards justice”

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– MLK, Jr.

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June 25, 2016

Dear Mr. Kupers:

RE: Clemency Request – Lori Clare Kavitz

I became aware of this request late yesterday afternoon and immediately cancelled my Saturday family plans to come to my chambers so I could urge you, no, beg you, to quickly move the President to grant Lori Clare Kavitz executive clemency. Of the more than 4000 federal offenders I have sentenced to federal prison in four districts spanning all the way to the farthest reaches of our federal courts in the District of the Northern Mariana Islands – Ms. Kavitz stands out to me, no screams out to me, for mercy and earned clemency. As a method of trying to keep my sanity while dishing out Draconian federal sentences for 22 years, I have worked very hard to learn how to forget most offenders. Ms. Kavitz’s sentence has haunted me since I imposed it, almost exactly 14 years ago, yesterday, on June 24, 2002.

Last night I read and reviewed in addition to the Executive Summary of her petition, Ms. Kavitz’s original PSR and the other relevant sentencing matters. I agree with the arguments in support of the clemency petition raised by her attorney, Charity Ryerson, of Indianapolis, Indiana, who did a superb job of marshalling all of the reasons why Lori Clare Kavitz should receive substantial relief. I will address just a few of them. This was a pre-*Booker* sentencing. In the post-*Booker* world, I would have done a substantial variance based on my policy disagreement with the methamphetamine guideline, *See United States v. Hayes*, 948 F. Supp. 2d 1009 (N.D. Iowa 2013). Since *Hayes*, even after the All Drugs Minus Two Amendment, I give most methamphetamine offenders the benefit of my 1/3 reduction based on my policy disagreement with the harshness of the methamphetamine guideline. More important, Ms. Kavitz was a low level, non-violent, first time offender with **no** prior convictions and no significant ties to large scale criminal organizations or enterprises. She was not involved in gang activity. Her major mistake was being involved with her boyfriend, who she assisted in the methamphetamine operation, out of a misguided sense of loyalty and love.

Lori Clare Kavitz Clemency Letter

July 25, 2016

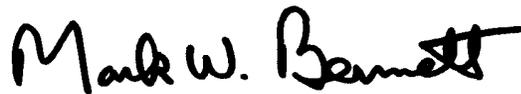
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Ms. Kavitz, as I expected, has maintained a superb good conduct record while incarcerated. She has not only participated in many classes, but has taken a leadership role in facilitation and tutoring other inmates in both ESL and in obtaining their GED's. She has worked in UNICOR and obtained her Commercial Drivers' License. She is now highly regarded and has earned the privilege of being a Town Driver – where she drives other offenders to doctor's appointments and other errands outside the prison. She has an exceptional release plan.

I am 100% confident that she has served substantially more time now than if I had sentenced her post- *Booker*. Lori Clare Kavitz has earned, and in my opinion, absolutely deserves the privilege of clemency. In my respectful opinion, she should be immediately released to serve her term of supervised release. I personally assure you I will follow her closely on TSR to ensure she has earned this privilege and responds in the positive way I fully expect her to.

Finally, Ms. Kavitz's sentence was a gross miscarriage of justice – and on that day, in that courtroom, in that hour, I was embarrassed and ashamed to be a United States district court judge imposing such an unfair sentence. I said on the record that her sentence was “idiotic, arbitrary, unduly harsh and grossly unfair.” I called it one of the most "unjust sentences, I have been forced to impose.” I beg you, Mr. Kupers, to urge the President to right this grave injustice. I would at least be able to know, as my career winds down, that President Obama, albeit it years after the fact, brought a measure of justice and mercy that the Constitution allows him to – even though I was unable to do so myself.

Sincerely,

A handwritten signature in black ink that reads "Mark W. Bennett". The signature is written in a cursive, slightly slanted style.

Mark W. Bennett

U.S. District Court Judge