

# Return to Advocacy: How This Former Judge Helped Ex-Convict Clinch a Pardon

By Avalon Zoppo

March 24, 2025

Sam Sheldon was driving to a deposition at 5 a.m. on a Sunday in January when he got the news through a text: His client, a man convicted of committing robberies in the 1990s, had secured a pardon from President Joe Biden. He pulled his car over to cry.

“It just hit me like a ton of bricks,” said Sheldon, a partner at Robbins Geller Rudman & Dowd.

After serving more than two decades of a 111-year sentence, Robin Peoples received a compassionate release in 2021—only to be sent back when an appeals court ruled his circumstances weren’t grounds for it. With Sheldon’s help and an unusually strong wave of support, Peoples renewed his ultimately successful push for freedom in a case that underscores sentencing disparities and injustices stemming from changes in the law that long-incarcerated individuals face.

In a clemency petition, Peoples garnered the support of 60 federal prison staff, in part because of his lack of any disciplinary infractions and stellar record while incarcerated.

“I’ve been involved in other [pardons and commutations,] but the circumstances of this



Courtesy photo

## Robin Peoples (left) and Robbins Geller Rudman & Dowd attorney Sam Sheldon

were just like no other before, where someone is out and then they have to go back in,” Sheldon said. “When you do this, it’s the most incredible thing, as a lawyer, to see the person that you represented, that you believed in, breathe fresh air for the first time.”

### ‘I Was Always Going to Try’

Sheldon’s involvement in Peoples’ arduous and winding journey for release began after then-President Barack Obama had declined to act on Peoples’ clemency petition.



Courtesy photo

**(l-r) University of Chicago law professor Erica Zunkel, recently pardoned ex-convict Robin Peoples, and law students Christiana Burnett 25 and Caroline Kassir 26.**

Peoples wrote to Sheldon in 2017 after reading about how the then-Big Law attorney had helped secure a pardon for ex-convict Serena Nunn, a woman convicted of a low-level drug offense who later became a public defender. Of the many unsolicited letters that Sheldon used to receive from inmates, Peoples' stood out because of his "complete acceptance of responsibility" for his crimes, the lawyer said.

"It was an emotional time at the time, because ... I just thought I'd never make it out of there," Peoples said. "But I was always gonna try. I didn't want to lay down and accept it, so I wrote to Sam."

But a year later, Sheldon became a U.S. magistrate judge in the Southern District of Texas, and he wasn't able to work on Peoples' case. So Sheldon reached out to Peoples' former trial lawyer, asking him to take over and represent Peoples pro bono.

Changes in the law in the years since his sentencing helped Peoples' case.

The First Step Act, passed in 2018, allowed defendants to seek compassionate release themselves where there's an "extraordinary or compelling reason" instead of relying on the director of the Bureau of Prisons, Sheldon said.

Peoples' lawyers used that opportunity and argued that due to changes in the FSA and mandatory sentencing rules, his sentence was unreasonable and would be much lower if issued today. In 2021, U.S. District Judge Robert Miller Jr. of the Northern District of Indiana agreed that counted as an "extraordinary and compelling" basis to reduce his sentence.

Peoples' story, however, once again took a turn that summer, when the U.S. Court of Appeals for the Seventh Circuit issued its ruling in *U.S. v. Thacker*. The panel said the FSA's nonretroactive anti-stacking provision, and the excessive length of a person's sentence, is not an "extraordinary or compelling" reason for compassionate relief.

As a result, Miller granted a subsequent government motion to reconsider Peoples' release and ordered him to return to the Indiana prison to serve his life sentence.

Sheldon said he looks back at that moment as "the worst day of [his] professional career."

"I've never been a part of where someone could be out, doing everything they're supposed to be doing, have a good-paying job and then be forced to turn themselves back in to serve life," Sheldon said.

"I talked to him several times that day, and it was the most gut-wrenching conversations," Sheldon added. "You're trying to convince someone to believe in the legal system, that something in the future is going to happen again, but it's really difficult."

## 'People Change, Laws Change'

Once Sheldon left the bench in 2024, he was eager to get back to his pro bono work for prisoners. He took on Peoples' case along with law professor Erica Zunkel, who heads the University of Chicago's Criminal and Juvenile Justice Clinic.

Zunkel said she and her students spent hundreds of hours investigating sentencing disparities and trying to paint a powerful picture of Peoples' case in both a new compassionate release motion and then a clemency petition.

They stressed an issue that continues to persist: the federal appeals courts' disagreement over whether non-retroactive changes in the law can be considered an "extraordinary and compelling" reason for compassionate release. As a result of the discrepancies, a person convicted of a crime could remain in prison in one circuit, while a similarly situated person in a different circuit could be granted freedom.

"There is something that feels very unjust about Robin[s case]," Zunkel said. "If he was in a different state, if he had been convicted in a different place, he would be out because of these differences in the law. If he was sentenced today, his sentence would be much lower because of these changes that Congress just decided not to make retroactive."

"People change. Laws change, and we have to, as a society and as a criminal justice system, be able to account for that in some way," she added.

It was then a grueling wait, Sheldon said.

"As the wait goes on, it's human nature, you start losing hope," Sheldon said. "It weighs on

you. I'm 55 now, and this is the last case I'll ever handle like this, because you just get to a point in your career where it's too heavy."

In that time, Families Against Mandatory Minimums shared Peoples' story and Zunkel penned an op-ed urging Biden to "take robust action on clemency."

Finally, on Biden's second to last day in office, Zunkel shared the news with Peoples over the phone. Even though he was overjoyed, Peoples said he tried not to show his excitement, knowing that other inmates were waiting for good news that likely would not come.

Peoples now lives with two friends who offered him a place to stay, and he has been working at a company that builds recreational vehicles.

Peoples continues to follow changes in the law and says he hopes the U.S. Supreme Court resolves the circuits' differing views on what should be considered an "extraordinary and compelling" reason for sentence reduction.

Just this month, the Seventh Circuit held nonretroactive changes cannot be a basis for a sentence reduction, even after the U.S. Sentencing Commission issued a contrary policy statement in 2023. The commission's amendment said a defendant serving an unusually long sentence relative to the current sentencing regime could show extraordinary and compelling reasons for a sentence reduction because of that disparity.

"It affects people," Peoples said. "I don't know where justice is, if where I live makes the decision whether or not I'm going to go home or not. It shouldn't be that way."