



**Jerry Capeci**

# Gang Land News

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## This Week in Gang Land

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By Jerry Capeci

### Compassionate Release For *Blue Thunder* Drug Kingpin – A 'Man Of Extraordinary Character'



Eric Millan, the mob-connected kingpin of the notorious *Blue Thunder* drug ring that raked in a staggering \$20 million a year selling its branded heroin in the late 1980s was quietly released from prison last month after serving 28 plus years of what was supposed to be a life without parole sentence, Gang Land has learned.



Over the objections of his warden and the government, Manhattan Federal Judge Loretta Preska granted Millan a compassionate release, calling him a rehabilitated "man of extraordinary character." In ruling for the former drug dealer, Preska cited numerous "extraordinary and compelling reasons" for her decision. Among them, she said, were Millan's "remorse and contrition," along with his longstanding "conduct as a model prisoner," as well as the help he gave other inmates and Bureau of Prison staffers at the prison in Fairton, NJ over the years.

The judge also noted Millan's "dedication to work with at-risk youth and suicide prevention" along with the written opinion of many BOP staffers "who have known him for close to 30 years." The staff members, she said, stated that Millan "would be a productive member of society and no danger to others."



Back in 1994, Millan was found guilty by the same jury that acquitted Bonanno wiseguy Vincent (Vinny Gorgeous) [Basciano](#). Millan's conviction came at the second trial in a [controversial case](#) in which federal prosecutors had withheld information that three cops who were involved in the case had stolen money that had been seized as evidence. The feds say [Basciano](#) bribed a juror to achieve his acquittal.

Preska's ruling for Millan comes after a grueling four-year long court battle between the Manhattan U.S. Attorney's office and an appeals specialist who has gotten life sentences reversed now for seven defendants convicted of drug dealing or other violent crimes in the past 10 years.

Millan's unrestrained joy was captured minutes after his release — he's still wearing his prison duds — in this photo with his daughters Erica and Crystal. He walked out after 28 years, eight months and five days behind bars. Millan is the third member of the *Blue Thunder* heroin ring whose life sentence has been thrown out by Judge Preska.

"It is the most meaningful of all the work I do," said attorney Harlan Protass when asked about the propriety of winning freedom for three big-time drug dealers who were a plague on the city: Millan and his *Blue Thunder* underlings, Myles Coker, who got out in 2013 after 23 years behind bars, and [Ralph Rivera](#), 57, who was released in 2017, after serving 26 years in prison.

"It literally puts families back together. What could be better than that?" said Protass.



FREEDOM! Eric Millan celebrates his first day of it after 28 years with his daughters Erica & Crystal

Four days after Millan was released, on April 9, Coker died at age 69 of the coronavirus. Referring to Kelvin and Clifton Coker, with whom the lawyer worked closely in their father's case, Protass told *The New York Times*: "They lost their father for 23 years when they were 8 and 10. They got him back for six glorious years, but now, as adults, they've lost him again. Unfortunately, this time it's forever."

Protass began representing Millan in 2016 after the inmate contacted him after learning about the lawyer's successes for Coker and Rivera. Millan realized he had a chance to achieve a similar result. Preska subsequently assigned Protass to represent Millan in his appeal.

In her ruling, Judge Preska cited the release of Coker and [Rivera](#) as another extraordinary and compelling reason "justifying a reduction in sentence." That was because of "the sentencing disparity that would result from further incarceration" for Millan if he were forced to serve life without parole for essentially the same crimes for which his underlings had been released.



Harlan Protass G L

Like Coker and Rivera, Millan made the best of an awful situation when he was hit with a life sentence in 1994. He immersed himself in BOP self-help programs and began taking college classes, according to the court filing by Protass.

In his motion, Protass wrote that Millan "completed dozens upon dozens of BOP rehabilitative programs involving more than 7,600 hours of programming and apprenticeships." And in 2001, the lawyer wrote, Millan began working as a "production clerk" in "what amounts to full time job for the last 18-plus years" for UNICOR, a BOP-sponsored firm that employs inmates to produce goods and services.

Millan received certificates from the state of New Jersey in *Administrative Office Management* and *Computer Equipment Operations* after he completed two apprenticeship programs totally 5000 hours. "More impressively," Protass wrote, "he earned his Associates Degree in Business Administration from *Cumberland County College* and maintained a GPA of 3.61 in doing so."

But Millan's sentence was a lot more difficult to upset than the life terms that Coker and Rivera had received. It wasn't until the *First Step Act* was signed into law by President Trump in December of 2018 that Protass was able to find a legal avenue to winning Millan's release.

That was because, until that law was passed, there was no legal mechanism for defendants like Millan who got mandatory life sentences under the kingpin drug statutes to obtain a compassionate release from prison. Coker and Rivera, whose life terms stemmed from the amount of drugs they were guilty of peddling, were able to win re-sentencings and earn their releases when those guidelines were reduced, and made retroactive, after they were sentenced.



The late Myles Coker & Sons Kelvin & Clifton GL

But under the *First Step Act*, all defendants, even those convicted of crimes with mandatory life terms are able to file for a compassionate release for otherwise undefined "extraordinary and compelling reasons," first from the prison warden, and then, if denied or ignored by the warden for more than 30 days, with the court.

In his motion, Protass also included letters of praise from Millan's prison counselor, three chaplains, a prison psychologist, and other BOP staffers. Noting that Millan had remained close to his three children who were "approximately 9, 6 and 3 years old" when he was arrested, Protass submitted letters stating Millan was "invested in the lives of his adult children and grandchildren," that he had a "beautiful family" and that "he has love and stability waiting for him outside this prison."

The lawyer also included letters from Millan's children, his sister, and his mother in his filing, which included 62 exhibits and totaled 501 pages.



Ralph Rivera G L

Protass also noted that Millan had a "virtually non-existent disciplinary history" while behind bars, and that since 2001, had counseled and spoken to hundreds of "at-risk youth" in Pennsylvania, New Jersey, and Delaware. As part of the prison's ROPE Program — Reach Out To Provide Enlightenment — Millan tells kids to stay in school, and not make the same bad decisions like he made, Protass wrote.

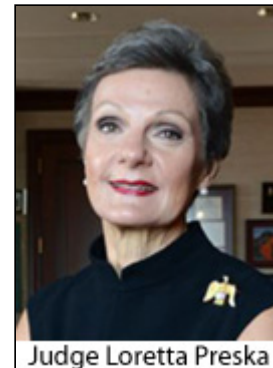
"I could've been a successful pharmacist and contented father and husband, a man with a beautiful family, but instead, I'm in prison — a jailbird," Millan has told kids from the three states, Protass wrote, winning BOP awards for advising them in lingo they understand. "I blew my shot, but you still have yours. Don't blow it. I don't want you to join us in here."

Federal prosecutor Emily Johnson argued that none of Millan's cited reasons were "extraordinary or compelling." She asked Preska to reject the compassionate release motion for the "undisputed proprietor and leader" of a drug ring that sold "more than \$100 million worth of heroin at over a dozen retail sale locations in Manhattan and the Bronx" from 1986 to 1991.

The life sentence he received was appropriate, Johnson wrote. The *First Step Act* "did not revise any of the grounds" for compassionate release "or redefine the phrase 'extraordinary and compelling,'" she wrote. The prosecutor asked Preska to dismiss Millan's motion as a failed attempt to do an "end-run around the substantive standards" that have long been considered "extraordinary and compelling."

But Protass argued that while none of the accolades or individual accomplishments that Millan achieved while serving life without parole may have been extraordinary or compelling, they "were extraordinary and compelling reasons" that "support the reduction of Mr. Millan's sentence to time served" when they are considered together.

Judge Preska unabashedly agreed in her 44 page opinion. The Manhattan U.S. Attorney's office, despite its strenuous objection, declined to appeal her ruling.



While noting that "Congress provided that rehabilitation alone cannot serve as an 'extraordinary and compelling reason' for a sentence reduction," Preska wrote that "Millan's educational and rehabilitative accomplishments" alone were "unique and distinctively important" and contributed to her overall ruling to reduce his life without parole sentence to time served.

"Simply put," she wrote, "Millan, in the face of a life sentence, assumed a positive outlook and attitude towards life, sought to improve himself to the utmost extent possible and was motivated to do so notwithstanding his circumstances. The Court finds this to be an extraordinary and compelling circumstance."

Protass's other freed "lifers" are drug dealers Ronald Carter, 67, released after 28 years in January, and John Eubanks, 52, released in 2019 after 27 years. David Cleary, 57, who kidnapped drug dealers for ransom, got out in 2010 after 17 years, and Francois Holloway, 57, an armed robber sentenced to 57 years, got out in 2014, after serving 19 years.

So far, none of the six surviving former "lifers" has been charged with another crime.