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Editor's Pick: Most Inspiring Pro Bono Win of 2015

Jenna Greene, The Litigation Daily

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This is a story that should make you feel proud to be a lawyer.



Working pro bono, Sam Sheldon of Quinn Emanuel Urquhart & Sullivan and Richard Davis of Starnes Davis Florie used a groundbreaking strategy to win the release of Luis Anthony Rivera.

A model prisoner, Rivera had already served 30 years of a draconian life sentence for drug dealing.

Sometimes it feels like the practice of law is removed from the pursuit of justice. But not here. As Davis put it, "It's a story of redemption."

Here's the [Sept. 23 Lit Daily column about the case](#).

"THANK YOU! THANK YOU!" Inmate Serving Life on Drug Charge Released Because of These Pro Bono Lawyers

Jenna Greene, The Litigation Daily

September 23, 2015

When Luis Anthony Rivera went to prison 30 years ago, Ronald Reagan was president, no one had heard of the Internet and the Dow hovered around 1,300. He was 29 years old, sentenced to life without parole plus 140 years for conspiracy to distribute cocaine.

Last week, he was released—but not because he was wrongly convicted or granted clemency. It was even more extraordinary. He was released because it was the right thing to do. He had been punished enough.

Working pro bono, Rivera's lawyers from Quinn Emanuel Urquhart & Sullivan and Starnes Davis Florie broke new ground, winning his freedom based on a novel application of a 2014 decision by a U.S. district court judge in New York—what they dubbed "the Holloway doctrine."

A model inmate, Rivera did not have a single disciplinary infraction during his 30 years, a feat all the more remarkable considering he thought he'd never get out and had little to lose if he got in trouble. A Bureau of Prisons psychologist wrote that in his 23 years, he'd "never seen such a lengthy record of good conduct."

Rivera's crime was non-violent —his role was to arrange aircraft and trucks for smuggling 465 pounds of cocaine to an airstrip near Talihina, Oklahoma. He had no prior record and was honorably discharged from the U.S. Army National Guard.

He admits he did wrong, but his sentence stopped making sense about 15 years ago. That's how long drug kingpins like Eduardo Arellano-Felix and Griselda Blanco served. The average murderer gets 22 years. And Rivera's co-defendants were all out by 1991.

Yet he remained behind bars, sentenced to stay there until he died.

Until Sam Sheldon and Richard Davis got involved. Davis, a Birmingham, Alabama-based regulatory specialist who handles environmental cases as well as white collar defense, volunteered for the Clemency Project and was assigned Rivera. Sheldon, a former federal prosecutor who joined Quinn Emanuel in 2013 and heads the firm's health care practice, was recruited by Families Against Mandatory Minimums to look into the case.

Their initial thought was to apply for clemency. But that process "involves a lot of bureaucracy and politics," Sheldon said in an interview. He thought there might be another way.

In 2014, U.S. District Judge John Gleeson of the Eastern District of New York shortened the 57-year sentence of Francois Holloway for carjacking.

In hindsight, Gleeson found Holloway's sentence—which he himself originally imposed in 1995—unduly harsh, and he asked then-U.S. Attorney Loretta Lynch to dismiss two counts against him, resulting in Holloway's release.

Gleeson wrote, "The misuse of prosecutorial power over the past 25 years has resulted in a significant number of federal inmates who are serving grotesquely severe sentences ... The United States Attorney has shown here that justice is possible in those cases."

Sheldon and Davis seized on the holding, elevating it to a doctrine. They defined it as the recognition that "district courts have the discretion, inherent in our American system of justice, to subsequently reduce a defendant's sentence in the interests of fairness."

They then flew to Oklahoma, where they convinced U.S. Attorney Mark Green for the Eastern District of Oklahoma to apply it to Rivera. (It probably didn't hurt that his boss, now-Attorney General Loretta Lynch, was the one who signed off on Holloway's case.)

"The government deserves a lot of credit, I can't overstate how much credit they deserve," Sheldon said.

Green's office agreed to support the relief requested: to vacate one count and reduce Rivera's sentence so that the two 30-year sentences ran concurrently with each other.

“Based upon his exceptional conduct in prison and the time served, the United States Attorney’s Office feels that Rivera’s 30 years of incarceration is sufficient punishment for the crime committed,” wrote Green and Assistant U.S. Attorney Douglas Horn.

There was one obstacle left: U.S. District Judge Frank Seay. Thirty years ago, he was the one who sentenced Rivera. According to the Los Angeles Times, he said at the time, “Rehabilitation appears hopeless for a person of your experience and knowledge. My intent is that you spend the rest of your life in federal institutions.”

But on Sept. 15, he issued a bare-bones order, finding “good cause” to grant Rivera’s motion and ordering his immediate release from prison.

Sheldon and Davis said that to their knowledge, it’s the first time the Holloway doctrine has been used to win the freedom of another prisoner.

The outcome “is not just a good thing for Mr. Rivera. It’s a good thing for the system as a whole,” said Davis. “He can be an example to other people that they can turn their life around and find freedom...It’s a story of redemption.”

Rivera is now living with his brother in Florida and has already started a job working construction.

Quinn Emanuel shared the email he wrote to his lawyers when he learned of his release:

“MY GOD, SAM AND RICHARD YOU DID IT, YOU DID IT.

You and Richard are amazing. It still has not sunk in yet...I am going to [the] law library right now to print a hard copy so I can hold it in my hand. I am going to have it framed.

THANK YOU SAM AND RICHARD FOR SAVING MY LIFE!

THANK YOU.

THANK YOU.

THANK YOU. “

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