

Marijuana grower's 20-year prison sentence prompts judge to question drug laws' mandatory minimums

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Joseph Tigano III is going to prison for growing marijuana – and he's going for a long time.

Too long in the eyes of the federal judge who sentenced him.

The Cattaraugus County man, convicted of operating a marijuana farm with more than 1,000 plants, found himself Monday in the middle of the national drug sentencing debate.

Sentenced to a mandatory minimum of 20 years in prison, Tigano is one of those defendants whom reform advocates point to when making the case for more lenient drug penalties.

"I feel it is much greater than necessary," U.S. District Judge Elizabeth A. Wolford said of the mandatory 20-year sentence, "but I do not have a choice."

Speaking from the bench, Wolford made it clear that she would have preferred sentencing Tigano to less time in prison and suggested at one point that his single firearms conviction was more worrisome than any of his four drug convictions.

The judge's comments came at a time when members of Congress, both Democrats and Republicans, are weighing recommended reforms to mandatory minimum drug penalties.

Years in the making, the push for reform is coming from lawyers and judges who think that too many nonviolent drug offenders are going to prison, and for far too long. They also contend that half of the federal prison population is serving time for drug crimes.

Now 51, Tigano was found guilty by a jury in May of manufacturing and distributing marijuana, maintaining a premise for the manufacture of marijuana, conspiracy to

manufacture and possess marijuana and being a previously convicted felon in possession of firearms.

Under the law, he could have faced up to life in prison.

“There’s clearly a need for you to be punished,” Welford told Tigano. “But I do not believe you present a danger to the community, by any means.”

Arrested in 2008 at his home in the Village of Cattaraugus, Tigano and his father, Joseph Sr., now 77, were accused of running a multimillion-dollar marijuana business.

Authorities said they seized more than 1,400 plants and 100 pounds of marijuana packaged for sale, and estimated the total value at between \$300,000 and \$500,000. They also seized three firearms, \$25,000 in cash and a 2007 Cadillac Escalade.

The elder Tigano took a plea deal that kept him out of prison, but the younger Tigano went to trial and soon found himself facing allegations that he ran a highly sophisticated operation that did it all – grow, harvest and distribute marijuana.

Assistant U.S. Attorney Thomas S. Duszkiewicz also hammered home the fact that Tigano, despite his contentions to the contrary, was a central figure in the business. He also reminded the judge that Tigano has a previous conviction for growing marijuana.

“It was warranted,” Duszkiewicz said of the 20-year mandatory minimum sentence, “because it took agents three days to search his factory, there was so much stuff.”

Despite the size and scope of his business, Tigano was portrayed Monday as a defendant facing an excessive amount of time behind bars.

Cheryl Meyers Buth, Tigano’s defense lawyer, praised Welford for challenging the mandatory minimum sentences that exist in so many drug laws and suggested that her client is simply the latest defendant to face an unfair punishment.

“I think Judge Welford quite bravely went on the record to give her opinion that although she does not have the discretion to impose a sentence under the mandatory minimum, she thought a sentence about half as severe would have been more reasonable,” Meyers Buth said.

Meyers Buth has represented Tigano since his arrest seven years ago and, during that time, has watched as public sentiment over marijuana shifted to the point where its legalization is now a major topic in New York State.

During Monday’s sentencing, she also asked the judge to consider Tigano’s mental and physical health. Her client, she said, has been diagnosed with tuberculosis but has never been treated by prison officials.

Meyers Buth also says that Tigano suffers from a “multitude” of mental health problems and that she has seen a noticeable decline in his emotional state since his arrest in 2008.

“I don’t think he’s been able to make rational decisions,” she told Woford.

Tigano also pleaded for leniency and reminded the judge that, unlike many drug dealers, he was never violent or part of an organized gang or drug-trafficking organization.

“I paid my taxes,” he said, “and I tried to be a good citizen.”

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